

State of Iowa

2023

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2023 REGULAR SESSION

and the

2023 FIRST EXTRAORDINARY SESSION

of the

Ninetieth General Assembly

of the

State of Iowa

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

REGULAR SESSION CONVENED ON THE NINTH DAY OF JANUARY
AND ADJOURNED ON THE FOURTH DAY OF MAY, A.D. 2023

FIRST EXTRAORDINARY SESSION HELD ON THE ELEVENTH DAY OF JULY, A.D. 2023



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

PREFACE

CERTIFICATION

We, Timothy C. McDermott, Director, Legislative Services Agency, Jonathan W. Heggen, Legal Services Division Director, Leslie E. W. Hickey, Iowa Code Editor, and Christina Weaklend, Publications Editing Office Supervisor, 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 2023 Regular and First Extraordinary Sessions of the Ninetieth 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 2024 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2024 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 2023 Regular Session generally took effect on July 1, 2023, unless otherwise provided. The Act of the 2023 First Extraordinary Session took effect upon enactment.

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 enacted bill or joint resolution required the filing or notation of an updated, final estimate this year.

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

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

Legislative Services Agency
1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319; 515.281.6766
www.legis.iowa.gov/law/information

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ELECTIVE OFFICERS

Name and Office

County of residence

GOVERNOR

KIM REYNOLDS Madison
 Taryn Fridenes, Chief of Staff
 Eric Baker, Scheduler

LIEUTENANT GOVERNOR

ADAM GREGG Polk
 Morgan Fritz, Special Assistant to the Lieutenant Governor

SECRETARY OF STATE

PAUL D. PATE Linn
 Michael Ross, Deputy Secretary of State and Chief of Staff
 Christy Johnson, Deputy Secretary of State

AUDITOR OF STATE

ROB SAND Polk
 John McCormally, Chief of Staff
 Annette Campbell, CPA, Deputy, Performance Investigation Division
 Ernest Ruben, CPA, Deputy, Financial Audit Division

TREASURER OF STATE

ROBY SMITH Scott
 Russ Trimble, Chief of Staff and Deputy Treasurer
 Karen Austin, Deputy Treasurer

SECRETARY OF AGRICULTURE

MIKE NAIG Polk
 Grant Menke, Deputy Secretary of Agriculture

ATTORNEY GENERAL

BRENNA BIRD Guthrie
 Sam Langholz, Chief Deputy Attorney General
 Stan Thompson, Deputy Attorney General for Civil Litigation
 Daniel Barnes, Deputy Attorney General for Consumer Protection
 Susan Krisko, Deputy Attorney General for Criminal Justice
 David Faith, Deputy Attorney General for Agency Counsel
 Eric Wessan, Solicitor General
 Lanny Zieman, Consumer Advocate

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
Alons, Kevin Salix		7th—Cherokee, Monona, Plymouth, Woodbury	90(1st), 90(1st)X
Bennett, Liz Cedar Rapids	Website Expert	39th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Bisignano, Tony Des Moines	Retired	15th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Boulton, Nate Des Moines	Attorney	20th— <i>Polk</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Boussetot, Mike Ankeny		21st— <i>Polk</i>	89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Brown, Waylon Osage	Small Business Owner/Farmer	30th—Cerro Gordo, Floyd, <i>Mitchell</i> , Worth	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Celsi, Claire West Des Moines	President and CEO—Claire Celsi Consulting	16th—Dallas, <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Costello, Mark Imogene	Farmer	8th—Fremont, Harrison, <i>Mills</i> , Pottawattamie	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Cournoyer, Chris LeClaire	Website Designer/ Substitute Teacher	35th—Clinton, Jackson, <i>Scott</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Dawson, Dan Council Bluffs	Peace Officer	10th— <i>Pottawattamie</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
De Witt, Rocky Lawton		1st— <i>Woodbury</i>	90(1st), 90(1st)X
Dickey, Adrian Packwood	President of Dickey Transport/Volunteer Fire Fighter	44th—Henry, <i>Jefferson</i> , Keokuk, Mahaska, Van Buren	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Donahue, Molly Cedar Rapids	Public School Educator	37th— <i>Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Driscoll, Dawn Williamsburg		46th—Iowa, Johnson, Washington	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Edler, Jeff State Center		26th— <i>Marshall, Story</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Evans, Lynn Aurelia	Educator	3rd—Buena Vista, <i>Cherokee, Clay,</i> Osceola, O'Brien	90(1st), 90(1st)X
Garrett, Julian B. Indianola	Farmer	11th— <i>Marion, Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Giddens, Eric Cedar Falls		38th—Benton, <i>Black</i> <i>Hawk, Tama</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Green, Jesse Boone	Farming	24th— <i>Boone, Dallas,</i> Greene, Guthrie, Story	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gruenhagen, Kerry Walcott		41st—Cedar, Muscatine, <i>Scott</i>	90(1st), 90(1st)X
Guth, Dennis Klemme	Farmer	28th—Franklin, Hamilton, <i>Hancock,</i> Humboldt, Story, Wright	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Jochum, Pam Dubuque	Legislator	36th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Klimesh, Mike Spillville	Management/Small Business Owner	32nd—Allamakee, Clayton, Dubuque, Fayette, Howard, <i>Winneshiek</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Knox, Izaah Des Moines	Executive Director— Urban Dreams	17th— <i>Polk</i>	90(1st), 90(1st)X

Name and Residence	Occupation	Senatorial District	Legislative Service
Koelker, Carrie Dyersville	Tourism/Economic Development	33rd— <i>Dubuque,</i> <i>Jackson, Jones</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Kraayenbrink, Tim Fort Dodge	Investment Advisor	4th— <i>Calhoun,</i> <i>Pocahontas, Sac,</i> <i>Webster</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Lofgren, Mark S. Muscatine	Real Estate Sales Associate	48th— <i>Des Moines,</i> <i>Henry, Louisa,</i> <i>Muscatine</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
McClintock, Charlie Alburnett		42nd— <i>Benton, Linn</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Petersen, Janet Des Moines	Marketing Communications	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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Quirnbach, Herman C. Ames	Retired Associate Professor of Economics—Iowa State University	25th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Reichman, Jeff Montrose		50th— <i>Des Moines, Lee</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Rowley, David D. Spirit Lake	Insurance Agent	5th— <i>Clay, Dickinson,</i> <i>Emmet, Kossuth,</i> <i>Palo Alto, Winnebago</i>	89(2nd), 90(1st), 90(1st)X
Rozenboom, Ken Pella	Farming/Ag Business	19th— <i>Jasper, Mahaska,</i> <i>Marion</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Salmon, Sandy Janesville		29th— <i>Bremer, Butler,</i> <i>Chickasaw, Floyd</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Schultz, Jason Schleswig	Farmer	6th— <i>Audubon, Carroll,</i> <i>Crawford, Ida,</i> <i>Pottawattamie,</i> <i>Shelby</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Shipley, Tom Nodaway	Farmer/Legislator	9th— <i>Adams, Cass,</i> <i>Montgomery, Page,</i> <i>Ringgold, Taylor,</i> <i>Union</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Senatorial District	Legislative Service
Sinclair, Amy Allerton		12th—Adair, Appanoose, Clarke, Dallas, Decatur, Lucas, Madison, Union, Wayne	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Sweeney, Annette Iowa Falls	Farmer	27th—Black Hawk, Grundy, Hardin, Poweshiek, Tama	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Taylor, Jeff Sioux Center	Professor of Political Science	2nd—Lyon, Plymouth, Sioux	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Taylor, Todd E. Cedar Rapids	Retired AFSCME Representative	40th—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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Trone Garriott, Sarah Waukee	Minister	14th—Dallas	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wahls, Zach Coralville	Small Business Owner/Credit Union Executive	43rd—Johnson	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Webster, Scott Bettendorf	Homebuilder	47th—Scott	90(1st), 90(1st)X
Weiner, Janice Iowa City	Retired—U.S. Foreign Service Officer	45th—Johnson	90(1st), 90(1st)X
Westrich, Cherielynn Ottumwa		13th—Appanoose, Davis, Monroe, Wapello	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Whitver, Jack Grimes	Business Owner/Attorney	23rd—Dallas, Polk	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Winckler, Cindy Davenport		49th—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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Senatorial District	Legislative Service
Zaun, Brad Urbandale	Director—Master Dowel	22nd— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Zumbach, Dan Ryan	Farmer	34th—Black Hawk, Buchanan, <i>Delaware</i> , Dubuque, Fayette	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	34th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Amos, Jerome, Jr. Waterloo	Adjunct Instructor	62nd— <i>Black Hawk</i>	90(1st), 90(1st)X
Andrews, Eddie Johnston	Software Engineer/ Entrepreneur	43rd— <i>Polk</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Baeth, Austin Des Moines	Physician	36th— <i>Polk</i>	90(1st), 90(1st)X
Bagniewski, Sean Des Moines	Attorney	35th— <i>Polk</i>	90(1st), 90(1st)X
Bergan, Michael R. Dorchester	Accountant	63rd— <i>Fayette, Howard, Winneshiek</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Best, Brian Glidden	President—Sleep Lab	11th— <i>Audubon, Carroll, Pottawattamie, Shelby</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Bloomingtondale, Jane Northwood	Accountant	60th— <i>Cerro Gordo, Floyd, Mitchell, Worth</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Boden, Brooke Indianola	Self-Employed	21st— <i>Marion, Warren</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Bossmann, Jacob Sioux City	Staff—U.S. Senator Charles Grassley	14th— <i>Woodbury</i>	87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Bradley, Steven P. Cascade	Dentist/Flight Instructor	66th— <i>Jackson, Jones</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Brown-Powers, Timi M. Waterloo	Therapist	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Buck, Molly Ankeny	Teacher	41st— <i>Polk</i>	90(1st), 90(1st)X
Cahill, Sue Marshalltown	Retired Teacher	52nd— <i>Marshall</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Carlson, Ken Onawa	Retired Farmer	13th— <i>Cherokee, Monona, Plymouth, Woodbury</i>	90(1st), 90(1st)X
Cisneros, Mark Muscatine	Commercial Truck Driver	96th— <i>Muscatine</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Collins, Taylor R. Mediapolis	Small Business Owner/ Farm Manager	95th— <i>Des Moines, Henry, Louisa, Muscatine</i>	90(1st), 90(1st)X
Cooling, Jeff Cedar Rapids	Union Electrician	77th— <i>Linn</i>	90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Croken, Ken Davenport	Retired	97th— <i>Scott</i>	90(1st), 90(1st)X
Determann, Tom Camanche	Retired	69th— <i>Clinton</i>	90(1st), 90(1st)X
Deyoe, Dave Nevada	Farmer/Legislator	51st— <i>Marshall, Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Dieken, Zach Granville	Iowa State Trooper	5th— <i>Buena Vista, Cherokee, Osceola, O'Brien</i>	90(1st), 90(1st)X
Dunwell, Jon Newton	Financial Representative	38th— <i>Jasper</i>	89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Ehlert, Tracy Cedar Rapids	Early Childhood Educator/ Business Owner	79th— <i>Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Fisher, Dean C. Montour	Retired	53rd— <i>Poweshiek, Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Forbes, John Urbandale	Pharmacist	44th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Fry, Joel Osceola	Therapist	24th— <i>Appanoose, Clarke, Decatur, Lucas, Wayne</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gaines, Ruth Ann Des Moines	Community College Professor	33rd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gehlbach, Dan Urbandale	Small Business Owner	46th— <i>Dallas, Polk</i>	90(1st), 90(1st)X
Gerhold, Thomas D. Atkins	Research Associate	84th— <i>Benton, Linn</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gjerde, Eric J. Cedar Rapids	Police Officer	74th— <i>Linn</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Golding, Cindy Cedar Rapids	Farmer/Small Business Owner—Sweet Maple Farms	83rd— <i>Linn</i>	90(1st), 90(1st)X
Graber, Martin L. Fort Madison	Financial Advisor	100th— <i>Lee</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Grassley, Pat New Hartford	Farmer	57th—Bremer, Butler	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gustafson, Stanley R. Norwalk	Retired Attorney/ Retired—United States Marine Corps, Lieutenant Colonel	22nd—Warren	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Gustoff, Bill Des Moines	Attorney	40th—Polk	90(1st), 90(1st)X
Harris, Austin Moulton	Farmer	26th—Appanoose, Davis, Monroe, Wapello	90(1st), 90(1st)X
Hayes, Helena New Sharon	Self-Employed	88th—Jefferson, Keokuk, Mahaska	90(1st), 90(1st)X
Henderson, Robert Sioux City	Retired/Part-Time Teacher	2nd—Woodbury	90(1st), 90(1st)X
Holt, Steven Denison	Retired—United States Marine Corps, 1st Sergeant/Retired Small Business Owner	12th—Crawford, Ida, Shelby	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Hora, Heather Washington	Farmer	92nd—Johnson, Washington	90(1st), 90(1st)X
Ingels, Chad Randalia	Farmer	68th—Black Hawk, Buchanan, Fayette	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Isenhardt, Charles Dubuque	Small Business Owner	72nd—Dubuque	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Jacoby, David Coralville	Retired—STEM	86th—Johnson	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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
James, Lindsay Dubuque	Pastor—Presbyterian Church (USA)	71st—Dubuque	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Jeneary, Thomas Le Mars	Retired Dentist	3rd—Plymouth, Sioux	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Johnson, Craig P. Independence	Business Development	67th—Buchanan, Delaware, Dubuque	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Jones, Megan Sioux Rapids	Nonpracticing Attorney/Farm Wife/Mom	6th—Buena Vista, Clay	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Judge, Kenan Waukeke	Retired	27th— <i>Dallas</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Kaufmann, Bobby Wilton	Farmer	82nd— <i>Cedar, Muscatine, Scott</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Kniff McCulla, Barb Pella	Small Business Owner	37th— <i>Jasper, Mahaska, Marion</i>	90(1st), 90(1st)X
Konfrst, Jennifer Windsor Heights	Associate Professor	32nd— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Kressig, Bob Cedar Falls	Retired—John Deere	75th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Kurth, Monica Davenport	Retired Teacher	98th— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Latham, Shannon Sheffield	Business Owner	55th— <i>Franklin, Hamilton, Story, Wright</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Levin, Elinor A. Iowa City	Writing Tutor	89th— <i>Johnson</i>	90(1st), 90(1st)X
Lohse, Brian K. Bondurant	Retailer	45th— <i>Polk</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Lundgren, Shannon Peosta	Small Business Owner	65th— <i>Dubuque</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Madison, Mary L. West Des Moines	Minister—African Methodist Episcopal Church	31st— <i>Dallas, Polk</i>	90(1st), 90(1st)X
Matson, Heather Ankeny	Self-Employed	42nd— <i>Polk</i>	88(1st), 88(2nd), 90(1st), 90(1st)X
Meggers, Joshua Grundy Center	State Trooper	54th— <i>Black Hawk, Grundy, Hardin</i>	90(1st), 90(1st)X
Meyer, Ann Fort Dodge	Registered Nurse	8th— <i>Webster</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Meyer, Brian Des Moines	Attorney	29th— <i>Polk</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Mohr, Gary M. Bettendorf	Retired Higher Education Administrator	93rd— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Mommsen, Norlin DeWitt	Farmer	70th— <i>Clinton</i> , Jackson, Scott	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Moore, Thomas Jay Griswold	Retired	18th— <i>Cass</i> , Montgomery, Page	86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Nielsen, Amy North Liberty		85th— <i>Johnson</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Nordman, Carter F. Panora	Business Owner	47th— <i>Dallas</i> , Greene, <i>Guthrie</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Olson, Rick L. Des Moines	Attorney	39th— <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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Osmundson, Anne Volga		64th— <i>Allamakee</i> , <i>Clayton</i> , Dubuque	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Rinker, Matthew B. Burlington	Insurance Agent	99th— <i>Des Moines</i> , Lee	90(1st), 90(1st)X
Scheetz, Sami Cedar Rapids	Community Organizer	78th— <i>Linn</i>	90(1st), 90(1st)X
Scholten, J. D. Sioux City	Freelance Paralegal/Consultant	1st— <i>Woodbury</i>	90(1st), 90(1st)X
Sexton, Michael V. Rockwell City	Farmer	7th— <i>Calhoun</i> , Pocahontas, Sac, 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), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Sherman, Brad Williamsburg	Pastor	91st— <i>Iowa</i> , Johnson	90(1st), 90(1st)X
Shipley, Jeff Birmingham	Legal Advocate	87th— <i>Henry</i> , Jefferson, <i>Van Buren</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Sieck, David Glenwood	Farmer/Real Estate Salesperson	16th— <i>Fremont</i> , <i>Mills</i> , Pottawattamie	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Siegrist, Brent Council Bluffs	Legislator	19th— <i>Pottawattamie</i>	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, 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Sorensen, Ray Greenfield	Mural Artist	23rd— <i>Adair, Clarke, Dallas, Madison, Union</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Srinivas, Megan L. Des Moines	Physician	30th— <i>Polk</i>	90(1st), 90(1st)X
Staed, Art Cedar Rapids	Retired Educator	80th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Steckman, Sharon Sue Mason City	Retired Educator	59th— <i>Cerro Gordo</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Stoltenberg, Luana Davenport	Author and Speaker	81st— <i>Scott</i>	90(1st), 90(1st)X
Stone, Henry Forest City	Legislator	9th— <i>Emmet, Kossuth, Winnebago</i>	89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Thompson, Mark I. Clarion	Retired Marine/Retired Senior Executive—Federal Government/ Substitute Teacher	56th— <i>Hancock, Humboldt, Wright</i>	90(1st), 90(1st)X
Thompson, Phil Boone	Contractor	48th— <i>Boone, Story</i>	88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Thomson, Charley Charles City	Attorney	58th— <i>Bremer, Chicksaw, Floyd</i>	90(1st), 90(1st)X
Turek, Josh Council Bluffs	State Representative	20th— <i>Pottawattamie</i>	90(1st), 90(1st)X
Vondran, Mike Davenport	Owner/CEO	94th— <i>Scott</i>	90(1st), 90(1st)X
Wessel-Kroeschell, Beth Ames		49th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wheeler, Skyler Hull		4th— <i>Lyon, Sioux</i>	87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wilburn, Ross Ames		50th— <i>Story</i>	88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wills, John H. Spirit Lake	Coordinator	10th— <i>Clay, Dickinson, Kossuth, Palo Alto</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wilson, Elizabeth Marion	President—Financial Services	73rd— <i>Linn</i>	90(1st), 90(1st)X

Name and Residence	Occupation	Representative District	Legislative Service
Wilz, Hans C. Ottumwa	Self-Employed	25th— <i>Wapello</i>	90(1st), 90(1st)X
Windschitl, Matt W. Missouri Valley	Doll Distributing	15th— <i>Harrison, Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd), 89(1st), 89(1st)X, 89(1st)XX, 89(2nd), 90(1st), 90(1st)X
Wood, Devon New Market	Farmer	17th— <i>Adams, Page, Ringgold, Taylor, Union</i>	90(1st), 90(1st)X
Wulf, Derek Hudson	Farmer/Rancher	76th— <i>Benton, Black Hawk, Tama</i>	90(1st), 90(1st)X
Young, David E. Van Meter		28th— <i>Dallas</i>	90(1st), 90(1st)X
Zabner, Adam Iowa City	Organizer	90th— <i>Johnson</i>	90(1st), 90(1st)X

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT (Justices listed according to seniority)

Name	City of Office	Term Ending
Thomas D. Waterman	Davenport	December 31, 2028
Edward M. Mansfield	Des Moines	December 31, 2028
Susan K. Christensen, C.J.	Harlan	December 31, 2028
Christopher L. McDonald	Des Moines	December 31, 2028
Dana L. Oxley	Iowa City	December 31, 2030
Matthew C. McDermott	Des Moines	December 31, 2030
David N. May	Des Moines	December 31, 2024

JUDGES OF THE COURT OF APPEALS (Judges listed according to seniority)

Anuradha Vaitheswaran	Des Moines	December 31, 2024
Mary E. Tabor	Des Moines	December 31, 2024
Thomas N. Bower, C.J.	Cedar Falls	December 31, 2026
Sharon Soorholz Greer	Marshalltown	December 31, 2026
Julie A. Schumacher	Denison	December 31, 2026
Paul B. Ahlers	Fort Dodge	December 31, 2028
Gina C. Badding	Carroll	December 31, 2028
Mary E. Chicchelly	Cedar Rapids	December 31, 2024
Tyler J. Buller	Des Moines	December 31, 2024

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

UNITED STATES SENATORS

Senator Joni Ernst (R)

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Suite 500
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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
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Sioux City, Iowa 51101
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Senator Charles E. Grassley (R)

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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: **Representative Mariannette Miller-Meeks (R)**

1034 Longworth House Office Bldg.
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202.225.6576

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Email address:
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126 North Howard Street
Indianola, Iowa 50125
515.808.6040

Second District: **Representative Ashley Hinson (R)**

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319.266.6925

111 Seventh Avenue SE
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Cedar Rapids, Iowa 52401
319.364.2288

Third District: **Representative Zach Nunn (R)**

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400 Locust Street
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515.400.8180

105 East Third Street
Ottumwa, Iowa 52501
641.220.9641

Fourth District: **Representative Randy Feenstra (R)**

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Fort Dodge, Iowa 50501
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Sioux City, Iowa 51101
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149 West Broadway
Council Bluffs, Iowa 51503
712.256.5653

CONDITION OF STATE TREASURY

June 30, 2022

	Balance July 1, 2021	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2022
General Fund.....	\$ 2,084,451,574	\$19,763,561,351	\$21,848,012,925	\$17,924,824,306	\$ 3,923,188,619
Special Revenue Fund	1,326,645,211	7,267,957,947	8,594,603,158	6,769,182,153	1,825,421,005
Capital Projects Fund	22,797,022	38,092,689	60,889,711	30,708,585	30,181,126
Debt Service Fund	0	0	0	0	0
Enterprise Fund	81,704,794	968,820,692	1,050,525,486	984,249,329	66,276,157
Internal Service Fund	339,547,244	667,715,888	1,007,263,132	653,529,131	353,734,001
Expendable Trust Fund	168,802,447	310,929,104	479,731,551	305,908,257	173,823,294
Nonexpendable Trust Fund	43,443,468	2,652,861	46,096,329	1,492,216	44,604,113
Pension Fund.....	31,536,441,777	8,703,410,069	40,239,851,846	2,645,555,460	37,594,296,386
Trust and Agency Fund	395,235,615	6,784,905,261	7,180,140,876	6,800,782,603	379,358,273
Totals*	<u>\$35,999,069,152</u>	<u>\$44,508,045,861</u>	<u>\$80,507,115,013</u>	<u>\$36,116,232,041</u>	<u>\$44,390,882,973</u>

Balance July 1, 2021	\$ 35,999,069,152
Receipts and Transfers.....	44,508,045,861
Total Available.....	80,507,115,013
Disbursements and Transfers.....	36,116,232,041
Balance June 30, 2022	\$ 44,390,882,973

DEPARTMENT OF ADMINISTRATIVE SERVICES STATE ACCOUNTING ENTERPRISE

August 25, 2023

*Totals may not sum due to rounding

ANALYSIS BY CHAPTERS

2023 REGULAR SESSION

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2023 Regular Session
of the
Ninetieth General Assembly
of the
State of Iowa

CHAPTER 1

EDUCATION PROGRAMS AND FUNDING — EDUCATION SAVINGS ACCOUNT
PROGRAM — SCHOOL DISTRICT CATEGORICAL FUNDING SUPPLEMENTS AND
SUPPLEMENTAL WEIGHTING

H.F. 68

AN ACT relating to education programs and funding by establishing an education savings account program, modifying certain school district categorical funding supplements and supplementary weighting, making appropriations, providing penalties, and including effective date and retroactive applicability provisions.

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

DIVISION I
SHORT TITLE

Section 1. SHORT TITLE. This Act shall be known and may be cited as the “Students First Act”.

DIVISION II
EDUCATION SAVINGS ACCOUNT PROGRAM

Sec. 2. Section 256.9, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 66. Adopt rules relating to the administration of, and applications for, the education savings account program pursuant to section 257.11B, including but not limited to application processing timelines and information required to be submitted by a parent or guardian.

Sec. 3. Section 257.10, subsection 9, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The unadjusted teacher salary supplement district cost is the teacher salary supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

Sec. 4. Section 257.10, subsection 10, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The unadjusted professional development supplement district cost is the professional development supplement district cost per pupil for each school district for a budget year

multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

Sec. 5. Section 257.10, subsection 11, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The unadjusted early intervention supplement district cost is the early intervention supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

Sec. 6. Section 257.10, subsection 12, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The unadjusted teacher leadership supplement district cost is the teacher leadership supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

Sec. 7. **NEW SECTION. 257.11B Education savings account program.**

1. For purposes of this section:

a. “Nonpublic school” means the same as defined in section 285.16.

b. (1) “Qualified educational expenses” includes tuition and fees at a nonpublic school, textbooks, fees or payments for educational therapies, including tutoring or cognitive skills training, curriculum fees, software, and materials for a course of study for a specific subject matter or grade level, tuition or fees for nonpublic online education programs, tuition for vocational and life skills education approved by the department of education, education materials and services for pupils with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law, standardized test fees, and advanced placement examinations or examinations related to postsecondary education admission or credentialing.

(2) “Qualified educational expenses” shall be limited to the items described in subparagraph (1) and rules adopted by the department to implement this section and does not include transportation costs for the pupil, the cost of food or refreshments consumed by the pupil, the cost of clothing for the pupil, or the cost of disposable materials, including but not limited to paper, notebooks, pencils, pens, and art supplies.

c. “Resident” means the same as defined in section 282.1, subsection 2.

2. a. (1) For the school budget year beginning July 1, 2023, the following pupils who attend a nonpublic school for that school budget year shall be eligible to receive an education savings account payment:

(a) A resident pupil who is eligible to enroll in kindergarten.

(b) A resident pupil who is eligible to enroll in grades one through twelve and was not enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested.

(c) A resident pupil who is eligible to enroll in grades one through twelve and was enrolled in a nonpublic school¹ year immediately preceding the school year for which the education savings account payment is requested if the pupil’s household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) For the school budget year beginning July 1, 2024, the following pupils who attend a nonpublic school for that school budget year shall be eligible to receive an education savings account payment:

(a) A resident pupil who is eligible to enroll in kindergarten.

¹ See chapter 111, §23 herein

(b) A resident pupil who is eligible to enroll in grades one through twelve and was not enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested.

(c) A resident pupil who is eligible to enroll in grades one through twelve and was enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested if the pupil's household has an annual income less than or equal to four hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(d) A resident pupil who received an education savings account payment in the immediately preceding school budget year.

(3) For school budget years beginning on or after July 1, 2025, resident pupils eligible to enroll in kindergarten through grade twelve who attend a nonpublic school for the applicable school budget year shall be eligible to receive an education savings account payment.

b. Education savings account payments shall be made available to parents and guardians in the manner authorized under subsection 5 for the payment of qualified educational expenses as provided in this section. Parents and guardians shall first use education savings account payments for all qualified educational expenses that are tuition and fees for which the parent or guardian is responsible for payment at the pupil's nonpublic school prior to using the education savings account for other qualified educational expenses.

3. a. On or after January 1, but on or before June 30, preceding the school year for which the education savings account payment is requested, the parent or guardian of an eligible pupil may request an education savings account payment by submitting an application to the department of education.

b. Within thirty days following submission of an application, the department of education or third-party entity shall notify the parent or guardian of each pupil approved for the following school year and specify the amount of the education savings account payment for the pupil, if known at the time of the notice. As soon as practical following the processing of all applications, the department of education or third-party entity shall determine the number of pupils in each school district approved for the school budget year and provide such information to the department of management.

c. Education savings account payments shall only be approved for one school year and applications must be submitted annually for payments in subsequent school years.

4. Each education savings account payment shall be equal to the regular program state cost per pupil for the same school budget year.

5. An education savings account fund is created in the state treasury under the control of the department of education consisting of moneys appropriated to the department of education for the purpose of providing education savings account payments under this section. For the fiscal year commencing July 1, 2023, and each succeeding fiscal year, there is appropriated from the general fund of the state to the department of education to be credited to the fund the amount necessary to pay all education savings account payments approved for that fiscal year. The director of the department of education has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this section pertaining to the fund, including the power to do all of the following:

a. Make and enter into contracts with a third-party entity necessary for the administration of the program.

b. Procure insurance against any loss in connection with the assets of the fund or require a surety bond.

c. Contract with a qualified firm, including but not limited to the third-party entity under paragraph "a", to allocate funds from each pupil's account for the payment of qualified educational expenses by the pupil's parent or guardian.

d. Require the qualified firm under paragraph "c" to offer the department of education the capability of automated clearinghouse transactions, electronic commerce transactions, reimbursement transactions, and debit card payments in order to meet the diverse needs of participating parents and guardians to pay for qualified educational expenses. The director of the department of education shall determine which transaction capabilities will be available to participating parents and guardians.

e. Reduce the possibility of waste, fraud, and abuse, and ensure that any technology platform used for the program meets the state's highest security requirements, including compliance.

f. Conduct audits or other reviews necessary to properly administer the program.

g. Adopt rules for the administration of the fund and accounts within the fund.

6. a. For each pupil approved for an education savings account payment, the department of education or third-party entity shall establish an individual account for that pupil in the education savings account fund. The amount of the pupil's education savings account payment shall be deposited into the pupil's individual account on July 15 or thirty days following submission of the application, whichever is later, and such amount shall be immediately available for the payment of qualified educational expenses incurred by the parent or guardian for the pupil during that fiscal year using a payment method authorized under subsection 5.

b. A nonpublic school or other provider of qualified educational expenses that accepts payment from a parent or guardian using funds from a pupil's individual account in the fund shall not refund, rebate, or share any portion of such payment with the parent, guardian, or pupil.

c. Moneys remaining in a pupil's individual account upon conclusion of the fiscal year shall remain in the pupil's individual account for the payment of qualified educational expenses in future fiscal years during which the pupil participates in the program until the pupil becomes ineligible under the program or until the remaining amounts are transferred to the state general fund under subsection 8.

7. A person who makes a false claim for the purpose of obtaining an education savings account payment or who knowingly receives the payment or makes a payment from an individual account within the fund without being legally entitled to do so is guilty of a fraudulent practice under chapter 714. The false claim for an education savings account or a payment from an individual account shall be disallowed. The department of education or third-party entity shall also close the pupil's individual account in the fund and transfer any remaining moneys in the account for deposit in the general fund of the state. If the improperly obtained amounts have been disbursed from the applicable individual account, the department of education or third-party entity shall recover such amounts from the parent or guardian, including by initiating legal proceedings to recover such amounts, if necessary. A parent or guardian who commits a fraudulent practice under this section is prohibited from participating in the education savings account program in the future.

8. Moneys remaining in a pupil's individual account when the pupil graduates from high school or turns twenty years of age, whichever occurs first, shall be transferred by the department of education for deposit in the general fund of the state.

9. a. A parent may appeal to the state board of education any administrative decision the department of education or third-party entity makes pursuant to this section, including but not limited to determinations of eligibility, allowable expenses, and removal from the program. The department or third-party entity shall notify the parent or guardian in writing of the appeal process at the same time the department notifies the parent or guardian of the administrative decision. The state board of education shall establish the appeals process consistent with chapter 17A and shall post such appeal process information on the state board of education's internet site.

b. The state board of education shall refer cases of substantial misuse of education savings account program funds to the attorney general for the purpose of collection or for the purpose of a criminal investigation if the state board of education obtains evidence of fraudulent use of an account.

10. a. This section shall not be construed to authorize the state or any political subdivision of the state to exercise authority over any nonpublic school or construed to require a nonpublic school to modify its academic standards for admission or educational program in order to receive payment from a parent or guardian using funds from a pupil's account in the education savings account fund.

b. This section shall not be construed to expand the authority of the state or any political subdivision of the state to impose regulations upon any nonpublic school that are not necessary to implement this section.

c. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the education savings account fund is not an agent of this state or of a political subdivision of this state.

d. Rules adopted by the department of education to implement this section that impose an undue burden on a nonpublic school are invalid.

e. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the education savings account fund shall be given the maximum freedom possible to provide for the educational needs of the school's students, consistent with state and federal law.

11. a. Each pupil participating in the education savings account program is required to take all applicable state and federally required student assessments and the results of those assessments shall be provided to the pupil's parents or guardians and reported to the department of education.

b. The department of education shall compile all such reported assessment results in order to analyze student proficiency and academic progress among those pupils participating in the program, including analysis of graduation rates, proficiency, and progress based on grade level, gender, race, and household income level. The results of the department's analysis shall be included in the annual condition of education report.

Sec. 8. Section 422.7, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 44. Subtract, to the extent included, the amount of an education savings account payment under section 257.11B received by the taxpayer for payment of qualified educational expenses.

Sec. 9. **EMERGENCY RULES.** The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of the section of this Act enacting section 256.9, subsection 66, and section 257.11B, 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. 10. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 11. **RETROACTIVE APPLICABILITY.** The following applies retroactively to tax years beginning on or after January 1, 2023:

The section of this division of this Act enacting section 422.7, subsection 44.

DIVISION III SCHOOL DISTRICT CATEGORICAL FUNDING

Sec. 12. Section 257.10, subsection 9, paragraph d, Code 2023, is amended to read as follows:

~~d. For the budget year beginning July 1, 2009, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A. For the budget year beginning July 1, 2010, and succeeding budget years, the use of the funds calculated under this subsection or available for use as provided in subsection 10, paragraph "d", subsection 12, paragraph "d", or section 257.46, subsection 3, shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A and shall comply with the requirements of chapter 284 related to such distribution under section 284.3A.~~

Sec. 13. Section 257.10, subsection 10, paragraph d, Code 2023, 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. At the end of a fiscal year beginning on or after July 1, 2022, the school district may use all or a portion of funds under this subsection for the purposes authorized under subsection 9, paragraph "d".

Sec. 14. Section 257.10, subsection 12, paragraph d, Code 2023, is amended to read as follows:

d. ~~For~~ Except as otherwise allowed under this paragraph, for the budget year beginning July 1, 2014, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.15. The funds shall be used only to increase the payment for a teacher assigned to a leadership role pursuant to a framework or comparable system approved pursuant to section 284.15; to increase the percentages of teachers assigned to leadership roles; to increase the minimum teacher starting salary to thirty-three thousand five hundred dollars; to cover the costs for the time mentor and lead teachers are not providing instruction to students in a classroom; for coverage of a classroom when an initial or career teacher is observing or co-teaching with a teacher assigned to a leadership role; for professional development time to learn best practices associated with the career pathways leadership process; and for other costs associated with a framework or comparable system approved by the department of education under section 284.15 with the goals of improving instruction and elevating the quality of teaching and student learning. If all requirements for the school district for the use of funds calculated under this subsection 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, 2020, 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. At the end of a fiscal year beginning on or after July 1, 2022, school districts may use all or a portion of funds under this subsection for the purposes authorized under subsection 9, paragraph "d", and, notwithstanding any provision of law to the contrary, school districts shall not be required to participate in or comply with section 284.15 in order to continue to receive funding under this subsection.

Sec. 15. Section 257.11, subsection 5, Code 2023, is amended to read as follows:

5. *Shared operational functions — increased student opportunities — budget years beginning in 2014 through 2024 2034.*

a. (1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, work-based learning coordinator, special education director, mental health professional who holds a statement of recognition issued by the board of educational examiners, college and career transition counselor or coordinator, school resource officer, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of nine pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director; a master social worker or an independent social worker licensed under chapters 147 and 154C; a work-based learning coordinator; a special education director; a mental health professional who holds a statement of recognition issued by the board of educational examiners; a college and career transition counselor or coordinator; a school resource officer; or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional

weighting shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision or another school district even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision or another school district are not the same operational function, so long as either both operational functions are eligible for weighting under this subsection or the operational function the individual performs for the school district is special education director. In either case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

(2) For the purposes of this paragraph “a”:

(a) “*College and career transition counselor or coordinator*” means a licensed school counselor or an appropriately trained individual responsible for providing direct services to students, parents, families, schools, and postsecondary institutions to support college preparation and postsecondary success, such as college preparation, financial aid processing, and transition to postsecondary institution enrollment.

(b) “*Political subdivision*” means a city, township, county, school corporation, merged area, area education agency, institution governed by the state board of regents, or any other governmental subdivision.

(c) “*School resource officer*” means the same as defined in 34 U.S.C. §10389.

(d) “*Work-based learning coordinator*” means an appropriately trained individual responsible for facilitating authentic, engaging work-based learning experiences for learners and educators in partnership with employers and others to enhance learning by connecting the content and skills that are necessary for future careers.

b. (1) Notwithstanding paragraph “a”, subparagraph (1), each operational function assigned a supplementary weighting of five pupils under paragraph “a”, subparagraph (1), shall instead be assigned a supplementary weighting of four pupils for the school budget years beginning on or after July 1, 2022, ~~July 1, 2023, and July 1, 2024~~ but before July 1, 2035.

(2) Notwithstanding paragraph “a”, subparagraph (1), each operational function assigned a supplementary weighting of three pupils under paragraph “a”, subparagraph (1), shall instead be assigned a supplementary weighting of two pupils for the school budget years beginning on or after July 1, 2022, ~~July 1, 2023, and July 1, 2024~~ but before July 1, 2035.

c. School districts that share operational functions with other school districts are not required to be contiguous school districts. If two or more districts sharing operational functions are not contiguous to each other, the districts separating those districts are not required to be a party to the operational functions sharing arrangement.

d. Supplementary weighting pursuant to this subsection shall be available to a school district during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, ~~2024~~ 2034. The maximum amount of additional weighting for which a school district shall be eligible in a budget year is twenty-one additional pupils. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

e. Supplementary weighting pursuant to this subsection shall be available to an area education agency during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, ~~2024~~ 2034. The minimum amount of additional funding for which an area education agency shall be eligible in a budget year is thirty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency’s special education cost per pupil amount and foundation level. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

f. This subsection is repealed effective July 1, ~~2025~~ 2035.

Sec. 16. Section 257.46, subsection 3, Code 2023, is amended to read as follows:

3. If any portion of the gifted and talented program budget remains unexpended at the end of the budget year, the remainder shall be carried over to the subsequent budget year and added to the gifted and talented program budget for that year. At the end of a fiscal year beginning on or after July 1, 2022, the school district may use all or a portion of funds for the purposes authorized under² subsection 9, paragraph “d”.

Sec. 17. Section 284.15, subsection 7, Code 2023, is amended to read as follows:

7. The department shall establish criteria and a process for application and approval of the framework established under subsection 1, and for comparable systems that meet the requirements of section 284.16 or 284.17, which a school district may implement pursuant to subsection 6 ~~in order to receive teacher leadership supplement foundation aid calculated under section 257.10, subsection 12.~~

Sec. 18. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved January 24, 2023

CHAPTER 2

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

S.F. 192

AN ACT relating to school funding by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2023, modifying provisions relating to the property tax replacement payments, making appropriations, and including effective date provisions.

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

Section 1. Section 257.8, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2020, is two and three-tenths percent.~~ The state percent of growth for the budget year beginning July 1, 2021, is two and four-tenths percent. The state percent of growth for the budget year beginning July 1, 2022, is two and one-half percent. The state percent of growth for the budget year beginning July 1, 2023, is three 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 transmission of the governor’s budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year.

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2020, is two and three-tenths percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2021, is two and four-tenths percent. The categorical state percent of growth for the budget year beginning July 1, 2022, is two and one-half percent. The categorical state percent of growth for the budget year beginning July 1, 2023, is three 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 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 categorical state percent of growth may include

² See chapter 111, §24 herein

state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, the teacher leadership supplement, and for budget years beginning on or after July 1, 2020, transportation equity aid payments under section 257.16C.

Sec. 2. Section 257.16B, subsections 1 and 2, Code 2023, are amended to read as follows:

1. For each fiscal year beginning on or after July 1, ~~2020~~ 2021, there is appropriated from the general fund of the state to the department of education an amount necessary to make all school district property tax replacement payments under this section, as calculated in subsection 2.

2. ~~a.~~ For the budget year beginning July 1, 2020, 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 for the budget year beginning July 1, 2020.~~

(2) ~~The regular program state cost per pupil for the budget year beginning July 1, 2020, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2020.~~

(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, 2020, 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).~~

~~b.~~ a. For the budget year beginning July 1, 2021, 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 for the budget year beginning July 1, 2021.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2021.

(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, 2021, 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).

~~e.~~ b. (1) For each ~~the~~ budget year beginning ~~on or after~~ July 1, 2022, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for the budget years ~~year~~ beginning ~~on or after~~ July 1, 2022, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2022, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph beginning July 1, 2022.

(b) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph beginning July 1, 2022.

c. (1) For each budget year beginning on or after July 1, 2023, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for budget years beginning on or after July 1, 2023, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2023, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph.

(b) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 7, 2023

CHAPTER 3

VEHICLES OF EXCESSIVE SIZE AND WEIGHT — SPECIAL OR EMERGENCY SITUATIONS — PERMITS

S.F. 153

AN ACT relating to single-trip permits for vehicles of excessive size and weight during special or emergency situations.

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

Section 1. Section 321E.9, subsection 2, Code 2023, is amended to read as follows:

2. Vehicles with indivisible loads may be moved in special or emergency situations, provided the permit-issuing authority has reviewed the route and has approved the movement of the vehicle and load.

a. The permit-issuing authority may impose any special restrictions on movements as deemed necessary or exempt movements from the restrictions of ~~section~~ sections 321E.7, 321E.11, and 321E.32 by permit under this subsection.

b. When the department determines a special or emergency situation exists, the combined gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this subsection may exceed the maximum weights specified in section 321.463, subject to the limits and routes established by the permit-issuing authority.

Approved February 15, 2023

CHAPTER 4

DAMAGE AWARDS AGAINST HEALTH CARE PROVIDERS — MEDICAL ERROR TASK FORCE

H.F. 161

AN ACT relating to damage awards against health care providers, creating a medical error task force, and including effective date and applicability provisions.

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

DIVISION I
DAMAGE AWARDS AGAINST HEALTH CARE PROVIDERS

Section 1. Section 147.136A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. (1) *“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.

(2) *“Noneconomic damages”* does not include the loss of dependent care, including the loss of child care, due to the death of or severe injury to a spouse or parent who is the primary caregiver of a child under the age of eighteen or a disabled adult. Such damages shall be considered economic damages.

Sec. 2. Section 147.136A, subsection 2, Code 2023, is amended to read as follows:

2. ~~The Subject to subsection 4, 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, shall not exceed two hundred fifty thousand dollars unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, loss of pregnancy, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained, in which case the amount recoverable shall not exceed one million dollars, or two million dollars if the civil action includes a hospital as defined in section 135B.1.~~

Sec. 3. Section 147.136A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The limitations on damages contained in subsection 2 shall increase by two and one-tenth percent on January 1, 2028, and each January 1 thereafter. In any civil action described in this section, such limitations on damages shall be the amount effective at the time of the occurrence. The commissioner of insurance shall publish the amount of the limitations on damages contained in this section on the insurance division’s internet site and shall update the published amount annually.

Sec. 4. Section 668A.1, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. If the answer or finding pursuant to subsection 1, paragraph “b”, is affirmative, or if the claim is against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, then the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph “b”, is negative, and if the claim is not against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, then after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs.¹

Sec. 5. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

¹ See chapter 84, §3 herein

Sec. 6. **APPLICABILITY.** This division of this Act applies to causes of action accrued on or after the effective date of this division of this Act.

DIVISION II
MEDICAL ERROR TASK FORCE

Sec. 7. **MEDICAL ERROR TASK FORCE.**

1. The department of health and human services shall convene a task force to review medical error rates of licensed physicians in this state and shall make recommendations to the general assembly and the director of health and human services including recommendations that address options for reducing medical error rates, improvements in education and training to minimize medical errors, and whether applicable penalties for medical errors and physician licensure review measures are sufficient.

2. a. The task force shall include all of the following voting members:

(1) The director of health and human services, or the director's designee.

(2) The director of inspections and appeals, or the director's designee.

(3) The executive director of the board of medicine.

(4) The ombudsman.

(5) A representative of the Iowa medical society.

(6) A representative of the board of regents affiliated with the university of Iowa hospitals and clinics.

(7) The commissioner of insurance, or the commissioner's designee.

(8) The attorney general, or the attorney general's designee.

b. The task force shall also include four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the president of the senate after consultation with the majority leader of the senate, and one senator to be appointed by the minority leader of the senate.

c. The director of health and human services, or the director's designee, may add members to the task force as necessary to complete the work of the task force.

3. The department of health and human services shall provide administrative support to the task force. The director of health and human services, or the director's designee, shall serve as chairperson of the task force, and shall schedule meetings of the task force as necessary to complete the work of the task force.

4. The task force shall dissolve upon submission of the report to the general assembly and the director of health and human services, but no later than January 8, 2024.

Approved February 16, 2023

CHAPTER 5

TAXATION — PROPERTY TAX ASSESSMENT LIMITATIONS, EMPLOYER CHILD CARE
TAX CREDITS, AND RETIREMENT INCOME TAX WITHHOLDING

S.F. 181

AN ACT relating to property taxes and income taxes by modifying the calculation of assessment limitations for certain property, amending provisions relating to certain tax withholding requirements and tax credits, and including effective date and retroactive applicability provisions.

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

DIVISION I
ASSESSMENT LIMITATIONS

Section 1. Section 441.21, subsection 4, Code 2023, is amended to read as follows:

4. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section.

a. (1) The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined.

(2) However, if the difference between the dividend so determined for either class of property and the dividend for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is less than six percent, the 1979 dividend for the other class of property shall be the dividend as determined for that class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus a percentage of the amount so determined which is equal to the percentage by which the dividend as determined for the other class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, is increased in arriving at the 1979 dividend for the other class of property.

(3) For valuations established for assessment years beginning on or after January 1, 2022, the calculation of the dividend for residential property under this subsection shall exclude the value of all property described in subsection 14, paragraph "a", subparagraphs (2), (3), (4), (5), and (6), and the property described in subsection 14, paragraph "a", subparagraph (7), that contains three or more separate dwelling units.

b. (1) The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49. The director shall utilize information reported on abstracts of assessment submitted pursuant to section 441.45 in determining such percentage.

(2) For valuations established for assessment years beginning on or after January 1, 2022, the calculation of the divisor for residential property under this subsection shall exclude the value of all property described in subsection 14, paragraph "a", subparagraphs (2), (3), (4), (5), and (6), and the property described in subsection 14, paragraph "a", subparagraph (7), that contains three or more separate dwelling units.

c. (1) For valuations established as of January 1, 1980, and each assessment year thereafter beginning before January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent.

(2) For valuations established as of January 1, 2013, and each assessment year thereafter, the percentage of actual value as equalized by the department of revenue as provided

in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided in this subsection, including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the department of revenue, except that any references to six percent in this subsection shall be three percent.

Sec. 2. IMPLEMENTATION.

1. Notwithstanding the requirements of section 441.21, subsection 9, and any other provision of law to the contrary, the director of the department of revenue shall, within two business days following the effective date of this division of this Act, issue an amended order certifying to the county auditor of each county the percentages of actual value at which residential property, commercial property, industrial property, and property valued by the department of revenue pursuant to chapter 434 shall be assessed for taxation under section 441.21, subsection 9, for the assessment year beginning January 1, 2022. The amended order shall supersede all previous orders certifying percentages for assessment limitations for residential property, commercial property, industrial property, and property valued by the department of revenue pursuant to chapter 434 for the assessment year beginning January 1, 2022.

2. Notwithstanding the requirements of section 441.21, subsection 9, and any other provision of law to the contrary, upon receipt of the amended order under subsection 1, each county auditor shall proceed to determine the assessed values of residential property, commercial property, industrial property, and property valued by the department of revenue pursuant to chapter 434 for the assessment year beginning January 1, 2022, by applying the percentages from the amended order to the actual value of such property reported to the county auditor by the assessor. The assessed values so determined shall be the taxable values of such properties upon which the applicable levy shall be made.

3. Notwithstanding any provision of law to the contrary, each county auditor, within fifteen days after issuance of the order under subsection 1, shall report the valuation by class of property for each taxing district in the county for the assessment year beginning January 1, 2022, to the department of management on forms provided by the department of management. The valuations reported shall be the valuations used for determining the levy rates necessary to fund political subdivision budgets for the fiscal year beginning July 1, 2023.

4. In order to implement this division of this Act, political subdivision budgets for the fiscal year beginning July 1, 2023, notwithstanding any other provision of law relating to the timing of certifying budgets, shall be certified on or before April 30, 2023. If a political subdivision certifies or recertifies its applicable budget after March 31, 2023, all relevant protest and appeal time limits shall be extended to correspond to allowances for a timely filing. If a political subdivision has certified its budget for the fiscal year beginning July 1, 2023, before the effective date of this division of this Act, the political subdivision may recertify its budget on or before April 30, 2023.

Sec. 3. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to assessment years beginning on or after January 1, 2022.

DIVISION II
EMPLOYER CHILD CARE TAX CREDIT

Sec. 5. Section 237A.31, subsection 1, Code 2023, is amended to read as follows:

1. The taxes imposed under chapter 422, subchapter II or III, the franchise tax imposed under chapter 422, subchapter V, the gross premiums tax under chapter 432, or the moneys and credits tax imposed under section 533.329 shall be reduced by an employer child care tax credit equal to the amount proportion of the federal employer-provided child care tax credit provided in section 45F of the Internal Revenue Code the taxpayer was eligible for in the same tax year attributable to expenditures made in this state.

Sec. 6. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

DIVISION III
RETIREMENT INCOME — WITHHOLDING

Sec. 8. Section 422.16, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. For the purposes of this subsection, at a rate specified by the department, state income tax shall be withheld from pensions, annuities, other similar periodic payments, and other income payments ~~of those persons whose primary residence is in Iowa in those circumstances in which those persons have federal income tax withheld from pensions, annuities, other similar periodic payments, and other income payments~~ under sections 3402(o), 3402(p), 3402(s), 3405(a), 3405(b), and 3405(c) of the Internal Revenue Code ~~at a rate to be specified by the department~~ made to Iowa residents if the payments are subject to Iowa tax.

Sec. 9. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

Approved February 20, 2023

CHAPTER 6

VEHICLE SIZE, WEIGHT, LOAD, AND PERMIT REQUIREMENTS — MOVEMENT OF
HYDROEXCAVATION EQUIPMENT ON HIGHWAYS

S.F. 154

AN ACT exempting hydroexcavation equipment from certain size, weight, load, and permit requirements on highways.

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

Section 1. Section 321.453, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Hydroexcavation equipment used primarily for digging and excavation when moved or moving upon a highway that is not a portion of the interstate.

Approved March 22, 2023

CHAPTER 7

DRIVER EDUCATION COURSES — PERSONS AUTHORIZED TO ADMINISTER FINAL FIELD TEST

S.F. 157

AN ACT authorizing certain persons to administer the final field test of an approved driver education course.

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

Section 1. Section 321.178, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Every public school district in Iowa shall offer or make available to all students residing in the school district, or Iowa students attending a nonpublic school or receiving competent private instruction or independent private instruction as defined in section 299A.1, in the district, an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor and certified to provide street and or highway driving instruction under paragraph "b", subparagraph (2). ~~A person qualified as a classroom driver education instructor but not certified to provide street and highway driving instruction may administer the final field test if accompanied by another person qualified to provide street and highway driving instruction.~~

Approved March 22, 2023

CHAPTER 8

SCHOOL RESTROOMS, CHANGING FACILITIES, AND OTHER FACILITIES — USE BY PERSONS OF SAME BIOLOGICAL SEX REQUIRED — EXCEPTIONS — ENFORCEMENT

S.F. 482

AN ACT prohibiting persons from entering single and multiple occupancy restrooms or changing areas and other facilities in elementary and secondary schools that do not correspond with the person's biological sex and including effective date provisions.

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

Section 1. **NEW SECTION. 216.9A Single and multiple occupancy restrooms or changing areas in schools — use by persons of same biological sex.**

It shall not be an unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated only for and used by persons of the

same biological sex as provided in section 280.33. It shall not be an unfair or discriminatory practice to prohibit a person from using a single or multiple occupancy restroom or changing area that does not correspond with the person's biological sex as provided in section 280.33.

Sec. 2. NEW SECTION. **280.33 Single and multiple occupancy restrooms or changing areas — use by persons of same biological sex.**

1. As used in this section:

a. *“Multiple occupancy restroom or changing area”* means an area in a school building designed or designated to be used by more than one person at a time, in which students may be in various stages of undress in the presence of other students or persons. *“Multiple occupancy restroom or changing area”* includes but is not limited to a restroom, locker room, changing room, or shower room.

b. *“School”* means a public school or nonpublic school.

c. *“Sex”* means a person's biological sex as female or male, as listed on a person's official birth certificate issued at or near the time of the person's birth.

d. *“Single occupancy restroom or changing area”* means an area in a school building designed or designated to be used by one person at a time, in which the person may be in various stages of undress. *“Single occupancy restroom or changing area”* includes a restroom, locker room, changing room, or shower room.

2. A school shall require a multiple occupancy restroom or changing area to be designated only for and used by persons of the same sex. A person shall not enter a multiple occupancy restroom or changing area, or a single occupancy restroom or changing area designated only for persons of the same sex, that does not correspond with the person's sex.

3. In any other school facility, a facility used for extracurricular activity, overnight accommodations, or any other setting where a student may be in various stages of undress in the presence of other students or persons, school personnel shall provide separate, private areas designated for use by students based on the students' sex.

4. A student who, for any reason, desires greater privacy when using a single or multiple occupancy restroom or changing area, or other facility described in subsection 3, and whose parent or legal guardian provides written consent to school officials, may submit a request to such officials for access to alternative facilities. The school official to whom a request is submitted shall evaluate such request and shall, to the extent reasonable, offer options for alternative facilities. In no event shall any accommodation be made that includes access to a student multiple occupancy restroom or changing area or a single occupancy restroom or changing area designated for use by students of the opposite sex while students of the opposite sex are present or could be present. Reasonable accommodations may include any of the following:

a. Access to a single occupancy restroom or changing area.

b. Access to a unisex single occupancy restroom or changing area by only one student at a time.

c. Controlled use of faculty multiple occupancy restroom or changing area or a single occupancy restroom or changing area.

5. This section shall not be construed to prohibit a school from doing any of the following:

a. Adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3.

b. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility described in subsection 3 for custodial or maintenance purposes when such facility is not occupied by a member of the opposite sex.

c. Rendering medical assistance.

d. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3 during a natural disaster, emergency, or when necessary to prevent a serious threat to student safety.

6. a. A citizen of this state may file a complaint with the office of the attorney general that a school is in violation of the provisions of this section if all of the following are true:

(1) The citizen provides written notice to the school describing the violation.

(2) The school does not cure the violation within three business days after receiving written notice of the violation.

b. A complaint filed pursuant to this section shall include all of the following:

(1) A copy of the written notice delivered to the school.

(2) A signed statement by the citizen describing the violation and stating that notice was provided.

c. Upon receipt of a complaint, the attorney general shall investigate the violation described in the complaint. If the attorney general determines that no violation occurred or that no further legal action is warranted, then the attorney general shall send written notice of such determination to the citizen who filed the complaint and to the school. If the attorney general determines that legal action is warranted to cure the violation, then the attorney general may file an action in a court of competent jurisdiction seeking such equitable relief as the attorney general deems appropriate.

d. This subsection shall not limit other remedies at law or equity available to the aggrieved person against the school.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 22, 2023

CHAPTER 9

REGULATION OF GENDER TRANSITION PROCEDURES — MINORS — PROHIBITIONS

S.F. 538

AN ACT relating to prohibited activities regarding gender transition procedures relative to minors, and including effective date and applicability provisions.

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

Section 1. NEW SECTION. **147.164 Gender transition procedure-related activities — minors — prohibitions.**

1. As used in this section:

a. “*Gender*” means the psychological, behavioral, social, and cultural aspects of being male or female.

b. “*Health care professional*” means a 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.

c. “*Minor*” means an unemancipated person under eighteen years of age.

d. “*Sex*” means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth without regard to an individual’s psychological, chosen, or subjective experience of gender.

2. a. Except as otherwise provided in paragraph “c”, a health care professional shall not knowingly engage in or cause any of the following practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor’s perception of, the minor’s gender or sex, if that appearance or perception is inconsistent with the minor’s sex.¹

(1) Prescribing or administering gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle-stimulating hormone secretion,

¹ See chapter 119, §39 herein

synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal puberty.

(2) Prescribing or administering testosterone, estrogen, or progesterone to a minor in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex.

(3) Performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy.

(4) Performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual's sex, including metoidioplasty, phalloplasty, and vaginoplasty.

(5) Removing any healthy or nondiseased body part or tissue.

b. A health care professional shall not knowingly engage in conduct that aids or abets the practices described in paragraph "a". This paragraph shall not be construed to impose liability on any speech protected by federal or state law.

c. Paragraphs "a" and "b" do not apply to any of the following:

(1) Services provided to a minor born with a medically verifiable disorder of sex development, including a minor with external biological sex characteristics that are irresolvably ambiguous, such as a minor born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue.

(2) Services provided to a minor who has otherwise been diagnosed with a disorder of sexual development by a physician, when the physician has determined through genetic or biochemical testing that the minor does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female.

(3) The treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law.

(4) Any procedure undertaken because a minor suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed.

d. A violation of the prohibitions under paragraph "a" or "b" by a health care professional is considered unprofessional conduct and subject to licensee discipline by the appropriate licensing board or entity.

3. a. A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and may obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

b. An action brought for a violation of this section shall be brought within two years after the cause of action accrues. However, a minor may bring an action during the minor's minority through a parent or legal guardian, and may bring an action in the minor's own name upon reaching majority and for twenty years after reaching majority.

c. Notwithstanding any other law to the contrary, an action under this section may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies. In an action or proceeding to enforce this section, a prevailing party may recover reasonable attorney fees.

d. The attorney general may bring an action to enforce this section.

e. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding.

f. Compliance with, or enforcement or implementation of, this section shall not constitute a violation of any provision of chapter 216.

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

Sec. 3. APPLICABILITY. The following applies one hundred eighty days after the effective date of this Act:

The provisions of the section of this Act enacting section 147.164, subsection 2, that prohibit a health care professional from knowingly engaging in or causing certain practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor's perception of, the minor's gender or sex, if that appearance or perception is inconsistent with the minor's sex.

Approved March 22, 2023

CHAPTER 10

CHILD WELFARE LEGAL REPRESENTATION — STATE PUBLIC DEFENDER PILOT PROJECT EXTENSION AND EXPANSION

H.F. 113

AN ACT relating to the state public defender pilot project for child welfare legal representation.

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

Section 1. Section 13B.13, Code 2023, is amended to read as follows:

13B.13 State public defender pilot project — child welfare legal representation.

Notwithstanding any other provision of the law to the contrary, for each fiscal year for the period beginning July 1, 2020, and ending June 30, ~~2024~~ 2025, the state public defender may establish a pilot project to implement innovative models of legal representation in order to assist families involved in the child welfare system. The state public defender shall have sole discretion to establish and implement the pilot project. The state public defender may implement the new pilot project in up to ~~six~~ sixteen counties throughout the state. The purpose of the pilot project is to implement and study innovative ways, through a team approach or through other methods, to achieve positive outcomes for families, reduce trauma to young children, and deliver financial benefits to families and their communities. The state public defender may coordinate with other agencies and organizations to implement the pilot project, seek grant funding, and measure the results. The state public defender may appoint an attorney to represent an indigent person prior to initiation of formal proceedings, without court order, if such representation is deemed appropriate by the state public defender and relates to the purposes of the pilot project.

Approved March 22, 2023

CHAPTER 11

PREPAYMENT OF RETAIL INSTALLMENT CONTRACTS FOR PURCHASE OF MOTOR VEHICLES — VOLUNTARY DEBT CANCELLATION COVERAGE — REFUNDS

H.F. 133

AN ACT relating to refund payments made in connection with motor vehicle debt cancellation coverage.

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

Section 1. Section 537.2510, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Notwithstanding any provision of this chapter to the contrary or an agreement between a motor vehicle dealer licensed pursuant to section 322.4 and the consumer, if the creditor is a financial institution as defined in the Iowa consumer credit code, chapter 537, or the federal Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 et seq., who has purchased a retail installment contract as defined in section 322.2, subsection 22, with voluntary debt cancellation coverage, the only obligation of the creditor upon prepayment in full shall be to notify the motor vehicle dealer within thirty days of the prepayment. The motor vehicle dealer shall promptly determine whether the consumer is eligible for a refund of any voluntary debt cancellation coverage and shall issue any refund required directly to the consumer within sixty days of the dealer's receipt of notice of the prepayment from the creditor.

Approved March 22, 2023

CHAPTER 12

POSSESSION AND USE OF EXPLOSIVE MATERIALS AND DESTRUCTIVE DEVICES

H.F. 202

AN ACT relating to explosive materials including blasting agents, detonators, and destructive devices, providing penalties, and including effective date provisions.

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

Section 1. Section 101A.1, subsections 1 and 4, Code 2023, are amended to read as follows:

1. "*Blasting agent*" means any material or mixture consisting of a fuel and oxidizer, intended for blasting but not otherwise classified as an explosive, in which none of the finished products as mixed and packaged for use or shipment can be detonated by means of a number eight test blasting cap when unconfined. "*Blasting agent*" includes any material or mixture intended for blasting that meets the requirements of 49 C.F.R. pt. 173, subpt. C.

4. "*Explosive materials*" means explosives, or blasting agents, and detonators.

Sec. 2. Section 101A.1, Code 2023, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. "*Destructive device*" means any of the following:

a. Any explosive, incendiary, chemical or biological poison, or poison gas which is any of the following:

- (1) A bomb.
- (2) A grenade.
- (3) A rocket having a propellant charge of more than four ounces.
- (4) A missile having an explosive or incendiary charge of more than one-quarter ounce.
- (5) A mine.
- (6) A booby trap.
- (7) A Molotov cocktail.
- (8) A bottle bomb.
- (9) A vessel or container intentionally caused to rupture or mechanically explode by expanding pressure from any gas, acid, dry ice, or other chemical mixture.

(10) Any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property.

b. Any combination of parts designed or intended to be converted into a destructive device as defined in paragraph "a".

c. The term "*destructive device*" does not include any of the following:

(1) A device that is neither designed nor redesigned for use as a weapon to be used against person or property.

(2) A device, originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device.

(3) A surplus ordnance sold, loaned, or given by the secretary of the army pursuant to 10 U.S.C. §4684(2), 4685, or 4686.

(4) Any device the state fire marshal¹ determines is not likely to be used as a weapon or that is an antique.

(5) Any device possessed under circumstances negating an intent that the device be used as a weapon against any person or property.

NEW SUBSECTION. 2B. "Detonator" means any device containing an initiating or primary explosive that is used for initiating detonation. Excluding ignition or delay charges, a detonator shall not contain more than ten grams of explosive material per unit. "Detonator" includes an electric detonator of instantaneous or delay type, a detonator for use with safety fuses, a detonating cord delay connector, and a nonelectric detonator or instantaneous or delay type which consists of a detonating cord, shock tube, or any other replacement for electric leg wires.

Sec. 3. Section 712.5, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

712.5 Reckless use of fire, explosives, or destructive devices.

Any person who uses fire, explosives, or destructive devices to recklessly endanger the property or safety of another shall be guilty of a serious misdemeanor.

Sec. 4. Section 712.6, Code 2023, is amended to read as follows:

712.6 Explosive materials or incendiary materials or destructive devices.

1. A person who possesses any ~~incendiary or explosive device or material or destructive device~~ with the intent to use such device or material to commit a public offense shall be guilty of a class "C" felony.

2. a. A person who possesses any ~~incendiary or explosive device or material or destructive device~~ shall be guilty of an aggravated misdemeanor.

b. This subsection does not apply to a person holding a valid commercial license or user's permit issued pursuant to chapter 101A, provided that the person is acting within the scope of authority granted by the license or permit.

3. A person who, with the intent to intimidate, annoy, or alarm another person, places a simulated explosive or simulated ~~incendiary destructive device in or near an occupied structure as defined in section 702.12~~ a place that the person reasonably believes is likely to cause public alarm or inconvenience, is guilty of a serious misdemeanor.

4. A person who uses any explosive material or destructive device to commit any public offense or who possesses any explosive material or destructive device during the commission of a felony shall be guilty of a class "C" felony.

Sec. 5. **NEW SECTION. 712.10 Destructive device.**

For purposes of this chapter, "destructive device" means the same as defined in section 101A.1.

Sec. 6. Section 724.1, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. ~~A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these~~ A destructive device as defined in section 101A.1.

¹ See chapter 119, §16 herein

Sec. 7. Section 727.2, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* Any retailer or community group offering for sale at retail any consumer fireworks 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, and shall not be subject to any other standards or requirements unless provided for by the state fire marshal under section 100.19.²

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 22, 2023

CHAPTER 13

DISTRIBUTION OF BARREL TAX REVENUES — BREWPUB RETAIL SALES

H.F. 205

AN ACT relating to the distribution of certain barrel tax revenues collected on beer.

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

Section 1. Section 123.143, subsection 2, Code 2023, is amended to read as follows:

2. Barrel tax revenues collected on beer manufactured in this state from a class “A” beer permittee which owns and operates a native brewery shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. In addition, barrel tax revenues collected on beer manufactured in this state from a special class “A” beer permittee which owns and operates a brewpub that is sold at retail at the manufacturing premises pursuant to section 123.130, subsection 4, shall be credited to the barrel tax fund. 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.

Approved March 22, 2023

CHAPTER 14

REGULATION OF THIRD-PARTY KNOWLEDGE AND DRIVING SKILLS TESTERS

H.F. 257

AN ACT relating to third-party testers who administer the knowledge and driving skills tests required for a commercial learner’s permit or commercial driver’s license.

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

² See chapter 119, §29 herein

Section 1. Section 321.187, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. Any third-party test examiner used by the third-party tester shall ~~meet~~ comply with the requirements of 49 C.F.R. pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. The department shall adopt rules regarding who may qualify as a third-party tester. The department may adopt rules ~~may also provide that doing any of the following:~~

(1) Requiring a third-party tester to conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section. A third-party tester, other than a community college established under chapter 260C, must be one of the following:

~~(1) An Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent commercial driver training facility in this state.~~

~~(2) An Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers.~~

~~(3) A public transit system or regional transit system, as those terms are defined in section 324A.1, in this state.~~

(2) Restricting the testing scope of a third-party tester.

Approved March 22, 2023

CHAPTER 15

BUILDING REGULATIONS — INSTALLATION AND USE OF REFRIGERANTS

H.F. 337

AN ACT relating to the use of certain refrigerants.

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

Section 1. **NEW SECTION. 103A.24 Refrigerants.**

Notwithstanding any provision of law to the contrary, a building regulation shall not prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. §7671k, provided that any equipment containing the refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Approved March 22, 2023

CHAPTER 16

RURAL EMERGENCY HOSPITALS AND AMBULATORY SURGICAL CENTERS

S.F. 75

AN ACT relating to certain health facilities including ambulatory surgical centers and rural emergency hospitals, including licensing requirements and fees, providing penalties and making penalties applicable, providing emergency rulemaking authority, and including applicability and effective date provisions.

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

DIVISION I
RURAL EMERGENCY HOSPITALS

Section 1. Section 135B.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 5. “*Rural emergency hospital*” means a facility that provides rural emergency hospital services in the facility twenty-four hours per day, seven days per week; does not provide any acute care inpatient services with the exception of any distinct part of the facility licensed as a skilled nursing facility providing posthospital extended care services; and meets the criteria specified in section 135B.1A¹ and the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125.

NEW SUBSECTION. 6. “*Rural emergency hospital services*” means the following services provided by a rural emergency hospital that do not exceed an annual per patient average of twenty-four hours in such a rural emergency hospital:

a. Emergency department services and observation care. For purposes of providing emergency department services, an emergency department of a rural emergency hospital shall be considered staffed if a physician, advanced registered nurse practitioner, or physician assistant is available to furnish rural emergency hospital services in the facility twenty-four hours per day.

b. At the election of the rural emergency hospital, with respect to services furnished on an outpatient basis, other medical and health services as specified in regulations adopted by the United States secretary of health and human services.

Sec. 2. Section 135B.2, Code 2023, is amended to read as follows:

135B.2 Purpose.

The purpose of this chapter is to provide for the development, establishment and enforcement of basic standards for the care and treatment of individuals in hospitals and rural emergency hospitals and for the construction, maintenance and operation of such hospitals, which, in the light of existing knowledge, will promote safe and adequate treatment of such individuals in such hospitals, in the interest of the health, welfare and safety of the public.

Sec. 3. Section 135B.3, Code 2023, is amended to read as follows:

135B.3 Licensure.

No person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital or rural emergency hospital in this state without a license.

Sec. 4. **NEW SECTION. 135B.3A Rural emergency hospital licensure.**

1. The department shall adopt rules pursuant to chapter 17A to establish minimum standards for the licensure of rural emergency hospitals consistent with the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125, and with regulations issued by the United States secretary of health and human services for rural emergency hospitals.

2. To be eligible for a rural emergency hospital license, a facility shall have been, on or before December 27, 2020, one of the following:

a. A licensed critical access hospital.

b. A general hospital with not more than fifty licensed beds located in a county in a rural area as defined in section 1886(d)(2)(D) of the federal Social Security Act.

c. A general hospital with no more than fifty licensed beds that is deemed as being located in a rural area pursuant to section 1886(d)(8)(E) of the federal Social Security Act.

Sec. 5. Section 135B.4, Code 2023, is amended to read as follows:

135B.4 Application for license.

Licenses shall be obtained from the department. Applications shall be upon forms and shall contain information as the department may reasonably require, which may include affirmative evidence of ability to comply with reasonable standards and rules prescribed under this chapter. Each application for license shall be accompanied by the license fee,

¹ See chapter 119, §37 herein

which shall be refunded to the applicant if the license is denied and which shall be deposited into the state treasury and credited to the general fund if the license is issued. Hospitals and rural emergency hospitals having fifty beds or less shall pay an initial license fee of fifteen dollars; hospitals of more than fifty beds and not more than one hundred beds shall pay an initial license fee of twenty-five dollars; all other hospitals shall pay an initial license fee of fifty dollars.

Sec. 6. Section 135B.5, subsection 1, Code 2023, is amended to read as follows:

1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter, chapter 135, and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals and rural emergency hospitals licensed under this chapter. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

Sec. 7. Section 135B.5A, Code 2023, is amended to read as follows:

135B.5A Conversion of a ~~hospital~~ relative to certain hospitals.

1. A conversion of a long-term acute care hospital, rehabilitation hospital, or psychiatric hospital as defined by federal regulations to a general hospital or to a specialty hospital of a different type is a permanent change in bed capacity and shall require a certificate of need pursuant to section 135.63.

2. A conversion of a critical access hospital or general hospital to a rural emergency hospital shall not require a certificate of need pursuant to section 135.63.

3. Any change of a rural emergency hospital in licensure, organizational structure, or type of institutional health facility shall require a certificate of need pursuant to section 135.63.

Sec. 8. Section 135B.7, Code 2023, is amended to read as follows:

135B.7 Rules and enforcement.

1. a. The department, with the approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals and for rural emergency hospitals to be licensed under this chapter. The department shall enforce the rules.

b. Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital, rural emergency hospital, or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians in the hospital, rural emergency hospital, or other institution if the school or system of practice is recognized by the laws of this state.

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

b. A hospital or rural emergency hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital or rural emergency hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner.

c. This subsection shall not require a hospital or rural emergency hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers

not currently providing services at the hospital or rural emergency hospital. This section shall not be construed to require a hospital or rural emergency hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this subsection applies.

d. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital or rural emergency hospital has as employees of the hospital or rural emergency hospital identically licensed practitioners providing the same or similar services.

3. The rules shall require that a hospital or rural emergency hospital establish and implement written criteria for the granting of clinical privileges. The written criteria shall include but are not limited to consideration of all of the following:

a. The ability of an applicant for privileges to provide patient care services independently and appropriately in the hospital or rural emergency hospital.

b. The license held by the applicant to practice.

c. The training, experience, and competence of the applicant.

d. The relationship between the applicant's request for the granting of privileges and the hospital's or rural emergency hospital's current scope of patient care services, as well as the hospital's or rural emergency hospital's determination of the necessity to grant privileges to a practitioner authorized to provide comprehensive, appropriate, and cost-effective services.

4. The department shall also adopt rules requiring hospitals and rural emergency hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse, as defined in section 236.2.

5. The department shall also adopt rules requiring hospitals and rural emergency hospitals to establish and implement protocols for responding to the needs of patients who are victims of elder abuse, as defined in section 235F.1.

Sec. 9. Section 135B.7A, Code 2023, is amended to read as follows:

135B.7A Procedures — orders.

The department shall adopt rules that require hospitals and rural emergency hospitals to establish procedures for authentication of all verbal orders by a practitioner within a period not to exceed thirty days following a patient's discharge.

Sec. 10. Section 135B.8, Code 2023, is amended to read as follows:

135B.8 Effective date of rules.

Any hospital or rural emergency hospital which is in operation at the time of promulgation of any applicable rules or minimum standards under this chapter shall be given a reasonable time, not to exceed one year from the date of such promulgation, within which to comply with such rules and minimum standards.

Sec. 11. Section 135B.9, Code 2023, is amended to read as follows:

135B.9 Inspections and qualifications for hospital and rural emergency hospital inspectors — protection and advocacy agency investigations.

1. The department shall make or cause to be made inspections as it deems necessary in order to determine compliance with applicable rules. Hospital and rural emergency hospital inspectors shall meet the following qualifications:

a. Be free of conflicts of interest. A hospital or rural emergency hospital inspector shall not participate in an inspection or complaint investigation of a hospital or rural emergency hospital in which the inspector or a member of the inspector's immediate family works or has worked within the last two years. For purposes of this paragraph, "*immediate family member*" means a spouse; natural or adoptive parent, child, or sibling; or stepparent, stepchild, or stepsibling.

b. Complete a yearly conflict of interest disclosure statement.

c. Biennially, complete a minimum of ten hours of continuing education pertaining to hospital or rural emergency hospital operations including but not limited to quality and process improvement standards, trauma system standards, and regulatory requirements.

2. In the state resource centers and state mental health institutes operated by the department of human services, the designated protection and advocacy agency as provided

in section 135C.2, subsection 4, shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents and contact or interview with any resident, employee, or any other person who might have knowledge about the operation of the institution.

Sec. 12. Section 135B.12, Code 2023, is amended to read as follows:

135B.12 Confidentiality.

The department's final findings or the final survey findings of the joint commission on the accreditation of health care organizations or the American osteopathic association with respect to compliance by a hospital or rural emergency hospital with requirements for licensing or accreditation shall be made available to the public in a readily available form and place. Other information relating to a hospital or rural emergency hospital obtained by the department which does not constitute the department's findings from an inspection of the hospital or rural emergency hospital or the final survey findings of the joint commission on the accreditation of health care organizations or the American osteopathic association shall not be made available to the public, except in proceedings involving the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall remain confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or agents involved in the investigation of the complaint.

Sec. 13. Section 135B.14, Code 2023, is amended to read as follows:

135B.14 Judicial review.

Judicial review of the action of the department may be sought in accordance with chapter 17A. Notwithstanding the terms of chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hospital or rural emergency hospital is located or to be located, and the status quo of the petitioner or licensee shall be preserved pending final disposition of the matter in the courts.

Sec. 14. Section 135B.15, Code 2023, is amended to read as follows:

135B.15 Penalties.

Any person establishing, conducting, managing, or operating any hospital or rural emergency hospital without a license shall be guilty of a serious misdemeanor, and each day of continuing violation after conviction shall be considered a separate offense.

Sec. 15. Section 135B.16, Code 2023, is amended to read as follows:

135B.16 Injunction.

Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital or rural emergency hospital without a license.

Sec. 16. Section 135B.20, subsection 3, Code 2023, is amended to read as follows:

3. "Hospital" shall ~~mean~~ means all hospitals and rural emergency hospitals licensed under this chapter.

Sec. 17. Section 135B.33, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to availability of funds, the Iowa department of public health shall provide technical planning assistance to local boards of health and hospital or rural emergency hospital governing boards to ensure access to ~~hospital~~ such services in rural areas. The department shall encourage the local boards of health and hospital or rural emergency hospital governing boards to adopt a long-term community health services and developmental plan including the following:

Sec. 18. Section 135B.34, subsection 7, Code 2023, is amended to read as follows:

7. For the purposes of this section, ~~“comprehensive preliminary background check”~~:

a. “Comprehensive preliminary background check” means the same as defined in section 135C.1.

b. “Hospital” means a hospital or rural emergency hospital licensed under this chapter.

Sec. 19. EMERGENCY RULEMAKING AUTHORITY. The department shall 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 within six months of the effective date of this division of this Act and shall submit such rules to the administrative rules coordinator and the administrative code editor pursuant to section 17A.5, subsection 1, within the same period. 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. 20. APPLICABILITY. This division of this Act also applies to a facility, or due to change in ownership, a successor facility, that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A, as enacted in this division of this Act, with a population between thirty thousand and thirty-five thousand according to the 2020 federal decennial census, operating under a valid certificate of need on and prior to September 1, 2022. Notwithstanding any provision to the contrary, and in accordance with section 135B.5A, as amended in this division of this Act, the reopening of a general hospital by a successor facility as specified under this section and subsequent conversion to a rural emergency hospital under this division of this Act, shall not be subject to certificate of need requirements pursuant to section 135.63.

Sec. 21. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II AMBULATORY SURGICAL CENTERS

Sec. 22. NEW SECTION. 135R.1 Definitions.

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

1. “Ambulatory surgical center” means a distinct facility that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. “Ambulatory surgical center” includes a facility certified or seeking certification as an ambulatory surgical center under the federal Medicare program or under the medical assistance program established pursuant to chapter 249A. “Ambulatory surgical center” does not include the individual or group practice office of a private physician, podiatrist, or dentist who there engages in the lawful practice of surgery, not including cosmetic, reconstructive, or plastic surgery, or the portion of a licensed hospital designated for outpatient surgical treatment.

2. “Department” means the department of inspections and appeals.²

Sec. 23. NEW SECTION. 135R.2 Licensure.

A person, acting severally or jointly with any other person, shall not establish, operate, or maintain an ambulatory surgical center in this state without obtaining a license as provided under this chapter.

Sec. 24. NEW SECTION. 135R.3 Application for license — fee.

1. An applicant for an ambulatory surgical center license shall submit an application to the department. Applications shall be upon such forms and shall include such information as the department may reasonably require, which may include affirmative evidence of the ability to comply with reasonable rules and standards prescribed under this chapter but which shall not

² See chapter 119, §20 herein

exceed the requirements for applications required by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid of the United States department of health and human services.

2. An applicant for an initial ambulatory surgical center license that has been certified by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid of the United States department of health and human services shall be granted an initial license.³

3. An application for an initial license for an ambulatory surgical center shall be accompanied by a fee of fifty dollars.

4. The fees collected under this section shall be considered repayment receipts as defined in section 8.2 and shall be used by the department to administer this chapter.

Sec. 25. NEW SECTION. 135R.4 Rules.

1. The department, with the advice and approval of the state board of health, shall adopt rules specifying the standards for ambulatory surgical centers to be licensed under this chapter. The rules shall be consistent with and shall not exceed the requirements of this chapter and the conditions for coverage in the federal Medicare program for ambulatory surgical centers under 42 C.F.R. pt. 416.

2. The department shall adopt rules as the department deems necessary to administer the provisions of this chapter relating to the issuance, renewal, denial, suspension, and revocation of a license to establish, operate, and maintain an ambulatory surgical center.

3. An ambulatory surgical center which is in operation at the time of adoption of any applicable rules or standards under this chapter shall be given a reasonable time, not to exceed one year from the date of adoption, within which to comply with such rules and standards.

4. The department shall enforce the rules.

Sec. 26. NEW SECTION. 135R.5 Inspections or investigations.

1. The department shall make or cause to be made inspections or investigations of ambulatory surgical centers to determine compliance with this chapter and applicable rules and standards. The department shall perform inspections on a schedule that is of the same frequency required for inspections of Medicare-certified ambulatory surgical centers.

2. The department shall recognize, in lieu of its own licensure inspection, the comparable inspection and inspection findings of a Medicare conditions for coverage survey completed by the department or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services.

3. A department inspector shall not participate in an inspection or investigation of an ambulatory surgical center in which the inspector or a member of the inspector's immediate family works or has worked within the last two years or in which the inspector or the inspector's immediate family has a financial ownership interest. For the purposes of this section, "*immediate family member*" means a spouse, natural or adoptive parent or grandparent, child, grandchild, sibling, stepparent, stepchild, or stepsibling.

Sec. 27. NEW SECTION. 135R.6 Confidentiality.

The department's final findings with respect to compliance by an ambulatory surgical center with requirements for licensing shall be made available to the public in a readily available form and place. Other information relating to an ambulatory surgical center obtained by the department which does not constitute the department's findings from an inspection of the ambulatory surgical center shall not be made available to the public, except in proceedings involving the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall remain confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or agents involved in the investigation of the complaint.

³ See chapter 119, §38 herein

Sec. 28. NEW SECTION. **135R.7 Injunction.**

Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, operation, or maintenance of an ambulatory surgical center without a license.

Sec. 29. NEW SECTION. **135R.8 Judicial review.**

Judicial review of an action of the department may be sought in accordance with chapter 17A. Notwithstanding the provisions of chapter 17A, petitions for judicial review may be filed in the district court of the county in which the ambulatory surgical center is located or is to be located and the status quo of the petitioner or licensee shall be preserved pending final disposition of the judicial review matter.

Sec. 30. NEW SECTION. **135R.9 Penalties.**

Any person establishing, operating, or maintaining any ambulatory surgical center without a license commits a serious misdemeanor, and each day of continuing violation after conviction shall be considered a separate offense.

Sec. 31. Section 135.11, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 29. Adopt rules requiring ambulatory surgical centers to report quality data to the department of health and human services that is consistent with the data required to be reported to the centers for Medicare and Medicaid services of the United States department of health and human services as authorized by the Medicare Improvements and Extension Act of 2006 under Tit. I of the Tax Relief and Health Care Act of 2006, Pub. L. No. 109-432, and the regulations adopted under such Acts. Notwithstanding any provision of law to the contrary, nothing in this subsection shall require an ambulatory surgical center to provide health data to the department of health and human services or any other public or private entity that is in addition to, different than, or exceeds the quality data required to be reported to the centers for Medicare and Medicaid services of the United States department of health and human services.

Sec. 32. Section 135.61, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. “*Ambulatory surgical center*” means ambulatory surgical center as defined in section 135R.1.

Sec. 33. Section 135.61, subsection 14, paragraph d, Code 2023, is amended to read as follows:

d. An ~~outpatient~~ ambulatory surgical facility center.

Sec. 34. Section 135.61, subsection 21, Code 2023, is amended by striking the subsection.

Approved March 28, 2023

CHAPTER 17

CONSUMER DATA — CONSUMER RIGHTS AND CONTROLLER AND PROCESSOR DUTIES — ENFORCEMENT

S.F. 262

AN ACT relating to consumer data protection, providing civil penalties, and including effective date provisions.

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

Section 1. NEW SECTION. **715D.1 Definitions.**

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

1. “*Affiliate*” means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, “*control*” or “*controlled*” means:

a. Ownership of, or the power to vote, more than fifty percent of the outstanding shares of any class of voting security of a company.

b. Control in any manner over the election of a majority of the directors or of individuals exercising similar functions.

c. The power to exercise controlling influence over the management of a company.

2. “*Aggregate data*” means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer.

3. “*Authenticate*” means verifying through reasonable means that a consumer, entitled to exercise their consumer rights in section 715D.3, is the same consumer exercising such consumer rights with respect to the personal data at issue.

4. “*Biometric data*” means data generated by automatic measurements of an individual’s biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. “*Biometric data*” does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

5. “*Child*” means any natural person younger than thirteen years of age.

6. “*Consent*” means a clear affirmative act signifying a consumer’s freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. “*Consent*” may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

7. “*Consumer*” means a natural person who is a resident of the state acting only in an individual or household context and excluding a natural person acting in a commercial or employment context.

8. “*Controller*” means a person that, alone or jointly with others, determines the purpose and means of processing personal data.

9. “*Covered entity*” means the same as “*covered entity*” defined by HIPAA.

10. “*De-identified data*” means data that cannot reasonably be linked to an identified or identifiable natural person.

11. “*Fund*” means the consumer education and litigation fund established pursuant to section 714.16C.

12. “*Health care provider*” means any of the following:

a. A general hospital, ambulatory surgical or treatment center, skilled nursing center, or assisted living center licensed or certified by the state.

b. A psychiatric hospital licensed by the state.

c. A hospital operated by the state.

d. A hospital operated by the state board of regents.

e. A person licensed to practice medicine or osteopathy in the state.

f. A person licensed to furnish health care policies or plans in the state.

g. A person licensed to practice dentistry in the state.

h. “*Health care provider*” does not include a continuing care retirement community or any nursing facility of a religious body which depends upon prayer alone for healing.

13. “*Health Insurance Portability and Accountability Act*” or “*HIPAA*” means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder.

14. “*Health record*” means any written, printed, or electronically recorded material maintained by a health care provider in the course of providing health services to an individual concerning the individual and the services provided, including related health information provided in confidence to a health care provider.

15. “*Identified or identifiable natural person*” means a person who can be readily identified, directly or indirectly.

16. “*Institution of higher education*” means nonprofit private institutions of higher education and proprietary private institutions of higher education in the state, community colleges, and each associate-degree-granting and baccalaureate public institutions of higher education in the state.

17. “*Nonprofit organization*” means any corporation organized under chapter 504, any organization exempt from taxation under sections 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, any organization exempt from taxation under section 501(c)(4) of the Internal Revenue Code that is established to detect or prevent insurance-related crime or fraud, and any subsidiaries and affiliates of entities organized pursuant to chapter 499.

18. “*Personal data*” means any information that is linked or reasonably linkable to an identified or identifiable natural person. “*Personal data*” does not include de-identified or aggregate data or publicly available information.

19. “*Precise geolocation data*” means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty feet. “*Precise geolocation data*” does not include the content of communications, or any data generated by or connected to utility metering infrastructure systems or equipment for use by a utility.

20. “*Process*” or “*processing*” means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

21. “*Processor*” means a person that processes personal data on behalf of a controller.

22. “*Protected health information*” means the same as protected health information established by HIPAA.

23. “*Pseudonymous data*” means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

24. “*Publicly available information*” means information that is lawfully made available through federal, state, or local government records, or information that a business has reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

25. “*Sale of personal data*” means the exchange of personal data for monetary consideration by the controller to a third party. “*Sale of personal data*” does not include:

a. The disclosure of personal data to a processor that processes the personal data on behalf of the controller.

b. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer or a parent of a child.

c. The disclosure or transfer of personal data to an affiliate of the controller.

d. The disclosure of information that the consumer intentionally made available to the general public via a channel of mass media and did not restrict to a specific audience.

e. The disclosure or transfer of personal data when a consumer uses or directs a controller to intentionally disclose personal data or intentionally interact with one or more third parties.

f. The disclosure or transfer of personal data to a third party as an asset that is part of a proposed or actual merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller’s assets.

26. “*Sensitive data*” means a category of personal data that includes the following:

a. Racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status, except to the extent such data is used in order to avoid discrimination on the basis of a protected class that would violate a federal or state anti-discrimination law.

b. Genetic or biometric data that is processed for the purpose of uniquely identifying a natural person.

c. The personal data collected from a known child.

d. Precise geolocation data.

27. “State agency” means the same as defined in 129 IAC 10.2(8B).

28. “Targeted advertising” means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer’s activities over time and across nonaffiliated websites or online applications to predict such consumer’s preferences or interests. “Targeted advertising” does not include the following:

a. Advertisements based on activities within a controller’s own or affiliated websites or online applications.

b. Advertisements based on the context of a consumer’s current search query, visit to a website, or online application.

c. Advertisements directed to a consumer in response to the consumer’s request for information or feedback.

d. Processing personal data solely for measuring or reporting advertising performance, reach, or frequency.

29. “Third party” means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

30. “Trade secret” means information, including but not limited to a formula, pattern, compilation, program, device, method, technique, or process, that consists of the following:

a. Information that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

b. Information that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Sec. 2. NEW SECTION. 715D.2 Scope and exemptions.

1. This chapter applies to a person conducting business in the state or producing products or services that are targeted to consumers who are residents of the state and that during a calendar year does either of the following:

a. Controls or processes personal data of at least one hundred thousand consumers.

b. Controls or processes personal data of at least twenty-five thousand consumers and derives over fifty percent of gross revenue from the sale of personal data.

2. This chapter shall not apply to the state or any political subdivision of the state; financial institutions, affiliates of financial institutions, or data subject to Tit. V of the federal Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 et seq.; persons who are subject to and comply with regulations promulgated pursuant to Tit. II, subtit. F, of the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and Tit. XIII, subtit. D, of the federal Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §17921 - 17954; nonprofit organizations; or institutions of higher education.

3. The following information and data is exempt from this chapter:

a. Protected health information under HIPAA.

b. Health records.

c. Patient identifying information for purposes of 42 U.S.C. §290dd-2.

d. Identifiable private information for purposes of the federal policy for the protection of human subjects under 45 C.F.R. pt. 46.

e. Identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonization of technical requirements for pharmaceuticals for human use.

f. The protection of human subjects under 21 C.F.R. pts. 6, 50, and 56.

g. Personal data used or shared in research conducted in accordance with the requirements set forth in this chapter, or other research conducted in accordance with applicable law.

h. Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §11101 et seq.

i. Patient safety work product for purposes of the federal Patient Safety and Quality Improvement Act, 42 U.S.C. §299b-21 et seq.

j. Information derived from any of the health care-related information listed in this subsection that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA.

k. Information originating from, and intermingled to be indistinguishable with, or information treated in the same manner as information exempt under this subsection that is maintained by a covered entity or business associate as defined by HIPAA or a program or a qualified service organization as defined by 42 U.S.C. §290dd-2.

l. Information used only for public health activities and purposes as authorized by HIPAA.

m. The collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency or furnisher that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act, 15 U.S.C. §1681 et seq.

n. Personal data collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §2721 et seq.

o. Personal data regulated by the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232 et seq.

p. Personal data collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act, 12 U.S.C. §2001 et seq.

q. Data processed or maintained as follows:

(1) In the course of an individual applying to, employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role.

(2) As the emergency contact information of an individual under this chapter used for emergency contact purposes.

(3) That is necessary to retain to administer benefits for another individual relating to the individual under subparagraph (1) and used for the purposes of administering those benefits.

r. Personal data used in accordance with the federal Children's Online Privacy Protection Act, 15 U.S.C. §6501 – 6506, and its rules, regulations, and exceptions thereto.

Sec. 3. NEW SECTION. 715D.3 Consumer data rights.

1. A consumer may invoke the consumer rights authorized pursuant to this section at any time by submitting a request to the controller, through the means specified by the controller pursuant to section 715D.4, subsection 6, specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke such consumer rights on behalf of the known child regarding processing personal data belonging to the child. A controller shall comply with an authenticated consumer request to exercise all of the following:

a. To confirm whether a controller is processing the consumer's personal data and to access such personal data.

b. To delete personal data provided by the consumer.

c. To obtain a copy of the consumer's personal data, except as to personal data that is defined as "*personal information*" pursuant to section 715C.1 that is subject to security breach protection, that the consumer previously provided to the controller in a portable and, to the extent technically practicable, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

d. To opt out of the sale of personal data.

2. Except as otherwise provided in this chapter, a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to this section as follows:

a. A controller shall respond to the consumer without undue delay, but in all cases within ninety days of receipt of a request submitted pursuant to the methods described in this section. The response period may be extended once by forty-five additional days when reasonably necessary upon considering the complexity and number of the consumer's requests by informing the consumer of any such extension within the initial ninety-day response period, together with the reason for the extension.

b. If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay of the justification for declining to take action, except in the case of a suspected fraudulent request, in which case the controller may state

that the controller was unable to authenticate the request. The controller shall also provide instructions for appealing the decision pursuant to subsection 3.

c. Information provided in response to a consumer request shall be provided by a controller free of charge, up to twice annually per consumer. If a request from a consumer is manifestly unfounded, excessive, repetitive, technically unfeasible, or the controller reasonably believes that the primary purpose of the request is not to exercise a consumer right, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, excessive, repetitive, or technically unfeasible nature of the request.

d. If a controller is unable to authenticate a request using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action under this section and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

3. A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to this section. The appeal process shall be conspicuously available and similar to the process for submitting requests to initiate action pursuant to this section. Within sixty days of receipt of an appeal, a controller shall inform the consumer in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decision. If the appeal is denied, the controller shall also provide the consumer with an online mechanism through which the consumer may contact the attorney general to submit a complaint.

Sec. 4. NEW SECTION. 715D.4 Data controller duties.

1. A controller shall adopt and implement reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue.

2. A controller shall not process sensitive data collected from a consumer for a nonexempt purpose without the consumer having been presented with clear notice and an opportunity to opt out of such processing, or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with the federal Children's Online Privacy Protection Act, 15 U.S.C. §6501 et seq.

3. A controller shall not process personal data in violation of state and federal laws that prohibit unlawful discrimination against a consumer. A controller shall not discriminate against a consumer for exercising any of the consumer rights contained in this chapter, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, nothing in this chapter shall be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not collect or maintain or to prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised the consumer's right to opt out pursuant to section 715D.3 or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program.

4. Any provision of a contract or agreement that purports to waive or limit in any way consumer rights pursuant to section 715D.3 shall be deemed contrary to public policy and shall be void and unenforceable.

5. A controller shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes the following:

- a. The categories of personal data processed by the controller.
- b. The purpose for processing personal data.
- c. How consumers may exercise their consumer rights pursuant to section 715D.3, including how a consumer may appeal a controller's decision with regard to the consumer's request.
- d. The categories of personal data that the controller shares with third parties, if any.
- e. The categories of third parties, if any, with whom the controller shares personal data.

6. If a controller sells a consumer's personal data to third parties or engages in targeted advertising, the controller shall clearly and conspicuously disclose such activity, as well as the manner in which a consumer may exercise the right to opt out of such activity.

7. A controller shall establish, and shall describe in a privacy notice, secure and reliable means for consumers to submit a request to exercise their consumer rights under this chapter. Such means shall consider the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests, and the ability of the controller to authenticate the identity of the consumer making the request. A controller shall not require a consumer to create a new account in order to exercise consumer rights pursuant to section 715D.3, but may require a consumer to use an existing account.

Sec. 5. NEW SECTION. 715D.5 Processor duties.

1. A processor shall assist a controller in duties required under this chapter, taking into account the nature of processing and the information available to the processor by appropriate technical and organizational measures, insofar as is reasonably practicable, as follows:

a. To fulfill the controller's obligation to respond to consumer rights requests pursuant to section 715D.3.

b. To meet the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a security breach of the processor pursuant to section 715C.2.

2. A contract between a controller and a processor shall govern the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract shall clearly set forth instructions for processing personal data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and duties of both parties. The contract shall also include requirements that the processor shall do all of the following:

a. Ensure that each person processing personal data is subject to a duty of confidentiality with respect to the data.

b. At the controller's direction, delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law.

c. Upon the reasonable request of the controller, make available to the controller all information in the processor's possession necessary to demonstrate the processor's compliance with the obligations in this chapter.

d. Engage any subcontractor or agent pursuant to a written contract in accordance with this section that requires the subcontractor to meet the duties of the processor with respect to the personal data.

3. Nothing in this section shall be construed to relieve a controller or a processor from imposed liabilities by virtue of the controller or processor's role in the processing relationship as defined by this chapter.

4. Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor.

Sec. 6. NEW SECTION. 715D.6 Processing data — exemptions.

1. Nothing in this chapter shall be construed to require the following:

a. A controller or processor to re-identify de-identified data or pseudonymous data.

b. Maintaining data in identifiable form.

c. Collecting, obtaining, retaining, or accessing any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

2. Nothing in this chapter shall be construed to require a controller or processor to comply with an authenticated consumer rights request, pursuant to section 715D.3, if all of the following apply:

a. The controller is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data.

b. The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer.

c. The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this chapter.

3. Consumer rights contained in sections 715D.3 and 715D.4 shall not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

4. Controllers that disclose pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.

Sec. 7. NEW SECTION. 715D.7 Limitations.

1. Nothing in this chapter shall be construed to restrict a controller's or processor's ability to do the following:

a. Comply with federal, state, or local laws, rules, or regulations.

b. Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities.

c. Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations.

d. Investigate, establish, exercise, prepare for, or defend legal claims.

e. Provide a product or service specifically requested by a consumer or parent or guardian of a child, perform a contract to which the consumer or parent or guardian of a child is a party, including fulfilling the terms of a written warranty, or take steps at the request of the consumer or parent or guardian of a child prior to entering into a contract.

f. Take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis.

g. Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity.

h. Preserve the integrity or security of systems.

i. Investigate, report, or prosecute those responsible for any such action.

j. Engage in public or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, or similar independent oversight entities that determine the following:

(1) If the deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller.

(2) The expected benefits of the research outweigh the privacy risks.

(3) If the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with re-identification.

k. Assist another controller, processor, or third party with any of the obligations under this subsection.

2. The obligations imposed on a controller or processor under this chapter shall not restrict a controller's or processor's ability to collect, use, or retain data as follows:

a. To conduct internal research to develop, improve, or repair products, services, or technology.

b. To effectuate a product recall.

c. To identify and repair technical errors that impair existing or intended functionality.

d. To perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or parent or guardian of a child or the performance of a contract to which the consumer or parent or guardian of a child is a party.

3. The obligations imposed on controllers or processors under this chapter shall not apply where compliance by the controller or processor with this chapter would violate an evidentiary privilege under the laws of the state. Nothing in this chapter shall be construed to prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of the state as part of a privileged communication.

4. A controller or processor that discloses personal data to a third-party controller or processor, in compliance with the requirements of this chapter, is not in violation of this chapter if the third-party controller or processor that receives and processes such personal data is in violation of this chapter, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of this chapter is likewise not in violation of this chapter for the offenses of the controller or processor from which it receives such personal data.

5. Nothing in this chapter shall be construed as an obligation imposed on a controller or a processor that adversely affects the privacy or other rights or freedoms of any persons, such as exercising the right of free speech pursuant to the first amendment to the United States Constitution, or applies to personal data by a person in the course of a purely personal or household activity.

6. Personal data processed by a controller pursuant to this section shall not be processed for any purpose other than those expressly listed in this section unless otherwise allowed by this chapter. Personal data processed by a controller pursuant to this section may be processed to the extent that such processing is as follows:

a. Reasonably necessary and proportionate to the purposes listed in this section.

b. Adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. Personal data collected, used, or retained pursuant to this section shall, where applicable, take into account the nature and purpose or purposes of such collection, use, or retention. Such data shall be subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data.

7. If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that such processing qualifies for the exemption and complies with the requirements in subsection 6.

8. Processing personal data for the purposes expressly identified in subsection 1 shall not in and of itself make an entity a controller with respect to such processing.

9. This chapter shall not require a controller, processor, third party, or consumer to disclose trade secrets.

Sec. 8. **NEW SECTION. 715D.8 Enforcement — penalties.**

1. The attorney general shall have exclusive authority to enforce the provisions of this chapter. Whenever the attorney general has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any violation of this chapter, the attorney general is empowered to issue a civil investigative demand. The provisions of section 685.6 shall apply to civil investigative demands issued under this chapter.

2. Prior to initiating any action under this chapter, the attorney general shall provide a controller or processor ninety days' written notice identifying the specific provisions of this chapter the attorney general alleges have been or are being violated. If within the ninety-day period, the controller or processor cures the noticed violation and provides the attorney general an express written statement that the alleged violations have been cured and that

no further such violations shall occur, no action shall be initiated against the controller or processor.

3. If a controller or processor continues to violate this chapter following the cure period in subsection 2 or breaches an express written statement provided to the attorney general under that subsection, the attorney general may initiate an action in the name of the state and may seek an injunction to restrain any violations of this chapter and civil penalties of up to seven thousand five hundred dollars for each violation under this chapter. Any moneys collected under this section including civil penalties, costs, attorney fees, or amounts which are specifically directed shall be paid into the consumer education and litigation fund established under section 714.16C.

4. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations of this chapter or under any other law.

Sec. 9. NEW SECTION. 715D.9 Preemption.

1. This chapter supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by a city, county, municipality, or local agency regarding the processing of personal data by controllers or processors.

2. Any reference to federal, state, or local law or statute in this chapter shall be deemed to include any accompanying rules or regulations or exemptions thereto, or in the case of a federal agency, guidance issued by such agency thereto.

Sec. 10. EFFECTIVE DATE. This Act takes effect January 1, 2025.

Approved March 28, 2023

CHAPTER 18

REVIEW OF PROPERTY TAX PROTESTS BY COUNTY BOARDS OF REVIEW

S.F. 445

AN ACT relating to protests considered by local boards of review and including effective date and applicability provisions.

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

Section 1. Section 441.31, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For a ten-member county board of review created under paragraph “b”, the chairperson of the board may authorize the board of review to convene subunits of the board of not less than three members for the purpose of conducting hearings, receiving evidence, and making recommendations for the resolution of protests to then be considered by the full board of review. Meetings of a majority, but in no case less than three members, of the subunit members under this paragraph shall constitute a meeting of a governmental body under section 21.2, subsection 2, and the meeting shall be conducted in accordance with chapter 21. If a protest is considered by a subunit of the board, the recommendation of the subunit must subsequently be considered by the full board of review for final disposition. A recommendation of a subunit of the board of review may be modified by the full board of review prior to approval.

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

Sec. 3. APPLICABILITY. This Act applies to assessment protests for assessment years beginning on or after January 1, 2023.

Approved April 4, 2023

CHAPTER 19

STATE GOVERNMENT REORGANIZATION

S.F. 514

AN ACT relating to the organization, structure, and functions of state government, providing for salaries of appointed state officers, providing for penalties, making appropriations, providing Code editor directives and transition provisions, and including applicability and effective date provisions.

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

DIVISION I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Section 1. Section 2.56, subsection 5, Code 2023, is amended to read as follows:

5. The legislative services agency, in cooperation with the ~~division of department of health and human services as the agency responsible for~~ criminal and juvenile justice planning ~~of the department of human rights~~, shall develop a protocol for analyzing the impact of the legislation on minorities.

Sec. 2. Section 7A.3, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Director of the ~~department of~~ health and human services.

Sec. 3. Section 7A.30, subsection 1, Code 2023, is amended to read as follows:

1. Each state board, commission, department, and division of state government and each institution under the control of the department of health and human services, the Iowa department of corrections and the state board of regents and each division of the state department of transportation are responsible for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control, and management. The inventories shall be in the form prescribed by the director of the department of administrative services.

Sec. 4. Section 7D.29, subsection 3, Code 2023, is amended to read as follows:

3. The executive council shall receive requests from the ~~Iowa~~ department of ~~public~~ health and human services relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may authorize payment of the necessary expense. The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

Sec. 5. Section 7E.5, subsection 1, paragraphs i, j, k, and s, Code 2023, are amended to read as follows:

i. The department of health and human services, ~~created in section 217.1,~~ which has primary responsibility for services to individuals to promote the well-being and the social and economic development of the people of the state;

j. ~~The Iowa department of public health, created in chapter 135, which has primary responsibility for supervision of public health programs, promotion of public hygiene and~~

sanitation, treatment and prevention of substance abuse use disorder, and enforcement of related laws;-

~~k. The department on aging, created in section 231.21, which has primary responsibility for leadership and program management for programs which serve the older individuals of the state; and for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, African Americans, deaf and hard-of-hearing persons, persons of Asian and Pacific Islander heritage, and Native Americans.~~

~~s. The department of human rights, created in section 216A.1, which has primary responsibility for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, African Americans, deaf and hard-of-hearing persons, persons of Asian and Pacific Islander heritage, and Native Americans.~~

Sec. 6. Section 8.39, subsection 2, Code 2023, is amended to read as follows:

2. If the appropriation of a department, institution, or agency is insufficient to properly meet the legitimate expenses of the department, institution, or agency, the director, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient funds to meet that deficiency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed fifty percent of the amount of the appropriation as enacted by the general assembly. For the purposes of this subsection, an entitlement appropriation is a line item appropriation to the state public defender for indigent defense or to the department of health and human services for foster care, state supplementary assistance, or medical assistance, or for the family investment program.

Sec. 7. Section 8A.321, subsection 4, Code 2023, is amended to read as follows:

4. Contract, with the approval of the executive council, for the repair, remodeling, or, if the condition warrants, demolition of all buildings and grounds of the state at the seat of government, at the state laboratories facility in Ankeny, and the institutions of the department of health and human services and the department of corrections for which no specific appropriation has been made, if the cost of repair, remodeling, or demolition will not exceed one hundred thousand dollars when completed. The cost of repair projects for which no specific appropriation has been made shall be paid as an expense authorized by the executive council as provided in section 7D.29.

Sec. 8. Section 8A.362, subsection 8, Code 2023, is amended to read as follows:

8. All fuel used in state-assigned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of health and human services, or state motor pools throughout the state, unless the state-owned sources for the purchase of fuel are not reasonably accessible. If the director determines that state-owned sources for the purchase of fuel are not reasonably accessible, the director shall authorize the purchase of fuel from other sources. The director may prescribe a manner, other than the use of the revolving fund, in which the purchase of fuel from state-owned sources is charged to the state agency responsible for the use of the motor vehicle. The director shall prescribe the manner in which oil and other normal motor vehicle maintenance for state-owned motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state motor pool. The director may advertise for bids and award contracts in accordance with competitive bidding procedures for items and services as provided in this subchapter for furnishing fuel, oil, grease, and vehicle

replacement parts for all state-owned motor vehicles. The director and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol blended gasoline.

Sec. 9. Section 8A.504, subsection 1, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) Any debt, which is assigned to the department of health and human services, or which is owed to the department of health and human services for unpaid premiums under section 249A.3, subsection 2, paragraph "a", subparagraph (1), or which ~~the child support recovery unit services~~ is otherwise attempting to collect, or which ~~the foster care recovery unit services~~ of the department of health and human services is attempting to collect on behalf of a child receiving foster care provided by the department of health and human services.

Sec. 10. Section 8A.504, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The collection entity shall establish and maintain a procedure to set off against any claim owed to a person by a public agency any liability of that person owed to a public agency, a support debt being enforced by ~~the child support recovery unit services~~ pursuant to chapter 252B, or such other qualifying debt. The procedure shall only apply when at the discretion of the director it is feasible. The procedure shall meet the following conditions:

Sec. 11. Section 8A.512, subsection 1, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) Claims for medical assistance payments authorized under chapter 249A are subject to the time limits imposed by rule adopted by the department of health and human services.

Sec. 12. Section 10A.108, Code 2023, is amended to read as follows:

10A.108 Improper health and human services entitlement benefits or provider payments — debt, lien, collection.

1. a. If a person refuses or neglects to repay benefits or provider payments inappropriately obtained from the department of health and human services, the amount inappropriately obtained, including any interest, penalty, or costs attached to the amount, constitutes a debt and is a lien in favor of the state upon all property and any rights or title to or interest in property, whether real or personal, belonging to the person for the period established in subsection 2, with the exception of property which is exempt from execution pursuant to chapter 627.

b. A lien under this section shall not attach to any amount of inappropriately obtained benefits or provider payments, or portions of the benefits or provider payments, attributable to errors by the department of health and human services. Liens shall only attach to the amounts of inappropriately obtained benefits or provider payments or portions of the benefits or provider payments which were obtained due to false, misleading, incomplete, or inaccurate information submitted by a person in connection with the application for or receipt of benefits or provider payments.

2. a. The lien attaches at the time the notice of the lien is filed under subsection 3, and continues for ten years from that date, unless released or otherwise discharged at an earlier time.

b. The lien may be extended, within ten years from the date of attachment, if a person files a notice with the county recorder or other appropriate county official of the county in which the property is located at the time of filing the extension. From the time of the filing of the notice, the lien period shall be extended for ten years to apply to the property in the county in which the notice is filed, unless released or otherwise discharged at an earlier time. The number of extensions is not limited.

c. The ~~director~~ department shall discharge any lien which is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the ~~director~~ department determines, under uniform rules prescribed by the director, that the account is uncollectible or collection costs involved would not warrant collection of the amount due.

3. To preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property located in a county, the director shall

file a notice of the lien with the recorder of the county in which the property is located at the time of filing of the notice.

4. The county recorder of each county shall prepare and maintain in the recorder's office an index of liens of debts established based upon benefits or provider payments inappropriately obtained from and owed the department of health and human services, containing the applicable entries specified in sections 558.49 and 558.52, and providing appropriate columns for all of the following data, under the names of debtors, arranged alphabetically:

- a. The name of the debtor.
- b. "State of Iowa, Department of Health and Human Services" as claimant.
- c. The time that the notice of the lien was filed for recording.
- d. The date of notice.
- e. The amount of the lien currently due.
- f. The date of the assessment.
- g. The date of satisfaction of the debt.
- h. Any extension of the time period for application of the lien and the date that the notice for extension was filed.

5. The recorder shall endorse on each notice of lien the day and time filed for recording and the document reference number, and shall preserve the notice. The recorder shall index the notice and shall record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing.

6. The department shall pay, from moneys appropriated to the department for this purpose, recording fees as provided in section 331.604, for the recording of the lien.

7. Upon payment of a debt for which the ~~director~~ department has filed notice with a county recorder, the ~~director~~ department shall provide to the debtor a satisfaction of the debt. The debtor shall be responsible for filing the satisfaction of the debt with the recorder and the recorder shall enter the satisfaction on the notice on file in the recorder's office.

8. The department of inspections, and appeals, and licensing, as provided in this chapter and chapter 626, shall proceed to collect all debts owed the department of health and human services as soon as practicable after the debt becomes delinquent. If service has not been made on a distress warrant by the officer to whom addressed within five days from the date the distress warrant was received by the officer, the authorized investigators of the department of inspections, and appeals, and licensing may serve and make return of the warrant to the clerk of the district court of the county named in the distress warrant, and all subsequent procedures shall be in compliance with chapter 626.

9. The distress warrant shall be in a form as prescribed by the director, shall be directed to the sheriff of the appropriate county, and shall identify the debtor, the type of debt, and the delinquent amount. The distress warrant shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the debtor to satisfy the amount of the delinquency plus costs. The distress warrant shall also direct the sheriff to make due and prompt return to the department or to the district court under chapter 626 of all amounts collected.

10. The attorney general, upon the request of the director of inspections, and appeals, and licensing, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under this section, and in the action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

11. The remedies of the state shall be cumulative and no action taken by the director of inspections, and appeals, and licensing or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

Sec. 13. Section 10A.402, subsections 4 and 5, Code 2023, are amended to read as follows:

4. Investigations and collections relative to the liquidation of overpayment debts owed to the department of health and human services. Collection methods include but are not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of health and human services.

5. Investigations relative to the administration of the state supplementary assistance program, the state medical assistance program, the ~~food-stamp~~ supplemental nutrition assistance program, the family investment program, and any other state or federal benefit assistance program.

Sec. 14. Section 11.5B, Code 2023, is amended to read as follows:

11.5B Repayment of audit expenses by state departments and agencies.

The auditor of state shall be reimbursed by a department or agency for performing audits or examinations of the following state departments or agencies, or funds received by a department or agency:

1. Department of commerce.
2. Department of health and human services.
3. State department of transportation.
4. ~~Iowa department of public health.~~
5. 4. State board of regents.
6. 5. Department of agriculture and land stewardship.
7. 6. Iowa veterans home.
8. 7. Department of education.
9. 8. Department of workforce development.
10. 9. Department of natural resources.
11. 10. Offices of the clerks of the district court of the judicial branch.
12. 11. The Iowa public employees' retirement system.
13. 12. Federal financial assistance, as defined in the federal Single Audit Act, 31 U.S.C. §7501, et seq., received by all other departments.
14. 13. Department of administrative services.
15. 14. Office of the chief information officer of the department of management.

Sec. 15. Section 11.6, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The financial condition and transactions of community mental health centers organized under chapter 230A, substance ~~abuse~~ use disorder programs organized under chapter 125, and community action agencies organized under chapter 216A, shall be audited at least once each year.

Sec. 16. Section 12.10, Code 2023, is amended to read as follows:

12.10 Deposits by state officers.

Except as otherwise provided, all elective and appointive state officers, boards, commissions, and departments shall, within ten days succeeding the collection, deposit with the treasurer of state, or to the credit of the treasurer of state in any depository designated by the treasurer of state, ninety percent of all fees, commissions, and moneys collected or received. The balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand dollars and money collected shall not be held more than thirty days. This section does not apply to the state fair board, the state board of regents, the utilities board of the department of commerce, the director of ~~the department of health and~~ human services, the Iowa finance authority, or to the funds received by the state racing and gaming commission under sections 99D.7 and 99D.14.

Sec. 17. Section 12E.3A, subsection 1, Code 2023, is amended to read as follows:

1. The general assembly reaffirms and reenacts the purposes stated for the use of moneys deposited in the healthy Iowans tobacco trust, as the purposes were enacted in 2000 Iowa Acts, ch. 1232, §12, and codified in section 12.65, Code 2007, as the purposes for the endowment for Iowa's health account. The purposes include those purposes related to health care, substance ~~abuse~~ use disorder treatment and enforcement, tobacco use prevention and control, and other purposes related to the needs of children, adults, and families in the state.

Sec. 18. Section 15.102, subsection 12, paragraph b, subparagraph (1), subparagraph division (d), Code 2023, is amended to read as follows:

- (d) Psychoactive substance ~~abuse~~ use disorders resulting from current illegal use of drugs.

Sec. 19. Section 15H.1A, Code 2023, is amended to read as follows:

15H.1A Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. ~~“Authority” means the economic development authority created in section 15.105.~~
2. 1. ~~“Commission” means the Iowa commission on volunteer service created in section 15H.2.~~
2. “Department” means the department of health and human services.
3. “Director” means the director of the authority health and human services.

Sec. 20. Section 15H.2, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa commission on volunteer service is created within the authority department. The governor shall appoint the commission’s members. The director may employ personnel as necessary to carry out the duties and responsibilities of the commission.

Sec. 21. Section 15H.2, subsection 3, paragraph i, Code 2023, is amended to read as follows:

- i. Administer the retired and senior volunteer program.

Sec. 22. Section 15H.4, subsection 1, Code 2023, is amended to read as follows:

1. The authority department shall serve as the lead agency for administration of the commission. The authority department may consult with the department of education, the state board of regents, and the department of workforce development for any additional administrative support as necessary to fulfill the duties of the commission. All other state agencies, at the request of the authority department, shall provide assistance to the commission to ensure a fully coordinated state effort for promoting national and community service.

Sec. 23. Section 15H.5, subsection 5, paragraph a, Code 2023, is amended to read as follows:

- a. Funding for the Iowa summer youth corps program, the Iowa green corps program established pursuant to section 15H.6, the Iowa reading corps program established pursuant to section 15H.7, the RefugeeRISE AmeriCorps program established pursuant to section 15H.8, and the Iowa national service corps program established pursuant to section 15H.9 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the economic development authority department under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the authority department and obligate moneys within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

Sec. 24. Section 15H.8, Code 2023, is amended to read as follows:

15H.8 RefugeeRISE AmeriCorps program.

1. a. The commission, in collaboration with the department of ~~human services~~, shall establish a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state.
- b. The commission, in collaboration with the department of ~~human services~~, may adopt rules pursuant to chapter 17A to implement and administer this section.
2. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.
3. The commission shall submit an annual report to the general assembly and the department of ~~human services~~ relating to the efficacy of the program.

Sec. 25. Section 15H.10, subsection 6, Code 2023, is amended to read as follows:

6. Notwithstanding section 8.33, moneys appropriated to the ~~economic development authority~~ department for allocation to the commission for purposes of this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available to be used for the purposes designated in this section until the close of the succeeding fiscal year.

Sec. 26. Section 16.2D, subsection 1, Code 2023, is amended to read as follows:

1. A council on homelessness is created ~~consisting of twenty members, eleven of whom are voting members and nine of whom are nonvoting members~~. At all times, at least one voting member shall be a member of a minority group.

Sec. 27. Section 16.2D, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. ~~Nine nonvoting~~ Nonvoting agency director members consisting of all of the following:

- (1) The director of the department of education or the director's designee.
- (2) The director of health and human services or the director's designee.
- (3) The attorney general or the attorney general's designee.
- ~~(4) The director of public health or the director's designee.~~
- ~~(5) The director of the department on aging or the director's designee.~~
- ~~(6) (4)~~ (4) The director of the department of corrections or the director's designee.
- ~~(7) (5)~~ (5) The director of the department of workforce development or the director's designee.
- ~~(8) (6)~~ (6) The executive director of the Iowa finance authority or the executive director's designee.
- ~~(9) (7)~~ (7) The director of the department of veterans affairs or the director's designee.

Sec. 28. Section 16.3, subsection 9, Code 2023, is amended to read as follows:

9. The interest costs paid by group homes of fifteen beds or less licensed as health care facilities or child foster care facilities for facility acquisition and indirectly reimbursed by the department of health and human services through payments for patients at those facilities who are recipients of medical assistance or state supplementary assistance are severe drains on the state's budget. A reduction in these costs obtained through financing with tax-exempt revenue bonds would clearly be in the public interest.

Sec. 29. Section 16.47, subsection 3, Code 2023, is amended to read as follows:

3. The authority, in cooperation with the department ~~on aging of health and human services~~, shall annually allocate moneys available in the home and community-based services revolving loan program fund to develop and expand facilities and infrastructure that provide adult day services, respite services, congregate meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

Sec. 30. Section 16.48, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A transitional housing revolving loan program fund is created within the authority to further the availability of affordable housing for parents that are reuniting with their children while completing or participating in substance ~~abuse~~ use disorder treatment. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable transitional housing, including through new construction or acquisition and rehabilitation of existing housing. The housing provided shall be geographically located in close proximity to licensed substance ~~abuse~~ use disorder treatment programs. Preference in funding shall be given to projects that reunite mothers with the mothers' children.

3. The authority shall annually allocate moneys available in the transitional housing revolving loan program fund for the development of affordable transitional housing for parents that are reuniting with the parents' children while completing or participating in substance ~~abuse~~ use disorder treatment. The authority shall develop a joint application process for the allocation of federal low-income housing tax credits and the funds available

under this section. Moneys allocated to such projects may be in the form of loans, grants, or a combination of loans and grants.

Sec. 31. Section 16.49, subsection 4, Code 2023, is amended to read as follows:

4. a. A project shall demonstrate written approval of the project by the department of health and human services to the authority prior to application for funding under this section.

b. In order to be approved by the department of health and human services for application for funding for development of permanent supportive housing under this section, a project shall include all of the following components:

(1) Provision of services to any of the following Medicaid waiver-eligible individuals:

(a) Individuals who are currently underserved in community placements, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the psychiatric medical institution for children level of care.

(b) Individuals who are currently residing in out-of-state facilities.

(c) Individuals who are currently receiving care in a licensed health care facility.

(2) A plan to provide each individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

c. In order to be approved by the department of health and human services for application for funding for development of infrastructure in which to provide supportive services under this section, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care.

(2) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

d. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

Sec. 32. Section 22.7, subsections 2, 16, 35, 61, and 62, Code 2023, are amended to read as follows:

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 915.20A. However, the Iowa department of public health and human services shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

16. Information in a report to the Iowa department of public health and human services, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

35. Records of the Iowa department of public health and human services pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

61. Records of the department ~~on aging of health and human services~~ pertaining to clients served by the state office or a local office of public guardian as defined in section 231E.3.

62. Records maintained by the department ~~on aging of health and human services~~ or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department ~~on aging of health and human services~~, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under section 231.42, subsection 12, paragraph "a".

Sec. 33. Section 23A.2, subsection 10, paragraph 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The offering of goods and services to the public as part of a client training program operated by a state resource center under the control of the department of health and human services provided that all of the following conditions are met:

Sec. 34. Section 23A.2, subsection 10, paragraph 1, subparagraph (1), Code 2023, is amended to read as follows:

(1) Any off-campus vocational or employment training program developed or operated by the department of health and human services for clients of a state resource center is a supported vocational training program or a supported employment program offered by a community-based provider of services or other employer in the community.

Sec. 35. Section 28M.1, subsection 7, Code 2023, is amended to read as follows:

7. “*Transportation*” means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, or the carrying of individuals upon cars operated upon stationary rails, between one geographic point and another geographic point. “*Transportation*” does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions.

Sec. 36. Section 35A.5, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. Coordinate with United States department of veterans affairs hospitals, health care facilities, and clinics in this state and the department of public health and human services to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

Sec. 37. Section 35D.14A, Code 2023, is amended to read as follows:

35D.14A Volunteer record checks.

1. Persons who are potential volunteers or volunteers in the Iowa veterans home in a position having direct individual contact with patients or residents of the home shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The Iowa veterans home shall request that the department of public safety perform the criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

2. a. If it is determined that a person has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the person shall not participate as a volunteer with direct individual contact with patients or residents of the Iowa veterans home unless an evaluation has been performed by the department of human services record check evaluation system to determine whether the crime or founded child or dependent adult abuse warrants prohibition of the person’s participation as a volunteer in the Iowa veterans home. The department of human services record check evaluation system shall perform such evaluation upon the request of the Iowa veterans home.

b. In an evaluation, the department of human services record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved.

c. If the department of human services record check evaluation system performs an evaluation for the purposes of this section, the department of human services record check evaluation system has final authority in determining whether prohibition of the person’s participation as a volunteer is warranted. The department of human services record check

evaluation system may permit a person who is evaluated to participate as a volunteer if the person complies with the ~~department's record check evaluation system's~~ conditions relating to participation as a volunteer which may include completion of additional training.

Sec. 38. Section 47.7, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. On or before January 1, 2006, the state registrar of voters shall implement in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration file defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The state voter registration system shall be coordinated with other agency databases within the state, including, but not limited to, state department of transportation driver's license records, judicial records of convicted felons and persons declared incompetent to vote, and ~~Iowa~~ Iowa department of ~~public health and human services~~ public health and human services records of deceased persons.

Sec. 39. Section 48A.19, subsection 1, Code 2023, is amended to read as follows:

1. The following state agencies are responsible for voter registration:

a. All state offices that have direct client contact and provide applications for public assistance, including but not limited to offices administering the following programs:

(1) ~~Food stamps~~ The supplemental nutrition assistance program.

(2) ~~Medical~~ The medical assistance program under chapter 249A.

(3) ~~Iowa~~ The Iowa family investment program.

(4) ~~Special~~ The special supplemental nutrition program for women, infants, and children.

b. (1) All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, including but not limited to all of the following:

(a) Department for the blind.

(b) Division of vocational rehabilitation services of the department of ~~education workforce development~~.

(c) Office of deaf services of the department of health and human rights services or its successor agency.

(d) Office of persons with disabilities of the department of health and human rights services or its successor agency.

(2) An agency designated a voter registration agency under this paragraph which provides services to persons with disabilities in their homes shall provide voter registration services at the clients' homes.

c. Other federal and state agencies designated to provide voter registration services include, but are not limited to, the United States armed forces recruiting offices.

Sec. 40. Section 48A.31, Code 2023, 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 years of age and older in the state whose deaths have been reported to the ~~bureau state registrar of vital records of the Iowa department of public health statistics~~ 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. 41. Section 68B.2, subsection 23, Code 2023, is amended to read as follows:

23. "Regulatory agency" means the department of agriculture and land stewardship, department of workforce development, department of commerce, ~~Iowa department of public health,~~ department of public safety, department of education, state board of regents, department of health and human services, department of revenue, department of inspections and appeals, ~~department of administrative services,~~ public employment relations board,

state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, and department of natural resources.

Sec. 42. Section 80.9B, subsections 3 and 7, Code 2023, are amended to read as follows:

3. The provisions of chapter 141A also do not apply to the transmission of the same information from either or both information systems to employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the jurisdiction of the department of health and human services, and employees of city and county jails, if those employees have direct physical supervision over inmates of those facilities or institutions.

7. The commissioner shall develop and establish, in cooperation with the department of corrections and the department of public health and human services, training programs and program criteria for persons receiving human immunodeficiency virus-related information through the Iowa criminal justice information system or the national crime information center system.

Sec. 43. Section 80.28, subsection 2, paragraph a, subparagraph (6), Code 2023, is amended to read as follows:

(6) One member representing the Iowa department of public health and human services.

Sec. 44. Section 80B.11C, Code 2023, is amended to read as follows:

80B.11C Public safety telecommunicator training standards.

The director of the academy, subject to the approval of the council, in consultation with the Iowa state sheriffs' and deputies' association, the Iowa police executive forum, the Iowa peace officers association, the Iowa state police association, the Iowa professional fire fighters, the Iowa emergency medical services association, the joint council of Iowa fire service organizations, the Iowa department of public safety, the Iowa chapter of the association of public-safety communications officials—international, inc., the Iowa chapter of the national emergency number association, the department of homeland security and emergency management, and the Iowa department of public health and human services, shall adopt rules pursuant to chapter 17A establishing minimum standards for training of public safety telecommunicators. “*Public safety telecommunicator*” means a person who serves as a first responder by receiving requests for, or by dispatching requests to, emergency response agencies which include but are not limited to law enforcement, fire, rescue, and emergency medical services agencies.

Sec. 45. Section 80E.2, Code 2023, is amended to read as follows:

80E.2 Drug policy advisory council — membership — duties.

1. An Iowa drug policy advisory council is established which shall consist of the following ~~seventeen~~ members:

- a. The drug policy ~~coordinator~~ director, who shall serve as chairperson of the council.
- b. The director of the department of corrections, or the director's designee.
- c. The director of the department of education, or the director's designee.
- d. The director of ~~the department of~~ public health and human services, or the director's designee.
- e. The commissioner of public safety, or the commissioner's designee.
- ~~f. The director of the department of human services, or the director's designee.~~
- ~~g. The director of the division of criminal and juvenile justice planning in the department of human rights, or the division director's designee.~~
- ~~h. f. The state public defender, or the state public defender's designee.~~
- ~~i. g. A prosecuting attorney.~~
- ~~j. h. A certified alcohol and drug counselor.~~
- ~~k. i. A certified substance ~~abuse~~ use disorder prevention specialist.~~
- ~~l. j. A substance use disorder treatment program director.~~
- ~~m. k. A justice of the Iowa supreme court, or judge, as designated by the chief justice of the supreme court.~~
- ~~n. l. A member representing the Iowa peace officers association.~~

~~o.~~ m. A member representing the Iowa state police association.

~~p.~~ n. A member representing the Iowa state sheriffs' and deputies' association.

~~q.~~ o. A police chief.

2. The prosecuting attorney, certified alcohol and drug counselor, certified substance ~~abuse~~ use disorder prevention specialist, substance use disorder treatment program director, member representing the Iowa peace officers association, member representing the Iowa state police association, the member representing the Iowa state sheriffs' and deputies' association, and the member who is a police chief shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made.

3. The council shall make policy recommendations to the appropriate departments concerning the administration, development, and coordination of programs related to substance ~~abuse~~ use disorder education, prevention, treatment, and enforcement.

4. The members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

5. The council shall meet at least semiannually throughout the year.

6. A majority of the members of the council constitutes a quorum, and a majority of the total membership of the council is necessary to act in any matter within the jurisdiction of the council.

Sec. 46. Section 84A.1A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

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) (7)~~ One representative of the department of corrections, appointed by the director.

~~(9) (8)~~ One representative of the department of health and human services, appointed by the director.

~~(10) (9)~~ One representative of the United States department of labor, office of apprenticeship.

~~(11) (10)~~ One representative from the largest statewide public employees' organization representing state employees.

~~(12) (11)~~ One representative of a statewide labor organization representing employees in the construction industry.

~~(13) (12)~~ One representative of a statewide labor organization representing employees in the manufacturing industry.

Sec. 47. Section 84A.6, subsections 2 and 3, Code 2023, are amended to read as follows:

2. a. The director of the department of workforce development, in cooperation with the department of health and human services, shall provide job placement and training to persons referred by the department of health and human services under the promoting independence and self-sufficiency through employment job opportunities and basic skills

program established pursuant to chapter 239B and the ~~food stamp~~ supplemental nutrition assistance program employment and training program.

b. The department of workforce development, in consultation with the department of health and human services, shall develop and implement departmental recruitment and employment practices that address the needs of former and current participants in the family investment program under chapter 239B.

3. The director of the department of workforce development, in cooperation with the department of health and human rights services and the vocational rehabilitation services division of the department of education workforce development, shall establish a program to provide job placement and training to persons with disabilities.

Sec. 48. Section 84A.9, Code 2023, is amended to read as follows:

84A.9 Statewide mentoring program.

A statewide mentoring program is established to recruit, screen, train, and match individuals in a mentoring relationship. The department of workforce development shall administer the program in collaboration with the departments of health and human services, and education, ~~and human rights~~. The availability of the program is subject to the funding appropriated for the purposes of the program.

Sec. 49. Section 84A.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of workforce development shall consult with the board of nursing, the department of public health and human services, the department of education, and other appropriate entities in developing recommendations to determine options for additional data collection.

Sec. 50. Section 84B.1, Code 2023, is amended to read as follows:

84B.1 Workforce development system.

The departments of workforce development, education, health and human services, and corrections, the economic development authority, ~~the department on aging~~, the division of Iowa vocational rehabilitation services of the department of education workforce development, and the department for the blind shall collaborate where possible under applicable state and federal law to align workforce development programs, services, and activities in an integrated workforce development system in the state and in each local workforce development area that is data driven and responsive to the needs of workers, job seekers, and employers. The departments, authority, and division shall also jointly establish an integrated management information system for linking workforce development programs within local workforce development systems and in the state.

Sec. 51. Section 84B.2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of workforce development, in consultation with the departments of education, health and human services, and corrections, the economic development authority, ~~the department on aging~~, the division of Iowa vocational rehabilitation services of the department of education workforce development, and the department for the blind shall establish guidelines for colocating state and federal employment and training programs in centers providing services at the local level. The centers shall be known as workforce development centers. The guidelines shall provide for local design and operation within the guidelines. The core services available at a center shall include but are not limited to all of the following:

Sec. 52. Section 85.38, subsection 4, Code 2023, is amended to read as follows:

4. *Lien for hospital and medical services under chapter 249A.* In the event any hospital or medical services as provided in section 85.27 are paid by the ~~state~~ department of health and human services on behalf of an employee who is entitled to such benefits under the provisions of this chapter or chapter 85A or 85B, a lien shall exist as respects the right of such employee to benefits as described in section 85.27.

Sec. 53. Section 85.60, Code 2023, is amended to read as follows:

85.60 Injuries while in work-based learning opportunity, employment training, or evaluation.

A person participating in a work-based learning opportunity referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of health and human services or the department of education, who sustains an injury arising out of and in the course of the work-based learning opportunity participation, employment training, or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 54. Section 85.61, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. A rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of health and human services or the department of education.

Sec. 55. Section 85A.11, subsection 2, Code 2023, is amended to read as follows:

2. The specimens for the tests required by this section must be taken by a licensed practicing physician or osteopathic physician, and immediately delivered to the state hygienic laboratory ~~of the Iowa department of public health at Iowa City~~. Each specimen shall be in a container upon which is plainly printed the name and address of the subject, the date when the specimen was taken, the name and address of the subject's employer, and a certificate by the physician or osteopathic physician that the physician took the specimen from the named subject on the date stated over the physician's signature and address.

Sec. 56. Section 85A.20, Code 2023, is amended to read as follows:

85A.20 Investigation.

The workers' compensation commissioner may designate the ~~industrial hygiene physician~~ medical director of the Iowa department of public health and human services and two physicians selected by the dean of the university of Iowa college of medicine, from the staff of the college, who shall be qualified to diagnose and report on occupational diseases. For the purpose of investigating occupational diseases, the physicians shall have the use, without charge, of all necessary laboratory and other facilities of the university of Iowa college of medicine and of the university hospital at the state university of Iowa, and of the ~~Iowa department of public health~~ and human services in performing the physicians' duties.

Sec. 57. Section 89.4, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. Hot water heating boilers used for heating pools or spas regulated by the department of ~~public health~~ inspections, appeals, and licensing pursuant to chapter 135I.

Sec. 58. Section 89B.17, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director of ~~public health~~ and human services, the labor commissioner, and the director of the department of natural resources or the director's designee under written signatures of all these parties may recommend any of the following actions:

Sec. 59. Section 92.17, subsection 3, Code 2023, is amended to read as follows:

3. A child from working in any occupation or business operated by the child's parents. For the purposes of this subsection, "child" and "parents" include a foster child and the child's foster parents who are licensed by the department of health and human services.

Sec. 60. Section 96.3, subsections 9 and 11, Code 2023, are amended to read as follows:
9. *Child support intercept.*

a. An individual filing a claim for benefits under section 96.6, subsection 1, shall, at the time of filing, disclose whether the individual owes a child support obligation which is being enforced by ~~the child support recovery unit services~~ established in section 252B.2. If an individual discloses that such a child support obligation is owed and the individual is determined to be eligible for benefits under this chapter, the department shall notify ~~the child support recovery unit services~~ of the individual's disclosure and deduct and withhold from benefits payable to the individual the amount specified by the individual.

b. However, if ~~the child support recovery unit services~~ and an individual owing a child support obligation reach an agreement to have specified amounts deducted and withheld from the individual's benefits and ~~the child support recovery unit services~~ submits a copy of the agreement to the department, the department shall deduct and withhold the specified amounts.

c. (1) However, if the department is notified of income withholding by ~~the child support recovery unit services~~ under chapter 252D or section 598.22 or 598.23 or if income is garnished by ~~the child support recovery unit services~~ under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by ~~the child support recovery unit services~~, the department shall deduct and withhold from the individual's benefits that amount required through legal process.

(2) Notwithstanding section 642.2, subsections 2, 3, 6, and 7, which restrict garnishments under chapter 642 to wages of public employees, the department may be garnished under chapter 642 by ~~the child support recovery unit services~~ established in section 252B.2, pursuant to a judgment for child support against an individual eligible for benefits under this chapter.

(3) Notwithstanding section 96.15, benefits under this chapter are not exempt from income withholding, garnishment, attachment, or execution if withheld for or garnished by ~~the child support recovery unit services~~, established in section 252B.2, or if an income withholding order or notice of the income withholding order under section 598.22 or 598.23 is being enforced by ~~the child support recovery unit services~~ to satisfy the child support obligation of an individual who is eligible for benefits under this chapter.

d. An amount deducted and withheld under paragraph "a", "b", or "c" shall be paid by the department to ~~the child support recovery unit services~~, and shall be treated as if it were paid to the individual as benefits under this chapter and as if it were paid by the individual to ~~the child support recovery unit services~~ in satisfaction of the individual's child support obligations.

e. If an agreement for reimbursement has been made, the department shall be reimbursed by ~~the child support recovery unit services~~ for the administrative costs incurred by the department under this section which are attributable to the enforcement of child support obligations by ~~the child support recovery unit services~~.

11. ~~Overissuance of food-stamp~~ supplemental nutrition assistance program benefits. The department shall collect any overissuance of ~~food-stamp supplemental nutrition assistance program~~ benefits by offsetting the amount of the overissuance from the benefits payable under this chapter to the individual. This subsection shall only apply if the department is reimbursed under an agreement with the department of health and human services for administrative costs incurred in recouping the overissuance. The provisions of section 96.15 do not apply to this subsection.

Sec. 61. Section 97B.49B, subsection 1, paragraph e, subparagraph (16), Code 2023, is amended to read as follows:

(16) A person employed by the department of health and human services as a psychiatric security specialist at a civil commitment unit for sexually violent offenders facility.

Sec. 62. Section 99D.7, subsections 22 and 23, Code 2023, are amended to read as follows:

22. To cooperate with the gambling treatment program administered by the ~~Iowa~~ department of public health and human services to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

23. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, and from the wagering area of a racetrack enclosure, from the gaming floor, and from the sports wagering area, 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 licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99E, and chapter 99F. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health and human services on gambling treatment options. The state and any licensee under this chapter, chapter 99E, 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 as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state. The commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99D.24, subsection 4, paragraph "c".

Sec. 63. Section 99D.9, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located in the wagering area. However, this paragraph shall not apply to cashless wagering systems where a person accesses a cash account through a mobile application used by the licensee to conduct cashless wagering. The mobile application shall include the statewide telephone number authorized by the Iowa department of public health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99D.7, subsection 23.

Sec. 64. Section 99E.5, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. Include on the internet site or mobile application used by the licensee to conduct internet fantasy sports contests the statewide telephone number authorized by the Iowa department of public health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

Sec. 65. Section 99F.4, subsection 22, Code 2023, is amended to read as follows:

22. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, from the gaming floor and sports wagering area of an excursion gambling boat, from the wagering area, as defined in section 99D.2, and from the gaming floor and sports wagering area 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 licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated

to all licensees under this chapter, chapter 99D, and chapter 99E. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health and human services on gambling treatment options. The state and any licensee under this chapter, chapter 99D, or chapter 99E 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 as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state. The commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99F.15, subsection 4, paragraph "n".

Sec. 66. Section 99F.7, subsection 10, paragraph b, Code 2023, is amended to read as follows:

b. A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal, as defined in section 527.2, that is located on the gaming floor. However, this paragraph shall not apply to cashless wagering systems where a person accesses a cash account through a mobile application used by the licensee to conduct cashless wagering. The mobile application shall include the statewide telephone number authorized by the Iowa department of public health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

Sec. 67. Section 99F.7A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Include on the internet site or mobile application used by the licensee to conduct advance deposit sports wagering as authorized in section 99F.9 the statewide telephone number authorized by the Iowa department of public health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

Sec. 68. Section 100C.1, subsection 1, Code 2023, is amended to read as follows:

1. "Alarm system" means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of a fire alarm, security alarm, or nurse call or supervisory signal-initiating devices and to initiate the appropriate response to those signals, but does not mean any such security system or portion of a combination system installed in a prison, jail, or detention facility owned by the state, a political subdivision of the state, the department of health and human services, or the Iowa veterans home.

Sec. 69. Section 101C.3, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa propane education and research council is established. The council shall consist of ten voting members, nine of whom represent retail propane marketers and one of whom shall be ~~the administrator of the division of a representative of the department of health and human services responsible for community action agencies of the department of human rights.~~ Members of the council ~~other than the administrator~~ representing retail propane marketers shall be appointed by the fire marshal from a list of nominees submitted by qualified propane industry organizations by December 15 of each year. A vacancy in the unfinished term of a council member shall be filled for the remainder of the term in the same manner as the original appointment was made. ~~Other than the administrator, council~~ Council members representing retail propane marketers shall be full-time employees or owners of a propane industry business or representatives of an agricultural cooperative actively engaged in the propane industry. An employee of a qualified propane industry organization shall not serve as a member of the council. An officer of the board of directors of a qualified propane industry organization or propane industry trade association shall not

serve concurrently as a member of the council. The fire marshal or a designee may serve as an ex officio, nonvoting member of the council.

Sec. 70. Section 123.47, subsection 4, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance ~~abuse~~ use disorder evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

Sec. 71. Section 124.409, subsection 1, Code 2023, is amended to read as follows:

1. Whenever the court finds that a person who is charged with a violation of section 124.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of that section, is addicted to, dependent upon, or a chronic ~~abuser~~ user of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, the court may order that the person be committed as an in-patient or out-patient to a facility licensed by the Iowa department of public health and human services for medical treatment and rehabilitative services.

Sec. 72. Section 124.504, subsection 3, Code 2023, is amended to read as follows:

3. A practitioner engaged in medical practice or research or the Iowa ~~drug abuse~~ substance use disorder authority or any program which is licensed by the authority shall not be required to furnish the name or identity of a patient or research subject to the board or the department, nor shall the practitioner or the authority or any program which is licensed by the authority be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner or the authority or any of its licensed programs is obligated to keep confidential.

Sec. 73. Section 124.551, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The program shall collect from pharmacies dispensing information for controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", and from first responders as defined in section 147A.1, subsection 7, with the exception of emergency medical care providers as defined in section 147A.1, subsection 4, administration information for opioid antagonists. The department of public health and human services shall provide information for the administration of opioid antagonists to the board as prescribed by rule for emergency medical care providers as defined in section 147A.1, subsection 4. The board shall adopt rules requiring the following information to be provided regarding the administration of opioid antagonists:

Sec. 74. Section 124.556, Code 2023, is amended to read as follows:

124.556 Education and treatment.

The program shall include education initiatives and outreach to consumers, prescribing practitioners, and pharmacists, and shall also include assistance for identifying substance ~~abuse~~ use disorder treatment programs and providers. The program shall also include educational updates and information on general patient risk factors for prescribing practitioners. The board and advisory council shall adopt rules, as provided under section 124.554, to implement this section.

Sec. 75. Section 124E.2, subsections 3 and 8, Code 2023, are amended to read as follows:

3. "*Department*" means the department of public health and human services.

8. "*Laboratory*" means the state hygienic laboratory ~~at the university of Iowa in Iowa City~~ or any other independent medical cannabidiol testing facility accredited to standard ISO/IEC 17025 by an international organization for standards-approved accrediting body, with a controlled substance registration certificate from the United States drug enforcement administration and a certificate of registration from the board of pharmacy. For the purposes

of this chapter, an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer.

Sec. 76. Section 124E.6, subsection 4, Code 2023, is amended to read as follows:

4. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as provided in section 124E.7. The department shall require that the laboratory report testing results to the medical cannabidiol manufacturer and the department as determined by the department by rule. If a medical cannabidiol manufacturer contracts with a laboratory other than the state hygienic laboratory at the university of Iowa in Iowa City, the department shall approve the laboratory to perform testing pursuant to this chapter.

Sec. 77. Section 124E.14, Code 2023, is amended to read as follows:

124E.14 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. 78. Section 125.1, Code 2023, is amended to read as follows:

125.1 Declaration of policy.

It is the policy of this state:

1. That persons with ~~substance-related disorders~~ a substance use disorder be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

2. To encourage substance ~~abuse~~ use disorder education and prevention efforts and to insure that such efforts are coordinated to provide a high quality of services without unnecessary duplication.

3. To insure that substance ~~abuse~~ use disorder programs are being operated by individuals who are qualified in their field whether through formal education or through employment or personal experience.

Sec. 79. Section 125.2, Code 2023, is amended to read as follows:

125.2 Definitions.

For purposes of this chapter, unless the context clearly indicates otherwise:

~~1. "Board" means the state board of health created pursuant to chapter 136.~~

~~2. 1. "Chemical substance" means alcohol, wine, spirits, and beer as defined in chapter 123 and controlled substances as defined in section 124.101.~~

~~3. 2. "Chief medical officer" means the medical director in charge of a public or private hospital, or the director's physician-designee. This chapter does not negate the authority otherwise reposed by chapter 226 in the respective superintendents of the state mental health institutes to make decisions regarding the appropriateness of admissions or discharges of patients of those institutes, however, it is the intent of this chapter that a superintendent who is not a licensed physician shall be guided in these decisions by the chief medical officer of the institute.~~

~~4. 3. "Clerk" means the clerk of the district court.~~

~~4. "Council" means the council on health and human services.~~

~~5. "County of residence" means the same as defined in section 331.394.~~

~~6. "Department" means the Iowa department of public health and human services.~~

~~7. "Director" means the director of the Iowa department of public health and human services.~~

~~8. "Facility" means an institution, a detoxification center, or an installation providing care, maintenance and treatment for persons with ~~substance-related disorders~~ a substance use disorder licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.~~

~~9. "Incapacitated by a chemical substance" means that a person, as a result of the use of a chemical substance, is unconscious or has the person's judgment otherwise so impaired that~~

the person is incapable of realizing and making a rational decision with respect to the need for treatment.

10. “*Incompetent person*” means a person who has been adjudged incompetent by a court of law.

11. “*Interested person*” means a person who, in the discretion of the court, is legitimately concerned that a respondent receive substance ~~abuse~~ use disorder treatment services.

12. “*Magistrate*” means the same as defined in section 801.4, subsection 10.

13. “*Mental health professional*” means the same as defined in section 228.1.

14. “*Psychiatric advanced registered nurse practitioner*” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

15. “*Respondent*” means a person against whom an application is filed under section 125.75.

16. “~~Substance-related disorder~~” “*Substance use disorder*” means a diagnosable substance ~~abuse~~ use disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment.

Sec. 80. Section 125.3, Code 2023, is amended to read as follows:

125.3 Substance ~~abuse~~ use disorder program established.

The Iowa department of ~~public health~~ shall develop, implement, and administer a comprehensive substance ~~abuse~~ use disorder program pursuant to sections 125.1 and 125.2, this section, and sections 125.7, 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

Sec. 81. Section 125.7, Code 2023, is amended to read as follows:

125.7 Duties of the ~~board~~ council.

The ~~board~~ council shall:

1. Approve the comprehensive substance ~~abuse~~ use disorder program, developed by the department pursuant to sections 125.1 through 125.3, this section, and sections 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

2. Advise the department on policies governing the performance of the department in the discharge of any duties imposed on the department by law.

3. Advise or make recommendations to the governor and the general assembly relative to substance ~~abuse~~ use disorder treatment, intervention, education, and prevention programs in this state.

4. Adopt rules for subsections 1 and 6 and review other rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter 17A.

5. Investigate the work of the department relating to substance ~~abuse~~ use disorder, and for this purpose the ~~board~~ council shall have access at any time to all books, papers, documents, and records of the department.

6. Consider and approve or disapprove all applications for a license and all cases involving the renewal, denial, suspension, or revocation of a license.

7. Act as the appeal board regarding funding decisions made by the department.

Sec. 82. Section 125.9, subsections 1, 2, 4, 5, and 6, Code 2023, are amended to read as follows:

1. Plan, establish and maintain treatment, intervention, education, and prevention programs as necessary or desirable in accordance with the comprehensive substance ~~abuse~~ use disorder program.

2. Make contracts necessary or incidental to the performance of the duties and the execution of the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to persons with ~~substance-related disorders~~ a substance use disorder.

4. Coordinate the activities of the department and cooperate with substance ~~abuse~~ use disorder programs in this and other states, and make contracts and other joint or cooperative

arrangements with state, local or private agencies in this and other states for the treatment of persons with ~~substance-related disorders~~ a substance use disorder and for the common advancement of substance ~~abuse use disorder~~ programs.

5. Require that a written report, in reasonable detail, be submitted to the director at any time by any agency of this state or of any of its political subdivisions in respect to any substance ~~abuse use disorder~~ prevention function, or program for the benefit of persons who are or have been involved in substance ~~abuse use disorder~~, which is being conducted by the agency.

6. Submit to the governor a written report of the pertinent facts at any time the director concludes that any agency of this state or of any of its political subdivisions is conducting any substance ~~abuse use disorder~~ prevention function, or program for the benefit of persons who are or have been involved in substance ~~abuse use disorder~~ in a manner not consistent with or which impairs achievement of the objectives of the state plan to combat substance ~~abuse use disorder~~, and has failed to effect appropriate changes in the function or program.

Sec. 83. Section 125.10, Code 2023, is amended to read as follows:

125.10 Duties of director.

The director shall:

1. Prepare and submit a state plan subject to approval by the ~~board~~ council and in accordance with 42 U.S.C. §300x-21 et seq. The state plan shall designate the department as the sole agency for supervising the administration of the plan.

2. Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of substance ~~misuse use disorder~~ and the treatment of persons with ~~substance-related disorders~~ a substance use disorder in cooperation with public and private agencies, organizations and individuals, and provide technical assistance and consultation services for these purposes.

3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in the prevention of substance ~~misuse use disorder~~ and the treatment of persons with ~~substance-related disorders~~ a substance use disorder. The director's actions to implement this subsection shall also address the treatment needs of persons who have a mental illness, an intellectual disability, brain injury, or other co-occurring condition in addition to a ~~substance-related~~ substance use disorder.

4. Cooperate with the department of ~~human services~~ and the ~~Iowa department of public health~~ in establishing and conducting programs to provide treatment for persons with ~~substance-related disorders~~ a substance use disorder.

5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of substance ~~misuse use disorder~~ and the treatment of persons with ~~substance-related disorders~~ a substance use disorder, and in preparing relevant curriculum materials for use at all levels of school education.

6. Prepare, publish, evaluate and disseminate educational material dealing with the nature and effects of chemical substances.

7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of persons with ~~substance-related disorders~~ a substance use disorder, which program shall include the dissemination of information concerning the nature and effects of substances.

8. Organize and implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of persons with ~~substance-related disorders~~ a substance use disorder.

9. Sponsor and implement research in cooperation with local treatment programs into the causes and nature of substance ~~misuse use disorder~~ and treatment of persons with ~~substance-related disorders~~ a substance use disorder, and serve as a clearing house for information relating to substance ~~misuse use disorder~~.

10. Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment.

11. Develop and implement, with the counsel and approval of the ~~board~~ council, the comprehensive plan for treatment of persons with ~~substance-related disorders~~ a substance use disorder in accordance with this chapter.

12. Assist in the development of, and cooperate with, substance ~~abuse~~ use disorder education and treatment programs for employees of state and local governments and businesses and industries in the state.

13. Utilize the support and assistance of interested persons in the community, particularly persons who are recovering from ~~substance-related disorders~~ a substance use disorder to encourage persons with ~~substance-related disorders~~ a substance use disorder to voluntarily undergo treatment.

14. Cooperate with the commissioner of public safety in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated.

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with ~~substance-related disorders~~ a substance use disorder and to provide them with adequate and appropriate treatment. The director may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

16. Encourage all health and disability insurance programs to include ~~substance-related~~ substance use disorders as covered illnesses.

17. Review all state health, welfare, education and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance ~~misuse~~ use disorder and persons with ~~substance-related disorders~~ a substance use disorder.

Sec. 84. Section 125.12, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The ~~board~~ council shall review the comprehensive substance ~~abuse~~ use disorder program implemented by the department for the treatment of persons with ~~substance-related disorders~~ a substance use disorder and concerned family members. Subject to the review of the ~~board~~ council, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations, and existing substance ~~abuse~~ use disorder treatment services.

3. The director shall provide for adequate and appropriate treatment for persons with ~~substance-related disorders~~ a substance use disorder 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 who is employed by a treatment provider under the program may provide treatment to a person with co-occurring ~~substance-related~~ substance use 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. 85. Section 125.13, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Except as provided in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of persons with ~~substance-related disorders~~ a substance use disorder without having first obtained a written license for the program from the department.

Sec. 86. Section 125.13, subsection 2, paragraphs a, b, c, f, i, and j, Code 2023, are amended to read as follows:

a. A hospital providing care or treatment to persons with ~~substance-related disorders~~ a substance use disorder licensed under chapter 135B which is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another

recognized organization approved by the ~~board~~ council. All survey reports from the accrediting or licensing body must be sent to the department.

b. Any practitioner of medicine and surgery or osteopathic medicine and surgery, in the practitioner's private practice. However, a program shall not be exempted from licensing by the ~~board~~ council by virtue of its utilization of the services of a medical practitioner in its operation.

c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment, counseling, or rehabilitation to persons with ~~substance-related disorders~~ a substance use disorder and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination.

f. Individuals in private practice who are providing ~~substance abuse~~ substance use disorder treatment services independent from a program that is required to be licensed under subsection 1.

i. A ~~substance abuse~~ substance use disorder treatment program not funded by the department which is accredited or licensed by the joint commission on the accreditation of health care organizations, the commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the ~~board~~ council. All survey reports from the accrediting or licensing body must be sent to the department.

j. A hospital ~~substance abuse~~ substance use disorder treatment program that is accredited or licensed by the joint commission on the accreditation of health care organizations, the commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the ~~board~~ council. All survey reports for the hospital ~~substance abuse~~ substance use disorder treatment program from the accrediting or licensing body shall be sent to the department.

Sec. 87. Section 125.14, Code 2023, is amended to read as follows:

125.14 Licenses — renewal — fees.

The ~~board~~ council shall consider all cases involving initial issuance, and renewal, denial, suspension, or revocation of a license. The department shall issue a license to an applicant whom the ~~board~~ council determines meets the licensing requirements of this chapter. Licenses shall expire no later than three years from the date of issuance and shall be renewed upon timely application made in the same manner as for initial issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal of programs contracting with the department for provision of treatment services. A fee may be charged to other licensees.

Sec. 88. Section 125.14A, Code 2023, is amended to read as follows:

125.14A Personnel of a licensed program admitting juveniles.

1. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a program admitting juveniles subject to licensure under this chapter, or if a person will reside in a facility utilized by such a program, and if the person has been convicted of a crime or has a record of founded child abuse, the ~~record check evaluation system of the department of human services~~ and the program, for an employee of the program, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The ~~department of human services record check evaluation system~~ shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of ~~human services~~.

2. If the ~~department of human services record check evaluation system~~ determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a program licensed under this chapter, or resides in a licensed facility the ~~department record check evaluation system~~ shall notify the program that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted.

3. In an evaluation, the ~~department of human services record check evaluation system~~ and the program for an employee of the program shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The ~~department of human services record check evaluation system~~ may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a program, if the person complies with the ~~department's record check evaluation system's~~ conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The ~~department of human services record check evaluation system~~ has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this subsection.

4. If the ~~department of human services record check evaluation system~~ determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a program admitting juveniles and shall not be employed by a program or reside in a facility admitting juveniles licensed under this chapter.

5. In addition to the record checks required under this section, the ~~department of human services record check evaluation system~~ may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of this section, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under this subsection.

6. ~~Beginning July 1, 1994, a~~ A program or facility shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

7. ~~On or after July 1, 1994, a~~ A program or facility shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse
or have you ever been convicted of a crime, in this state or any other
state?

Sec. 89. Section 125.15, Code 2023, is amended to read as follows:

125.15 Inspections.

The department may inspect the facilities and review the procedures utilized by any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of persons with ~~substance-related disorders~~ a substance use disorder, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 90. Section 125.15A, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department may place an employee or agent to serve as a monitor in a licensed substance ~~abuse use disorder~~ treatment program or may petition the court for appointment of a receiver for a program when any of the following conditions exist:

Sec. 91. Section 125.15A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The ~~board~~ council has suspended, revoked, or refused to renew the existing license of the program.

Sec. 92. Section 125.16, Code 2023, is amended to read as follows:

125.16 Transfer of license or change of location prohibited.

A license issued under this chapter may not be transferred, and the location of the physical facilities occupied or utilized by any program licensed under this chapter shall not be changed without the prior written consent of the board council.

Sec. 93. Section 125.17, Code 2023, is amended to read as follows:

125.17 License suspension or revocation.

Violation of any of the requirements or restrictions of this chapter or of any of the rules adopted pursuant to this chapter is cause for suspension, revocation, or refusal to renew a license. The director shall at the earliest time feasible notify a licensee whose license the board council is considering suspending or revoking and shall inform the licensee what changes must be made in the licensee's operation to avoid such action. The licensee shall be given a reasonable time for compliance, as determined by the director, after receiving such notice or a notice that the board council does not intend to renew the license. When the licensee believes compliance has been achieved, or if the licensee considers the proposed suspension, revocation, or refusal to renew unjustified, the licensee may submit pertinent information to the board council and the board council shall expeditiously make a decision in the matter and notify the licensee of the decision.

Sec. 94. Section 125.18, Code 2023, is amended to read as follows:

125.18 Hearing before board council.

If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation, or refusal to renew a license, a hearing before the board council shall be expeditiously arranged by the department of inspections and appeals whose decision is subject to review by the board council. The board council shall issue a written statement of the board's council's findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation, or refusal to renew a license. Action involving suspension, revocation, or refusal to renew a license shall not be taken by the board council unless a quorum is present at the meeting. A copy of the board's council's decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the board council in accordance with the terms of chapter 17A.

Sec. 95. Section 125.19, Code 2023, is amended to read as follows:

125.19 Reissuance or reinstatement.

After suspension, revocation, or refusal to renew a license pursuant to this chapter, the affected licensee shall not have the license reissued or reinstated within one year of the effective date of the suspension, revocation, or expiration upon refusal to renew, unless the board council orders otherwise. After that time, proof of compliance with the requirements and restrictions of this chapter and the rules adopted pursuant to this chapter must be presented to the board council prior to reinstatement or reissuance of a license.

Sec. 96. Section 125.20, Code 2023, is amended to read as follows:

125.20 Rules.

The department shall establish rules pursuant to chapter 17A requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for patients with a substance abuse ~~patients use disorder~~. A facility shall not be licensed nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the department or examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in section 125.13, subsection 2 or section 125.43.

Sec. 97. Section 125.21, subsection 1, Code 2023, is amended to read as follows:

1. The ~~board~~ council has exclusive power in this state to approve and license chemical substitutes and antagonists programs, and to monitor chemical substitutes and antagonists programs to ensure that the programs are operating within the rules adopted pursuant to this chapter. The ~~board~~ council shall grant approval and license if the requirements of the rules are met and state funding is not requested. The chemical substitutes and antagonists programs conducted by persons exempt from the licensing requirements of this chapter pursuant to section 125.13, subsection 2, are subject to approval and licensure under this section.

Sec. 98. Section 125.25, subsection 1, Code 2023, is amended to read as follows:

1. Before making any allocation of funds to a local substance ~~abuse~~ use disorder program, the department shall require a detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department for each program.

Sec. 99. Section 125.32, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of persons with ~~substance-related disorders~~ a substance use disorder and concerned family members. In establishing the rules the department shall be guided by the following standards:

Sec. 100. Section 125.32A, Code 2023, is amended to read as follows:

125.32A Discrimination prohibited.

Any substance ~~abuse~~ use disorder treatment program receiving state funding under this chapter or any other chapter of the Code shall not discriminate against a person seeking treatment solely because the person is pregnant, unless the program in each instance identifies and refers the person to an alternative and acceptable treatment program for the person.

Sec. 101. Section 125.33, Code 2023, is amended to read as follows:

125.33 Voluntary treatment of persons with ~~substance-related disorders~~ a substance use disorder.

1. A person with a ~~substance-related~~ substance use 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 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.

2. Subject to rules adopted by the department, the administrator or the administrator's designee in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator or the administrator's designee, subject to rules adopted by the department, shall refer the person to another facility for treatment if possible and appropriate.

3. A person with a ~~substance-related~~ substance use disorder seeking treatment or rehabilitation and who is either addicted to 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.

4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a person with a substance-related substance use disorder who requires help, the director may arrange for assistance in obtaining supportive services.

5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for the patient's transportation to another facility or to the patient's home. If the patient has no home the patient shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative, or by the minor or incompetent person if the patient was the original applicant.

6. Any person who reports or discloses the name of a person receiving treatment or rehabilitation services to a law enforcement officer or law enforcement agency or any person receiving treatment or rehabilitation services who discloses the name of any other person receiving treatment or rehabilitation services without the written consent of the person in violation of the provisions of this section shall upon conviction be guilty of a simple misdemeanor.

Sec. 102. Section 125.34, Code 2023, is amended to read as follows:

125.34 Treatment and services for persons with ~~substance-related disorders~~ a substance use disorder due to intoxication and substance-induced incapacitation.

1. A person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by a substance in a public place and in need of help may be taken to a facility by a peace officer under section 125.91. If the person refuses the proffered help, the person may be arrested and charged with intoxication under section 123.46, if applicable.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer in detaining the person and in taking the person to a facility shall make every reasonable effort to protect the person's health and safety. In detaining the person the detaining officer may take reasonable steps for self-protection. Detaining a person under section 125.91 is not an arrest and no entry or other record shall be made to indicate that the person who is detained has been arrested or charged with a crime.

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician and surgeon or osteopathic physician and surgeon 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.

4. If a person is voluntarily admitted to a facility, the person's family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, the request shall be respected.

5. A peace officer who acts in compliance with this section is acting in the course of the officer's official duty and is not criminally or civilly liable ~~therefor~~ for such acts, unless such acts constitute willful malice or abuse.

6. If the physician and surgeon or osteopathic physician and surgeon in charge of the facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

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. 103. Section 125.37, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding subsection 1, the director may make available information from patients' records for purposes of research into the causes and treatment of substance ~~abuse~~ use disorder. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

Sec. 104. Section 125.39, Code 2023, is amended to read as follows:

125.39 Eligible entities.

A local governmental unit which is providing funds to a facility for treatment of substance ~~abuse~~ use disorder may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program of the facility.

Sec. 105. Section 125.43, Code 2023, is amended to read as follows:

125.43 Funding at mental health institutes.

Chapter 230 governs the determination of the costs and payment for treatment provided to persons with ~~substance-related disorders~~ a substance use disorder in a mental health institute under the department of ~~human services~~, except that the charges are not a lien on real estate owned by persons legally liable for support of the person with a ~~substance-related~~ substance use disorder and the daily per diem shall be billed at twenty-five percent. The superintendent of a state ~~hospital~~ mental health institute shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to persons with ~~substance-related disorders~~ a substance use disorder for purposes of determining the daily per diem. Section 125.44 governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a person with a ~~substance-related~~ substance use disorder and of the amount for which the person is liable.

Sec. 106. Section 125.43A, Code 2023, is amended to read as follows:

125.43A Prescreening — exception.

Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for treatment of a ~~substance-related~~ substance use disorder only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for persons with ~~substance-related disorders~~ a substance use disorder licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the ~~board council~~, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's ~~substance-related~~ substance use disorder service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 107. Section 125.44, Code 2023, is amended to read as follows:

125.44 Agreements with facilities — liability for costs.

1. The director may, consistent with the comprehensive substance ~~abuse use disorder~~ program, enter into written agreements with a facility as defined in section 125.2 to pay for one hundred percent of the cost of the care, maintenance, and treatment of persons with ~~substance-related disorders~~ a substance use disorder, except when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year.

2. The contract may be in the form and contain provisions as agreed upon by the parties. The contract shall provide that the facility shall admit and treat persons with ~~substance-related disorders~~ a substance use disorder regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the rate of payment for services negotiated between the department and the contracting facility. If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section does not pertain to patients treated at the mental health institutes.

3. If the appropriation to the department is insufficient to meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply.

4. The person with a ~~substance-related~~ substance use disorder is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the person with a ~~substance-related~~ substance use disorder while a voluntary or committed patient in a facility. This section does not prohibit any individual from paying any portion of the cost of treatment.

5. The department is liable for the cost of care, treatment, and maintenance of persons with ~~substance-related disorders~~ a substance use disorder admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section 321J.3 or 124.409 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the person with a ~~substance-related~~ substance use disorder is unable to pay the costs and there is no other person, firm, corporation, or insurance company bound to pay the costs.

6. The department's maximum liability for the costs of care, treatment, and maintenance of persons with ~~substance-related disorders~~ a substance use disorder in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 108. Section 125.46, Code 2023, is amended to read as follows:

125.46 County of residence determined.

The facility shall, when a person with a ~~substance-related~~ substance use disorder is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa county of residence of the person with a ~~substance-related~~ substance use disorder, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 109. Section 125.55, Code 2023, is amended to read as follows:

125.55 Audits.

All licensed substance ~~abuse use disorder~~ programs are subject to annual audit either by the auditor of state or in lieu of an audit by the auditor of state the substance ~~abuse use disorder~~ program may contract with or employ certified public accountants to conduct the audit, in accordance with sections 11.6, 11.14, and 11.19. The audit format shall be as prescribed by the auditor of state. The certified public accountant shall submit a copy of the audit to the director. A licensed substance ~~abuse use disorder~~ program is also subject to special audits as the director requests. The licensed substance ~~abuse use disorder~~ program or the department shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

Sec. 110. Section 125.58, Code 2023, is amended to read as follows:

125.58 Inspection — penalties.

1. If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance ~~abuse~~ use disorder treatment and rehabilitation facility is in fact a substance ~~abuse~~ use disorder treatment and rehabilitation facility as defined by this chapter, and is not exempt from licensing by section 125.13, subsection 2, the ~~board~~ council may order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of the county attorney of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of this chapter. The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law.

2. A person establishing, conducting, managing, or operating a substance ~~abuse~~ use disorder treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing or operating a substance ~~abuse~~ use disorder treatment and rehabilitation facility without a license may be temporarily or permanently restrained therefrom by a court of competent jurisdiction in an action brought by the state.

3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a substance ~~abuse~~ use disorder treatment and rehabilitation facility without a license.

Sec. 111. Section 125.59, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Of these funds, notwithstanding section 125.13, subsection 1, one-half of the transferred amount shall be used for grants to counties operating a substance ~~abuse~~ use disorder program involving only education, prevention, referral or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

Sec. 112. Section 125.59, subsection 1, paragraph b, Code 2023, 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 department of ~~public health~~ may use the remainder for activities and public information resources that align with best practices for ~~substance-related~~ substance use disorder prevention or to increase grants pursuant to subsection 2.

Sec. 113. Section 125.75, subsection 1, Code 2023, is amended to read as follows:

1. Proceedings for the involuntary commitment or treatment of a person with a ~~substance-related~~ substance use disorder to a facility pursuant to this chapter or for the involuntary hospitalization of a person pursuant to chapter 229 may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application.

Sec. 114. Section 125.75, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) A ~~substance-related~~ substance use disorder as defined in section 125.2.

Sec. 115. Section 125.80, subsections 3 and 4, Code 2023, are amended to read as follows:

3. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent

is not a person with a ~~substance-related~~ substance use disorder, the court, without taking further action, shall terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is a person with a ~~substance-related~~ substance use 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. 116. Section 125.81, subsection 1, Code 2023, is amended to read as follows:

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a person with a ~~substance-related~~ substance use disorder who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection 2, paragraph “a”, if possible, and if not, then in accordance with subsection 2, paragraph “b”, or, only if neither of these alternatives is available in accordance with subsection 2, paragraph “c”.

Sec. 117. Section 125.81, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. In the nearest facility which is licensed to care for persons with mental illness or ~~substance abuse~~ substance use disorder, provided that detention in a jail or other facility intended for confinement of those accused or convicted of a crime shall not be ordered.

Sec. 118. Section 125.82, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The person who filed the application and a licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, 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 and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician and surgeon or osteopathic physician and surgeon, 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.

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. The hearing may be held by video conference at the discretion of the court. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a person with a ~~substance-related~~ substance use disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding.

Sec. 119. Section 125.83, Code 2023, is amended to read as follows:

125.83 Placement for evaluation.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a ~~substance-related~~ substance use disorder has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility or under the care of a suitable facility on an outpatient basis as expeditiously as possible for a complete evaluation and appropriate treatment. The court shall furnish to the facility at the time of admission or outpatient placement, a written statement of facts setting forth the evidence on which the finding is based. The administrator of the facility shall report to the court no more than fifteen days after the individual is admitted to or placed under the care of the facility, which shall include the chief medical officer's recommendation concerning treatment of a ~~substance-related~~ substance use disorder. An extension of time may be granted for a period not to exceed seven days upon a showing of good cause. A copy of the report shall be sent to the respondent's attorney who may contest the need for an extension of time if one is requested. If the request is contested, the court shall make an inquiry as it deems appropriate and may either order the respondent released from the facility or grant an extension of time for further evaluation. If the administrator fails to report to the court within fifteen days after the individual is admitted to the facility, and no extension of time has been requested, the administrator is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility.

Sec. 120. Section 125.83A, subsection 1, Code 2023, is amended to read as follows:

1. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a ~~substance-related~~ substance use disorder has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

Sec. 121. Section 125.84, Code 2023, is amended to read as follows:

125.84 Evaluation report.

The facility administrator's report to the court of the chief medical officer's substance abuse use disorder evaluation of the respondent shall be made no later than the expiration of the time specified in section 125.83. At least two copies of the report shall be filed with the clerk, who shall distribute the copies in the manner described by section 125.80, subsection 2. The report shall state one of the four following alternative findings:

1. That the respondent does not, as of the date of the report, require further treatment for substance abuse use disorder. If the report so states, the court shall order the respondent's immediate release from involuntary commitment and terminate the proceedings.

2. That the respondent is a person with a ~~substance-related~~ substance use disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment. If the report so states, the court shall enter an order which may require the respondent's continued placement and commitment to a facility for appropriate treatment.

3. That the respondent is a person with a ~~substance-related~~ substance use disorder who is in need of treatment, but does not require full-time placement in a facility. If the report so states, the report shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis, and the court shall enter an order which may direct the respondent to submit to the recommended treatment. The order shall provide that if the respondent fails or refuses to submit to treatment, as directed by the court's order, the court may order that the respondent be taken into immediate custody as provided by section 125.81 and, following notice and hearing held in accordance with the procedures of sections 125.77 and 125.82, may order the respondent treated as a patient requiring full-time custody, care, and treatment as provided in subsection 2, and may order the respondent involuntarily committed to a facility.

4. That the respondent is a person with a ~~substance-related~~ substance use disorder who is in need of treatment, but in the opinion of the chief medical officer is not responding to the treatment provided. If the report so states, the report shall include the facility administrator's recommendation for alternative placement, and the court shall enter an order which may direct the respondent's transfer to the recommended placement or to another placement after consultation with the respondent's attorney and the facility administrator who made the report under this subsection.

Sec. 122. Section 125.85, subsection 1, Code 2023, is amended to read as follows:

1. A respondent committed under section 125.84, subsection 2, shall remain in the custody of a facility for treatment for a period of thirty days, unless sooner discharged. The department is not required to pay the cost of any medication or procedure provided to the respondent during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance abuse use disorder. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility, before expiration of the period, obtains a court order for the respondent's recommitment pursuant to an application under section 125.75, for a further period not to exceed ninety days.

Sec. 123. Section 125.91, Code 2023, is amended to read as follows:

125.91 Emergency detention.

1. The procedure prescribed by this section shall only be used for a person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation who has threatened, attempted, or inflicted physical self-harm or harm on another, and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a substance, if an application has not been filed naming the person as the respondent pursuant to section 125.75 and the person cannot be ordered into immediate custody and detained pursuant to section 125.81.

2. a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "b" or "c". Such a person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than

a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the attending physician and surgeon or osteopathic physician and surgeon may order treatment of the person, but only to the extent 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. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report.

b. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the attending physician shall communicate with the nearest available magistrate.

c. Once contacted pursuant to paragraph "b", the magistrate shall, based upon the circumstances described by the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

d. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a ~~substance-related substance use~~ disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The attending physician and surgeon or osteopathic physician and surgeon 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 and surgeon or osteopathic physician and surgeon 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 and surgeon or osteopathic physician and surgeon, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable.

4. The cost of detention in a facility under the procedure prescribed in this section shall be paid in the same way as if the person had been committed to the facility pursuant to an application filed under section 125.75.

Sec. 124. Section 125.93, Code 2023, is amended to read as follows:

125.93 Commitment records — confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance ~~abuse~~ use disorder treatment services are confidential, consistent with the requirements of section 125.37, and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. §290dd-2. However, such records may be disclosed to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

Sec. 125. Section 135.1, Code 2023, is amended to read as follows:

135.1 Definitions.

For the purposes of chapter 155 and Title IV, subtitle 2, excluding chapter 146, unless otherwise defined:

1. “*Director*” ~~shall mean~~ means the director of public health and human services.
2. “*Health officer*” means the physician, physician assistant, advanced registered nurse practitioner, or advanced practice registered nurse who is the health officer of the local board of health.
3. “*Local board*” ~~shall mean~~ means the local board of health.
4. “*Physician*” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a “physician” or “surgeon”, a person licensed as an osteopathic physician and surgeon shall be designated as an “osteopathic physician” or “osteopathic surgeon”, a person licensed as a chiropractor shall be designated as a “chiropractor”, a person licensed as a podiatrist shall be designated as a “podiatric physician”, and a person licensed as an optometrist shall be designated as an “optometrist”. A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.
5. “*Rules*” ~~shall~~ include regulations and orders.
6. “*State department*” or “*department*” ~~shall mean~~ means the Iowa department of public health and human services.

Sec. 126. Section 135.11, Code 2023, is amended to read as follows:

135.11 Duties Public health duties of department.

The director of public health ~~shall be the head of the “Iowa Department of Public Health”, which department shall:~~

1. Exercise general supervision over the public health, promote public hygiene and sanitation, prevent substance ~~abuse~~ use disorder and unless otherwise provided, enforce the laws relating to the same.
2. Conduct campaigns for the education of the people in hygiene and sanitation.
3. Issue ~~monthly~~ health bulletins containing fundamental health principles and other health data deemed of public interest.
4. Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. For this purpose the department may use the services of the experts connected with the state hygienic laboratory ~~at the state university of Iowa~~.
5. Establish stations throughout the state for the distribution of antitoxins and vaccines to physicians, ~~druggists~~ pharmacists, and other persons, at cost. All antitoxin and vaccine thus distributed shall be labeled “Iowa Department of Public Health and Human Services”.
6. Exercise general supervision over the administration and enforcement of the sexually transmitted diseases and infections law, chapter 139A, subchapter II.
7. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation. However, the department may approve a request for an exception to the application of specific embalming and disposition rules adopted pursuant to this subsection if such rules would otherwise conflict with tenets and practices of a recognized religious

denomination to which the deceased individual adhered or of which denomination the deceased individual was a member. The department shall inform the board of mortuary science of any such approved exception which may affect services provided by a funeral director licensed pursuant to chapter 156.

8. Establish, publish, and enforce rules which require companies, corporations, and other entities to obtain a permit from the department prior to scattering cremated human remains.

9. Exercise general supervision over the administration and enforcement of the vital statistics law, chapter 144.

~~10. Enforce the law relative to chapter 146 and "Health-related Professions", Title IV, subtitle 3, excluding chapter 155.~~

~~11. Establish and maintain divisions as are necessary for the proper enforcement of the laws administered by the department.~~

~~12. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapter 125 and 155, and Title IV, subtitle 2, excluding chapter 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.~~

13. ~~10.~~ Administer healthy aging and essential public health services by approving grants of state funds to the local boards of health for the purposes of promoting healthy aging throughout the lifespan and enhancing health promotion and disease prevention services, and by providing guidelines for the approval of the grants and allocation of the state funds. Guidelines, evaluation requirements and formula allocation procedures for the services shall be established by the department by rule.

~~14. 11.~~ Administer chapters 125, 136A, 136C, 139A, 142, 142A, 144, and 147A.

~~15. Issue an annual report to the governor as provided in section 7E.3, subsection 4.~~

~~16. 12.~~ Consult with the office of statewide clinical education programs at the university of Iowa college of medicine and annually submit a report to the general assembly by January 15 verifying the number of physicians in active practice in Iowa by county who are engaged in providing obstetrical care. To the extent data are readily available, the report shall include information concerning the number of deliveries per year by specialty and county, the age of physicians performing deliveries, and the number of current year graduates of the university of Iowa college of medicine and the Des Moines university — osteopathic medical center entering into residency programs in obstetrics, gynecology, and family practice. The report may include additional data relating to access to obstetrical services that may be available.

~~17. 13.~~ Administer the statewide maternal and child health program and the program for children with disabilities 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 conditions which may cause disabilities and children with chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act. The department shall provide technical assistance to encourage the coordination and collaboration of state agencies in developing outreach centers which provide publicly supported services for pregnant women, infants, and children. The department shall also, through cooperation and collaborative agreements with the ~~department of human services and the~~ mobile and regional child health specialty clinics, establish common intake proceedings for maternal and child health services. The department shall work in cooperation with the legislative services agency in monitoring the effectiveness of the maternal and child health centers, including the provision of transportation for patient appointments and the keeping of scheduled appointments.

~~18. 14.~~ Establish, publish, and enforce rules requiring prompt reporting of methemoglobinemia, pesticide poisoning, and the reportable poisonings and illnesses established pursuant to section 139A.21.

~~19. 15.~~ Collect and maintain reports of pesticide poisonings and other poisonings, illnesses, or injuries caused by selected chemical or physical agents, including methemoglobinemia and pesticide and fertilizer hypersensitivity; and compile and publish, annually, a statewide and county-by-county profile based on the reports.

~~20. 16.~~ Adopt rules which require personnel of a licensed hospice, of a homemaker-home health aide provider agency which receives state homemaker-home health aide funds, or of an agency which provides respite care services and receives funds to complete

training concerning blood-borne pathogens, including human immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety and health administration.

~~21.~~ 17. Adopt rules which require all emergency medical services personnel, fire fighters, and law enforcement personnel to complete training concerning blood-borne pathogens, including human immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety and health administration.

~~22.~~ 18. Adopt rules which provide for the testing of a convicted or alleged offender for the human immunodeficiency virus pursuant to sections 915.40 through 915.43. The rules shall provide for the provision of counseling, health care, and support services to the victim.

~~23.~~ 19. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section 7E.6 if funds are available and the per diem is determined to be appropriate by the director. Expense moneys paid to the members shall be paid from funds appropriated to the department. A majority of the members of such a committee constitutes a quorum.

~~24.~~ 20. Administer annual grants to county boards of health for the purpose of conducting programs for the testing of private water supply wells, the closing of abandoned private water supply wells, and the renovation or rehabilitation of private water supply wells. Grants shall be funded through moneys transferred to the department from the agriculture management account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph “b”, subparagraph (2), subparagraph division (b). The department shall adopt rules relating to the awarding of the grants.

~~25.~~ 21. Establish and administer, if sufficient funds are available to the department, a program to assess and forecast health workforce supply and demand in the state for the purpose of identifying current and projected workforce needs. The program may collect, analyze, and report data that furthers the purpose of the program. The program shall not release information that permits identification of individual respondents of program surveys.

~~26.~~ 22. In consultation with the advisory committee for perinatal guidelines, develop and maintain the statewide perinatal program based on the recommendations of the American academy of pediatrics and the American college of obstetricians and gynecologists contained in the most recent edition of the guidelines for perinatal care, and shall adopt rules in accordance with chapter 17A to implement those recommendations. Hospitals within the state shall determine whether to participate in the statewide perinatal program, and select the hospital’s level of participation in the program. A hospital having determined to participate in the program shall comply with the guidelines appropriate to the level of participation selected by the hospital. Perinatal program surveys and reports are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the affected hospital, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving verification of the participating hospital under this subsection.

~~27.~~ 23. In consultation with the department of corrections, the antibiotic resistance task force, and the American federation of state, county and municipal employees, develop educational programs to increase awareness and utilization of infection control practices in institutions listed in section 904.102.

~~28.~~ 24. Administer the Iowa youth survey, in collaboration with other state agencies, as appropriate, every two years to students in grades six, eight, and eleven in Iowa’s public and nonpublic schools. Survey data shall be evaluated and reported, with aggregate data available online at the Iowa youth survey internet site.

Sec. 127. Section 135.14, Code 2023, is amended to read as follows:

135.14 State public health dental director—duties program.

~~1.~~ The position of state public health dental director is established within the department.

~~2.~~ The dental director department shall perform all of the following duties:

~~a.~~ 1. Plan and direct all work activities of the statewide public health dental program.

~~b.~~ 2. Develop comprehensive dental initiatives for prevention activities.

e. 3. Evaluate the effectiveness of the statewide public health dental program and of program personnel.

~~d. Manage the oral and health delivery systems bureau including direction, supervision, and fiscal management of bureau staff.~~

e. 4. Other related work as required.

Sec. 128. Section 135.15, Code 2023, is amended to read as follows:

135.15 Oral and health delivery systems bureau established — responsibilities.

~~An oral and health delivery systems bureau is established within the division of health promotion and chronic disease prevention of the department. The bureau department shall be responsible for all of the following:~~

1. Providing population-based oral health services, including public health training, improvement of dental support systems for families, technical assistance, awareness-building activities, and educational services, at the state and local level to assist Iowans in maintaining optimal oral health throughout all stages of life.

2. Performing infrastructure building and enabling services through the administration of state and federal grant programs targeting access improvement, prevention, and local oral health programs utilizing maternal and child health programs, Medicaid, and other new or existing programs.

3. Leveraging federal, state, and local resources for programs under the purview of the bureau department.

4. Facilitating ongoing strategic planning and application of evidence-based research in oral health care policy development that improves oral health care access and the overall oral health of all Iowans.

5. Developing and implementing an ongoing oral health surveillance system for the evaluation and monitoring of the oral health status of children and other underserved populations.

6. Facilitating the provision of oral health services through dental homes. 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. 129. Section 135.16A, subsection 2, Code 2023, is amended to read as follows:

2. a. The department of inspections and appeals shall assist the Iowa department of public health in adopting rules necessary to implement and administer this section.

b. If necessary to implement, administer, and enforce this section, the Iowa department of public health, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the Iowa department of public health. The Iowa department of public health shall regularly report the status of such request to the legislative services agency.

Sec. 130. Section 135.22A, subsection 2, Code 2023, is amended to read as follows:

2. The advisory council on brain injuries is established. The following persons or their designees shall serve as ex officio, nonvoting members of the council:

a. The director of public health and human services or the director’s designee.

~~b. The director of human services and any division administrators of the department of human services so assigned by the director.~~

e. b. The director of the department of education.

~~d. c.~~ The chief of the special education bureau of the department of education.

e. d. The administrator of the division of vocational rehabilitation services of the department of education workforce development.

~~f. e.~~ The director of the department for the blind.

Sec. 131. Section 135.22B, subsections 1, 2, 6, and 7, Code 2023, are amended to read as follows:

1. *Definitions.* For the purposes of this section:

a. ~~“Brain injury services waiver”~~ “brain injury services waiver” means the state’s medical assistance home and community-based services waiver for persons with brain injury implemented under chapter 249A.

b. ~~“Program administrator” means the division of the department designated to administer the brain injury services program in accordance with subsection 2.~~

2. *Program created.*

a. A brain injury services program is created and shall be administered by ~~a division of the Iowa department of public health~~ in cooperation with counties ~~and the department of human services.~~

b. ~~The division of the department assigned to administer the advisory council on brain injuries under section 135.22A shall be the program administrator.~~ The ~~division~~ department’s duties shall include but are not limited to serving as the fiscal agent and contract administrator for the program and providing program oversight.

c. ~~The division~~ department shall consult with the advisory council on brain injuries, established pursuant to section 135.22A, regarding the program and shall report to the council concerning the program at least quarterly. The council shall make recommendations to the department concerning the program’s operation.

6. *Cost-share requirements.*

a. The cost-share component’s financial eligibility requirements shall be established in administrative rule. In establishing the requirements, the department shall consider the eligibility and cost-share requirements used for the ~~hawk-i~~ Hawki program under chapter 514I.

b. An individual’s cost-share responsibility for services under the cost-share component shall be determined on a sliding scale based upon the individual’s family income. An individual’s cost-share shall be assessed as a copayment, which shall not exceed thirty percent of the cost payable for the service.

c. The service provider shall bill the department for the portion of the cost payable for the service that is not covered by the individual’s copayment responsibility.

7. *Application process.*

a. The application materials for services under the cost-share component of the brain injury services program shall use the application form and other materials of the brain injury services waiver. In order to apply for the brain injury services program, the applicant must authorize the ~~department of human services~~ to provide the applicant’s waiver application materials to the brain injury services program. The application materials provided shall include but are not limited to the waiver application and any denial letter, financial assessment, and functional assessment regarding the person.

b. If a functional assessment for the waiver has not been completed due to a person’s financial ineligibility for the waiver, the brain injury services program may provide for a functional assessment to determine the person’s needs by reimbursing the ~~department of human services~~ for the assessment.

c. ~~The program administrator~~ department shall file copies of the individual’s application and needs assessment with the ~~program resource facilitator~~ assigned to the individual’s geographic area.

d. ~~The department’s program administrator~~ department shall make a final determination as to whether program funding will be authorized under the cost-share component.

Sec. 132. Section 135.24, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department, ~~in consultation with the department of human services,~~ shall adopt rules to implement the volunteer health care provider program which shall include the following:

Sec. 133. Section 135.24A, Code 2023, is amended to read as follows:

135.24A Free clinics — volunteer record check.

1. For purposes of this section, *“free clinic”* means a free clinic as defined in section 135.24 that is also a network of free clinics in this state that offers operational and collaborative opportunities to free clinics.

2. Persons who are potential volunteers or volunteers in a free clinic in a position having direct individual contact with patients of the free clinic shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The free clinic shall request that the department of public safety perform the criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

3. A free clinic subject to this section shall establish an evaluation process to determine whether a crime of founded child or dependent adult abuse warrants prohibition of the person's participation as a volunteer in the free clinic. The evaluation process shall not be less stringent than the evaluation process performed by the ~~department of human services record check evaluation system~~ and shall be approved by the ~~department of human services~~.

Sec. 134. Section 135.25, Code 2023, is amended to read as follows:

135.25 Emergency medical services fund.

An emergency medical services fund is created in the state treasury under the control of the department. The fund includes, but is not limited to, amounts appropriated by the general assembly, amounts transferred pursuant to section 602.8108, subsection 4, and other moneys available from federal or private sources which are to be used for purposes of this section. Funds remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain in the emergency medical services fund, notwithstanding section 8.33. The fund is established to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of equipment for the provision of emergency medical services and by providing grants to counties for education and training in the delivery of emergency medical services, as provided in this section and section 422D.6. A county seeking matching funds under this section shall apply to the ~~emergency medical services division of the~~ department. The department shall adopt rules concerning the application and awarding process for the matching funds and the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the emergency medical services needs of the counties. Moneys allocated by the department to a county for emergency medical services purposes may be used for equipment or training and education as determined by the board of supervisors pursuant to section 422D.6.

Sec. 135. Section 135.36, Code 2023, is amended to read as follows:

135.36 Interference with health department officer — penalties.

Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law shall be guilty of a simple misdemeanor.

Sec. 136. Section 135.39, Code 2023, is amended to read as follows:

135.39 Federal aid.

~~The state department of public health is hereby authorized to may~~ accept financial aid from the government of the United States for the purpose of assisting in carrying on public health or substance ~~abuse~~ use disorder responsibility in the state of Iowa.

Sec. 137. Section 135.39B, subsection 3, Code 2023, is amended to read as follows:

3. The prohibition under this section shall not apply to early childhood immunizations for influenza or in times of emergency or epidemic as determined by the ~~director of public health~~. If an emergency or epidemic is determined to exist by the ~~director of public health~~ under this subsection, the ~~director of public health~~ shall notify the state board of council on health and human services, the governor, and the legislative council, and shall notify the public upon request.

Sec. 138. Section 135.39E, Code 2023, is amended to read as follows:

135.39E Fluoridation in public water supply — notice of discontinuance.

1. At least ninety days prior to taking any action to permanently discontinue fluoridation in its water supply, an owner or operator of a public water supply system, as defined in section 455B.171, shall provide notice to the ~~oral and health delivery systems bureau established in section 135.15~~ department and the public water supply system's customers.

2. In order to provide notice to its customers, the owner or operator of the public water supply system shall place a notice on each customer's water bill or provide notice in a way that is reasonably calculated so that all customers will receive the notice.

3. Section 135.38 does not apply to violations of this section.

Sec. 139. Section 135.43, Code 2023, is amended to read as follows:

135.43 Iowa child death review team established — duties.

1. An Iowa child death review team is established as ~~part of the office of the state medical examiner in the department. The office of the state medical examiner department~~ shall provide staffing and administrative support to the team.

2. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the ~~state medical examiner director~~. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the ~~state medical examiner director~~ or as determined by the review team. The review team shall include the following:

a. The state medical examiner or the state medical examiner's designee.

b. A certified or licensed professional who is knowledgeable concerning sudden infant death syndrome.

c. A pediatrician who is knowledgeable concerning deaths of children.

d. A family practice physician who is knowledgeable concerning deaths of children.

e. One mental health professional who is knowledgeable concerning deaths of children.

f. One social worker who is knowledgeable concerning deaths of children.

g. A certified or licensed professional who is knowledgeable concerning domestic violence.

h. A professional who is knowledgeable concerning substance ~~abuse~~ use disorder.

i. A local law enforcement official.

j. A county attorney.

k. An emergency room nurse who is knowledgeable concerning the deaths of children.

l. A perinatal expert.

m. A representative of the health insurance industry.

n. One other member who is appointed at large.

3. The review team shall perform the following duties:

a. Collect, review, and analyze child death certificates and child death data, including patient records or other pertinent confidential information concerning the deaths of children under age eighteen, and other information as the review team deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths.

b. Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths.

c. Recommend to the agencies represented on the review team changes which may prevent child deaths.

d. Except as authorized by this section, maintain the confidentiality of any patient records or other confidential information reviewed.

e. Recommend to the ~~department of human services~~, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the team.

f. If the sharing of information is necessary to assist in or initiate a child death investigation or criminal prosecution and the office or agency receiving the information does not otherwise have access to the information, share information possessed by the review team with the office of the attorney general, a county attorney's office, or an appropriate law enforcement agency. The office or agency receiving the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section.

g. In order to assist a ~~division of~~ the department in performing the ~~division's~~ department's duties, if the ~~division~~ department does not otherwise have access to the information, share information possessed by the review team. The ~~division-receiving~~ recipient of the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section.

4. The ~~review team~~ department shall develop protocols for a child fatality review committee, to be appointed by the ~~state medical examiner~~ director on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under age eighteen. The ~~state medical examiner~~ director shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

a. The purpose of the review shall be to determine whether the department of ~~human services~~ and others involved with the case of child abuse responded appropriately. The protocols shall provide for the committee to consult with any multidisciplinary team, as defined in section 235A.13, that is operating in the area in which the fatality occurred. The protocols shall also ensure that a member of the child fatality review committee does not have a conflict of interest regarding the child fatality under review.

b. The committee shall have access to patient records and other pertinent confidential information and, subject to the restrictions in this subsection, may redisseminate the confidential information in the committee's report.

c. Upon completion of the review, the committee shall issue a report which shall include findings concerning the case and recommendations for changes to prevent child fatalities when similar circumstances exist. The report shall include but is not limited to the following information, subject to the restrictions listed in paragraph "d":

(1) The dates, outcomes, and results of any actions taken by the department of ~~human services~~ and others in regard to each report and allegation of child abuse involving the child who died.

(2) The results of any review of the case performed by a multidisciplinary team, or by any other public entity that reviewed the case.

(3) Confirmation of receipt by the department of ~~human services~~ of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with section 232.71B, the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

d. Prior to issuing the report, the committee shall consult with the county attorney responsible for prosecution of the alleged perpetrator of the child fatality. The committee's report shall include child abuse information associated with the case and the child, but is subject to the restrictions applicable to the department of ~~human services~~ for release of information concerning a child fatality or near fatality in accordance with section 235A.15, subsection 9.

e. Following the completion of the trial of any alleged perpetrator of the child fatality and the appeal period for the granting of a new trial, the committee shall issue a supplemental report containing the information that was withheld, in accordance with paragraph "d", so as not to jeopardize the prosecution or the rights of the alleged perpetrator to a fair trial as described in section 235A.15, subsection 9, paragraphs "e" and "f".

f. The report and any supplemental report shall be submitted to the governor and general assembly.

g. If deemed appropriate by the committee, at any point in the review the committee may recommend to the department of ~~human services~~, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.

5. a. The following individuals shall designate a liaison to assist the review team in fulfilling its responsibilities:

(1) The director of ~~public health~~ and human services.

(2) ~~The director of human services.~~

(3) (2) The commissioner of public safety.

(4) (3) The attorney general.

(5) (4) The director of transportation.

(6) (5) The director of the department of education.

b. In addition, the ~~chairperson of the review team~~ department shall designate a liaison from the public at large to assist the review team in fulfilling its responsibilities.

6. The review team may establish subcommittees to which the team may delegate some or all of the team's responsibilities under subsection 3.

7. a. ~~The state medical examiner, the Iowa department of public health, and the department of human services~~ shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the ~~office of the state medical examiner~~ department upon the request of the ~~office~~ department, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4, information and records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department or the ~~office of the state medical examiner~~ as required under and in compliance with this section.

8. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The ~~state medical examiner~~ department shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers under this section.

9. A person who releases or discloses confidential data, records, or any other type of information in violation of this section is guilty of a serious misdemeanor.

Sec. 140. Section 135.61, subsection 12, Code 2023, is amended to read as follows:

12. "*Health services*" means clinically related diagnostic, curative, or rehabilitative services, and includes ~~alcoholism, drug abuse,~~ substance use disorder and mental health services.

Sec. 141. Section 135.100, subsection 1, Code 2023, is amended to read as follows:

1. "*Department*" means the Iowa department of public health and human services.

Sec. 142. Section 135.101, Code 2023, is amended to read as follows:

135.101 Childhood lead poisoning prevention program.

There is established a childhood lead poisoning prevention program within the ~~Iowa department of public health~~. The department shall implement and review programs necessary to eliminate potentially dangerous toxic lead levels in children in Iowa in a year for which funds are appropriated to the department for this purpose.

Sec. 143. Section 135.106, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~Iowa department of public health~~ shall establish a healthy opportunities for parents to experience success (HOPES) – healthy families Iowa (HFI) program to provide services to families and children during the prenatal through preschool years. The program shall be designed to do all of the following:

Sec. 144. Section 135.106, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The HOPES-HFI program shall be developed by the Iowa department of public health, and may be implemented, in whole or in part, by contracting with a nonprofit child abuse prevention organization, local nonprofit certified home health program or other local nonprofit organizations, and shall include, but is not limited to, all of the following components:

Sec. 145. Section 135.106, subsection 3, Code 2023, is amended to read as follows:

3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The Iowa department of public health, department of human services, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the Iowa department of public health, department of human services, and the department of education, and are subject to the approval of the early childhood Iowa state board in consultation with the departments, based on the practices utilized with early childhood Iowa areas under chapter 256I.

Sec. 146. Section 135.107, Code 2023, is amended to read as follows:

135.107 Center for rural Rural health and primary care established — duties.

~~1. The center for rural health and primary care is established within the department.~~

~~2. 1. The center for rural health and primary care department shall do all of the following:~~

~~a. Provide technical planning assistance to rural communities and counties exploring innovative means of delivering rural health services through community health services assessment, planning, and implementation, including but not limited to hospital conversions, cooperative agreements among hospitals, physician and health practitioner support, recruitment and retention of primary health care providers, public health services, emergency medical services, medical assistance facilities, rural health care clinics, and alternative means which may be included in the long-term community health services assessment and developmental plan. The center for rural health and primary care department shall encourage collaborative efforts of the local boards of health, hospital governing boards, and other public and private entities located in rural communities to adopt a long-term community health services assessment and developmental plan pursuant to rules adopted by the department and perform the duties required of the Iowa department of public health in section 135B.33.~~

~~b. Provide technical assistance to assist rural communities in improving Medicare reimbursements through the establishment of rural health clinics, defined pursuant to 42 U.S.C. §1395x, and distinct part skilled nursing facility beds.~~

~~c. Coordinate services to provide research for the following items:~~

~~(1) Examination of the prevalence of rural occupational health injuries in the state.~~

~~(2) Assessment of training and continuing education available through local hospitals and others relating to diagnosis and treatment of diseases associated with rural occupational health hazards.~~

~~(3) Determination of continuing education support necessary for rural health practitioners to diagnose and treat illnesses caused by exposure to rural occupational health hazards.~~

~~(4) Determination of the types of actions that can help prevent agricultural accidents.~~

~~(5) Surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural-related injuries and diseases in the state, identifying causal factors associated~~

with agricultural-related injuries and diseases, and indicating the effectiveness of intervention programs designed to reduce injuries and diseases.

d. Cooperate with the center for agricultural safety and health established under section 262.78, the center for health effects of environmental contamination established under section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

e. Administer grants for farm safety education efforts directed to rural families for the purpose of preventing farm-related injuries to children.

3. 2. ~~The center for rural health and primary care department~~ 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. 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 department~~ may enter into an agreement with the college student aid commission for the administration of the ~~center's department's~~ grant and loan repayment programs.

a. *Health care workforce and community support grant program.*

(1) The ~~center for rural health and primary care department~~ shall adopt rules establishing flexible application processes based upon the department's strategic plan to be used by the ~~center department~~ 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 department~~. An application submitted may contain a commitment 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 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 department~~ 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.

4. ~~3.~~ 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". 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 a community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, 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~~ department 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~~ department 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~~ department are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the ~~center~~ department 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.

d. ~~The center for rural health and primary care~~ department may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include but are not limited to the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.

Sec. 147. Section 135.108, subsections 1 and 2, Code 2023, are amended to read as follows:

1. "*Department*" means the Iowa department of ~~public health and human services~~.
2. "*Director*" means the director of ~~public health and human services~~.

Sec. 148. Section 135.109, Code 2023, is amended to read as follows:

135.109 Iowa domestic abuse death review team membership.

1. An Iowa domestic abuse death review team is established ~~as an independent agency of state government in the department~~.
2. The department shall provide staffing and administrative support to the team.
3. The team shall include the following members:
 - a. The state medical examiner or the state medical examiner's designee.
 - b. A licensed physician, physician assistant, or nurse who is knowledgeable concerning domestic abuse injuries and deaths, including suicides.
 - c. A licensed mental health professional who is knowledgeable concerning domestic abuse.
 - d. A representative or designee of the Iowa coalition against domestic violence.

e. A certified or licensed professional who is knowledgeable concerning substance abuse use disorder.

f. A law enforcement official who is knowledgeable concerning domestic abuse.

g. A law enforcement investigator experienced in domestic abuse investigation.

h. An attorney experienced in prosecuting domestic abuse cases.

i. A judicial officer appointed by the chief justice of the supreme court.

j. A clerk of the district court appointed by the chief justice of the supreme court.

k. An employee or subcontractor of the department of corrections who is a trained batterers' education program facilitator.

l. An attorney licensed in this state who provides criminal defense assistance or child custody representation, and who has experience in dissolution of marriage proceedings.

m. Both a female and a male victim of domestic abuse.

n. A family member of a decedent whose death resulted from domestic abuse.

4. The following individuals shall each designate a liaison to assist the team in fulfilling the team's duties:

a. The attorney general.

b. The director of the Iowa department of corrections.

~~c. The director of public health.~~

~~d. c.~~ The director of health and human services.

~~e. d.~~ The commissioner of public safety.

~~f. The administrator of the bureau of vital records of the Iowa department of public health.~~

~~g. e.~~ The director of the department of education.

~~h. f.~~ The state court administrator.

~~i. The director of the department of human rights.~~

~~j. g.~~ The director of the state law enforcement academy.

5. a. The director of public health, in consultation with the attorney general, shall appoint review team members who are not designated by another appointing authority.

b. A membership vacancy shall be filled in the same manner as the original appointment.

c. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance.

d. A member of the team may be reappointed to serve additional terms on the team, subject to the provisions of chapter 69.

6. Membership terms shall be three-year staggered terms.

7. Members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

8. Team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a team member or agent provided that the team members or agents acted reasonably and in good faith and without malice in carrying out their official duties in their official capacity. A complainant bears the burden of proof in establishing malice or unreasonableness or lack of good faith in an action brought against team members involving the performance of their duties and powers.

Sec. 149. Section 135.118, subsection 1, Code 2023, is amended to read as follows:

1. A child protection center grant program is established in the Iowa department of public health in accordance with this section. The director of public health department shall establish requirements for the grant program and shall award grants. A grant may be used for establishment of a new center or for support of an existing center.

Sec. 150. Section 135.118, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. As necessary to address serious cases of child abuse such as those involving sexual abuse, serious physical abuse, and substance abuse use disorder, a grantee must be able to involve or consult with persons from various professional disciplines who have training and expertise in addressing special types of child abuse. These persons may include but are not limited to physicians and other health care professionals, mental health professionals, social

workers, child protection workers, attorneys, juvenile court officers, public health workers, child development experts, child educators, and child advocates.

Sec. 151. Section 135.118, subsection 3, Code 2023, is amended to read as follows:

3. The director shall create a committee to consider grant proposals and to make grant recommendations to the director. The committee membership may include but is not limited to representatives of the following: departments of health and human services, and justice, ~~and public health~~, Iowa medical society, Iowa hospital association, Iowa nurses association, and an association representing social workers.

Sec. 152. Section 135.140, Code 2023, is amended to read as follows:

135.140 Definitions.

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

1. “*Bioterrorism*” means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism.

2. “*Department*” means the Iowa department of public health and human services.

3. “*Director*” means the director of public health and human services or the director’s designee.

4. “*Disaster*” means disaster as defined in section 29C.2.

~~5. “*Division*” means the division of acute disease prevention and emergency response of the department.~~

~~6.~~ 5. “*Public health disaster*” means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs “a” and “b”:

a. Is reasonably believed to be caused by any of the following:

(1) Bioterrorism or other act of terrorism.
 (2) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.

(3) A chemical attack or accidental release.

(4) An intentional or accidental release of radioactive material.

(5) A nuclear or radiological attack or accident.

(6) A natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm.

(7) A man-made occurrence or incident, including but not limited to an attack, spill, or explosion.

b. Poses a high probability of any of the following:

(1) A large number of deaths in the affected population.

(2) A large number of serious or long-term disabilities in the affected population.

(3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of the affected population.

(4) Short-term or long-term physical or behavioral health consequences to a large number of the affected population.

~~7.~~ 6. “*Public health response team*” means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster assistance in the event of a disaster or threatened disaster.

Sec. 153. Section 135.141, Code 2023, is amended to read as follows:

135.141 ~~Division of Department duties related to acute disease prevention and emergency response — establishment — duties of department.~~

1. ~~A division of acute disease prevention and emergency response is established within the department. The division department shall coordinate the administration of this subchapter~~

with other administrative divisions of the department and with federal, state, and local agencies and officials.

2. The department shall do all of the following:

a. Coordinate with the department of homeland security and emergency management the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8.

b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning, response, and recovery matters that involve the public health.

c. If a public health disaster exists, or if there is reasonable cause to believe that a public health disaster is imminent, conduct a risk assessment of any present or potential danger to the public health from chemical, radiological, or other potentially dangerous agents.

d. For the purpose of paragraph "c", 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.

e. Coordinate the location, procurement, storage, transportation, maintenance, and distribution of medical supplies, drugs, antidotes, and vaccines to prepare for or in response to a public health disaster, including receiving, distributing, and administering items from the strategic national stockpile program of the centers for disease control and prevention of the United States department of health and human services.

f. Conduct or coordinate public information activities regarding emergency and disaster planning, response, and recovery matters that involve the public health.

g. Apply for and accept grants, gifts, or other funds to be used for programs authorized by this subchapter.

h. Establish and coordinate other programs or activities as necessary for the prevention, detection, management, and containment of public health disasters, and for the recovery from such disasters.

i. Adopt rules pursuant to chapter 17A for the administration of this subchapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health council on health and human services and the director of the department of homeland security and emergency management.

Sec. 154. Section 135.166, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department of ~~public health~~ shall enter into a memorandum of understanding with the contractor selected through a request for proposals process to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph "a", subparagraph (4), and 641 IAC 177.3.

Sec. 155. Section 135.173A, Code 2023, is amended to read as follows:

135.173A Child care advisory committee.

1. The early childhood stakeholders alliance shall establish a state child care advisory committee as part of the stakeholders alliance. The advisory committee shall advise and make recommendations to the governor, general assembly, department of ~~human services~~, and other state agencies concerning child care.

2. The membership of the advisory committee shall consist of a broad spectrum of parents and other persons from across the state with an interest in or involvement with child care.

3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the stakeholders alliance from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the ~~department of human services'~~ department's child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years.

4. The voting membership of the advisory committee shall be appointed in a manner so as to provide equitable representation of persons with an interest in child care and shall include all of the following:

- a. Two parents of children served by a registered child development home.
- b. Two parents of children served by a licensed center.
- c. Two not-for-profit child care providers.
- d. Two for-profit child care providers.
- e. One child care home provider.
- f. Three child development home providers.
- g. One child care resource and referral service grantee.
- h. One nongovernmental child advocacy group representative.
- i. One designee of the department of ~~human services~~.
- ~~j. One designee of the Iowa department of public health.~~
- k. j. One designee of the department of education.
- ~~l.~~ k. One head start program provider.
- ~~m.~~ l. One person who is a business owner or executive officer from nominees submitted by the Iowa chamber of commerce executives.
- ~~n. One designee of the early childhood Iowa office of the department of management.~~
- ~~o.~~ m. One person who is a member of the Iowa afterschool alliance.
- ~~p.~~ n. One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter 256C.
- ~~q.~~ o. One person who represents the early childhood stakeholders alliance.

5. In addition to the voting members of the advisory committee, the membership shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

6. In fulfilling the advisory committee's role, the committee shall do all of the following:

- a. Consult with the department of ~~human services~~ and make recommendations concerning policy issues relating to child care.
- b. Advise the department of ~~human services~~ concerning services relating to child care, including but not limited to any of the following:
 - (1) Resource and referral services.
 - (2) Provider training.
 - (3) Quality improvement.
 - (4) Public-private partnerships.
 - (5) Standards review and development.
 - (6) The federal child care and development block grant, state funding, grants, and other funding sources for child care.
- c. Assist the department of ~~human services~~ in developing an implementation plan to provide seamless service to recipients of public assistance, which includes child care services. For the purposes of this subsection, "seamless service" means coordination, where possible, of the federal and state requirements which apply to child care.
- d. Advise and provide technical services to the director of the department of education or the director's designee relating to prekindergarten, kindergarten, and before and after school programming and facilities.
- e. Make recommendations concerning child care expansion programs that meet the needs of children attending a core education program by providing child care before and after the core program hours and during times when the core program does not operate.
- f. Make recommendations for improving collaborations between the child care programs involving the department of ~~human services~~ and programs supporting the education and

development of young children including but not limited to the federal head start program; the statewide preschool program for four-year-old children; and the early childhood, at-risk, and other early education programs administered by the department of education.

g. Make recommendations for eliminating duplication and otherwise improving the eligibility determination processes used for the state child care assistance program and other programs supporting low-income families, including but not limited to the federal head start, early head start, and even start programs; the early childhood, at-risk, and preschool programs administered by the department of education; the family and self-sufficiency grant program; and the family investment program.

h. Make recommendations as to the most effective and efficient means of managing the state and federal funding available for the state child care assistance program.

i. Review program data from the department of ~~human services~~ and other departments concerning child care as deemed to be necessary by the advisory committee, although a department shall not provide personally identifiable data or information.

j. Advise and assist the early childhood stakeholders alliance in developing the strategic plan required pursuant to section 256I.4, subsection 4.

7. The department of ~~human services~~ shall provide information to the advisory committee semiannually on all of the following:

a. Federal, state, local, and private revenues and expenditures for child care including but not limited to updates on the current and future status of the revenues and expenditures.

b. Financial information and data relating to regulation of child care by the department of ~~human services~~ and the usage of the state child care assistance program.

c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives.

d. Statistical and demographic data regarding child care providers and the families utilizing child care.

e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers.

8. The advisory committee shall coordinate with the early childhood stakeholders alliance its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on health and human resources services by a representative of the advisory committee.

Sec. 156. Section 135.175, subsection 6, paragraphs b and c, Code 2023, are amended to read as follows:

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~~ dental program of the department, the primary care office and shortage designation program, and the state office of rural health, ~~administered through the oral and health delivery systems bureau~~ of the department of ~~public health~~; 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 section 135.163.

c. 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 section 135.163, or to address workforce shortages as otherwise designated by the department of ~~public health~~. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

Sec. 157. Section 135.185, subsection 6, Code 2023, is amended to read as follows:

6. The department of ~~public health~~, the board of medicine, the board of nursing, and the board of pharmacy shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine.

Sec. 158. Section 135.190, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. "*Person in a position to assist*" means a family member, friend, caregiver, health care provider, employee of a substance ~~abuse~~ use disorder treatment facility, school employee, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose.

Sec. 159. Section 135.190A, subsection 6, Code 2023, is amended to read as follows:

6. The department shall submit a report to the ~~co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency general assembly~~ on or before December 31 of each year which shall contain a list of deposits and expenditures from the fund for the prior fiscal year and the amount of carryover funds, if any, to be distributed in the next fiscal year.

Sec. 160. Section 135A.2, subsections 2 and 4, Code 2023, are amended to read as follows:

2. "*Department*" means the department of ~~public health and human services~~.

4. "*Governmental public health system*" means local boards of health, the ~~state board of council on health and human services~~, designated local public health agencies, the state hygienic laboratory, and the department.

Sec. 161. Section 135A.8, subsection 4, Code 2023, is amended to read as follows:

4. A local board of health seeking matching funds or grants under this section shall apply to the department. The ~~state board of~~ council on health and human services shall adopt rules concerning the application and award process for the allocation of moneys in the fund and shall establish the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the needs of local boards of health.

Sec. 162. Section 135A.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state board of~~ council on health and human services shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following:

Sec. 163. Section 135B.7, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department, with the approval of the ~~state board of~~ council on health and human services, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

Sec. 164. Section 135B.9, subsection 2, Code 2023, is amended to read as follows:

2. In the state resource centers and state mental health institutes operated by the department of health and human services, the designated protection and advocacy agency as provided in section 135C.2, subsection 4, shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents and contact or interview with any resident, employee, or any other person who might have knowledge about the operation of the institution.

Sec. 165. Section 135B.33, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to availability of funds, the Iowa department of ~~public health and human services~~ shall provide technical planning assistance to local boards of health and hospital governing boards to ensure access to hospital services in rural areas. The department shall encourage the local boards of health and hospital governing boards to adopt a long-term community health services and developmental plan including the following:

Sec. 166. Section 135B.34, Code 2023, is amended to read as follows:

135B.34 Hospital employees — criminal history and abuse record checks — penalty.

1. a. Prior to employment of a person in a hospital, the hospital shall do one of the following:

(1) Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state.

(2) Access the single contact repository to perform the required record checks.

b. (1) If a hospital accesses the single contact repository to perform the required record checks pursuant to paragraph “a”, the hospital may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services record check evaluation system~~, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the hospital has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s employment in the hospital.

(2) The provisional employment under this paragraph “b” may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services record check evaluation system~~, as applicable, are completed.

c. A hospital shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A hospital shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse
or have you ever been convicted of a crime, in this state or any other
state?

2. a. If it is determined that a person being considered for employment in a hospital has committed a crime, the department of public safety shall notify the hospital that upon the request of the hospital the ~~department of human services record check evaluation system~~ will perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the hospital.

b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the hospital has requested an evaluation in accordance with paragraph “a” to determine whether the crime warrants prohibition of the person’s employment, the hospital may employ the person for not more than sixty calendar days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

c. If a ~~department of human services record check evaluation system~~ child or dependent adult abuse record check shows that the person has a record of founded child or dependent adult abuse, the ~~department of human services record check evaluation system~~ shall notify the hospital that upon the request of the hospital the ~~department of human services record check evaluation system~~ will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of the person's employment in the hospital.

d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of health and human services.

e. (1) If a person owns or operates more than one hospital, and an employee of one of such hospitals is transferred to another such hospital without a lapse in employment, the hospital is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

(2) If the ownership of a hospital is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The hospital may continue to employ such employee pending the performance of the record checks and any related evaluation.

3. In an evaluation, the ~~department of human services record check evaluation system~~ shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the ~~department of human services record check evaluation system~~ performs an evaluation for the purposes of this section, the ~~department of human services record check evaluation system~~ has final authority in determining whether prohibition of the person's employment is warranted.

4. a. Except as provided in subsection 1, paragraph "b", subsection 2, and paragraph "b" of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a hospital licensed under this chapter unless an evaluation has been performed by the ~~department of human services record check evaluation system~~.

b. A person with a criminal or abuse record who is or was employed by a hospital licensed under this chapter and is hired by another hospital shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the ~~department of human services record check evaluation system~~ concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other hospital in accordance with the ~~department of human services' record check evaluation system's~~ evaluation and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the ~~department of human services record check evaluation system~~ is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the ~~department of human services record check evaluation system~~ shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this lettered paragraph “b” may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

5. a. If a person employed by a hospital 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 hospital of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The hospital shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person’s employment is continued. The hospital may continue to employ the person pending the performance of an evaluation by the ~~department of human services~~ record check evaluation system to determine whether prohibition of the person’s employment is warranted. A person who is required by this subsection to inform the person’s employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a hospital receives credible information, as determined by the hospital, that a person employed by the hospital has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the hospital of such information within the period required under paragraph “a”, the hospital shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person’s employment is continued.

c. The hospital may notify the county attorney for the county where the hospital is located of any violation or failure by an employee to notify the hospital of a criminal conviction or entry of an abuse record within the period required under paragraph “a”.

6. A hospital licensed in this state may access the single contact repository established by the department pursuant to section 135C.33 as necessary for the hospital to perform record checks of persons employed or being considered for employment by the hospital.

7. For the purposes of this section, “*comprehensive preliminary background check*” means and “*record check evaluation system*” mean¹ the same as defined in section 135C.1.

Sec. 167. Section 135C.1, subsection 20, Code 2023, is amended to read as follows:

20. “*Residential care facility*” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis or who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided. For the purposes of this definition, the home and community-based services to be provided are limited to the type included under the medical assistance program provided pursuant to chapter 249A, are subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections and appeals with the concurrence of the department of health and human services, are limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

¹ See chapter 119, §19 herein

Sec. 168. Section 135C.1, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 18A. “*Record check evaluation system*” means the record check evaluation system of the department of health and human services used to perform child and dependent adult abuse record checks and to evaluate criminal history and abuse records.

Sec. 169. Section 135C.4, subsection 3, Code 2023, is amended to read as follows:

3. For the purposes of this section, the home and community-based services to be provided shall be limited to the type included under the medical assistance program provided pursuant to chapter 249A, shall be subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections and appeals with the concurrence of the department of health and human services, shall be limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

Sec. 170. Section 135C.6, subsections 8 and 9, Code 2023, are amended to read as follows:

8. The following residential programs to which the department of health and human services applies accreditation, certification, or standards of review shall not be required to be licensed as a health care facility under this chapter:

a. Residential programs providing care to not more than four individuals and receiving moneys appropriated to the department of health and human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual disability or other medical assistance program under chapter 249A. In approving a residential program under this paragraph, the department of health and human services shall consider the geographic location of the program so as to avoid an overconcentration of such programs in an area. In order to be approved under this paragraph, a residential program shall not be required to involve the conversion of a licensed residential care facility for persons with an intellectual disability.

b. Not more than forty residential care facilities for persons with an intellectual disability that are licensed to serve not more than five individuals may be authorized by the department of health and human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with an intellectual disability. A converted residential program operating under this paragraph is subject to the conditions stated in paragraph “a” except that the program shall not serve more than five individuals.

c. A residential program approved by the department of health and human services pursuant to this paragraph “c” to receive moneys appropriated to the department of health and human services under provisions of a federally approved home and community-based services habilitation or waiver program may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

(1) Approval of the program will not result in an overconcentration of such programs in an area.

(2) The county in which the residential program is located submits to the department of health and human services a letter of support for approval of the program.

(3) The county in which the residential program is located provides to the department of health and human services verification in writing that the program is needed to address one or more of the following:

(a) The quantity of services currently available in the county is insufficient to meet the need.

(b) The quantity of affordable rental housing in the county is insufficient.

(c) Implementation of the program will cause a reduction in the size or quantity of larger congregate programs.

9. Contingent upon the department of health and human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with an intellectual disability may surrender the facility license and continue to operate under a federally approved medical assistance

home and community-based services waiver for persons with an intellectual disability, if the department of health and human services has approved a plan submitted by the residential program.

Sec. 171. Section 135C.14, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall, in accordance with chapter 17A and with the approval of the ~~state board of council on~~ health and human services, adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the ~~state board of council on~~ health and human services, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of health and human services or the director's designee, with the state fire marshal, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 172. Section 135C.16, subsection 3, Code 2023, is amended to read as follows:

3. An authorized representative of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An authorized representative of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An authorized representative of the department of health and human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an authorized representative of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph "b", shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility, and an authorized representative of the office of long-term care ombudsman shall have the same right with respect to any nursing facility or residential care facility. If any such authorized representative has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon producing identification that the individual is an authorized representative is denied entry ~~thereto to the facility~~ for the purpose of making an inspection, the authorized representative may, with the assistance of the county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. 173. Section 135C.17, Code 2023, is amended to read as follows:

135C.17 Duties of other departments.

It shall be the duty of the department of health and human services, state fire marshal, office of long-term care ombudsman, and the officers and agents of other state and local governmental units, and the designated protection and advocacy agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency and the office of long-term care ombudsman by responding to all reasonable requests for assistance and information as required by federal law and this chapter.

Sec. 174. Section 135C.19, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A copy of each citation required to be posted by this subsection shall be sent by the department to the department of health and human services, to the designated protection and advocacy agency if the facility has one or more residents with developmental disabilities

or mental illness, and to the office of long-term care ombudsman if the facility is a nursing facility or residential care facility.

Sec. 175. Section 135C.19, subsection 3, Code 2023, is amended to read as follows:

3. If the facility cited subsequently advises the department of health and human services that the violation has been corrected to the satisfaction of the department of inspections and appeals, the department of health and human services shall maintain this advisory in the same file with the copy of the citation. The department of health and human services shall not disseminate to the public any information regarding citations issued by the department of inspections and appeals, but shall forward or refer inquiries to the department of inspections and appeals.

Sec. 176. Section 135C.20A, subsection 2, Code 2023, is amended to read as follows:

2. The report card form shall be developed by the department in cooperation with representatives of the department on ~~aging of~~ health and human services, the state long-term care ombudsman, representatives of certified volunteer long-term care ombudsmen, representatives of protection and advocacy entities, consumers, and other interested persons.

Sec. 177. Section 135C.22, Code 2023, is amended to read as follows:

135C.22 Applicable to governmental units.

The provisions of this chapter shall be applicable to institutions operated by or under the control of the department of health and human services, the state board of regents, or any other governmental unit.

Sec. 178. Section 135C.31A, Code 2023, is amended to read as follows:

135C.31A Assessment of residents — program eligibility — prescription drug coverage.

1. A health care facility shall assist the Iowa department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the United States department of veterans affairs. The department of inspections and appeals, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. The rules shall also require the health care facility to request information from a resident or resident's personal representative regarding the resident's veteran status and to report to the Iowa department of veterans affairs only the names of residents identified as potential veterans along with the names of their spouses and any dependents. Information reported by the health care facility shall be verified by the Iowa department of veterans affairs. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual to the Iowa veterans home.

2. a. If a resident is identified, upon admission to a health care facility, as eligible for benefits through the United States department of veterans affairs pursuant to subsection 1 or through other means, the health care facility shall allow the resident to access any prescription drug benefit included in such benefits for which the resident is also eligible. The health care facility shall also assist the Iowa department of veterans affairs in identifying individuals residing in such health care facilities on July 1, 2009, who are eligible for the prescription drug benefit.

b. The department of inspections and appeals, the department of veterans affairs, and the department of health and human services shall identify any barriers to residents in accessing such prescription drug benefits and shall assist health care facilities in adjusting their procedures for medication administration to comply with this subsection.

Sec. 179. Section 135C.33, Code 2023, is amended to read as follows:

135C.33 Employees and certified nurse aide trainees — child or dependent adult abuse information and criminal record check options — evaluations — application to other providers — penalty.

1. *a.* For the purposes of this section, the term “*crime*” does not include offenses under chapter 321 classified as a simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

b. Prior to employment of a person in a facility or with a provider as specified in subsection 5, the facility or provider shall do one of the following:

(1) Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state.

(2) Access the single contact repository to perform the required record checks.

c. (1) If a facility or a provider as specified in subsection 5 accesses the single contact repository to perform the required record checks pursuant to paragraph “*b*”, the facility or provider may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the facility or provider has requested an evaluation in accordance with subsection 2, paragraph “*a*”, to determine whether the crime warrants prohibition of the person’s employment in the facility or with the provider.

(2) The provisional employment under this paragraph “*c*” may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

d. A facility or provider shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility or provider shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state?

2. *a.* If it is determined that a person being considered for employment in a facility or with a provider has been convicted of a crime under a law of any state, the department of public safety shall notify the facility or provider that upon the request of the facility or provider the ~~department of human services~~ record check evaluation system will perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the facility or with the provider.

b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the facility or provider has requested an evaluation in accordance with paragraph “*a*” to determine whether the crime warrants prohibition of the person’s employment, the facility or provider may employ the person for not more than sixty calendar days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

c. If a ~~department of human services~~ record check evaluation system child or dependent adult abuse record check shows that such person has a record of founded child or dependent adult abuse, the ~~department of human services~~ record check evaluation system shall notify the facility or provider that upon the request of the facility or provider the ~~department of~~

~~human services record check evaluation system~~ will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the facility or with the provider.

d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of ~~health and~~ human services.

e. (1) If a person owns or operates more than one facility or a provider owns or operates more than one location, and an employee of one of such facilities or provider locations is transferred to another such facility or provider location without a lapse in employment, the facility or provider is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

(2) If the ownership of a facility or provider is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The facility or provider may continue to employ such employee pending the performance of the record checks and any related evaluation.

3. In an evaluation, the ~~department of human services~~ record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the ~~department of human services~~ record check evaluation system performs an evaluation for the purposes of this section, the ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's employment is warranted.

4. a. Except as provided in subsection 1, paragraph "c", subsection 2, and paragraph "b" of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility or with a provider unless an evaluation has been performed by the ~~department of human services~~ record check evaluation system.

b. A person with a criminal or abuse record who is or was employed by a facility or provider and is hired by another facility or provider shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the ~~department of human services~~ record check evaluation system concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other facility or provider in accordance with the ~~department of human services'~~ record check evaluation system's evaluation and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the ~~department of human services~~ record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the ~~department of human services~~ record check evaluation system shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph “b” may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

5. a. This section shall also apply to prospective employees of all of the following, if the provider is regulated by the state or receives any state or federal funding:

(1) An employee of a homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.

(2) An employee of a hospice, if the employee provides direct services to consumers.

(3) An employee who provides direct services to consumers under a federal home and community-based services waiver.

(4) An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers.

(5) An employee of an assisted living program certified under chapter 231C, if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the provider shall request the performance of the criminal and child and dependent adult abuse record checks. The provider shall inform the prospective employee and obtain the prospective employee’s signed acknowledgment. The ~~department of human services~~ record check evaluation system 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 provider shall not be employed by the provider.

6. 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, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, 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~~ record check evaluation system 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.

7. a. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

b. The department may access the single contact repository for any of the following purposes:

(1) To verify data transferred from the department’s nurse aide registry to the repository.

(2) To conduct record checks of applicants for employment with the department.

8. a. If a person employed by a facility, service, or program employer 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 employer of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The employer shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the employer to determine whether or not the person's employment is continued. The employer may continue to employ the person pending the performance of an evaluation by the ~~department of human services~~ record check evaluation system to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a facility, service, or program employer receives credible information, as determined by the employer, that a person employed by the employer has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the employer of such information within the period required under paragraph "a", the employer shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied to determine whether or not the person's employment is continued.

c. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under paragraph "a".

9. a. For the purposes of this subsection, unless the context otherwise requires:

(1) "*Certified nurse aide training program*" means a program approved in accordance with the rules for such programs adopted by the department of health and human services for the training of persons seeking to be a certified nurse aide for employment in any of the facilities or programs this section applies to or in a hospital, as defined in section 135B.1.

(2) "*Student*" means a person applying for, enrolled in, or returning to a certified nurse aide training program.

b. (1) Prior to a student beginning or returning to a certified nurse aide training program, the program shall do one of the following:

(a) Request that the department of public safety perform a criminal history check and the ~~department of human services~~ record check evaluation system perform child and dependent adult abuse record checks, in this state, of the student.

(b) Access the single contact repository to perform the required record checks.

(2) If a program accesses the single contact repository to perform the required record checks pursuant to subparagraph (1), the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a person to provisionally participate in the clinical component of the certified nurse aide training program pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for provisional participation has been convicted of a crime but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the program has requested an evaluation in accordance with subsection 2, paragraph "a", to determine whether the crime warrants prohibition of the person's provisional participation.

(d) The provisional participation under this subparagraph (2) may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

c. If a student has a criminal record or a record of founded child or dependent adult abuse, the student shall not be involved in a clinical education component of the certified nurse aide training program involving children or dependent adults unless an evaluation has been performed by the ~~department of human services~~ record check evaluation system. Upon request of the certified nurse aide training program, the ~~department of human services~~ record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student's involvement in a clinical education component of the certified nurse aide training program involving children or dependent adults. The evaluation shall be performed in accordance with the criteria specified in subsection 3, and the ~~department of human services~~ record check evaluation system shall report the results of the evaluation to the certified nurse aide training program. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the student's involvement in the clinical education component is warranted.

d. (1) If a student's clinical education component of the training program involves children or dependent adults but does not involve operation of a motor vehicle, and the student has been convicted of a crime listed in subparagraph (2), but does not have a record of founded child or dependent adult abuse, and the training program has requested an evaluation in accordance with paragraph "c" to determine whether the crime warrants prohibition of the student's involvement in such clinical education component, the training program may allow the student's participation in the component for not more than sixty days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

e. (1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of paragraph "c" shall be applied by the program to determine whether or not the student's involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the ~~department of human services~~ record check evaluation system. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

(2) If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of paragraph "c" shall be applied to determine whether or not the student's involvement in a clinical education component may continue.

(3) The program may notify the county attorney for the county where the program is located of any violation or failure by a student to notify the program of a criminal conviction or entry of an abuse record within the period required under subparagraph (1).

f. If a certified nurse aide training program is conducted by a health care facility and a student of that program subsequently accepts and begins employment with the facility within thirty days of completing the program, the criminal history and abuse registry checks of the student performed pursuant to this subsection shall be deemed to fulfill the requirements for such checks prior to employment pursuant to subsection 1.

Sec. 180. Section 135D.2, subsections 3 and 13, Code 2023, are amended to read as follows:

3. “Department” means the department of public health and human services.

13. “Iowa Medicaid enterprise program” means the centralized medical assistance program infrastructure, based on a business enterprise model, and designed to foster collaboration among all program stakeholders by focusing on quality, integrity, and consistency as defined in section 249A.2.

Sec. 181. Section 135D.6, subsection 2, Code 2023, is amended to read as follows:

2. A single industry shall not be disproportionately represented as voting members of the board. The board shall include at least one member who is a consumer of health services and a majority of the voting members of the board shall be representative of participants in the Iowa health information network. The director of public health and human services or the director’s designee and the director of the Iowa Medicaid enterprise program or the director’s designee shall act as voting members of the board. The commissioner of insurance shall act as an ex officio, nonvoting member of the board. Individuals serving in an ex officio, nonvoting capacity shall not be included in the total number of individuals authorized as members of the board.

Sec. 182. Section 135D.6, subsection 3, paragraph f, Code 2023, is amended to read as follows:

f. Provide an annual budget and fiscal report for the Iowa health information network to the governor, the department of public health and human services, the department of management, the chairs and ranking members of the legislative government oversight standing committees, and the legislative services agency. The report shall also include information about the services provided through the network and information on the participant usage of the network.

Sec. 183. Section 135G.10, Code 2023, is amended to read as follows:

135G.10 Rules.

1. The department of inspections and appeals and the department of health and human services shall collaborate in establishing standards for licensing of subacute care facilities to achieve all of the following objectives:

a. Subacute mental health services are provided based on sound, proven clinical practice.

b. Subacute mental health services are established in a manner that allows the services to be included in the federal medical assistance state plan.

2. It is the intent of the general assembly that subacute mental health services be included in the Medicaid state plan adopted for the implementation of the federal Patient Protection and Affordable Care Act, benchmark plan.

3. The department of inspections and appeals, in consultation with the department of health and human services and affected professional groups, shall adopt and enforce rules setting out the standards for a subacute care facility and the rights of the residents admitted to a subacute care facility. The department of inspections and appeals and the department of health and human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee.

Sec. 184. Section 135G.11, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of a complaint made in accordance with subsection 1, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a subacute care facility or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the subacute care facility which is the subject of the complaint. The department of inspections and appeals may refer to the department of health and human services any complaint received by the department of inspections and appeals if the complaint applies to rules adopted by the department of health and human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with

a developmental disability or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 185. Section 135H.4, Code 2023, is amended to read as follows:

135H.4 Licensure.

A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and either holds a license under section 237.3, subsection 2, paragraph “a”, as a comprehensive residential facility for children or holds a license under section 125.13, if the facility provides substance abuse use disorder treatment.

Sec. 186. Section 135H.6, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The department of health and human services has submitted written approval of the application based on the department of health and human services’ determination of need. The department of health and human services shall identify the location and number of children in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of health and human services and an analysis of the applicant’s ability to provide services and support consistent with requirements under chapter 232, particularly regarding community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under chapter 135B or 135C, approval under this paragraph shall not be given unless the department of health and human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is freestanding from a facility licensed under chapter 135B or 135C.

Sec. 187. Section 135H.6, subsections 2, 3, 4, and 5, Code 2023, are amended to read as follows:

2. The department of health and human services shall not give approval to an application which would cause the total number of beds licensed under this chapter for services reimbursed by the medical assistance program under chapter 249A to exceed four hundred thirty beds.

3. In addition to the beds authorized under subsection 2, the department of health and human services may establish not more than thirty beds licensed under this chapter at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under subsection 1, paragraph “d”.

4. The department of health and human services may give approval to conversion of beds approved under subsection 2, to beds which are specialized to provide substance abuse use disorder treatment. However, the total number of beds approved under subsection 2 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.

5. A psychiatric institution licensed prior to July 1, 1999, may exceed the number of beds authorized under subsection 2 if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsection 1, paragraphs “d” and “e”, and subsection 2, the provision of services using those excess beds does not require a certificate of need or a review by the department of health and human services.

Sec. 188. Section 135H.7, Code 2023, is amended to read as follows:

135H.7 Personnel.

1. A person shall not be allowed to provide services in a psychiatric institution if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a

substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. a. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensed psychiatric institution, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the ~~department of human services~~ record check evaluation system and the licensee, for an employee of the licensee, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The record check evaluation system of the department of health and human services shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of health and human services.

b. If the ~~department of human services~~ record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a psychiatric institution licensed under this chapter, or resides in a licensed facility, the ~~department~~ record check evaluation system shall notify the program that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted.

c. In an evaluation, the ~~department of human services~~ record check evaluation system and the licensee for an employee of the licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The ~~department~~ record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the ~~department's~~ record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

3. If the ~~department of human services~~ record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a psychiatric institution and shall not be employed by a psychiatric institution or reside in a facility licensed under this chapter.

4. In addition to the record checks required under subsection 2, the ~~department of human services~~ record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of subsections 2 and 3, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random dependent adult abuse record check conducted under this subsection.

5. ~~Beginning July 1, 1994, a~~ A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

6. ~~On or after July 1, 1994, a~~ A licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

Sec. 189. Section 135H.10, Code 2023, is amended to read as follows:

135H.10 Rules.

1. The department of inspections and appeals, in consultation with the department of health and human services and affected professional groups, shall adopt and enforce rules setting out the standards for a psychiatric medical institution for children and the rights of the residents admitted to a psychiatric institution. The department of inspections and appeals and the department of health and human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee.

2. This chapter shall not be construed as prohibiting the use of funds appropriated for foster care to provide payment to a psychiatric medical institution for children for the financial participation required of a child whose foster care placement is in a psychiatric medical institution for children. In accordance with established policies and procedures for foster care, the department of health and human services shall act to recover any such payment for financial participation, apply to be named payee for the child's unearned income, and recommend parental liability for the costs of a court-ordered foster care placement in a psychiatric medical institution.

Sec. 190. Section 135H.12, subsection 1, Code 2023, is amended to read as follows:

1. Upon receipt of a complaint made in accordance with section 135H.11, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a psychiatric institution or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the psychiatric institution which is the subject of the complaint. The department of inspections and appeals may refer to the department of health and human services any complaint received by the department if the complaint applies to rules adopted by the department of health and human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 191. Section 135J.7, Code 2023, is amended to read as follows:

135J.7 Rules.

Except as otherwise provided in this chapter, the department shall adopt rules pursuant to chapter 17A necessary to implement this chapter, subject to approval of the ~~state board of~~ council on health and human services. Formulation of the rules shall include consultation with Iowa hospice organization representatives and other persons affected by this chapter.

Sec. 192. Section 135L.1, subsection 3, Code 2023, is amended to read as follows:

3. "*Child-placing agency*" means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of health and human services.

Sec. 193. Section 135L.2, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of the child support ~~recovery unit~~ services in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if

the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

Sec. 194. Section 135L.2, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The video shall be available through the state and local offices of the ~~Iowa department of public health~~, the department of health and human services, and the judicial branch and through the office of each licensed physician who performs abortions.

Sec. 195. Section 135L.3, subsection 3, paragraph m, subparagraph (4), Code 2023, is amended to read as follows:

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, subchapter III, part 2, or a parent of the child is named in a report of founded child abuse. The department of health and human services shall maintain confidentiality under chapter 232 and shall not release any information in response to a request for public records, discovery procedures, subpoena, or any other means, unless the release of information is expressly authorized by the pregnant minor regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained. A person who knowingly violates the confidentiality provisions of this subparagraph is guilty of a serious misdemeanor.

Sec. 196. Section 135L.8, Code 2023, is amended to read as follows:

135L.8 Adoption of rules — implementation and documents.

The ~~Iowa department of public health and human services~~ shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent or grandparent of a pregnant minor who is designated to receive notification under this chapter.

Sec. 197. Section 135M.2, subsection 4, Code 2023, is amended to read as follows:

4. "Department" means the ~~Iowa department of public health and human services~~.

Sec. 198. Section 136A.1, Code 2023, is amended to read as follows:

136A.1 Purpose.

To reduce and avoid adverse health conditions of inhabitants of the state, the ~~Iowa department of public health~~ shall initiate, conduct, and supervise screening and health care programs in order to detect and predict congenital or inherited disorders. The department shall assist in the translation and integration of genetic and genomic advances into public health services to improve health outcomes throughout the life span of the inhabitants of the state.

Sec. 199. Section 136A.2, subsection 4, Code 2023, is amended to read as follows:

4. "Department" means the ~~Iowa department of public health and human services~~.

Sec. 200. Section 136A.3, Code 2023, is amended to read as follows:

136A.3 Establishment of center for congenital Congenital and inherited disorders — department duties.

~~A center for congenital and inherited disorders is established within the department. The center department shall do all of the following:~~

1. Initiate, conduct, and supervise statewide screening programs for congenital and inherited disorders amenable to population screening.

2. Initiate, conduct, and supervise statewide health care programs to aid in the early detection, treatment, prevention, education, and provision of supportive care related to congenital and inherited disorders.

3. Develop specifications for and designate a central laboratory in which tests conducted pursuant to the screening programs provided for in subsection 1 will be performed.

4. Gather, evaluate, and maintain information related to causes, severity, prevention, and methods of treatment for congenital and inherited disorders in conjunction with a

central registry, screening programs, genetic health care programs, and ongoing scientific investigations and surveys.

5. Perform surveillance and monitoring of congenital and inherited disorders to determine the occurrence and trends of the disorders, to conduct thorough and complete epidemiological surveys, to assist in the planning for and provision of services to children with congenital and inherited disorders and their families, and to identify environmental and genetic risk factors for congenital and inherited disorders.

6. Provide information related to severity, causes, prevention, and methods of treatment for congenital and inherited disorders to the public, medical and scientific communities, and health science disciplines.

7. Implement public education programs, continuing education programs for health practitioners, and education programs for trainees of the health science disciplines related to genetics, congenital disorders, and inheritable disorders.

8. Participate in policy development to assure the appropriate use and confidentiality of genetic information and technologies to improve health and prevent disease.

9. Collaborate with state and local health agencies and other public and private organizations to provide education, intervention, and treatment for congenital and inherited disorders and to integrate genetics and genomics advances into public health activities and policies.

Sec. 201. Section 136A.3A, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A congenital and inherited disorders advisory committee is established to assist the ~~center for congenital and inherited disorders~~ and the department in the development of programs that ensure the availability and access to quality genetic and genomic health care services for all Iowans.

3. The advisory committee shall assist the ~~center for congenital and inherited disorders~~ and the department in designating the conditions to be included in the newborn screening and in regularly evaluating the effectiveness and appropriateness of the newborn screening.

Sec. 202. Section 136A.4, Code 2023, is amended to read as follows:

136A.4 Genetic health services.

The ~~center~~ department may initiate, conduct, and supervise genetic health services for the inhabitants of the state, including the provision of regional genetic consultation clinics, comprehensive neuromuscular health care outreach clinics, and other outreach services and clinics as established by rule.

Sec. 203. Section 136A.5B, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In accordance with the duties prescribed in section 136A.3, the ~~center for congenital and inherited disorders~~ department 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:

Sec. 204. Section 136A.5B, subsection 2, Code 2023, is amended to read as follows:

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 section. The ~~center for congenital and inherited disorders~~ department shall make the informational materials available to attending health care providers upon request.

Sec. 205. Section 136A.6, Code 2023, is amended to read as follows:

136A.6 Central registry.

The ~~center for congenital and inherited disorders~~ department shall maintain a central registry, or shall establish an agreement with a designated contractor to maintain a central registry, to compile, evaluate, retain, and disseminate information on the occurrence,

prevalence, causes, treatment, and prevention of congenital disorders. Congenital disorders shall be considered reportable conditions in accordance with rules adopted by the department and shall be abstracted and maintained by the registry.

Sec. 206. Section 136A.7, Code 2023, is amended to read as follows:

136A.7 Confidentiality.

~~The center for congenital and inherited disorders and the department shall maintain the confidentiality of any identifying information collected, used, or maintained pursuant to this chapter in accordance with section 22.7, subsection 2.~~

Sec. 207. Section 136A.8, Code 2023, is amended to read as follows:

136A.8 Rules.

~~The center for congenital and inherited disorders, with assistance provided by the Iowa department of public health, shall adopt rules pursuant to chapter 17A to administer this chapter.~~

Sec. 208. Section 136B.1, subsection 1, Code 2023, is amended to read as follows:

1. As used in this chapter, unless the context otherwise requires, “*department*” means the Iowa department of public health and human services.

Sec. 209. Section 136C.1, subsections 2 and 3, Code 2023, are amended to read as follows:

2. “*Department*” means the Iowa department of public health and human services.

3. “*Director*” means the director of public health and human services or the director’s designee.

Sec. 210. Section 136C.3, subsection 2, Code 2023, is amended to read as follows:

2. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the dental board in dental radiography, or by the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the Iowa department of ~~public health~~ which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 211. Section 137.102, Code 2023, is amended to read as follows:

137.102 Definitions.

As used in this chapter unless the context otherwise requires:

1. “*City board*” means a city board of health in existence prior to July 1, 2010.
2. “*City health department*” refers to the personnel and property under the jurisdiction of a city board in existence prior to July 1, 2010.
3. “*Council*” means a city the council on health and human services.
4. “*County board*” means a county board of health.
5. “*County health department*” refers to the personnel and property under the jurisdiction of a county board.
6. “*Director*” means the director of public health and human services.
7. “*District*” means any two or more geographically contiguous counties.
8. “*District board*” means a board of health representing at least two geographically contiguous counties formed with approval of the state department in accordance with this chapter, or any district board of health in existence prior to July 1, 2010.
9. “*District health department*” refers to the personnel and property under the jurisdiction of a district board.
10. “*Local board of health*” means a city, county, or district board of health.
11. “*Officers*” means a local board of health chairperson, vice chairperson, and secretary, and other officers which may be named at the discretion of the local board of health.
12. “*State board*” means the state board of health.

~~13.~~ 12. “*State department*” or “*department*” means the Iowa department of public health and human services.

Sec. 212. Section 137.104, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the ~~state board~~ council as may be necessary for the protection and improvement of the public health.

Sec. 213. Section 137.104, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city.

Sec. 214. Section 137.104, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. By written agreement with the city council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health.

Sec. 215. Section 137.105, subsection 1, paragraphs a and f, Code 2023, are amended to read as follows:

a. All members of a city board shall be appointed by the city council.

f. A local board of health member shall serve without compensation, but may be reimbursed for necessary expenses in accordance with rules established by the ~~state board~~ council or the applicable jurisdiction.

Sec. 216. Section 137.107, Code 2023, is amended to read as follows:

137.107 Request reviewed by state department.

The state department shall review requests submitted pursuant to section 137.106. The state department, upon finding that all required elements are present, shall present findings to the ~~state board~~ council. The ~~state board~~ council may approve the formation of a district board and if the formation is approved, shall notify the county boards from whom the request was received.

Sec. 217. Section 137.114, Code 2023, is amended to read as follows:

137.114 Withdrawal from district.

A county may withdraw from an existing district board upon submission of a request for withdrawal to and approval by the state department. The request shall include a plan to reform its county board or join a different district board, information specified in section 137.106, and approval of the request by the district board and, at the recommendation of the state department, the ~~state board~~ council. Any county choosing to withdraw from the district board shall commit to the continuity of services in its county by reestablishing its county board or joining a different district board. The remaining counties in the district shall submit an application including the information specified in section 137.106 to the state department for review as provided in section 137.107.

Sec. 218. Section 137.119, Code 2023, is amended to read as follows:

137.119 Adoption of rules.

The ~~state board of health~~ council shall adopt rules to implement this chapter. The department is vested with discretionary authority to interpret the provisions of this chapter.

Sec. 219. Section 137F.1, subsection 9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

“*Food establishment*” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance ~~abuse~~ use disorder treatment facility, halfway house substance ~~abuse~~ use disorder treatment

facility, correctional facility operated by the department of corrections, or the state training school. “Food establishment” does not include the following:

Sec. 220. Section 139A.2, Code 2023, is amended to read as follows:

139A.2 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. “Area quarantine” means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.

2. “Business” means and includes every trade, occupation, or profession.

3. “Care provider” means an individual who is trained and authorized by federal or state law to provide health care services or services of any kind in the course of the individual’s official duties, for compensation or in a voluntary capacity, who is a health care provider, emergency medical care provider as defined in section 147A.1, fire fighter, or peace officer. “Care provider” also means an individual who renders emergency care or assistance in an emergency or due to an accident as described in section 613.17.

4. “Communicable disease” means any disease spread from person to person or animal to person.

5. “Contagious or infectious disease” means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in section 141A.1, tuberculosis, and any other disease determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

6. “Department” means the Iowa department of public health and human services.

7. “Designated officer” means a person who is designated by a department, agency, division, or service organization to act as an infection control liaison officer.

8. “Director” means the director of health and human services.

8. 9. “Exposure” means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

9. 10. “Exposure-prone procedure” means a procedure performed by a health care provider which presents a recognized risk of percutaneous injury to the health care provider and if such an injury occurs, the health care provider’s blood is likely to contact a patient’s body cavity, subcutaneous tissues, or mucous membranes, or an exposure-prone procedure as defined by the centers for disease control and prevention of the United States department of health and human services.

10. 11. “HBV” means hepatitis B virus.

11. 12. “Health care facility” means a health care facility as defined in section 135C.1, an ambulatory surgical center, or a clinic.

12. 13. “Health care provider” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, nursing, dentistry, optometry, or as a physician assistant, dental hygienist, or acupuncturist.

13. 14. “HIV” means HIV as defined in section 141A.1.

14. 15. “Hospital” means hospital as defined in section 135B.1.

15. 16. “Isolation” means the separation of persons or animals presumably or actually infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons.

16. 17. “Local board” means the local board of health.

17. 18. “Local department” means the local health department.

18. 19. “Placard” means a warning sign to be erected and displayed on the periphery of a quarantine area, forbidding entry to or exit from the area.

19. 20. “Public health disaster” means public health disaster as defined in section 135.140.

~~20.~~ 21. “*Quarantinable disease*” means any communicable disease designated by rule adopted by the department as requiring quarantine or isolation to prevent its spread.

~~21.~~ 22. “*Quarantine*” means the limitation of freedom of movement of persons or animals that have been exposed to a quarantinable disease within specified limits marked by placards for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent the spread of a quarantinable disease which affects people.

~~22.~~ 23. “*Reportable disease*” means any disease designated by rule adopted by the department requiring its occurrence to be reported to an appropriate authority.

~~23.~~ 24. “*Sexually transmitted disease or infection*” means a disease or infection as identified by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

~~24.~~ 25. “*Significant exposure*” means a situation in which there is a risk of contracting disease through exposure to a person’s infectious bodily fluids in a manner capable of transmitting an infectious agent as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

~~25.~~ 26. “*Terminal cleaning*” means cleaning procedures defined in the isolation guidelines issued by the centers for disease control and prevention of the United States department of health and human services.

Sec. 221. Section 139A.3, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. Notwithstanding paragraph “b”, information contained in the report may be reported in public health records in a manner which prevents the identification of any person or business named in the report. If information contained in the report concerns a business, information disclosing the identity of the business may be released to the public when the state epidemiologist or the director of ~~public health~~ determines such a release of information necessary for the protection of the health of the public.

Sec. 222. Section 139A.8, subsection 3, Code 2023, is amended to read as follows:

3. Subject to the provision of subsection 4, the ~~state board of~~ council on health and human services may modify or delete any of the immunizations in subsection 2.

Sec. 223. Section 139A.8, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The exemptions under this subsection do not apply in times of emergency or epidemic as determined by the ~~state board of~~ council on health and human services and as declared by the director of ~~public health~~ and human services.

Sec. 224. Section 139A.9, Code 2023, is amended to read as follows:

139A.9 Forcible removal — isolation — quarantine.

The forcible removal and isolation or quarantine of any infected person shall be accomplished according to the rules and regulations of the local board or the rules of the ~~state board of~~ council on health and human services.

Sec. 225. Section 141A.1, subsection 6, Code 2023, is amended to read as follows:

6. “*Department*” means the Iowa department of ~~public health~~ and human services.

Sec. 226. Section 141A.2, subsection 6, Code 2023, is amended to read as follows:

6. The department, with the approval of the ~~state board of~~ council on health and human services, may conduct epidemiological blinded and nonblinded studies to determine the incidence and prevalence of HIV infection. Initiation of any new epidemiological studies shall be contingent upon the receipt of funding sufficient to cover all the costs associated with the studies. The informed consent, reporting, and counseling requirements of this chapter shall not apply to blinded studies.

Sec. 227. Section 141A.4, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. All persons having a history of injecting drug ~~abuse~~ use disorder.

Sec. 228. Section 141A.9, subsection 2, paragraph j, Code 2023, is amended to read as follows:

j. To employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the department of health and human services, and employees of city and county jails, if the employees have direct supervision over inmates of those facilities or institutions in the exercise of the duties prescribed pursuant to section 80.9B.

Sec. 229. Section 142.1, Code 2023, is amended to read as follows:

142.1 Delivery of bodies.

The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the Iowa department of public health and human services. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter.

Sec. 230. Section 142.2, Code 2023, is amended to read as follows:

142.2 Furnished to physicians.

When there are more dead bodies available for use under section 142.1 than are desired by said colleges or schools, the same may be delivered to physicians in the state for scientific study under such rules as may be adopted by the Iowa department of public health and human services.

Sec. 231. Section 142.3, Code 2023, is amended to read as follows:

142.3 Notification of department.

Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the Iowa department of public health and human services, and hold such body unburied for forty-eight hours. Upon receipt of notification, the department shall issue verbal or written instructions relative to the disposition to be made of said body. Complete jurisdiction over said bodies is vested exclusively in the Iowa department of public health and human services. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools.

Sec. 232. Section 142.9, Code 2023, is amended to read as follows:

142.9 Failure to deliver dead body.

Any person having the custody of the dead body of any human being which is required to be delivered for scientific purposes by this chapter, who shall fail to notify the Iowa department of public health and human services of the existence of such body, or fail to deliver the same in accordance with the instructions of the department, shall be guilty of a simple misdemeanor.

Sec. 233. Section 142A.2, Code 2023, is amended to read as follows:

142A.2 Definitions.

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

~~1. "Administrator" means the administrator of the division of tobacco use prevention and control.~~

~~2. 1. "Commission" means the commission on tobacco use prevention and control established in this chapter.~~

~~3. 2. "Community partnership" means a public agency or nonprofit organization implementing the tobacco use prevention and control initiative in a local area in accordance with this chapter.~~

~~4. 3. "Department" means the Iowa department of public health and human services.~~

~~5. 4. "Director" means the director of public health and human services.~~

~~6. "Division" means the division of tobacco use prevention and control of the Iowa department of public health, established pursuant to this chapter.~~

~~7. 5. "Initiative" means the comprehensive tobacco use prevention and control initiative established in this chapter.~~

~~8. 6. "Manufacturer" means manufacturer as defined in section 453A.1.~~

~~9. 7. "Pregnant woman" means a female of any age who is pregnant.~~

~~10. 8. "School-age youth" means a person attending school in kindergarten through grade twelve.~~

~~11. 9. "Tobacco" means both cigarettes and tobacco products as defined in section 453A.1.~~

~~12. 10. "Youth" means a person who is five through twenty-four years of age.~~

Sec. 234. Section 142A.3, Code 2023, is amended to read as follows:

142A.3 Tobacco use prevention and control — ~~division~~ — ~~commission~~ — created.

~~1. The department shall establish, as a separate and distinct division within the department, a division of tobacco use prevention and control. The division shall develop, implement, and administer the initiative established in this chapter and shall perform other duties as directed by this chapter or as assigned by the director of public health.~~

~~2. A commission on tobacco use prevention and control is established to develop policy, provide direction for the initiative, and perform all other duties related to the initiative and other tobacco use prevention and control activities as directed by this chapter or referred to the commission by the director of public health.~~

~~3. The membership of the commission shall include the following voting members who shall serve three-year, staggered terms:~~

~~a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:~~

~~(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.~~

~~(2) Three members who are active with health promotion activities at the local level in youth education, nonprofit services, or other activities relating to tobacco use prevention and control.~~

~~b. Three voting members, to be selected by the participants in the annual statewide youth summit of the initiative's youth program, who shall not be subject to section 69.16 or 69.16A. However, the selection process shall provide for diversity among the members and at least one of the youth members shall be a female.~~

~~4. The commission shall also include the following ex officio, nonvoting members:~~

~~a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority~~

leader of the house of representatives and the minority leader of the house of representatives shall each appoint one of the house members.

b. The presiding officer of the statewide youth executive body, selected by the delegates to the statewide youth summit.

5. In addition to the members of the commission, the following agencies, organizations, and persons shall each assign a single liaison to the commission to provide assistance to the commission in the discharge of the commission's duties:

a. The department of education.

b. The drug policy ~~coordinator~~ director.

c. The department of justice, office of the attorney general.

~~d. The department of human services.~~

6. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6. Legislative members are eligible for per diem and expenses as provided in section 2.10.

7. A member of the commission who is convicted of a crime relating to tobacco, alcohol, or controlled substances is subject to removal from the commission.

8. A vacancy on the commission other than for the youth members shall be filled in the same manner as the original appointment for the balance of the unexpired term. A youth member vacancy shall be filled by the presiding officer of the statewide executive body as selected by the delegates to the statewide youth summit.

9. The commission shall elect a chairperson from among its voting members and may select other officers from among its voting members, as determined necessary by the commission. The commission shall meet regularly as determined by the commission, upon the call of the chairperson, or upon the call of a majority of the voting members.

10. The commission may designate an advisory council. The commission shall determine the membership and representation of the advisory council and members of the council shall serve at the pleasure of the commission. The advisory council may include representatives of health care provider groups, parent groups, antitobacco advocacy programs and organizations, research and evaluation experts, and youth organizers.

Sec. 235. Section 142A.4, Code 2023, is amended to read as follows:

142A.4 Commission duties.

The commission shall do all of the following:

1. Develop and implement the comprehensive tobacco use prevention and control initiative as provided in this chapter.

2. Provide a forum for the discussion, development, and recommendation of public policy alternatives in the field of tobacco use prevention and control.

3. Develop an educational component of the initiative. Educational efforts provided through the school system shall be developed in conjunction with the department of education.

4. Develop a plan for implementation of the initiative in accordance with the purpose and intent specified in section 142A.1.

5. Provide for technical assistance, training, and other support under the initiative.

6. Take actions to develop and implement a statewide system for the initiative programs that are delivered through community partnerships.

7. Manage and coordinate the provision of funding and other moneys available to the initiative by combining all or portions of appropriations or other revenues as authorized by law.

8. Assist with the linkage of the initiative with child welfare and juvenile justice decategorization projects, education programming, early childhood Iowa areas, and other programs and services directed to youth at the state and community level.

9. a. Coordinate and respond to any requests from a community partnership relating to any of the following:

(1) Removal of barriers to community partnership efforts.

(2) Pooling and redirecting of existing federal, state, or other public or private funds available for purposes that are consistent with the initiative.

(3) Seeking of federal waivers to assist community partnership efforts.

b. In coordinating and responding to the requests, the commission shall work with state agencies, the governor, and the general assembly as necessary to address requests deemed appropriate by the commission.

10. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of the initiative and the implementation of this chapter. The commission shall provide for community partnership and youth program input in the rules adoption process. The rules shall include but are not limited to all of the following:

a. Performance indicators for initiative programs, community partnerships, and the services provided under the auspices of community partnerships. The performance indicators shall be developed with input from communities.

b. Minimum standards to further the provision of equal access to services.

11. Monitor and evaluate the effectiveness of performance measures utilized under the initiative.

12. Submit a report to the governor and the general assembly ~~on a periodic basis, during the initial year of operation, and on an annual basis thereafter,~~ regarding the initiative, including demonstrated progress based on performance indicators. The commission shall report more frequently if requested by the joint appropriations subcommittee that makes recommendations concerning the commission's budget. ~~Beginning July 1, 2005, the commission shall also perform a comprehensive review of the initiative and shall submit a report of its findings to the governor and the general assembly on or before December 15, 2005.~~

13. Represented by the chairperson of the commission, annually appear before the joint appropriations subcommittee that makes recommendations concerning the commission's budget to report on budget expenditures and ~~division~~ department operations relative to the prior fiscal year and the current fiscal year.

14. ~~Advise the director in evaluating potential candidates for the position of administrator; consult with the director in the hiring of the administrator; and review and advise the director on the performance of the administrator in the discharge of the administrator's duties.~~

~~15.~~ 14. Prioritize funding needs and the allocation of moneys appropriated and other resources available for the programs and activities of the initiative.

~~16.~~ 15. Review fiscal needs of the initiative and make recommendations to the director in the development of budget requests.

17. 16. Solicit and accept any gift of money or property, including any grant of money, services, or property from the federal government, the state, a political subdivision, or a private source that is consistent with the goals of the initiative. The commission shall adopt rules prohibiting the acceptance of gifts from a manufacturer of tobacco products.

~~18.~~ 17. Advise and make recommendations to the governor, the general assembly, and the director, and the administrator, relative to tobacco use, treatment, intervention, prevention, control, and education programs in the state.

19. 18. Evaluate the work of the ~~division~~ and the department relating to the initiative. For this purpose, the commission shall have access to any relevant department records and documents, and other information reasonably obtainable by the department.

20. 19. Develop the structure for the statewide youth summit to be held annually.

21. 20. Approve the content of any materials distributed by the youth program pursuant to section 142A.9, prior to distribution of the materials.

Sec. 236. Section 142A.5, Code 2023, is amended to read as follows:

142A.5 Director and administrator Department duties.

1. The ~~director~~ department shall do all of the following:

a. ~~Establish and maintain the division of tobacco use prevention and control.~~

b. ~~Employ a separate division administrator, in accordance with the requirements of section 142A.4, subsection 14, in a full-time equivalent position whose sole responsibility and duty shall be the administration and oversight of the division. The division administrator shall report to and shall serve at the pleasure of the director. The administrator shall be exempt from the merit system provisions of chapter 8A, subchapter IV.~~

e. 1. Coordinate all tobacco use prevention and control programs and activities under the purview of the department.

~~d.~~ 2. Receive and review budget recommendations from the commission. The director shall consider these recommendations in developing the budget request for the department.

~~2.~~ The administrator shall do all of the following:

~~a.~~ 3. Implement the initiative, coordinate the activities of the commission and the initiative, and coordinate other tobacco use prevention and control activities ~~as assigned by the director.~~

~~b.~~ 4. Monitor and evaluate the effectiveness of performance measures.

~~c.~~ 5. Provide staff and administrative support to the commission.

~~d.~~ 6. Administer contracts entered into under this chapter.

~~e.~~ 7. Coordinate and cooperate with other tobacco use prevention and control programs within and outside of the state.

~~f.~~ 8. Provide necessary information to the commission to assist the commission in making its annual report to the joint appropriations subcommittee pursuant to section 142A.4, ~~subsection 13,~~ and in fulfilling other commission duties pursuant to section 142A.4.

Sec. 237. Section 142A.6, subsections 1 and 4, Code 2023, are amended to read as follows:

1. A comprehensive tobacco use prevention and control initiative is established. The ~~division~~ department shall implement the initiative as provided in this chapter.

4. The ~~division~~ department shall implement the initiative in a manner that ensures that youth are extensively involved in the decision making for the programs implemented under the initiative. The initiative shall also involve parents, schools, and community members in activities to achieve the results desired for the initiative. The ~~division~~ department shall encourage collaboration at the state and local levels to maximize available resources and to provide flexibility to support community efforts.

Sec. 238. Section 142C.15, subsections 1 and 2, Code 2023, are amended to read as follows:

1. An anatomical gift public awareness and transplantation fund is created as a separate fund in the state treasury under the control of the Iowa department of ~~public health~~ and human services. The fund shall consist of moneys remitted by the county treasurer of a county or by the department of transportation which were collected through the payment of a contribution made by an applicant for registration of a motor vehicle pursuant to section 321.44A and any other contributions to the fund.

2. The moneys collected under this section and deposited in the fund are appropriated to the Iowa department of ~~public health~~ and human services for the purposes specified in this section. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose.

Sec. 239. Section 142C.15, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The Iowa department of ~~public health~~ and human services may use not more than five percent of the moneys in the fund for administrative costs. The remaining moneys in the fund may be expended through grants to any of the following persons, subject to the following conditions:

Sec. 240. Section 142C.17, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The Iowa department of ~~public health~~ and human services, in conjunction with any statewide organ procurement organization in Iowa, shall prepare and submit a report to the general assembly on or before January 1 each year regarding organ donation rates and voluntary compliance efforts with hospital organ and tissue donation protocols by physicians, hospitals, and other health systems organizations. The report shall contain the following:

Sec. 241. Section 142C.18, subsection 1, Code 2023, is amended to read as follows:

1. The ~~director~~ department of ~~public health~~ and human services shall contract with and recognize the Iowa donor registry for the purpose of indicating on the donor registry all relevant information regarding a donor's making or amending of an anatomical gift.

Sec. 242. Section 142D.2, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. “*Department*” means the department of health and human services.

Sec. 243. Section 142D.6, subsection 3, Code 2023, is amended to read as follows:

3. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall clearly and conspicuously post in and at every entrance to the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area, “no smoking” signs or the international “no smoking” symbol. Additionally, a “no smoking” sign or the international “no smoking” symbol shall be placed in every vehicle that constitutes a public place, place of employment, or area declared a nonsmoking place pursuant to section 142D.5 under this chapter, visible from the exterior of the vehicle. All signs shall contain the telephone number for reporting complaints and the internet site of the department of public health. The owner, operator, manager, or other person having custody or control of the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area may use the sample signs provided on the department of public health’s department’s internet site, or may use another sign if the contents of the sign comply with the requirements of this subsection.

Sec. 244. Section 142D.8, Code 2023, is amended to read as follows:

142D.8 Enforcement.

1. This chapter shall be enforced by the department of public health or the department’s designee. The department of public health shall adopt rules to administer this chapter, including rules regarding enforcement. The department of public health shall provide information regarding the provisions of this chapter and related compliance issues to employers, owners, operators, managers, and other persons having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited, and the general public via the department’s internet site. The internet site shall include sample signage and the telephone number for reporting complaints. Judicial magistrates shall hear and determine violations of this chapter.

2. If a public place is subject to any state or political subdivision inspection process or is under contract with the state or a political subdivision, the person performing the inspection shall assess compliance with the requirements of this chapter and shall report any violations to the department of public health or the department’s designee.

3. An owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter shall inform persons violating this chapter of the provisions of this chapter.

4. An employee or private citizen may bring a legal action to enforce this chapter. Any person may register a complaint under this chapter by filing a complaint with the department of public health or the department’s designee.

5. In addition to the remedies provided in this section, the department of public health or the department’s designee or any other person aggrieved by the failure of the owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated by this chapter to comply with this chapter may seek injunctive relief to enforce this chapter.

Sec. 245. Section 142D.9, subsection 5, Code 2023, is amended to read as follows:

5. Violation of this chapter constitutes a public nuisance which may be abated by the department of public health or the department’s designee by restraining order, preliminary or permanent injunction, or other means provided by law, and the entity abating the public nuisance may take action to recover the costs of such abatement.

Sec. 246. Section 144.1, Code 2023, is amended to read as follows:

144.1 Definitions.

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

1. ~~“Board” means the state board of health.~~
2. ~~“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.~~
3. 1. ~~“Court of competent jurisdiction” when used to refer to inspection of an original certificate of birth based upon an adoption means the court where the adoption was ordered.~~
4. 2. ~~“Cremated remains” means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions, and may include the residue of any foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.~~
5. 3. ~~“Cremation” means the technical process, using heat and flame, that reduces human remains to bone fragments, with the reduction taking place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.~~
6. 4. ~~“Dead body” means a lifeless human body or parts or bones of a body, if, from the state of the body, parts, or bones, it may reasonably be concluded that death recently occurred.~~
7. 5. ~~“Department” means the Iowa department of public health and human services.~~
8. ~~“Division” means a division, within the department, for records and statistics.~~
9. 6. ~~“Fetal death” means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. In determining a fetal death, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.~~
10. 7. ~~“Filing” means the presentation of a certificate, report, or other record, provided for in this chapter, of a birth, death, fetal death, adoption, marriage, dissolution, or annulment for registration by the ~~division~~ department.~~
11. 8. ~~“Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.~~
12. 9. ~~“Institution” means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more unrelated individuals, or to which persons are committed by law.~~
13. 10. ~~“Live birth” means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. In determining a live birth, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.~~
11. ~~“Record” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.~~
14. 12. ~~“Registration” means the process by which vital statistic records are completed, filed, and incorporated by the ~~division~~ department in the ~~division’s~~ department’s official records.~~
15. 13. ~~“State registrar” means the state registrar of vital statistics.~~
16. 14. ~~“System of vital statistics” includes the registration, collection, preservation, amendment, and certification of vital statistics records, and activities and records related thereto to the records including the data processing, analysis, and publication of statistical data derived from such records.~~
17. 15. ~~“Vital statistics” means records of births, deaths, fetal deaths, adoptions, marriages, dissolutions, annulments, and data related thereto to the records.~~

Sec. 247. Section 144.2, Code 2023, is amended to read as follows:

144.2 Division of records Records and statistics.

~~There is established in the~~ The department a division for records and statistics which shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the ~~division~~ department by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 248. Section 144.4, Code 2023, is amended to read as follows:

144.4 Registrar State registrar.

~~The director of public health or the director's designee~~ shall be the state registrar of vital statistics and shall carry out the provisions of this chapter.

Sec. 249. Section 144.5, Code 2023, is amended to read as follows:

144.5 Duties of state registrar.

The state registrar shall do all of the following:

1. Administer and enforce this chapter and the rules issued under this chapter, and issue instructions for the efficient administration of the statewide system of vital statistics ~~and the division for records and statistics~~.
2. Direct and supervise the statewide system of vital statistics and ~~the division for records and statistics~~ and be custodian of its records.
3. Direct, supervise, and control the activities of clerks of the district court and county recorders related to the operation of the vital statistics system and provide registrars with necessary postage.
4. Prescribe, print, and distribute the forms required by this chapter and prescribe any other means for transmission of data, as necessary to accomplish complete, accurate reporting.
5. Prepare and publish annual reports of vital statistics of this state and other reports as may be required.
6. Delegate functions and duties vested in the state registrar to officers, to employees of the department, to the clerks of the district court, and to the county registrars as the state registrar deems necessary or expedient.
7. Provide, by rules, for appropriate morbidity reporting.

Sec. 250. Section 144.12A, subsection 4, Code 2023, is amended to read as follows:

4. The department shall, upon request, provide the name, address, social security number, and any other identifying information of a registrant to the biological mother of the child; a court; ~~the department of human services~~; the attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action; or to ~~the child support recovery unit~~ services for an action to establish paternity or support; ~~or any other subunit of the department subject to prior approval by the state registrar~~. The information shall not be divulged to any other person and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown. If the registry has not received a declaration of paternity, the department shall provide a written statement to that effect to the person making the inquiry.

Sec. 251. Section 144.13, subsection 4, Code 2023, is amended to read as follows:

4. The ~~division~~ state registrar shall make all of the following available to ~~the child support recovery unit services~~, upon request:

- a. A copy of a child's birth certificate.
- b. The social security numbers of the mother and the father.
- c. A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent rescission form which rescinds the affidavit.
- d. Information, other than information for medical and health use only, identified on a child's birth certificate or on an affidavit of paternity filed pursuant to section 252A.3A. The information may be provided as mutually agreed upon by the ~~division~~ state registrar and the child support ~~recovery unit services~~, including by automated exchange.

Sec. 252. Section 144.13A, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. Ten dollars of each registration fee is appropriated and shall be used for primary and secondary child abuse prevention programs pursuant to section 235A.1, and ten dollars of each registration fee is appropriated and shall be used for the ~~center for~~ congenital and inherited disorders central registry established pursuant to section 136A.6. Notwithstanding section 8.33, moneys appropriated in this paragraph 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, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this paragraph.

Sec. 253. Section 144.26, Code 2023, is amended to read as follows:

144.26 Death certificate.

1. a. A death certificate for each death which occurs in this state shall be filed as directed by the state registrar within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's, physician assistant's, or advanced registered nurse practitioner's name shall be typewritten.

b. A physician assistant or an advanced registered nurse practitioner authorized to sign a death certificate shall be licensed in this state and shall have been in charge of the deceased patient's care.

2. All information included on a death certificate may be provided as mutually agreed upon by the ~~division~~ state registrar and ~~the child support recovery unit~~ services, including by automated exchange.

3. a. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, the county in which the dead body is first removed from the conveyance is the county of death.

b. If a decedent died outside of the county of the decedent's residence, the state registrar shall send a copy of the decedent's death certificate and any amendments to the county registrar of the county of the decedent's residence. The county registrar shall record a death certificate received pursuant to this paragraph in the same records in which the death certificate of a decedent who died within the county is recorded. The state registrar may provide the county registrars with electronic access to vital records in lieu of the requirements of this paragraph.

4. a. The department shall establish by rule procedures for making a finding of presumption of death when no body can be found. The department shall also provide by rule the responsibility for completing and signing the medical certification of cause of death in such circumstances. The presumptive death certificate shall be in a form prescribed by the state registrar and filed in the county where the death was presumed to occur.

b. The ~~division~~ department shall provide for the correction, substitution, or removal of a presumptive death certificate when the body of the person is later found, additional facts are discovered, or the person is discovered to be alive.

5. Upon the activation of an electronic death record system, each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director, and a county recorder.

Sec. 254. Section 144.29A, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. The maternal health services region of the Iowa department of public health and human services, as designated as of July 1, 1997, in which the patient resides.

Sec. 255. Section 144.36, subsection 1, Code 2023, is amended to read as follows:

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The county registrar shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The county registrar in each county shall keep a record ~~book for marriages of marriage certificates as required by the state registrar. The form of marriage record books shall be uniform throughout the state. A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept in lieu of marriage record books.~~

Sec. 256. Section 144.37, Code 2023, is amended to read as follows:

144.37 Dissolution and annulment records.

1. For each dissolution or annulment of marriage granted by any court in this state, a record shall be prepared by the clerk of court or by the petitioner or the petitioner's legal representative if directed by the clerk and filed by the clerk of court with the state registrar. The information necessary to prepare the ~~report~~ record shall be furnished with the petition, to the clerk of court by the petitioner or the petitioner's legal representative, on forms supplied by the state registrar.

2. The clerk of the district court in each county shall ~~keep a record book for~~ maintain the records of dissolutions and annulments of marriage as required by the state registrar. ~~The form of dissolution record books shall be uniform throughout the state. A properly indexed record of dissolutions upon microfilm, electronic computer, or data processing equipment may be kept in lieu of dissolution record books.~~

3. On or before the tenth day of each calendar month, the clerk of court shall forward to the state registrar the record of each dissolution and annulment granted during the preceding calendar month and related reports required by regulations issued under this chapter.

Sec. 257. Section 144.43, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The following vital statistics records in the custody of the state archivist may be inspected and copied as of right under chapter 22:

(1) A record of birth ~~that if the record~~ is at least seventy-five years old or upon proof of entitlement to the record.

(2) A record of marriage ~~that if the record~~ is at least seventy-five years old or upon proof of entitlement to the record.

(3) A record of divorce, dissolution of marriage, or annulment of marriage ~~that if the record~~ is at least seventy-five years old or upon proof of entitlement to the record.

(4) A record of death or fetal death, ~~either of which if the record~~ is at least fifty years old or upon proof of entitlement to the record.

Sec. 258. Section 144A.2, subsection 5, Code 2023, is amended to read as follows:

5. "Department" means the Iowa department of ~~public health and human services.~~

Sec. 259. Section 144D.1, subsection 2, Code 2023, is amended to read as follows:

2. "Department" means the department of ~~public health and human services.~~

Sec. 260. Section 146A.1, subsection 1, paragraph d, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

That the woman has been provided information regarding all of the following, based upon the materials developed by the department of ~~public health and human services~~ pursuant to subparagraph (2):

Sec. 261. Section 146A.1, subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~public health and human services~~ shall make available to physicians, upon request, all of the following information:

Sec. 262. Section 146B.1, subsection 3, Code 2023, is amended to read as follows:

3. “*Department*” means the department of public health and human services.

Sec. 263. Section 147.77, Code 2023, is amended to read as follows:

147.77 Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.

1. The following agencies that adopt rules pursuant to chapter 17A providing a power, privilege, right, or duty to a physician licensed under chapter 148 or other profession licensed under this subtitle relating to the following subjects shall, consistent with the scope of practice of physician assistants licensed under chapter 148C, and unless otherwise inconsistent with state or federal law, provide the same power, privilege, right, or duty by rule to a physician assistant licensed under chapter 148C:

a. The department of administrative services, with respect to rules relating to the following:

(1) Retroactive conversion of vacation time to sick leave for vacation time spent under the care of a physician.

(2) Certification of a catastrophic illness by a physician for purposes of donation of leave and second medical opinions and updates sought from a physician relating to such certifications.

~~b. The department on aging, with respect to rules relating to a written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders.~~

~~e. b.~~ The department of corrections, with respect to rules relating to the following:

(1) That a parolee shall not use, purchase, possess, or transfer any drugs unless prescribed by a physician.

(2) That a serious medical need is one that has been diagnosed by a physician as requiring treatment or is one so obvious that a lay person would easily recognize the necessity for a physician’s attention.

(3) That each jail shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of prisoners as deemed necessary and appropriate.

(4) That prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Prisoners with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the jail administrator to determine if the present medication is appropriate.

(5) That expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator or designee in the presence of a witness.

(6) That special diets in jails prescribed by a physician shall be followed and documented, that the physician who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation, and that unless specified by the prescribing physician, a certified dietitian shall develop the menu.

(7) That special diets prescribed by a physician for the care and treatment of juveniles in nonsecure hold shall be followed and documented.

(8) For medical services in temporary holding facilities, that a serious medical need is one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a physician’s attention.

(9) For medical resources in temporary holding facilities, that each facility shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of detainees as deemed necessary and appropriate.

(10) Medication procedures in temporary holding facilities, that prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the facility administrator to determine if the present medication is appropriate.

(11) For medication storage in temporary holding facilities, that expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness.

(12) For medical diets in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

(13) For medical care and treatment for juveniles in nonsecure holds in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

d. c. The economic development authority, with respect to rules relating to the certification of a person with a disability for the purpose of the targeted small business program, that in order to be considered a person with a disability for the purpose of the targeted small business program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation services by the department of ~~education~~ workforce development, division of vocational rehabilitation services, or by the department for the blind.

e. d. The department of education, with respect to rules relating to the following:

(1) For statements relating to medication administration policies, that a statement that persons administering medication shall include authorized practitioners, such as licensed registered nurses and physicians, and persons to whom authorized practitioners have delegated the administration of prescription and nonprescription drugs. Individuals shall self-administer asthma or other airway constricting disease medication or possess and have use of an epinephrine auto-injector with parent and physician consent on file, without the necessity of demonstrating competency to self-administer these medications.

(2) For medication administration courses relating to medication administration policies, that a medication administration course be conducted by a registered nurse or licensed pharmacist and include an annual medication administration procedural skills check completed with a registered nurse or pharmacist.

(3) For school-based youth services programs, that preventive and primary health care services shall be delivered by specifically credentialed providers as specified.

f. e. The department of health and human services, with respect to rules relating to the following:

(1) That an incident for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities includes but is not limited to an occurrence involving the individual using the service that results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital.

(2) That a mental health professional, for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities, includes a medical professional licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(3) That home health aide services for purposes of disability services management and regional services may include medications specifically ordered by a physician.

(4) That payment relating to the state supplementary assistance program for residential care shall only be made when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services.

(5) That a case folder for a facility participating in the state supplementary assistance program must include a physician's statement certifying that a resident does not require nursing services.

(6) That personnel providing psychological evaluations and counseling or psychotherapy services for area education agencies under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(7) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of infant and toddler program services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(8) That personnel providing other services for providers of infant and toddler program services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(9) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of local education agency services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(10) That personnel providing other services for providers of local education agency services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(11) For payment for medically necessary home health agency services under the medical assistance program, that payment shall be approved for medically necessary home health agency services prescribed by a physician in a plan of home health care provided by a Medicare-certified home health agency.

(12) For authorization for medically necessary home health agency services under the medical assistance program, that services shall be authorized by a physician, evidenced by the physician's signature and date on a plan of treatment.

(13) For treatment plans of home health agencies under the medical assistance program, that a member's medical condition shall be reflected by the date last seen by a physician, if available.

(14) For items included in treatment plans of home health agencies under the medical assistance program, that a plan of care shall include a physician's signature and date and that the plan of care must be signed and dated by the physician before the claim for service is submitted for reimbursement.

(15) For skilled nursing services provided by a home health agency under the medical assistance program, that medical documentation shall be submitted justifying the need for continued visits, including the physician's estimate of the length of time that additional visits will be necessary, and that daily skilled nursing visits or multiple daily visits for wound care or insulin injections shall be covered when ordered by a physician and included in the plan of care.

(16) For physical therapy services provided by a home health agency under the medical assistance program, that payment shall be made for physical therapy services when the services follow a treatment plan established by the physician after any needed consultation with the qualified physical therapist.

(17) For occupational therapy services provided by a home health agency under the medical assistance program, that payment shall be made for occupational therapy services when the services follow a treatment plan established by the physician.

(18) For speech therapy services provided by a home health agency under the medical assistance program, that payment shall be made for speech therapy services when the services follow a treatment plan established by the physician.

(19) For home health aide services provided by a home health agency under the medical assistance program, that the service as well as the frequency and duration are stated in a written plan of treatment established by a physician.

(20) For home health aide services provided by a home health agency under the medical assistance program, that services provided for specified durations when ordered by a physician and included in a plan of care shall be allowed as intermittent services.

(21) For home health aide services provided by a home health agency under the medical assistance program, that personal care services include helping the member take medications specifically ordered by a physician.

(22) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing services are those services which are provided by a registered nurse or a licensed practical nurse under the direction of the member's physician to a member in the member's place of residence or outside

the member's residence, when normal life activities take the member outside the place of residence.

(23) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that services shall be provided according to a written plan of care authorized by a licensed physician.

(24) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that personal care services are those services provided by a home health aide or certified nurse's aide and which are delegated and supervised by a registered nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence, and that these services shall be in accordance with the member's plan of care and authorized by a physician.

(25) For requirements for private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing or personal care services shall be ordered in writing by a physician as evidenced by the physician's signature on the plan of care.

(26) For obtaining prescription medications for children in juvenile detention and shelter care homes, that prescription medication provided to residents shall be dispensed only from a licensed pharmacy in this state in accordance with state law, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

(27) For health and dental programs provided by agencies providing foster care services, that a child's physical examination shall be performed by a licensed physician or licensed nurse practitioner.

(28) For health and dental programs provided by agencies providing foster care services, that if documentation of prior immunization is unavailable, immunizations required by the department of ~~public health~~ shall begin within thirty days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record, and that a statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

(29) For the dispensing, storage, authorization, and recording of medications in child care centers, that all medications shall be stored in their original containers, with accompanying physician or pharmacist's directions and label intact and stored so they are inaccessible to children and the public.

(30) For an infants' area in a child care center, that upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area.

(31) For facility requirements for a child development home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(32) For medications and hazardous materials in a child development home, that medications shall be given only with the parent's or doctor's written authorization, and that each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(33) For medical reports regarding the health of a family in a family life home, that a medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease.

(34) For medical reexaminations of a family in a family life home, that medical reexaminations may be required at the discretion of a physician.

(35) For medical examinations of a client in a family life home, that a physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family life home.

(36) For the records of a client in a family life home, that the family shall have available at all times, the name, address, and telephone number of the client's physician.

(37) For the facility requirements for a child care home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(38) For the administration of medications at a child care home, that medications shall be given only with the parent's or doctor's written authorization and each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(39) For payments for foster care, that an intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as an intellectual disabilities professional.

(40) For payments for foster care, that a mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(41) For the subsidized adoption program, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(42) For the subsidized adoption program, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(43) For the information provided to a foster care provider by a department worker at the time of placement, that the information shall include the names, addresses, and telephone numbers of the child's physician and dentist.

(44) A written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders.

(45) That "impaired glucose tolerance", for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.

(46) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.

(47) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.

(48) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner.

~~g. f.~~ The department of inspections and appeals, with respect to rules relating to the following:

(1) For the qualifications of an attending physician at a hospice, that the person shall have an active Iowa license to practice medicine.

(2) For residential care facilities for persons with intellectual disabilities, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(3) For nursing facilities, that a qualified intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disabilities professional.

(4) For intermediate care facilities for persons with mental illness, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(5) For notifications submitted to the department from a subacute mental health care facility in the event of an accident causing a major injury, including as a major injury an injury which requires consultation with the attending physician or designee of the physician or advanced registered nurse practitioner who determines that an injury is a major injury.

~~h. g.~~ The racing and gaming commission, with respect to rules relating to the following:

(1) For the grounds for denial, suspension, or revocation of an occupational or vendor license, that a license shall be denied if the applicant has a history of mental illness without demonstrating successful treatment by a licensed medical physician.

(2) For the qualifications for jockeys, that a jockey shall pass a physical examination by a licensed physician affirming fitness to participate as a jockey.

(3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of U.S.C. Tit. 21 (Food and Drug Section 812), chapter 124, or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice.

~~i. h.~~ The Iowa law enforcement academy, with respect to rules relating to the following:

(1) For the minimum standards for law enforcement officers, that an officer is examined by a licensed physician or surgeon.

(2) For hiring standards must be reverified if an individual is not hired by an Iowa law enforcement agency during a specified period of time following completion of the course of study, that the individual must be examined by a licensed physician or surgeon.

(3) For the selection or appointment of reserve peace officers, that the person shall be examined by a licensed physician or surgeon.

~~j. i.~~ The natural resource commission, with respect to rules relating to the following:

(1) That the grounds for revoking or suspending an instructor license include participation in a course while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

(2) For applications for use of a crossbow for deer and turkey hunting by handicapped individuals, that an application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow.

(3) For authorization for the use of a crossbow for deer and turkey hunting by handicapped individuals, that if a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department of natural resources may, upon the officer's request, require the person to obtain in writing a current physician's statement.

(4) For licenses for nonresidents to participate in a special deer hunting season for severely disabled persons, that a nonresident applying for the license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability.

~~k.~~ The Iowa department of public health, with respect to rules relating to the following:

(1) That "~~impaired glucose tolerance~~", for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.

(2) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.

(3) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.

(4) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner.

~~l. j.~~ The department of public safety, with respect to rules relating to permits to carry weapons, that a person who is an unlawful user of or addicted to any controlled substance

includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

~~m.~~ k. The department of transportation, with respect to rules relating to exemptions from motor vehicle window transparency requirements, that a motor vehicle fitted with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who documented in the manner specified by the department a medical need for such reduced transparency, which document was signed by the person's physician before July 4, 2012.

~~n.~~ l. The Iowa department of veterans affairs, with respect to rules relating to expenses relating to the purchase of durable equipment or services, that individuals requesting reimbursement who need durable equipment as a medical necessity should provide information from a physician.

~~o.~~ m. The department of workforce development, with respect to rules relating to the following:

(1) That a voluntary quit shall be presumed to be without good cause attributable to the employer for purposes of unemployment compensation if a claimant left employment because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to obtain the advice of a licensed and practicing physician, obtain certification of release for work from a licensed and practicing physician, or return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician.

(2) That for purposes of unemployment compensation, it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available.

(3) That for purposes of unemployment compensation it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment upon the advice of a licensed and practicing physician for the sole purpose of taking a family member to a place having a different climate and subsequently returned to the claimant's regular employer and offered to perform services, but the claimant's regular or comparable work was not available.

~~p.~~ n. The labor services division of the department of workforce development, with respect to rules relating to the following:

(1) For the disclosure of a trade secret relating to a hazardous chemical during a medical emergency, that where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

(2) For the disclosure of a trade secret relating to a hazardous chemical in a nonemergency situation, that in nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld by rule, to a specified health professional providing medical or other occupational health services to exposed employees or designated representatives in specified circumstances.

(3) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit the respiratory protection and physician's certification forms.

(4) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the labor commissioner deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with

federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator.

(5) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants.

(6) For the responsibilities of the promoter of an athletic event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur.

(7) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts.

(8) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant.

(9) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the commissioner.

(10) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that managers, handlers, and seconds shall not attend to the stricken boxer, except at the request of the physician.

(11) For the keeping of time during a professional boxing match, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(12) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the commissioner before being permitted to fight again.

(13) For the designation of officials for professional kickboxing, that the designation of physicians is subject to the approval of the commissioner or designee.

(14) For officials for a mixed martial arts event, that officials shall include a physician.

(15) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(16) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee.

(17) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant.

(18) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the commissioner, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts match, and that a contestant deemed not fit by the physician shall not participate in the event.

(19) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

2. This section shall not be construed to expand, diminish, or otherwise modify the scope of practice of any profession licensed under this subtitle.

3. The rulemaking requirements provided in this section shall not be construed to prohibit the agencies listed in subsection 1 from engaging in further rulemaking not in conflict with this section or state or federal law relating to the subject matter of this section or to otherwise diminish the authority to engage in rulemaking provided to those agencies by any other statute.

Sec. 264. Section 147A.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. "*Department*" means the Iowa department of public health and human services.

2. "*Director*" means the director of ~~the Iowa department of public health and human services~~.

Sec. 265. Section 147A.21, subsections 2 and 3, Code 2023, are amended to read as follows:

2. "*Department*" means the Iowa department of public health and human services.

3. "*Director*" means the director of public health and human services.

Sec. 266. Section 147A.24, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Department of public health and human services.

Sec. 267. Section 147C.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. "*Alternative program*" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes but is not limited to substance ~~abuse~~ use disorder issues.

Sec. 268. Section 147D.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. "*Alternative program*" means a voluntary, nondisciplinary substance ~~abuse~~ use disorder recovery program approved by a state emergency medical services authority.

Sec. 269. Section 147E.1, subsection 2, paragraph k, Code 2023, is amended to read as follows:

k. "*Impaired practitioner*" means individuals whose professional practice is adversely affected by substance ~~abuse~~ use disorder, addiction, or other health-related conditions.

Sec. 270. Section 147F.1, subsection 2, paragraph n, Code 2023, is amended to read as follows:

n. "*Impaired practitioner*" means an individual whose professional practice is adversely affected by substance ~~abuse~~ use disorder, addiction, or other health-related conditions.

Sec. 271. Section 152.5A, Code 2023, is amended to read as follows:

152.5A Student record checks.

1. For the purposes of this section:

a. "*Comprehensive preliminary background check*" means the same as defined in section 135C.1.

b. "Nursing program" means a nursing program that is approved by the board pursuant to section 152.5.

c. "Record check evaluation system" means the same as defined in section 135C.1.

e. d. "Student" means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

2. Prior to a student beginning or returning to a nursing program, the nursing program shall do one of the following in substantial conformance with the provisions of section 135C.33:

a. Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the student in this state.

b. Access the single contact repository to perform the required record checks.

3. a. If a program accesses the single contact repository to perform the required record checks pursuant to subsection 2, the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a student to provisionally participate in the clinical education component of the nursing program pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(1) If the comprehensive preliminary background check determines that the student being considered for provisional participation has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(2) If the comprehensive preliminary background check determines the student being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse, or if an exception pursuant to section 135C.33, subsection 4, is applicable to the student.

(3) If the program has requested an evaluation in accordance with section 135C.33, subsection 2, paragraph "a", to determine whether the crime warrants prohibition of the student's provisional participation.

b. The provisional participation under this subsection 3 may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the ~~department of human services~~ record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student's involvement in a clinical education component of a nursing program involving children or dependent adults. The ~~department of human services~~ record check evaluation system shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the student's involvement in a clinical education component is warranted.

Sec. 272. Section 154D.4, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The provision of children, family, or mental health services through the department of health and human services or juvenile court, or agencies contracting with the department of health and human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

Sec. 273. Section 155A.46, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and human services and consistent with subsection 2, order and administer the following to patients ages eighteen years and older:

Sec. 274. Section 155A.46, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and human services and consistent with subsection 2, order and administer the following to patients ages six months and older:

Sec. 275. Section 155A.46, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and human services and consistent with subsection 2, order and administer the final two doses in a course of vaccinations for HPV to patients ages eleven years and older.

Sec. 276. Section 155A.46, subsection 1, paragraph e, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and human services and consistent with subsection 2, order and administer the following to patients ages six years and older:

Sec. 277. Section 158.2, subsection 8, Code 2023, is amended to read as follows:

8. Persons committed pursuant to chapter 229A to the custody of the director of the department of health and human services in the unit for sexually violent predators who cut the hair or trim or shave the beard of any other person within the unit, without receiving direct compensation from the person receiving the service.

Sec. 278. Section 158.3, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Presents a certificate, or satisfactory evidence, to the department that the applicant has successfully completed tenth grade, or the equivalent. The provisions of this subsection shall not apply to students enrolled in a barber school maintained at an institution under the control of ~~a director of a division of~~ the department of health and human services.

Sec. 279. Section 163.3A, subsection 2, Code 2023, is amended to read as follows:

2. The services shall be performed under the direction of the department and may be part of measures authorized by the governor under a declaration or proclamation issued pursuant to chapter 29C. In such case, the department shall cooperate with the Iowa department of public health and human services under chapter 135, ~~and~~ the department of homeland security and emergency management, and local emergency management agencies as provided in chapter 29C.

Sec. 280. Section 190B.102, subsection 3, Code 2023, is amended to read as follows:

3. The department of agriculture and land stewardship, ~~the department of public health,~~ the department of health and human services, and the department of inspections and appeals shall cooperate with the department of revenue to administer this subchapter.

Sec. 281. Section 204.7, subsection 8, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) The consumable hemp product complies with packaging and labeling requirements, which shall be established by the department of ~~inspections health and appeals human services~~ inspections health and appeals human services by rule.

Sec. 282. Section 204.7, subsection 8, paragraphs b and c, Code 2023, are amended to read as follows:

b. A person manufacturing a consumable hemp product in this state shall register with the department of ~~inspections health and appeals human services~~ inspections health and appeals human services on a form prescribed by the department of ~~inspections health and appeals human services~~ inspections health and appeals human services by rule. The department of ~~inspections health and appeals human services~~ inspections health and appeals human services may impose a fee, established by the department of ~~inspections health and appeals human services~~ inspections health and appeals human services by rule, on a registrant not

to exceed the cost of processing the registration. The department of inspections health and appeals human services shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with this chapter.

c. A person selling a consumable hemp product in this state shall register with the department of inspections health and appeals human services on a form prescribed by the department of inspections health and appeals human services by rule and shall keep on the premises of the person's business a copy of the certificate of analysis issued pursuant to section 204.8 for the hemp contained in the consumable hemp products sold by the person. The department of inspections health and appeals human services may impose a fee, established by the department of inspections health and appeals human services by rule, on a registrant not to exceed the cost of processing the registration. The department of inspections health and appeals human services shall adopt rules for the revocation of a registration issued to a person who sells a consumable hemp product not in compliance with this section.

Sec. 283. Section 206.2, subsection 17, paragraph c, Code 2023, is amended to read as follows:

c. To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, the state agricultural experiment stations, the Iowa state university, the Iowa department of public health and human services, the department of natural resources, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of pesticides.

Sec. 284. Section 216.6, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health and human services declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

Sec. 285. Section 216A.1, Code 2023, is amended to read as follows:

216A.1 Department of health and human services — human rights — purpose.

1. ~~A~~ The department of health and human rights is created, with the following divisions and offices services shall be responsible for all of the following:

a. ~~Division of community~~ Community advocacy and services, with the following offices:

- (1) Office of Latino affairs.
- (2) Office on the status of women.
- (3) Office of persons with disabilities.
- (4) Office of deaf services.
- (5) Office on the status of African Americans.
- (6) Office of Asian and Pacific Islander affairs.
- (7) Office of Native American affairs.

b. ~~Division of community~~ Community action agencies.

c. ~~Division of criminal~~ Criminal and juvenile justice planning.

2. The purpose of the department under this chapter and as otherwise provided by law is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

3. The department shall implement the comprehensive strategic plan approved by the board under section 216A.3 and shall issue an annual report to the governor and the general assembly no later than November 1 of each year concerning the operations of the department relating to responsibilities for human rights.

Sec. 286. Section 216A.3, Code 2023, is amended to read as follows:

216A.3 Human rights board.

1. A human rights board is created within the department ~~of human rights~~.

2. The board shall consist of sixteen members, including eleven voting members and five nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph "a", "*permanent commissions*" means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

b. The nonvoting members shall consist of the department director, two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board. The board shall meet not less than four times a year.

4. ~~The board shall have the following duties:~~

~~a. Develop~~ develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

~~b. Approve, disapprove, amend, or modify the budget recommended by the department director for the operation of the department, subject to the budget requirements pursuant to chapter 8.~~

~~c. Adopt administrative rules pursuant to chapter 17A, upon the recommendation of the department director, for the operation of the department.~~

~~d. By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.~~

Sec. 287. Section 216A.4, subsections 2 and 3, Code 2023, are amended to read as follows:

2. "*Department*" means the department of health and human rights services.

3. "~~Department director~~" "Director" means the director of the department of health and human rights services.

Sec. 288. Section 216A.6, subsection 2, paragraph d, Code 2023, is amended to read as follows:

~~d. Department, or division, or office evaluations of information about a person seeking or receiving advocacy services.~~

Sec. 289. Section 216A.7, Code 2023, is amended to read as follows:

216A.7 Access to information.

Upon request of the director, or an office, a commission, or a council, ~~or administrator of a division of the department~~ created under this chapter, all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations or groups served by the offices, councils, and commissions ~~of the department~~.

Sec. 290. Section 216A.11, subsection 2, Code 2023, is amended to read as follows:

2. "Office" means the office of Latino affairs of the department of ~~human rights~~.

Sec. 291. Section 216A.13, subsection 2, Code 2023, is amended to read as follows:

2. Serve as liaison between the department of ~~human rights~~ and the public, sharing information and gathering constituency input.

Sec. 292. Section 216A.15, subsection 4, Code 2023, is amended to read as follows:

4. Recommend to the ~~department~~ director policies and programs for the office.

Sec. 293. Section 216A.51, subsection 2, Code 2023, is amended to read as follows:

2. "Office" means the office on the status of women of the department of ~~human rights~~.

Sec. 294. Section 216A.71, subsection 2, Code 2023, is amended to read as follows:

2. "Office" means the office of persons with disabilities of the department of ~~human rights~~.

Sec. 295. Section 216A.91, Code 2023, is amended to read as follows:

216A.91 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

~~1. "Administrator" means the administrator of the division of community action agencies of the department of human rights.~~

~~2.~~ 1. "Commission" means the commission on community action agencies.

~~3.~~ 2. "Community action agency" means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.

~~4.~~ 3. "Community action program" means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.

~~5. "Delegate agency" means a subgrantee or contractor selected by the community action agency.~~

~~6. "Division" means the division of community action agencies of the department of human rights.~~

Sec. 296. Section 216A.92, Code 2023, is amended to read as follows:

216A.92 Division of community Community action agencies.

~~1. The division of community action agencies is established. The purpose of the division of community action agencies is to~~ The department shall strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The ~~division~~ department shall do all of the following:

a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.

b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.

c. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.

d. Issue an annual report to the governor and general assembly by July 1 of each year.

Sec. 297. Section 216A.92B, subsections 1 and 3, Code 2023, are amended to read as follows:

1. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and ~~division~~ department.

3. Serve as liaisons between the ~~division~~ department and the public, sharing information and gathering constituency input.

Sec. 298. Section 216A.93, Code 2023, is amended to read as follows:

216A.93 Establishment of community action agencies.

The ~~division~~ department shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include but not be limited to outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If any geographic area of the state ceases to be served by a designated community action agency, the ~~division~~ department may solicit applications and assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements.

Sec. 299. Section 216A.98, Code 2023, is amended to read as follows:

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the ~~division~~ department in a manner prescribed by the ~~division~~ department.

Sec. 300. Section 216A.99, subsection 1, Code 2023, is amended to read as follows:

1. The ~~administrator~~ department shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received in Iowa, and other possible funding sources.

Sec. 301. Section 216A.102, subsection 3, Code 2023, is amended to read as follows:

3. Under rules ~~developed~~ adopted by the ~~division of community action agencies of the department of human rights and adopted by the board~~, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

Sec. 302. Section 216A.104, subsection 1, Code 2023, is amended to read as follows:

1. The general assembly finds that provision of assistance to prevent utility disconnections will also prevent the development of public health risks due to such disconnections. The ~~division~~ department shall establish an energy utility assessment and resolution program administered by each community action agency for persons with low incomes who have or need a deferred payment agreement or are in need of an emergency fuel delivery to address home energy utility costs.

Sec. 303. Section 216A.104, subsection 2, paragraphs b and f, Code 2023, are amended to read as follows:

b. The person is a residential customer of an energy utility approved for the program by the ~~division~~ department.

f. The person complies with other eligibility requirements adopted in rules by the ~~division~~ department.

Sec. 304. Section 216A.107, subsection 1, Code 2023, is amended to read as follows:

1. A family development and self-sufficiency council is established within the department ~~of human rights~~. The council shall consist of the following persons:

a. The director of the department ~~of human services~~ or the director's designee.

~~b. The director of the department of public health or the director's designee.~~

~~c. The administrator of the division of community action agencies of the department of human rights or the administrator's designee.~~

~~d.~~ b. The director of the school of social work at the university of Iowa or the director's designee.

~~e. c.~~ The dean of the college of human sciences at Iowa state university or the dean's designee.

~~f. d.~~ Two recipients or former recipients of the family investment program, selected by the other members of the council.

~~g. e.~~ One recipient or former recipient of the family investment program who is a member of a racial or ethnic minority, selected by the other members of the council.

~~h. f.~~ One member representing providers of services to victims of domestic violence, selected by the other members of the council.

~~i. g.~~ The head of the department of design, textiles, gerontology, and family studies at the university of northern Iowa or that person's designee.

~~j. h.~~ The director of the department of education or the director's designee.

~~k. i.~~ The director of the department of workforce development or the director's designee.

~~l. j.~~ Two persons representing the business community, selected by the other members of the council.

~~m. k.~~ Two members from each chamber of the general assembly serving as ex officio, nonvoting members. The two members of the senate shall be appointed one each by the majority leader and the minority leader of the senate. The two members of the house of representatives shall be appointed one each by the speaker and the minority leader of the house of representatives.

Sec. 305. Section 216A.107, subsection 3, paragraph c, subparagraphs (1) and (3), Code 2023, are amended to read as follows:

(1) Designation of families to be served that meet one or more criteria for being at risk of dependency on the family investment program or of family instability, and agreement to serve clients that are referred by the department of ~~human services~~ from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.

(3) Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance ~~abuse~~ use disorder treatment, support group counseling, food, clothing, and housing.

Sec. 306. Section 216A.107, subsection 4, Code 2023, is amended to read as follows:

4. ~~a.~~ The ~~division~~ department shall administer the family development and self-sufficiency grant program. ~~The department of human services shall disclose to the division confidential information pertaining to individuals receiving services under the grant program, as authorized under section 217.30. The division and the department of human services shall share information and data necessary for tracking performance measures of the family development and self-sufficiency grant program, for referring families participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program under section 239B.17 and related activities and programs to the grant program, and for meeting federal reporting requirements. The division and the department of human services may by mutual agreement, as specified in the memorandum of agreement entered into in accordance with paragraph "b", add to or delete from the initial shared information items listed in this lettered paragraph. The initial shared information shall include but is not limited to all of the following:~~

~~(1) Family enrollments and exits to and from each of the programs.~~

~~(2) Monthly reports of individual participant activity in PROMISE JOBS components that are countable work activities according to federal guidelines applicable to those components.~~

~~(3) Aggregate grant program participant activity in all PROMISE JOBS program components.~~

~~(4) Work participation rates for grant program participants who were active family investment program participants.~~

~~(5) The average hourly wage of grant program participants who left the family investment program.~~

(6) ~~The percentage of grant program participants who exited from the grant program at or after the time family investment program participation ended and did not reenroll in the family investment program for at least one year.~~

~~b. The division shall develop a memorandum of agreement with the department of human services to share outcome data and coordinate referrals and delivery of services to participants in the family investment program under chapter 239B and the grant program and other shared clients and shall provide the department of human services with information necessary for compliance with federal temporary assistance for needy families block grant state plan and reporting requirements, including but not limited to financial and data reports.~~

~~e. b.~~ To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the ~~division~~ department shall comply with all federal requirements for the block grant. The ~~division~~ department is responsible for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant program.

~~d. c.~~ The ~~division~~ department shall ensure that expenditures of moneys appropriated to the department of ~~human services~~ from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

~~e. d.~~ The ~~commission~~ department shall consider the recommendations of the council in adopting rules pertaining to the grant program.

~~f. e.~~ The ~~division~~ department shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

Sec. 307. Section 216A.111, subsection 2, Code 2023, is amended to read as follows:

2. ~~"Office"~~ means the office of deaf services of the department of ~~human rights~~.

Sec. 308. Section 216A.131, Code 2023, is amended to read as follows:

216A.131 Definitions.

For the purpose of this subchapter, unless the context otherwise requires:

~~1. "Administrator" means the administrator of the division of criminal and juvenile justice planning.~~

~~2. 1.~~ "Board" means the justice advisory board.

~~3. 2.~~ "Department" means the department of health and human rights services.

~~4. "Division" means the division of criminal and juvenile justice planning.~~

Sec. 309. Section 216A.131A, Code 2023, is amended to read as follows:

216A.131A Division of criminal Criminal and juvenile justice planning.

~~The division of criminal and juvenile justice planning is established to~~ department shall fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.

Sec. 310. Section 216A.132, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Additional voting members of the board, each serving a four-year term, shall include one representative from each of the following:

- (1) The Iowa coalition against sexual assault.
- (2) The American civil liberties union of Iowa.
- (3) The Iowa county attorneys association.
- (4) The department of health and human services.
- (5) The department of corrections.
- (6) A judicial district department of correctional services.
- (7) The department of public safety.
- ~~(8) The office on the status of African Americans.~~

- (9) ~~The department of public health.~~
(10) (8) The board of parole.
(11) (9) The department of justice.
(12) (10) The state public defender.
(13) (11) The ~~governor's~~ office of drug control policy.

Sec. 311. Section 216A.132, subsection 3, Code 2023, is amended to read as follows:

3. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to nonlegislative members shall be paid from funds appropriated to the ~~division~~ department. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.

Sec. 312. Section 216A.133, subsection 2, Code 2023, is amended to read as follows:

2. The board shall advise the ~~division~~ department on its administration of state and federal grants and appropriations and shall carry out other functions consistent with this subchapter.

Sec. 313. Section 216A.133, subsection 3, paragraphs i, j, k, l, and r, Code 2023, are amended to read as follows:

i. Providing input to the ~~department~~ director in the development of budget recommendations for the ~~division~~ department.

j. ~~Coordinating with the administrator to develop and make~~ Developing and making recommendations to the ~~department~~ director pursuant to section 216A.2.

k. Serving as a liaison between the ~~division~~ department and the public, sharing information and gathering constituency input.

l. Recommending to the department the adoption of rules pursuant to chapter 17A as it deems necessary for the board and ~~division~~ department.

r. Reviewing data supplied by the ~~division~~ department, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

Sec. 314. Section 216A.136, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the ~~division~~ department shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, department of workforce development, district departments of correctional services, ~~department of human services~~, judicial branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the ~~division~~ department under this section and the ~~division~~ department itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the ~~division~~ department and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. 315. Section 216A.137, Code 2023, is amended to read as follows:

216A.137 Correctional policy project.

1. The ~~division~~ department shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The board shall identify and prioritize the issues and studies to be addressed by the ~~division~~ department through this project and shall report project plans and findings annually along with the report required in section 216A.135. Issues and studies to be considered by the board shall include but are not limited to a review of the information

systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, and a study of the desirability and feasibility of changing the state's sentencing practices, which includes a prison population forecast.

2. The ~~division~~ department may form subcommittees for the purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The ~~division~~ department shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

Sec. 316. Section 216A.138, subsections 1, 2, 4, and 7, Code 2023, are amended to read as follows:

1. The ~~division~~ department shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The ~~division~~ department shall develop a plan which utilizes existing databases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local databases pertaining to juveniles, to the extent possible.

2. The department of ~~human services, department of~~ corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the ~~division~~ department in the development of the plan.

4. The ~~division~~ department shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.

7. If the ~~division~~ department has insufficient funds and resources to implement this section, the ~~division~~ department shall determine what, if any, portion of this section may be implemented, and the remainder of this section shall not apply.

Sec. 317. Section 216A.140, subsection 5, Code 2023, is amended to read as follows:

5. *Membership.* The youth development council membership shall be determined by the council itself and shall include the directors or chief administrators, or their designees, from the following state agencies and programs:

a. Child advocacy board.

~~b. Iowa commission on volunteer service in the office of the governor.~~

~~c. Department of education.~~

~~d. Department of human rights.~~

~~e. Department of human services.~~

~~f. c. Department of public health and human services.~~

~~g. d. Department of workforce development.~~

~~h. e. Governor's office Office of drug control policy.~~

~~i. f. Iowa cooperative extension service in agriculture and home economics.~~

~~j. Early childhood Iowa office in the department of management.~~

Sec. 318. Section 216A.140, subsection 8, paragraphs b and c, Code 2023, are amended to read as follows:

b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The ~~department~~ director, or the director's designee, shall select council members using an application process. The ~~department~~ director or the director's designee shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.

c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the ~~department~~ director or the director's designee.

Sec. 319. Section 216A.141, subsection 2, Code 2023, is amended to read as follows:

2. "*Office*" means the office on the status of African Americans of the department of ~~human rights.~~

Sec. 320. Section 216A.151, subsection 3, Code 2023, is amended to read as follows:

3. “Office” means the office of Asian and Pacific Islander affairs of the department of ~~human rights~~.

Sec. 321. Section 216A.161, subsection 2, Code 2023, is amended to read as follows:

2. “Office” means the office of Native American affairs of the department of ~~human rights~~.

Sec. 322. Section 216D.2, subsection 2, Code 2023, is amended to read as follows:

2. “Public office building” means the state capitol, all county courthouses, all city halls, and all buildings used primarily for governmental offices of the state or any county or city. It does not include public schools or buildings at institutions of the state board of regents or the ~~state~~ department of health and human services.

Sec. 323. NEW SECTION. 217.01 Definitions.

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

1. “Council” means the council on health and human services.
2. “Department” means the department of health and human services.
3. “Director” means the director of health and human services.

Sec. 324. Section 217.1, Code 2023, is amended to read as follows:

217.1 Programs of department.

There is established a department of health and human services to administer programs designed to protect and improve the health, well-being, and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of persons with mental illness or an intellectual disability, public health, and other related programs as provided by law.

Sec. 325. Section 217.2, Code 2023, is amended to read as follows:

217.2 Council on health and human services.

1. a. There is created within the department of ~~human services~~ a council on health and human services which shall act in a policymaking and advisory capacity on matters within the jurisdiction of the department. The council shall consist of ~~seven~~ nine voting members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of health and human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. The voting members of the council shall serve for six-year staggered terms.

b. Each term of a voting member shall commence and end as provided by section 69.19.

c. All voting members of the council shall be electors of the state of Iowa. No more than ~~four~~ five members shall belong to the same political party and no more than ~~two~~ three members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. At least one member of the council shall be a physician licensed to practice medicine in Iowa. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

2. In addition to the voting members described in subsection 1, the membership of the council shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

Sec. 326. Section 217.3, Code 2023, is amended to read as follows:

217.3 Duties of council.

The council ~~on human services~~ shall:

1. Organize annually and select a chairperson and vice chairperson.
2. Adopt and establish policy for the operation and conduct of the department of human services, subject to any guidelines which may be adopted by the general assembly, and the implementation of all services and programs thereunder administered by the department.
3. Report immediately to the governor any failure by the ~~director or any administrator of the department of human services~~ to carry out any of the policy decisions or directives of the council.
4. Approve the budget of the department of human services prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council created in section 249A.4B, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.
5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local agency to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.
6. Adopt all necessary rules recommended by the ~~director or administrators of divisions hereinafter established~~ department prior to their promulgation pursuant to chapter 17A.
7. ~~Approve the establishment of any new division or reorganization, consolidation or abolition of any established division prior to the same becoming effective.~~
8. 7. Recommend to the governor the names of individuals qualified for the position of director of human services when a vacancy exists in the office.

Sec. 327. Section 217.3A, Code 2023, is amended to read as follows:

217.3A Advisory committees.

1. ~~General.~~ The council ~~on human services shall establish and utilize the advisory committee identified in this section and may establish and utilize other ad hoc advisory committees as determined necessary to advise the council.~~ The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

2. ~~Child abuse prevention.~~ The council shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

a. ~~Advise the director of human services and the administrator of the division of the department of human services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.~~

b. ~~Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.~~

c. ~~Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.~~

d. ~~Require reports from state agencies and other entities as necessary to perform its duties.~~

e. ~~Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.~~

f. ~~Approve grant proposals.~~

Sec. 328. Section 217.4, Code 2023, is amended to read as follows:

217.4 Meetings of council.

The council shall meet at least monthly. Additional meetings shall be called by the chairperson or upon written request of any three council members thereof as necessary to carry out the duties of the council. The chairperson shall preside at all meetings or in the absence of the chairperson the vice chairperson shall preside. The members of the council shall be paid a per diem as specified in section 7E.6 and their reasonable and necessary expenses.

Sec. 329. Section 217.5, Code 2023, is amended to read as follows:

217.5 Director of health and human services.

The chief administrative officer for the department of ~~human services~~ is the director of ~~human services~~. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

Sec. 330. NEW SECTION. **217.5A Attorneys — legal counsel and advice.**

Notwithstanding section 13.7, the department may employ or retain attorneys to provide legal counsel and advice. However, section 13.7 shall govern the employment or retention of attorneys by the department to represent the department in any action or proceeding brought in any court or tribunal.

Sec. 331. Section 217.6, Code 2023, is amended to read as follows:

217.6 Rules and regulations — organization of department.

1. The director is hereby authorized to ~~may~~ recommend to the council for adoption such rules and regulations as are necessary to carry into practice ~~administer the duties, functions, and programs of the various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the department, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged.~~ Any action taken, decision made, or administrative rule adopted by any administrator of a division may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule.

2. The rules and regulations adopted for the public benefits and programs administered by the department of ~~human services~~ shall apply the residency eligibility restrictions required by federal and state law.

3. The director shall organize the department of ~~human services~~ into divisions ~~subunits as necessary to most efficiently carry out in an efficient manner the intent of this chapter and any other chapter the department is responsible for administering.~~ The department of ~~human services~~ may be initially divided into the following divisions of responsibility:

- ~~a. The division of child and family services.~~
- ~~b. The division of mental health and disability services.~~
- ~~c. The division of administration.~~
- ~~d. The division of planning, research, and statistics.~~

4. If the department of ~~human services~~ requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

Sec. 332. Section 217.13, Code 2023, is amended to read as follows:

217.13 Department to provide certain volunteer services — volunteer liability.

1. The department of ~~human services~~ shall establish volunteer programs designed to enhance the services provided by the department. Roles for volunteers may include but shall not be limited to parent aides, friendly visitors, commodity distributors, clerical assistants, medical transporters, and other functions to complement and supplement the department's

work with clients. Roles for volunteers shall include conservators and guardians. The department shall adopt rules for programs which are established.

2. a. The director shall appoint a coordinator of volunteer services to oversee the provision of services of volunteer conservators and guardians on a volunteer basis to individuals in this state requiring such services. The coordinator, after consulting with personnel assigned to the district of the department, shall recommend to the director how best to serve the needs of individuals in need of the services of a guardian or conservator. Where possible, the coordinator shall recommend that the services be provided on a multicounty basis.

b. The coordinator shall cooperate with the ~~administrators of the divisions of the~~ department in providing these services and shall seek out alternative sources for providing the services required under this section.

3. All volunteers registered with the department and in compliance with departmental rules are considered state employees for purposes of chapter 669. However, this section does not except a conservator or guardian from an action brought under section 658.1A or 658.3. This section does not relieve a guardian or conservator from duties under chapter 633.

Sec. 333. Section 217.18, Code 2023, is amended to read as follows:

217.18 Official seal.

The department shall have an official seal with the words “Iowa Department of Health and Human Services” and such other design as the department prescribes engraved ~~thereon on the seal~~. Every commission, order, or other paper of an official nature executed by the department may be attested with ~~such~~ the seal.

Sec. 334. Section 217.19, Code 2023, is amended to read as follows:

217.19 Expenses.

1. The director ~~of said department, and~~ the director’s staff, assistants, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the performance of official business.

2. The department of administrative services shall work with the department of ~~human services~~ to develop and implement an expense policy applicable to the members of a board, commission, committee, or other body under the auspices of the department of ~~human services~~ who meet the income requirements for payment of per diem in accordance with section 7E.6, subsection 2. The policy shall allow for the payment of the member’s expenses to be addressed through use of direct billings, travel purchase card, prepaid expenses, or other alternative means of addressing the expenses in lieu of reimbursement of the member.

Sec. 335. Section 217.21, Code 2023, is amended to read as follows:

217.21 Annual report.

The department shall, annually, at the time provided by law make a report to the governor and general assembly, and cover ~~therein in the report~~ the annual period ending with June 30 preceding, which report shall ~~embrace~~ include:

1. An itemized statement of ~~its~~ the department’s expenditures concerning each program under ~~its~~ the department’s administration.

2. Adequate and complete statistical reports for the state as a whole concerning all payments made under ~~its~~ the department’s administration.

3. Such recommendations as to changes in laws under ~~its~~ the department’s administration as the director may deem necessary.

4. The observations and recommendations of the director and the council ~~on human services~~ relative to the programs of the department.

5. Such other information as the director or council ~~on human services may deem~~ deems advisable, or which may be requested by the governor or by the general assembly.

Sec. 336. Section 217.23, Code 2023, is amended to read as follows:

217.23 Personnel — merit system — reimbursement for damaged property.

1. The director of ~~human services~~ or the director’s designee, shall employ ~~such~~ personnel as are necessary for the performance of the duties and responsibilities assigned to the department. All employees shall be selected on a basis of fitness for the work to be

performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed three hundred dollars for each item. The department shall establish rules in accordance with chapter 17A to carry out the purpose of this section.

Sec. 337. Section 217.24, Code 2023, is amended to read as follows:

217.24 Payment by electronic funds transfer.

The department of ~~human services~~ shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

Sec. 338. Section 217.32, Code 2023, is amended to read as follows:

217.32 Office space in county.

~~Where~~ When the department of ~~human services~~ assigns personnel to an office located in a county for the purpose of performing in that county designated eligibility for economic and medical assistance programs and protective services duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county. The department shall at least annually, or more frequently if the department so elects, reimburse the county for a portion, designated by law, of the cost of maintaining office space and providing supplies and equipment as required by this section, and also for a similar portion of the cost of providing the necessary office space if in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. The portion of the ~~foregoing~~ costs reimbursed to the county under this section shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.

Sec. 339. Section 217.33, Code 2023, is amended to read as follows:

217.33 Legal services.

The director of ~~human services~~ pursuant to a state plan funded in part by the federal government may provide services for eligible persons by contract with nonprofit legal aid organizations.

Sec. 340. Section 217.34, Code 2023, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department of ~~human services~~ shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph "a", subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of ~~human services~~. The department of inspections and appeals, with approval of the department of ~~human services~~, shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department of ~~human services~~ shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504, in regard to collections by the child support ~~recovery unit services~~ and the foster care ~~recovery unit services~~.

Sec. 341. Section 217.35, Code 2023, is amended to read as follows:

217.35 Fraud and recoupment activities.

Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department of ~~human services~~ to be used for additional fraud and recoupment activities performed by the department of ~~human services~~ or the department of inspections and appeals. The department of ~~human services~~ may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

1. The director of ~~human services~~ determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.
2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

Sec. 342. Section 217.36, Code 2023, is amended to read as follows:

217.36 Distribution of earned income tax credit information.

1. The department shall ensure that educational materials relating to the federal and state earned income tax credits are provided in accordance with this section to each household receiving assistance or benefits under:

- a. The ~~hawk-i~~ Hawki program under chapter 514I.
- b. The family investment program under chapter 239B.
- c. The medical assistance ~~Act~~ program under chapter 249A.
- d. The food programs defined in section 234.1 which are administered by the department.
- e. Any other appropriate programs administered by, or under the oversight of, the department of ~~human services~~.

2. The department shall, by mail or through the internet, provide a household described in subsection 1 with access to:

- a. Internal revenue service publications relating to the federal earned income tax credit.
- b. Department of revenue publications relating to the state earned income tax credit.
- c. Information prepared by tax preparers who provide volunteer or free federal or state income tax preparation services to low-income and other eligible persons and who are located in close geographic proximity to the person.

3. In January of each year, the department or a representative of the department shall mail to each household described in subsection 1 information about the federal and state earned income tax credit that provides the household with referrals to the resources described in subsection 2.

4. The mailings required by the department under this section do not have to be made as a separate mailing but may be included in existing mailings being made to the appropriate households.

Sec. 343. Section 217.40, Code 2023, is amended to read as follows:

217.40 Training for guardians and conservators.

The department of ~~human services~~, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward, and how to best serve the ward and the ward's interests.

Sec. 344. Section 217.41, Code 2023, is amended to read as follows:

217.41 Refugee services foundation.

1. The department of ~~human services~~ shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under chapter 504.

2. The foundation shall be created in a manner so that donations and bequests to the foundation qualify as tax deductible under federal and state income tax laws. The foundation

is not a state agency and shall not exercise sovereign power of the state. The state is not liable for any debts of the foundation.

3. The refugee services foundation shall have a board of directors of five members. One member shall be appointed by the governor and four members shall be appointed by the director of ~~human services~~. Members of the board shall serve three-year terms beginning on July 1, and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two members appointed by the director of ~~human services~~ shall be of the same gender or of the same political party.

4. The refugee services foundation may accept and administer trusts deemed by the board to be beneficial. Notwithstanding section 633.63, the foundation may act as trustee of such a trust.

Sec. 345. Section 217.41B, subsection 1, Code 2023, is amended to read as follows:

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.

Sec. 346. Section 217.41B, subsection 3, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) The department of ~~human services~~ shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location.

Sec. 347. Section 217.41C, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department of ~~human services~~ shall create the more options for maternal support program, a statewide program to promote healthy pregnancies and childbirth through nonprofit organizations that provide pregnancy support services.

Sec. 348. Section 217.41C, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~human services~~ shall issue a request for proposals to select a program administrator for the program. A program administrator shall meet all of the following requirements:

Sec. 349. Section 217.41C, subsections 5 and 6, Code 2023, are amended to read as follows:

5. The department of ~~human services~~ shall publish the program administrator and subcontractor criteria on the department's internet site.

6. The department of ~~human services~~ shall adopt rules pursuant to chapter 17A to administer the program, and shall provide technical assistance to the program administrator, monitor the program administrator for adherence to state and federal requirements, and collect and maintain program data.

Sec. 350. Section 217.41C, subsection 7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Beginning October 1, 2023, and on or before October 1 annually thereafter, the department of ~~human services~~ shall submit to the general assembly the following program information relative to the prior fiscal year:

Sec. 351. Section 217.42, Code 2023, is amended to read as follows:

217.42 Service areas — County offices.

1. The organizational structure to deliver the department's field services shall be based upon service areas designated by the department. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area.

2. 1. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

3. 2. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

Sec. 352. Section 217.43, Code 2023, is amended to read as follows:

217.43 Service-area County advisory boards — location of county offices.

1. a. The department shall establish ~~a service area one or more~~ advisory board in each service area boards. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. All of the following requirements apply to the appointments made by a county board of supervisors:

(1) The membership shall be appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating to gender balance.

(2) Not more than one of the members shall be a member of the board of supervisors.

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the ~~service area manager~~ department. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery in the counties and communities comprising the service areas.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

Sec. 353. Section 217.44, Code 2023, is amended to read as follows:

217.44 Service areas Department offices — employee and volunteer record checks.

1. The record check evaluation system of the department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in ~~service area~~ department offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the ~~department record check evaluation system~~ may conduct these checks in other states. If the ~~department record check evaluation system~~ determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the ~~department record check evaluation system~~ shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the

degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department record check evaluation system may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's record check evaluation system's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department ~~service area~~ office in a position having direct contact with the department's clients.

Sec. 354. Section 217.45, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A background investigation may be conducted by the department of ~~human services~~ on all of the following individuals:

Sec. 355. Section 218.1, Code 2023, is amended to read as follows:

218.1 Institutions controlled.

The director of ~~human services~~ shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion assign the powers and authorities given the director by statute to ~~any one of the deputy directors, division administrators, or officers or employees of the divisions of the department of human services~~ a superintendent:

1. Glenwood state resource center.
2. Woodward state resource center.
3. Mental health institute, Cherokee, Iowa.
4. Mental health institute, Independence, Iowa.
5. State training school.
6. ~~Iowa juvenile home.~~
7. 6. Other facilities not attached to the campus of the main institution as program developments require.

Sec. 356. Section 218.2, Code 2023, is amended to read as follows:

218.2 Powers of governor — report of abuses.

1. Nothing contained in section 218.1 shall limit the general supervisory or examining powers vested in the governor by the laws or Constitution of the State of Iowa, or legally vested by the governor in any committee appointed by the governor.

2. The ~~administrator~~ superintendent to whom primary responsibility for a particular institution has been assigned shall make reports to the director of ~~human services~~ as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

Sec. 357. Section 218.3, Code 2023, is amended to read as follows:

218.3 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. ~~"Administrator" means the person to whom the director of human services has assigned power and authority over an institution in accordance with section 218.1.~~ "Council" means the council on health and human services.

2. "Department" means the department of health and human services.

3. "Director" means the director of health and human services.

~~2.~~ 4. "Institution" means an institution listed in section 218.1.

5. "Resident" means a person committed or admitted to an institution and is synonymous with patient, as appropriate to the institution.

6. "Superintendent" means the person to whom primary responsibility for a particular institution has been assigned.

Sec. 358. Section 218.4, Code 2023, is amended to read as follows:

218.4 Recommendation for rules.

1. ~~The administrators of particular institutions~~ department shall recommend to the council ~~on human services~~ for adoption such rules not inconsistent with law as ~~they may deem~~ necessary for ~~the discharge of their duties, the management of each of such the institutions,~~ and the admission, ~~of residents thereto and the treatment, care, custody, education and discharge of residents.~~ It is ~~made~~ the duty of the ~~particular administrators~~ department to establish rules by which danger to life and property from fire will be minimized. ~~In the discharge of their duties and in the enforcement of their rules, they~~ The department may require any of their appointees to perform duties in addition to those required by statute.

2. Rules adopted by the council pursuant to chapter 17A shall be uniform and shall apply to all institutions under the ~~particular administrator and to all other institutions under the administrator's~~ department's jurisdiction. The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to ~~patients~~ such persons by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution ~~or hospital under the control or supervision of a particular administrator.~~ Copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

3. The state fire marshal shall cause to be made an annual inspection of all the institutions ~~listed in section 218.1~~ and shall ~~make~~ provide a written report ~~thereof~~ of each inspection to the particular administrator of the state department of human services ~~in control of such institution.~~

Sec. 359. Section 218.5, Code 2023, is amended to read as follows:

218.5 Fire protection contracts.

~~The administrators shall have power to~~ department may enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under the ~~administrators' department's~~ primary control, located in any municipal corporation or in territory contiguous to the municipal corporation, upon terms as may be agreed upon.

Sec. 360. Section 218.6, Code 2023, is amended to read as follows:

218.6 Transfer of appropriations made to institutions.

1. 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 institutions, listed as follows:

- a. The state resource centers.
- b. The state mental health institutes.
- c. The state training school.
- d. The civil commitment unit for sexual offenders.

2. The department shall report any transfer made pursuant to subsection 1 during a fiscal quarter to the legislative services agency within thirty days of the beginning of the subsequent fiscal quarter.

Sec. 361. Section 218.9, Code 2023, is amended to read as follows:

218.9 Appointment of superintendents.

1. ~~The administrator in charge of an institution, subject to the approval of the director of human services,~~ shall appoint the superintendent of the institution. The tenure of office of a superintendent shall be at the pleasure of the ~~administrator~~ director. ~~The administrator~~ director may transfer a superintendent ~~or warden~~ from one institution to another.

2. The superintendent or warden shall have immediate custody and control, subject to the orders and policies of the administrator in charge of the institution director, of all property used in connection with the institution except as provided in this chapter.

Sec. 362. Section 218.10, Code 2023, is amended to read as follows:

218.10 Subordinate officers and employees.

The administrator in charge of a particular institution, with the consent and approval of the director of human services, shall determine the number of subordinate officers and employees for the institution. Subject to this chapter, the officers and employees shall be appointed and discharged by the superintendent or business manager the superintendent's designee pursuant to chapter 8A, subchapter IV. The superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

Sec. 363. Section 218.12, Code 2023, is amended to read as follows:

218.12 Bonds.

The administrator in charge of any particular institution shall require each Each officer and any employee of such administrator and of every an institution under the administrator's control who may be charged with the custody or control of any money or property belonging to the state to ~~give~~ shall provide an official bond, properly conditioned, and signed by sufficient sureties in a sum to be fixed by the administrator director, which bond shall be approved by the administrator director, and filed in the office of the secretary of state.

Sec. 364. Section 218.13, Code 2023, is amended to read as follows:

218.13 Record checks.

1. For the purposes of this section, unless the context otherwise requires:

a. "Department" means the department of human services.

b. "Institution" means an institution controlled by the department as described in section 218.1.

c. "Resident" means a person committed or admitted to an institution.

2. 1. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment or residence in the facility. The department record check evaluation system shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. 2. If the department record check evaluation system determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the department record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

4. 3. In an evaluation, the department record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The department record check evaluation system may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the department's record check evaluation system's conditions relating to employment or residence which may include completion of additional training.

5. 4. If the department record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

Sec. 365. Section 218.14, Code 2023, is amended to read as follows:

218.14 Dwelling of superintendent or other employee.

1. ~~The administrator having control over an institution may, with consent of the director of human services, may~~ furnish the superintendent of the institution, in addition to salary, with a dwelling or with appropriate quarters in lieu of the dwelling, or ~~the administrator~~ may compensate the superintendent of the institution in lieu of furnishing a dwelling or quarters. If the superintendent of the institution is furnished with a dwelling or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

2. ~~The administrator having control over an institution~~ director may furnish assistant superintendents or other employees, or both, with a dwelling or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished, shall pay rent for the dwelling or quarters in an amount to be determined by the ~~superintendent of the institution~~ director, which shall be the fair market rental value of the dwelling or quarters. If an assistant superintendent or employee is furnished with a dwelling or quarters, either of which is owned by the state, the assistant superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the dwelling or quarters.

Sec. 366. Section 218.15, Code 2023, is amended to read as follows:

218.15 Salaries — how paid.

The salaries and wages shall be included in the semimonthly payrolls and paid in the same manner as other expenses of the ~~several~~ institutions.

Sec. 367. Section 218.17, Code 2023, is amended to read as follows:

218.17 Authorized leave.

Vacations and sick leave with pay as authorized in section 70A.1 shall only be taken at such times as the superintendent or the ~~business manager~~ superintendent's designee in charge of an officer or employee, as the case may be, may direct, and only after written authorization by the superintendent or ~~business manager~~ the superintendent's designee, and for the number of days specified in the authorization. A copy of the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the authorization.

Sec. 368. Section 218.21, Code 2023, is amended to read as follows:

218.21 Record of residents.

~~The administrator of the department of human services in control of a state institution~~ director shall, as to every person committed to any of the institutions, keep the following record:

1. Name.
2. Residence.
3. Sex.
4. Age.
5. Nativity.
6. Occupation.
7. Civil condition.
8. Date of entrance or commitment.
9. Date of discharge.
10. Whether a discharge was final.
11. Condition of the person when discharged.
12. The name of the institutions from which and to which such person has been transferred.
13. If ~~dead~~ deceased, the date and cause of the person's death.

Sec. 369. Section 218.22, Code 2023, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the ~~administrator in charge of an institution~~ director, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the ~~administrator of the division of the department of human services in control of such institution,~~ the ~~director of the department of human services~~ and to assistants and proper clerks authorized by ~~such administrator or the administrator's~~ the director. The ~~administrator of the division of such institution is authorized to~~ director may permit the division of library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 370. Section 218.23, Code 2023, is amended to read as follows:

218.23 Reports to ~~administrator~~ director.

The superintendent of an institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the ~~administrator in control of the institution~~ director or the director's designee. When a ~~patient or~~ resident leaves, or is discharged, or transferred ~~from~~, or dies in an institution, the superintendent or person in charge shall within ten days after that date send the information to the ~~office of the institution's administrator~~ director or the director's designee on forms which the ~~administrator~~ director prescribes.

Sec. 371. Section 218.24, Code 2023, is amended to read as follows:

218.24 Questionable commitment.

The superintendent ~~is required to~~ shall immediately notify the ~~administrator in control of the superintendent's particular institution~~ director if there is any question as to the propriety of the commitment or detention of any person received at ~~such an~~ institution, and ~~said administrator~~ the director, upon ~~such~~ notification, shall inquire into the matter presented, and take ~~such proper~~ proper action as ~~may be deemed proper in the premises~~.

Sec. 372. Section 218.26, Code 2023, is amended to read as follows:

218.26 Religious worship.

Any ~~such~~ resident, during the time of the resident's detention, shall be allowed, for at least one hour ~~on each Sunday weekly~~ and in times of extreme sickness, and at such other suitable and reasonable times as ~~is consistent with the resident's religious belief and~~ proper discipline in ~~said the~~ institution, to receive spiritual advice, instruction, and ministrations from any recognized member of the clergy of the church or denomination which represents the resident's religious belief.

Sec. 373. Section 218.27, Code 2023, is amended to read as follows:

218.27 Religious belief of minors.

~~In case such~~ If a resident is a minor and has formed no choice, the minor's preference may, at any time, be expressed by the minor with the approval of parents or guardian, if the minor has ~~any such a~~ parent or guardian.

Sec. 374. Section 218.28, Code 2023, is amended to read as follows:

218.28 Investigation.

The ~~administrator of the department of human services in control of a particular institution or the administrator's authorized officer or employee~~ director or the director's designee shall visit, and minutely examine, at least once in six months, and more often if necessary or required by law, the institutions ~~under such administrator's control,~~ and the financial condition and management ~~thereof~~ of the institutions.

Sec. 375. Section 218.29, Code 2023, is amended to read as follows:

218.29 Scope of investigation.

The administrator of the department of human services in control of a particular institution ~~or the administrator's authorized officer or employee~~ director or the director's designee shall, during such investigation and as far as possible, see every resident of each institution, especially those admitted since the ~~director's or the director's designee's~~ preceding visit, and shall give such residents ~~as may require it,~~ suitable opportunity to converse with ~~such administrator or authorized officer or employee~~ the director or the director's designee apart from the officers and attendants.

Sec. 376. Section 218.30, Code 2023, is amended to read as follows:

218.30 Investigation of other institutions facilities.

The ~~administrators to whom control of institutions has been assigned, or their authorized officers or employees,~~ director may investigate or cause the investigation of charges of abuse, neglect, or mismanagement on the part of an officer or employee of a private ~~institution facility~~ which is subject to the ~~administrator's particular~~ director's supervision or control. The ~~administrator who has been assigned to have authority over the state mental health institutes, or the administrator's authorized officer or employee,~~ director shall also investigate or cause the investigation of charges concerning county care facilities in which persons with mental illness are served.

Sec. 377. Section 218.31, Code 2023, is amended to read as follows:

218.31 Witnesses.

In aid of any investigation the ~~administrator shall have the power to~~ department may summon and compel the attendance of witnesses; ~~to examine the witnesses under oath, which the administrator shall have power to~~ director or the director's designee may administer; ~~to have access to all books, papers, and property material to such investigation; and to order the production of any other books or papers material to the investigation.~~ Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 378. Section 218.32, Code 2023, is amended to read as follows:

218.32 Contempt.

Any person failing or refusing to obey the orders of the ~~administrator~~ department issued under section 218.31, or to give or produce evidence when required, shall be reported by the ~~administrator~~ department to the district court in the county where the offense occurs, and shall be dealt with by the court as for contempt of court.

Sec. 379. Section 218.33, Code 2023, is amended to read as follows:

218.33 Transcript of testimony.

The ~~particular administrator involved~~ department shall cause the testimony taken at such investigation to be transcribed and filed ~~in the administrator's office at the seat of government with the department~~ within ten days after the ~~same~~ testimony is taken, or as soon thereafter as practicable, and when ~~so~~ filed the ~~same~~ testimony shall be open for the inspection of any person.

Sec. 380. Section 218.41, Code 2023, is amended to read as follows:

218.41 Custody.

When a resident of an institution is ~~so~~ working outside the institution proper, the resident ~~shall be deemed is~~ at all times in the actual custody of the ~~head~~ superintendent of the institution.

Sec. 381. Section 218.42, Code 2023, is amended to read as follows:

218.42 Wages of residents.

If a resident performs services for the state at an institution ~~listed in section 218.1, the administrator in control of the institution~~ department shall pay the resident a wage in accordance with federal wage and hour requirements. However, the wage amount shall not exceed the amount of the prevailing wage paid in the state for a like service or its equivalent.

Sec. 382. Section 218.43, Code 2023, is amended to read as follows:

218.43 Deduction to pay court costs.

If wages are paid to a resident pursuant to section 218.42, the ~~administrator in control of an institution listed in section 218.1~~ department may deduct from the wages an amount sufficient to pay all or a part of the costs taxed to the resident by reason of the resident's commitment to the institution. In such case the amount so deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 383. Section 218.44, Code 2023, is amended to read as follows:

218.44 Wages paid to dependent — deposits.

If wages are paid to a resident pursuant to section 218.42, the ~~administrator in control of an institution listed in section 218.1~~ department may pay all or any part of the wages directly to any dependent of the resident. The ~~administrator~~ department may also deposit the wages to the account of the resident, or may so deposit part of the wages and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at said ~~the~~ institution from any credit balance accruing to the account of the resident.

Sec. 384. Section 218.45, Code 2023, is amended to read as follows:

218.45 Conferences.

Quarterly conferences of the superintendents of the institutions shall be held with the ~~administrator in control of the institutions~~ director at Des Moines or at institutions under the ~~administrator's~~ director's jurisdiction, for the consideration of all matters relative to the management of the institutions. Full minutes of the conferences shall be preserved in the records of the ~~administrator~~ department. The ~~administrator in control~~ director may cause papers on appropriate subjects to be prepared and ~~read~~ presented at the conferences.

Sec. 385. Section 218.46, Code 2023, is amended to read as follows:

218.46 Scientific investigation.

1. The ~~administrator who is in charge of an institution~~ director shall encourage the scientific investigation, on the part of the superintendent and medical staff of the institution, as to the most successful methods of institutional management and ~~treating~~ treatment of the persons committed to the institution. In addition, the ~~administrator~~ department shall procure and furnish to the superintendent and medical staff information relative to such management and treatment and, ~~from time to time~~, publish bulletins and reports of scientific and clinical work done in that type of institution.

2. The ~~administrators of such state institutions are authorized to~~ department may provide services and facilities for the scientific observation, rechecking, and treatment of persons with mental illness within the state. Application by, or on behalf of, any person for such services and facilities shall be made to the ~~administrator in charge of the particular institution involved and shall be made~~ director on forms furnished by ~~such administrator~~ the department. The time and place of admission of any person to outpatient or clinical services and facilities for scientific observation, rechecking, and treatment and the use of such services and facilities for the benefit of persons who have already been hospitalized for psychiatric evaluation and appropriate treatment or involuntarily hospitalized as seriously mentally ill shall be in accordance with rules and regulations adopted by the ~~administrator in control of the particular institution involved~~ department.

Sec. 386. Section 218.47, Code 2023, is amended to read as follows:

218.47 Monthly report.

The superintendent ~~or business manager~~ of each institution ~~or the superintendent's designee~~ shall, on the first day of each month, account to the ~~administrator in control of the particular institution~~ director or the director's designee for all state funds received during the preceding month, and, at the same time, remit the accounting to the treasurer of state.

Sec. 387. Section 218.48, Code 2023, is amended to read as follows:

218.48 Annual reports.

The superintendent or ~~business manager~~ of each institution or the superintendent's designee shall make an annual report to the administrator in control of the particular institution director 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:

1. Livestock.
2. Farm produce on hand.
3. Vehicles.
4. Agricultural implements.
5. Machinery.
6. Mechanical fixtures.
7. Real estate.
8. Furniture.
9. Bedding in residents' department.
10. State property in superintendent's department.
11. Clothing.
12. Dry goods.
13. Provisions and groceries.
14. Drugs and medicine.
15. Fuel.
16. Library.
17. All other state property under appropriate headings to be determined by the particular administrator involved director.

Sec. 388. Section 218.49, Code 2023, is amended to read as follows:

218.49 Contingent fund.

The administrator in control of an institution director may permit the superintendent or the business manager of each institution or the superintendent's designee to retain a stated amount of funds under the superintendent's or business manager's superintendent's designee's supervision as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular superintendent or business manager involved on a cash basis, salaries, and bills granting discount for cash.

Sec. 389. Section 218.50, Code 2023, is amended to read as follows:

218.50 Requisition for contingent fund.

If necessary, the director of the department of human services shall make proper requisition upon the director of the department of administrative services for a warrant on the state treasurer to secure the said contingent fund for each institution.

Sec. 390. Section 218.51, Code 2023, is amended to read as follows:

218.51 Monthly reports of contingent fund.

A monthly report of the status of such the contingent fund shall be submitted by the proper officer of said superintendent of each institution or the superintendent's designee to the administrator in control of the institution involved and such director or the director's designee in accordance with applicable rules as such administrator may establish established by the director.

Sec. 391. Section 218.52, Code 2023, is amended to read as follows:

218.52 Supplies — competition.

The administrator in control of a state institution department shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

Sec. 392. Section 218.55, Code 2023, is amended to read as follows:

218.55 Purchase from an institution.

An administrator The department may purchase supplies of any institution under the administrator's control, for use in any other institution under the administrator's control, and reasonable payment for the supplies shall be made as in the case of other purchases.

Sec. 393. Section 218.56, Code 2023, is amended to read as follows:

218.56 Purchase of supplies — vendor warrants.

1. The ~~administrators~~ department shall, ~~from time to time~~, adopt and make of record rules and regulations governing the purchase of all articles and supplies needed at the various institutions ~~under their control~~ and the form and verification of vouchers for such purchases.

2. The department of ~~human services~~ shall mail vendor warrants for the department of corrections.

Sec. 394. Section 218.57, Code 2023, is amended to read as follows:

218.57 Combining appropriations.

The director of the department of administrative services may combine the balances carried in all specific appropriations into a special account for each institution ~~under the control of a particular administrator~~, except that the support fund for each institution shall be carried as a separate account.

Sec. 395. Section 218.58, Code 2023, is amended to read as follows:

218.58 Construction, repair, and improvement projects — emergencies.

The department shall work with the department of administrative services to accomplish the following responsibilities:

1. The department shall prepare and submit to the director of the department of management, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions ~~listed in section 218.1~~.

2. The ~~director~~ department shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects costing over the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a licensed architect or licensed professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

3. The department of administrative services shall comply with the competitive bid procedures in chapter 26 to let all contracts under chapter 8A, subchapter III, for authorized construction, repair, or improvement of departmental buildings, grounds, or equipment.

4. If the director of the ~~department of human services~~ and the director of the department of administrative services determine that emergency repairs or improvements estimated to cost more than the competitive bid threshold in section 26.3, or as established in section 314.1B are necessary to assure the continued operation of a departmental institution, the requirements of subsections 2 and 3 for preparation of plans and specifications and competitive procurement procedures are waived. A determination of necessity for waiver by the director of the ~~department of human services~~ and the director of the department of administrative services shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive quotation or bid procedures, as applicable, to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of subsections 2 and 3 does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8A.514, certified by the claimant and the architect or engineer in charge, and audited and approved by the department of administrative services. Upon approval by the department of administrative services, the director of the department of administrative services shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the ~~administrator in control of a departmental institution~~ director or the director's designee, minor projects costing five thousand dollars or less may be authorized and completed by the ~~executive head~~ superintendent of the institution through

the use of day labor. A contract is not required if a minor project is to be completed with the use of resident labor.

Sec. 396. Section 218.64, Code 2023, is amended to read as follows:

218.64 Investigation of death.

1. For the purposes of this section, unless the context otherwise requires, “institution” and “resident” mean the same as defined in section 218.13.

2. Upon the death of a resident of an institution, the county medical examiner shall conduct a preliminary investigation of the death as provided in section 331.802. The cost of the preliminary investigation shall be paid by the department of human services.

Sec. 397. Section 218.65, Code 2023, is amended to read as follows:

218.65 Property of deceased resident.

The superintendent or business manager of each institution department shall, upon the death of any resident or patient, immediately take possession of all property of the deceased left at the institution, and deliver the property to the duly appointed and qualified representative of the deceased.

Sec. 398. Section 218.66, Code 2023, is amended to read as follows:

218.66 Property of small value.

If administration be is not granted within one year from the date of the death of the decedent, and the value of the estate of the decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

Sec. 399. Section 218.69, Code 2023, is amended to read as follows:

218.69 Permanent record.

A complete permanent record of the money transmitted to the treasurer of state under section 218.68, showing by whom and with whom it the money was left, its the amount, the date of the death of the owner, the owner’s reputed place of residence before the owner became a resident of the institution, the date on which it the money was transmitted to the state treasurer, and any other facts which may tend to identify the intestate and explain the case, shall be kept by the superintendent of the institution or business manager, as the case may be department, and a transcript of the record shall be sent to, and kept by, the treasurer of state.

Sec. 400. Section 218.70, Code 2023, is amended to read as follows:

218.70 Payment to party entitled.

Moneys transmitted to the treasurer of state under section 218.68 shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled thereto to the moneys. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 401. Section 218.72, Code 2023, is amended to read as follows:

218.72 Temporary quarters in emergency.

In case the buildings at any institution under the control of an administrator are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the residents cannot be housed and cared for, the administrator director shall make temporary provision for the housing and care of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any moneys in the state treasury not otherwise appropriated.

Sec. 402. Section 218.78, Code 2023, is amended to read as follows:

218.78 Institutional receipts deposited.

1. All institutional receipts of the department of human services, including funds received from client participation at the state resource centers under section 222.78 and at the state mental health institutes under section 230.20, shall be deposited in the general fund except

for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving fund under section 904.706, for deposits into the medical assistance fund under section 249A.11, and for rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

2. If approved by the director of ~~human services~~, the department may use appropriated funds for the granting of educational leave.

Sec. 403. Section 218.83, Code 2023, is amended to read as follows:

218.83 Administrative improvement.

The director of ~~human services and the administrators assigned to have authority over the institutions~~ shall cooperate with any department or agency of the state government in any manner, including the exchange of employees, calculated to improve administration of the ~~affairs of the institutions~~.

Sec. 404. Section 218.84, Code 2023, is amended to read as follows:

218.84 Abstracting claims and keeping accounts.

The director of ~~the department of human services~~ or the director's designee shall have sole charge of abstracting and certifying claims for payment and the keeping of a central system of accounts in institutions under the director's control.

Sec. 405. Section 218.85, Code 2023, is amended to read as follows:

218.85 Uniform system of accounts.

The director of ~~human services through the administrators in control of the institutions department~~ shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of administrative services as authorized in section 8A.502, subsection 13, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 406. Section 218.86, Code 2023, is amended to read as follows:

218.86 Abstract of claims.

Vouchers for expenditures other than salaries shall be submitted to the director of the department of administrative services, who shall prepare in triplicate an abstract of claims submitted showing the name of the claimant and the institutions and institutional fund on account of which the payment is made. The claims and abstracts of claims shall be returned to the director of ~~the department of human services~~ where the correctness of the abstracts shall be certified by ~~the director~~. The original abstract shall be delivered to the director of the department of administrative services, the duplicate to be retained in the office of the director, ~~of the department of human services~~ and the triplicate forwarded to the proper institution to be retained as a record of claims paid.

Sec. 407. Section 218.87, Code 2023, is amended to read as follows:

218.87 Warrants issued by director of the department of administrative services.

Upon such certificate the director of the department of administrative services shall, if the institution named has sufficient funds, issue the director's warrants upon the state treasurer, for the amounts and to the claimants indicated ~~thereon~~ on the warrants. The director of the department of administrative services shall deliver the warrants thus issued to the director of ~~human services~~ department, who will cause ~~same~~ the warrants to be transmitted to the payees ~~thereof~~ of the warrants.

Sec. 408. Section 218.88, Code 2023, is amended to read as follows:

218.88 Institutional payrolls.

At the close of each pay period, the superintendent or ~~business manager~~ of each institution shall prepare and forward to the director of ~~human services~~ or the director's designee a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. A substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

Sec. 409. Section 218.92, Code 2023, is amended to read as follows:

218.92 Patients Residents with dangerous mental disturbances.

When a patient in a state resource center for persons with an intellectual disability, a state mental health institute, or another resident of an institution under the administration of the department of human services has become so mentally disturbed as to constitute a danger to self, to other patients residents or staff of the institution, or to the public, and the institution cannot provide adequate security, the administrator in charge of the institution ~~director or the director's designee~~, with the consent of the director of the Iowa department of corrections, may order the patient resident to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the patient resident is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the patient resident, other patients residents, or the public. If the patient resident transferred was hospitalized pursuant to sections 229.6 through 229.15, the transfer shall be promptly reported to the court that ordered the hospitalization of the patient resident, as required by section 229.15, subsection 5. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the patient resident as the institution from which the patient resident was transferred had while the patient was hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 410. Section 218.93, Code 2023, is amended to read as follows:

218.93 Consultants for ~~director or administrators~~ department.

The ~~director of human services or the administrators in control of the institutions~~ are authorized to department may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director ~~or the administrators, their department employees, or employees of institutions under their jurisdiction~~ or to provide in-service training and instruction for the employees. The ~~director and administrators are authorized to~~ department may pay the consultants at a rate to be determined by ~~them~~ the department from funds under ~~their~~ the department's control or from any institutional funding under ~~their~~ the director's jurisdiction as the ~~director or administrator~~ may determine.

Sec. 411. Section 218.94, Code 2023, is amended to read as follows:

218.94 Director may buy and sell real estate — options.

1. The ~~director of the department of human services~~ shall have full power to may secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of ~~said~~ the institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the director may determine. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is ~~hereby~~ appropriated from the general fund of the state a sum equal to the proceeds ~~so~~ deposited and credited to the general fund of the state to the department of ~~human services~~, which may be used to purchase other real estate or for capital improvements upon property under the director's control.

2. The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including but not limited to appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which ~~such~~ the real estate is located. ~~Such fund costs~~ shall be reimbursed from the proceeds of the sale.²

Sec. 412. Section 218.95, Code 2023, is amended to read as follows:

218.95 Synonymous terms.

1. For purposes of construing the provisions of this and the following subtitles of this title and chapters 904, 913, and 914 relating to persons with mental illness and reconciling these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

² See chapter 112, §52 herein

a. “Mentally ill” and “insane”, except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to section 229.27.

b. “Parole” and “convalescent leave”.

c. “Resident” and “patient”.

d. “Escape” and “depart without proper authorization”.

e. “Warrant” and “order of admission”.

f. “Escapee” and “patient”.

g. “Sane” and “in good mental health”.

h. “Commitment” and “admission”.

2. It is hereby declared to be the policy of the general assembly that words which have come to have a degrading meaning shall not be employed in institutional records having reference to persons with various mental conditions and that in all records pertaining to persons with various mental conditions the less discriminatory of the foregoing synonyms shall be employed.

Sec. 413. Section 218.96, Code 2023, is amended to read as follows:

218.96 Gifts, grants, and devises, and bequests.

The director of the department of human services is authorized to may accept gifts, grants, devises, or bequests of real or personal property from the federal government or any source. The director may exercise such powers with reference to the property so accepted as may be deemed essential to its the property’s preservation and the purposes for which given, granted, devised, or bequeathed.

Sec. 414. Section 218.98, Code 2023, is amended to read as follows:

218.98 Canteen maintained.

~~The administrators in control of the institutions may maintain a~~ A canteen may be maintained at any institution ~~under their jurisdiction and control~~ for the sale to persons residing in the institution of items including but not limited to toilet articles, candy, tobacco products, notions, and other sundries, and ~~may provide~~ the necessary facilities, equipment, personnel, and merchandise for such sale may be provided. ~~The administrators department~~ shall specify what commodities will be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 415. Section 218.99, Code 2023, is amended to read as follows:

218.99 Counties to be notified of patients’ personal accounts.

~~The administrator in control of a state institution shall direct the business manager superintendent of each institution under the administrator’s jurisdiction which is mentioned facility specified in section 331.424, subsection 1, paragraph “a”, subparagraphs (1) and (2), and for which services are paid by the county of residence or a mental health and disability services region, to shall~~ quarterly inform the county of residence of any ~~patient or resident person committed or admitted to the facility~~ who has an amount in excess of two hundred dollars on account in the ~~patients’ person’s~~ personal deposit fund and the amount on deposit. ~~The administrators shall direct the business manager to superintendent shall~~ further notify the county of residence at least fifteen days before the ~~release of funds in excess of two hundred dollars or upon the death of the patient or resident person.~~ If the ~~patient or resident person~~ has no residency in this state or the person’s residency is unknown, notice shall be made to the ~~director of human services and the administrator in control of the institution involved~~ department.

Sec. 416. Section 218.100, Code 2023, is amended to read as follows:

218.100 Central warehouse and supply depot.

The department of human services shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be permanent and shall be composed of the

receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions now in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of sections 218.86, 218.87, and 218.88.

Sec. 417. Section 221.2, Code 2023, is amended to read as follows:

221.2 Administrator Compact administrator.

~~Pursuant to the compact, the administrator of the division of mental health and disability services~~ The director of the department of health and human services shall be the designate a compact administrator. The compact administrator may cooperate with all departments, agencies, and officers of this state and its subdivisions in facilitating the proper administration of the compact and of any supplementary agreement entered into by this state under the compact.

Sec. 418. Section 221.4, Code 2023, is amended to read as follows:

221.4 Payments.

The compact administrator, ~~subject to the approval of the director of the department of human services,~~ may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into ~~thereunder~~ under the compact.

Sec. 419. Section 222.1, subsection 2, Code 2023, is amended to read as follows:

2. The Glenwood state resource center and the Woodward state resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with an intellectual disability or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state resource center. In addition, the state resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A resource center may request the approval of the council ~~on human services~~ to change the name of the resource center for use in communication with the public, in signage, and in other forms of communication.

Sec. 420. Section 222.2, Code 2023, is amended to read as follows:

222.2 Definitions.

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

- ~~1. "Administrator" means the person assigned by the director of human services, in accordance with section 218.1, to control the state resource centers.~~
- ~~2.~~ 1. "Auditor" means the county auditor or the auditor's designee.
- ~~3.~~ 2. "Council" means the council on health and human services.
- ~~4.~~ 3. "Department" means the department of health and human services.
- ~~5.~~ 4. "Director" means the director of health and human services.
- ~~6.~~ 5. "Intellectual disability" means the same as defined in section 4.1.
- ~~7.~~ 6. "Mental health and disability services region" means a mental health and disability services region formed in accordance with section 331.389.
- ~~8.~~ 7. "Regional administrator" means the regional administrator of a mental health and disability services region, as defined in section 331.388.
- ~~9.~~ 8. "Special unit" means a special intellectual disability unit established at a state mental health institute pursuant to sections 222.88 through 222.91.
- ~~10.~~ 9. "State resource centers" or "resource centers" means the Glenwood state resource center and the Woodward state resource center.
- ~~11.~~ 10. "Superintendents" means the superintendents of the state resource centers.

Sec. 421. Section 222.3, Code 2023, is amended to read as follows:

222.3 Superintendents.

The ~~administrator~~ director shall appoint a qualified superintendent for each of the resource centers who shall receive such salary as the ~~administrator~~ director shall determine.

Sec. 422. Section 222.4, Code 2023, is amended to read as follows:

222.4 Duties of superintendents.

The superintendents shall:

1. Perform all duties required by law and by the ~~administrator~~ director not inconsistent with law.
2. Oversee and insure individual treatment and professional care of each patient in the resource centers.
3. Maintain a full and complete record of the condition of each patient in the resource centers.
4. Have custody, control, and management of all patients in such manner as deemed best subject to the regulations of the ~~administrator~~ department.

Sec. 423. Section 222.5, Code 2023, is amended to read as follows:

222.5 Preadmission diagnostic evaluation.

~~No~~ A person shall not be eligible for admission to a resource center or a special unit until a preadmission diagnostic evaluation has been made by a resource center or a special unit which confirms or establishes the need for admission.

Sec. 424. Section 222.7, Code 2023, is amended to read as follows:

222.7 Transfers.

The ~~administrator~~ department may transfer patients from one state resource center to the other and may at any time transfer patients from the resource centers to the hospitals for persons with mental illness, or transfer patients in the resource centers to a special unit or vice versa. The ~~administrator~~ department may also transfer patients from a hospital for persons with mental illness to a resource center if consent is given or obtained as follows:

1. In the case of a patient who entered the hospital for persons with mental illness voluntarily, consent is given in advance by the patient or, if the patient is a minor or is incompetent, the person responsible for the patient.
2. In the case of a patient hospitalized pursuant to sections 229.6 through 229.15, the consent of the court which hospitalized the patient is obtained in advance, rather than afterward as otherwise permitted by section 229.15, subsection 4.

Sec. 425. Section 222.8, Code 2023, is amended to read as follows:

222.8 Communications by patients.

Persons admitted to the resource centers or a special unit shall have all reasonable opportunity and facility for communication with their friends. Such persons shall be permitted to write and send letters, provided the letters contain nothing of an offensive character. Letters written by any patient to the ~~administrator~~ director or to any state or county official shall be forwarded unopened.

Sec. 426. Section 222.10, Code 2023, is amended to read as follows:

222.10 Duty of peace officer.

When any person with an intellectual disability departs without proper authority from ~~an institution~~ a facility in another state and is found in this state, any peace officer in any county in which such patient is found may take and detain the patient without warrant or order and shall report such detention to the ~~administrator~~ department. The ~~administrator~~ department shall provide for the return of the patient to the authorities in the state from which the unauthorized departure was made. Pending return, such patient may be detained temporarily at one of the institutions of this state governed by the ~~administrator~~ or by the administrator of the division of child and family services of the department of human services department. The provisions of this section relating to the ~~administrator~~ department shall also apply to the return of other nonresident persons with an intellectual disability having legal residency outside the state of Iowa.

Sec. 427. Section 222.11, Code 2023, is amended to read as follows:

222.11 Expense.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and transportation of such patients to the resource centers shall be paid on itemized vouchers,

sworn to by the claimants, and approved by the superintendent and the ~~administrator~~ director from any moneys in the state treasury not otherwise appropriated.

Sec. 428. Section 222.13, subsection 2, Code 2023, is amended to read as follows:

2. If the resource center does not have an appropriate program for the treatment of an adult or minor person with an intellectual disability applying under this section or section 222.13A, the regional administrator for the person's county of residence or the department, as applicable, shall arrange for the placement of the person in any public or private facility within or without the state, approved by the ~~director of human services~~, which offers appropriate services for the person. If the expenses of the placement are payable in whole or in part by a county, the placement shall be made by the regional administrator for the county.

Sec. 429. Section 222.13A, subsection 1, Code 2023, is amended to read as follows:

1. If a minor is believed to be a person with an intellectual disability, the minor's parent, guardian, or custodian may apply to the department for admission of the minor as a voluntary patient in a state resource center. If the resource center does not have appropriate services for the minor's treatment, the department may arrange for the admission of the minor in a public or private facility within or without the state, approved by the ~~director of human services~~, which offers appropriate services for the minor's treatment.

Sec. 430. Section 222.60, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

All necessary and legal expenses for the cost of admission or for the treatment, training, instruction, care, habilitation, support, and transportation of persons with an intellectual disability, as provided for in the applicable regional service system management plan implemented pursuant to section 331.393 in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the ~~director of human services~~, shall be paid by either:

Sec. 431. Section 222.64, Code 2023, is amended to read as follows:

222.64 Foreign state or country or unknown residency.

If the residency of the person is determined by a regional administrator on behalf of a county or by the state to be in a foreign state or country or is determined to be unknown, the regional administrator or the state shall certify the determination. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the regional administrator or the state. Application for admission may be made pending investigation by the ~~administrator~~ department.

Sec. 432. Section 222.65, Code 2023, is amended to read as follows:

222.65 Investigation.

If an application is made for placement of a person in a state resource center or special unit, the ~~department's administrator~~ department shall immediately investigate the residency of the person and proceed as follows:

1. If the ~~administrator~~ department concurs with a certified determination as to residency of the person in another state or in a foreign country, or the person's residence is unknown under section 222.60, the ~~administrator~~ department shall cause the person either to be transferred to a resource center or a special unit or to be transferred to the place of foreign residency.

2. If the ~~administrator~~ department disputes a certified determination of residency, the ~~administrator~~ department shall order the person transferred to a state resource center or a special unit until the dispute is resolved.

3. If the ~~administrator~~ department disputes a certified determination of residency, the ~~administrator~~ department shall utilize the procedure provided in section 331.394 to resolve the dispute. A determination of the person's residency status made pursuant to section 331.394 is conclusive.

Sec. 433. Section 222.66, Code 2023, is amended to read as follows:

222.66 Transfers — no residency in state or residency unknown — expenses.

The transfer to a resource center or a special unit or to the place of residency of a person with an intellectual disability who has no residence in this state or whose residency is unknown, shall be made in accordance with such directions as shall be prescribed by the ~~administrator~~ director and when practicable by employees of the state resource center or the special unit. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the ~~administrator~~ director and the approved amount is appropriated to the department from any funds in the state treasury not otherwise appropriated.

Sec. 434. Section 222.67, Code 2023, is amended to read as follows:

222.67 Charge on finding of residency.

If a person has been received into a resource center or a special unit as a patient whose residency is unknown and the ~~administrator~~ director determines that the residency of the patient was at the time of admission in a county of this state, the ~~administrator~~ director shall certify the determination and charge all legal costs and expenses pertaining to the admission and support of the patient to the county of residence. The certification shall be sent to the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged to the county in accordance with that determination. The costs and expenses shall be collected as provided by law in other cases.

Sec. 435. Section 222.69, Code 2023, is amended to read as follows:

222.69 Payment by state.

The amount necessary to pay the necessary and legal expenses of admission of a person to a resource center or a special unit when the person's residence is outside this state or is unknown is appropriated to the department from any moneys in the state treasury not otherwise appropriated. Such payments shall be made by the department on itemized vouchers executed by the auditor of the county from which the expenses have been paid and approved by the ~~administrator~~ director or the director's designee.

Sec. 436. Section 222.73, subsection 5, Code 2023, is amended to read as follows:

5. A superintendent of a resource center or special unit may request that the ~~director of human services~~ enter into a contract with a person for the resource center or special unit to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 222.1. The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under this subsection may be retained by the resource center or special unit to defray the costs of providing the services or fulfilling the other purposes. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 4.

Sec. 437. Section 222.78, Code 2023, is amended to read as follows:

222.78 Parents and others liable for support.

1. The father and mother of any patient admitted to a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county or state, as applicable, for all sums advanced in accordance with the provisions of sections 222.60 and 222.77.

2. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a ~~normally intelligent~~ minor without a an intellectual disability of the same age and sex as the minor patient. The ~~administrator~~ department shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established ~~by the state division~~ under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source,

commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the ~~administrator~~ department for caring for the patient with an intellectual disability.

Sec. 438. Section 222.84, Code 2023, is amended to read as follows:

222.84 Patients' personal deposit fund.

There is ~~hereby~~ established at each resource center and special unit a ~~fund which shall be known as the "patients' personal deposit fund"; provided that in~~. In the case of a special unit, the director may direct that the patients' personal deposit fund be maintained and administered as a part of the fund established, pursuant to sections 226.43 through 226.46, by the state mental health institute where the special unit is located.

Sec. 439. Section 222.86, Code 2023, is amended to read as follows:

222.86 Payment for care from fund.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the ~~business manager of the resource center or special unit department~~ may apply any amount of the excess to reimburse the county of residence or the state for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient, when billed by the county or state, as applicable.

Sec. 440. Section 222.87, Code 2023, is amended to read as follows:

222.87 Deposit in bank.

The ~~business manager~~ department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the ~~business manager~~ department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid ~~thereon~~ on the account may be used for recreational purposes for the patients at the resource center or special unit.

Sec. 441. Section 222.88, Code 2023, is amended to read as follows:

222.88 Special intellectual disability unit.

The director of ~~human services~~ may organize and establish a special intellectual disability unit at an existing institution which may provide:

1. Psychiatric and related services to children with an intellectual disability and adults ~~who are also emotionally disturbed~~ with an emotional disturbance or otherwise mentally ill a mental illness.
2. Specific programs to meet the needs of such other special categories of persons with an intellectual disability as may be designated by the director.
3. Appropriate diagnostic evaluation services.

Sec. 442. Section 225.1, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. "Respondent" means the same as defined in section 229.1.

Sec. 443. Section 225.5, Code 2023, is amended to read as follows:

225.5 Cooperation of hospitals.

The medical director of the state psychiatric hospital shall seek to bring about systematic cooperation between the ~~several state hospitals for persons with mental illness~~ health institutes and the state psychiatric hospital.

Sec. 444. Section 225.26, Code 2023, is amended to read as follows:

225.26 Private patients — disposition of funds.

All moneys collected from private patients shall be used for the support of the ~~said~~ state psychiatric hospital.

Sec. 445. Section 225.28, Code 2023, is amended to read as follows:

225.28 Appropriation.

The state shall pay to the state psychiatric hospital, out of any moneys in the state treasury not otherwise appropriated, all expenses for the administration of the hospital, and for the care, treatment, and maintenance of committed and voluntary public patients ~~therein in the state psychiatric hospital~~, including ~~their~~ clothing and all other expenses of the hospital for the public patients. The bills for the expenses shall be rendered monthly in accordance with rules agreed upon by the director of the department of administrative services and the state board of regents.

Sec. 446. Section 225.33, Code 2023, is amended to read as follows:

225.33 Death of patient — disposal of body.

~~In the event that a~~ When a committed public patient or a voluntary public patient or a committed private patient ~~should die~~ dies while at the state psychiatric hospital or at the university hospital, the state psychiatric hospital shall have the body prepared for shipment in accordance with the rules prescribed by the ~~state board of health~~ council on health and human services for shipping such bodies; ~~and it shall be.~~ It is the duty of the state board of regents to make arrangements for the embalming and such other preparation as ~~may be~~ necessary to comply with the rules and for the purchase of suitable caskets.

Sec. 447. Section 225.35, Code 2023, is amended to read as follows:

225.35 Expense collected.

~~In the event that the said~~ When a person is a committed private patient, it ~~shall be~~ is the duty of the county auditor of the proper county to proceed to collect all of such expenses, in accordance with the provisions of sections 225.23 and 225.24.

Sec. 448. Section 225C.2, Code 2023, is amended to read as follows:

225C.2 Definitions.

As used in this chapter:

- ~~1.~~ 1. “*Administrator*” means the administrator of the division.
- ~~2.~~ 1. “*Child*” or “*children*” means a person or persons under eighteen years of age.
- ~~3.~~ 2. “*Children’s behavioral health services*” means services for children with a serious emotional disturbance.
- ~~4.~~ 3. “*Children’s behavioral health system*” or “*children’s system*” means the behavioral health service system for children implemented pursuant to this subchapter.
- ~~5.~~ 4. “*Commission*” means the mental health and disability services commission.
- ~~6.~~ 5. “*Council*” means the council on health and human services.
- ~~7.~~ 6. “*Department*” means the department of health and human services.
- ~~8.~~ 7. “*Director*” means the director of health and human services.
- ~~9.~~ 8. “*Disability services*” means services and other support available to a person with mental illness, an intellectual disability or other developmental disability, or brain injury.
- ~~10.~~ 9. “*Division*” means the division of mental health and disability services of the department.
- ~~11.~~ 9. “*Mental health and disability services region*” means a mental health and disability services region formed in accordance with section 331.389.
- ~~12.~~ 10. “*Mental health and disability services regional service system*” means the mental health and disability service system for a mental health and disability services region.
- ~~13.~~ 11. “*Regional administrator*” means the same as defined in section 331.388.
- ~~14.~~ 12. “*Serious emotional disturbance*” means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. “*Serious emotional disturbance*” does not include substance use or developmental disorders unless those disorders co-occur with such a diagnosable mental, behavioral, or emotional disorder.
- ~~15.~~ 13. “*State board*” means the children’s behavioral health system state board created in section 225C.51.

Sec. 449. Section 225C.3, Code 2023, is amended to read as follows:

225C.3 ~~Division of mental health and disability services~~ Department — state mental health authority.

1. The ~~division~~ department is designated the state mental health authority as defined in 42 U.S.C. §201(m) (1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. §201 et seq. This designation does not preclude the state board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention, and research activities in the areas of mental health and intellectual disability. The ~~division~~ department may contract with the state board of regents or any institution under the board's jurisdiction to perform any of these functions.

2. The ~~division~~ department is designated the state developmental disabilities agency for the purpose of directing the benefits of the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §15001 et seq.

~~3. The division is administered by the administrator. The administrator of the division shall be qualified in the general field of mental health, intellectual disability, or other disability services, and preferably in more than one field. The administrator shall have at least five years of experience as an administrator in one or more of these fields.~~

Sec. 450. Section 225C.4, Code 2023, is amended to read as follows:

225C.4 Administrator's Department duties.

1. To the extent funding is available, the ~~administrator~~ department shall perform the following duties:

a. Prepare and administer the comprehensive mental health and disability services plan as provided in section 225C.6B, including state mental health and intellectual disability plans for the provision of disability services within the state and the state developmental disabilities plan. The ~~administrator~~ department shall take into account any related planning activities implemented by the ~~Iowa department of public health~~, the state board of regents or a body designated by the board for that purpose, the department of management or a body designated by the director of the department for that purpose, the department of education, the department of workforce development and any other appropriate governmental body, in order to facilitate coordination of disability services provided in this state. The state mental health and intellectual disability plans shall be consistent with the state health plan, and shall take into account mental health and disability services regional service system management plans.

b. Assist mental health and disability services region governing boards and regional administrators in planning for community-based disability services.

c. Assist the state board in planning for community-based children's behavioral health services.

d. Emphasize the provision of evidence-based outpatient and community support services by community mental health centers and local intellectual disability providers as a preferable alternative to acute inpatient services and services provided in large institutional settings.

e. Encourage and facilitate coordination of mental health and disability services with the objective of developing and maintaining in the state a mental health and disability service delivery system to provide services to all persons in this state who need the services, regardless of the place of residence or economic circumstances of those persons. The ~~administrator~~ department shall work with the commission and other state agencies, including but not limited to the departments of corrections, ~~and~~ education, and ~~public health~~ and the state board of regents, to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

f. Encourage and facilitate applied research and preventive educational activities related to causes and appropriate treatment for disabilities. The ~~administrator~~ department may designate, or enter into agreements with, private or public agencies to carry out this function.

g. Coordinate community-based services with those of the state mental health institutes and state resource centers.

h. Administer state programs regarding the care, treatment, and supervision of persons with mental illness or an intellectual disability, except the programs administered by the state board of regents.

i. Administer and distribute state appropriations in connection with the mental health and disability services regional service fund established by section 225C.7A.

j. Act as compact administrator with power to effectuate the purposes of interstate compacts on mental health.

k. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the persons utilizing the services. The ~~administrator~~ department shall annually submit to the commission information collected by the department indicating the changes and trends in the mental health and disability services system. The ~~administrator~~ department shall make the outcome data available to the public.

l. Encourage and facilitate coordination of children's behavioral health services with the objective of developing and maintaining in the state a children's behavioral health system to provide behavioral health services to all children in this state who need the services, regardless of the place of residence or economic circumstances of those children. The ~~administrator~~ department shall work with the state board and other state agencies including but not limited to the department of education and ~~the department of public health~~ to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

m. Establish and maintain a data collection and management information system oriented to the needs of children utilizing the children's behavioral health system, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the children utilizing the services. The ~~administrator~~ department shall annually submit to the state board information collected by the department indicating the changes and trends in the children's behavioral health system. The ~~administrator~~ department shall make the outcome data available to the public.

n. Prepare a ~~division~~ department budget and reports of the ~~division's~~ department's activities.

o. Establish suitable agreements with other state agencies to encourage appropriate care and to facilitate the coordination of disability services.

p. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial branch and the certified volunteer long-term care ombudsmen certified pursuant to section 231.45.

q. Provide technical assistance to agencies and organizations, to aid them in meeting standards which are established, or with which compliance is required, under statutes administered by the ~~administrator~~ department, including but not limited to chapters 227 and 230A.

r. Recommend to the commission minimum accreditation standards for the maintenance and operation of community mental health centers, services, and programs under section 230A.110. The ~~administrator's~~ department's review and evaluation of the centers, services, and programs for compliance with the adopted standards shall be as provided in section 230A.111.

s. Recommend to the commission minimum standards for supported community living services. The ~~administrator~~ department shall review and evaluate the services for compliance with the adopted standards.

t. In cooperation with the department of inspections and appeals, recommend minimum standards under section 227.4 for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The ~~administrator~~ department shall also cooperate with the department of inspections and appeals in recommending minimum standards for care of and services provided to persons with mental illness or an intellectual disability living in a residential care facility regulated under chapter 135C.

u. ~~In cooperation with the Iowa department of public health, recommend~~ Recommend minimum standards for the maintenance and operation of public or private facilities offering disability services, which are not subject to licensure by the department or the department of inspections and appeals.

v. Provide technical assistance concerning disability services and funding to mental health and disability services region governing boards and regional administrators.

w. Coordinate with the mental health planning and advisory council created pursuant to 42 U.S.C. §300x-3 to ensure the council membership includes representation by a military veteran who is knowledgeable concerning the behavioral and mental health issues of veterans.

x. Enter into performance-based contracts with regional administrators as described in section 331.390. A performance-based contract shall require a regional administrator to fulfill the statutory and regulatory requirements of the regional service system under this chapter and chapter 331. A failure to fulfill the requirements may be addressed by remedies specified in the contract, including but not limited to suspension of contract payments or cancellation of the contract. The contract provisions may include but are not limited to requirements for the regional service system to attain outcomes within a specified range of acceptable performance in any of the following categories:

- (1) Access standards for the required core services.
- (2) Penetration rates for serving the number of persons expected to be served.
- (3) Utilization rates for inpatient and residential treatment.
- (4) Readmission rates for inpatient and residential treatment.
- (5) Employment of the persons receiving services.
- (6) Administrative costs.
- (7) Data reporting.
- (8) Timely and accurate claims processing.
- (9) School attendance.

y. Provide information through the internet concerning waiting lists for services implemented by mental health and disability services regions.

2. The administrator department may:

a. Apply for, receive, and administer federal aids, grants, and gifts for purposes relating to disability services or programs.

b. Establish and supervise suitable standards of care, treatment, and supervision for persons with disabilities in all institutions under the control of the director of ~~human services~~.

c. Appoint professional consultants to furnish advice on any matters pertaining to disability services. The consultants shall be paid as provided by an appropriation of the general assembly.

d. Administer a public housing unit ~~within a bureau of the division program~~ to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing in accordance with section 225C.45.

Sec. 451. Section 225C.5, subsection 1, paragraph j, Code 2023, is amended to read as follows:

j. One member shall be an active board member of an agency serving persons with a substance ~~abuse problem~~ use disorder selected from nominees submitted by the Iowa behavioral health association.

Sec. 452. Section 225C.6, Code 2023, is amended to read as follows:

225C.6 Duties of commission.

1. To the extent funding is available, the commission shall perform the following duties:

a. Advise the administrator department on the administration of the overall state disability services system.

b. Pursuant to recommendations made for this purpose by the ~~administrator~~ director, adopt necessary rules pursuant to chapter 17A which relate to disability programs and services, including but not limited to definitions of each disability included within the term “disability services” as necessary for purposes of state, county, and regional planning, programs, and services.

c. Adopt standards for community mental health centers, services, and programs as recommended under section 230A.110. The administrator department shall determine whether to grant, deny, or revoke the accreditation of the centers, services, and programs.

d. Adopt standards for the provision under the medical assistance program of individual case management services.

e. Unless another governmental body sets standards for a service available to persons with disabilities, adopt state standards for that service. The commission shall review the licensing standards used by the ~~department of human services~~ or department of inspections and appeals for those facilities providing disability services.

f. Assure that proper reconsideration and appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.

g. Adopt necessary rules for awarding grants from the state and federal government as well as other moneys that become available to the ~~division~~ department for grant purposes.

h. Annually submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law.

i. By January 1 of each odd-numbered year, submit to the governor and the general assembly an evaluation of:

(1) The extent to which services to persons with disabilities are actually available to persons in each county and mental health and disability services region in the state and the quality of those services.

(2) The effectiveness of the services being provided by disability service providers in this state and by each of the state mental health institutes established under chapter 226 and by each of the state resource centers established under chapter 222.

j. Advise the ~~administrator~~ director, the council ~~on human services~~, the governor, and the general assembly on budgets and appropriations concerning disability services.

k. Coordinate activities with the Iowa developmental disabilities council and the mental health planning council, created pursuant to federal law. The commission shall work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

l. Pursuant to a recommendation made by the ~~administrator~~ department, identify basic financial eligibility standards for the disability services provided by a mental health and disability services region. The initial standards shall be as specified in chapter 331.

m. Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county, region, and state levels.

2. Notwithstanding section 217.3, ~~subsection 6~~, the commission may adopt the rules authorized by subsection 1, pursuant to chapter 17A, without prior review and approval of those rules by the council ~~on human services~~.

3. If the executive branch creates a committee, task force, council, or other advisory body to consider disability services policy or program options involving children or adult consumers, the commission is designated to receive and consider any report, findings, recommendations, or other work product issued by such body. The commission may address the report, findings, recommendations, or other work product in fulfilling the commission's functions and to advise the department, council ~~on human services~~, governor, and general assembly concerning disability services.

4. a. The department shall coordinate with the department of inspections and appeals in the establishment of facility-based and community-based, subacute mental health services.

b. A person shall not provide community-based, subacute mental health services unless the person has been accredited to provide the services. The commission shall adopt standards for subacute mental health services and for accreditation of providers of community-based, subacute mental health services.

c. As used in this subsection, "*subacute mental health services*" means all of the following:

(1) A comprehensive set of wraparound services for persons who have had or are at imminent risk of having acute or crisis mental health symptoms that do not permit the persons to remain in or threatens removal of the persons from their home and community, but who have been determined by a mental health professional and a licensed health care professional, subject to the professional's scope of practice, not to need inpatient acute

hospital services. For the purposes of this subparagraph, “*mental health professional*” means the same as defined in section 228.1 and “*licensed health care professional*” means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

(2) Intensive, recovery-oriented treatment and monitoring of the person with direct or remote access to a psychiatrist or advanced registered nurse practitioner.

(3) An outcome-focused, interdisciplinary approach designed to return the person to living successfully in the community.

(4) Services that may be provided in a wide array of settings ranging from the person’s home to a facility providing subacute mental health services.

(5) Services that are time limited to not more than ten days or another time period determined in accordance with rules adopted for this purpose.

d. Subacute mental health services and the standards for the services shall be established in a manner that allows for accessing federal Medicaid funding.

Sec. 453. Section 225C.6B, Code 2023, is amended to read as follows:

225C.6B Mental health and disability services system — legislative intent — comprehensive plan — state and regional service systems.

1. *Intent.*

a. The general assembly intends for the state to implement a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with the requirements of sections 225C.4 and 225C.6 and other provisions of this chapter, by increasing the department’s responsibilities in the development, funding, oversight, and ongoing leadership of mental health and disability services in this state.

b. In order to further the purposes listed in section 225C.1 and in other provisions of this chapter, the general assembly intends that efforts focus on the goal of making available a comprehensive array of high-quality, evidence-based consumer and family-centered mental health and disability services and other support in the least restrictive, community-based setting appropriate for a consumer.

c. In addition, it is the intent of the general assembly to promote policies and practices that achieve for consumers the earliest possible detection of mental health problems and the need for disability services and for early intervention; to stress that all health care programs address mental health disorders with the same urgency as physical health disorders; to promote the policies of all public programs that serve adults and children with mental disorders or with a need for disability services, including but not limited to child welfare, Medicaid, education, housing, criminal and juvenile justice, substance abuse use disorder treatment, and employment services; to consider the special mental health and disability services needs of adults and children; and to promote recovery and resiliency as expected outcomes for all consumers.

2. *Comprehensive plan.* The ~~division~~ department shall develop a comprehensive written five-year state mental health and disability services plan with annual updates and readopt the plan every five years. The plan shall describe the key components of the state’s mental health and disability services system, including the services that are community-based, state institution-based, or regional or state-based. The five-year plan and each update shall be submitted annually to the commission on or before October 30 for review and approval.

3. *State and regional disability service systems.* The publicly financed disability services for persons with mental illness, intellectual disability or other developmental disability, or brain injury in this state shall be provided by the department and the counties operating together as regions. The financial and administrative responsibility for such services is as follows:

a. Disability services for children and adults that are covered under the medical assistance program pursuant to chapter 249A are the responsibility of the state.

b. Adult mental health and intellectual disability services that are not covered under the medical assistance program are the responsibility of the county-based regional service system.

c. Children's behavioral health services provided to eligible children that are not covered under the medical assistance program or other third-party payor are the responsibility of the county-based regional service system.

Sec. 454. Section 225C.6C, Code 2023, is amended to read as follows:

225C.6C Regional service system — regulatory requirements.

1. The ~~departments~~ department and the department of inspections, and appeals, ~~human services, and public health and licensing~~ shall comply with the requirements of this section in their efforts to improve the regulatory requirements applied to the mental health and disability services regional service system administration and service providers.

2. The ~~three~~ departments shall work together to establish a process to streamline accreditation, certification, and licensing standards applied to the regional service system administration and service providers.

3. The departments of ~~human services and inspections and appeals~~ shall jointly review the standards and inspection process applicable to residential care facilities.

4. The ~~three~~ departments shall do all of the following in developing regulatory requirements applicable to the regional service system administration and service providers:

a. Consider the costs to regional administrators and providers in the development of quality monitoring efforts.

b. Implement the use of uniform, streamlined, and statewide cost reporting standards and tools by the regional service system and the department of ~~human services~~.

c. Make quality monitoring information, including services, quality, and location information, easily available and understandable to all citizens.

d. Establish standards that are clearly understood and are accompanied by interpretive guidelines to support understanding by those responsible for applying the standards.

e. Develop a partnership with providers in order to improve the quality of services and develop mechanisms for the provision of technical assistance.

f. Develop consistent data collection efforts based on statewide standards and make information available to all providers. The efforts under this paragraph shall be made with representatives of the Iowa state association of counties.

g. Evaluate existing provider qualification and monitoring efforts to identify duplication and gaps, and align the efforts with valued outcomes.

h. Streamline and enhance existing standards.

i. Consider allowing providers to seek accreditation from a national accrediting body in lieu of state accreditation or certification.

Sec. 455. Section 225C.7A, subsection 7, Code 2023, is amended to read as follows:

7. a. For the fiscal year beginning July 1, 2021, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of ~~human services~~ any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

b. For the fiscal year beginning July 1, 2022, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds twenty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds twenty

percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of human services any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

c. For the fiscal year beginning July 1, 2023, and each succeeding fiscal year, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph "b", exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph "b", exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department of human services any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

Sec. 456. Section 225C.13, Code 2023, is amended to read as follows:

225C.13 Authority to establish and lease facilities.

1. ~~The administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers department~~ may enter into agreements under which a facility or portion of a facility administered by the ~~administrator department under section 218.1~~ is leased to a department or a division of state government, a county or group of counties, a mental health and disability services region, or a private nonprofit corporation organized under chapter 504. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

2. ~~The division administrator director~~ may work with the ~~appropriate administrator of the~~ department's institutions to establish mental health and intellectual disability services for all institutions under the control of the director of human services and to establish an autism unit, following mutual planning and consultation with the medical director of the state psychiatric hospital, at an institution or a facility administered by the department to provide psychiatric and related services and other specific programs to meet the needs of autistic persons with autism, and to furnish appropriate diagnostic evaluation services.

Sec. 457. Section 225C.19, Code 2023, is amended to read as follows:

225C.19 Emergency mental health crisis services system.

1. For the purposes of this section:

a. "Emergency mental health crisis services provider" means a provider accredited or approved by the department to provide emergency mental health crisis services.

b. "Emergency mental health crisis services system" or "services system" means a coordinated array of crisis services for providing a response to assist an individual adult or child who is experiencing a mental health crisis or who is in a situation that is reasonably likely to cause the individual to have a mental health crisis unless assistance is provided.

2. a. The ~~division department~~ shall implement an emergency mental health crisis services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section.

b. The purpose of the services system is to provide a statewide array of time-limited intervention services to reduce escalation of crisis situations, relieve the immediate distress of individuals experiencing a crisis situation, reduce the risk of individuals in a crisis

situation doing harm to themselves or others, and promote timely access to appropriate services for those who require ongoing mental health services.

c. The services system shall be available twenty-four hours per day, seven days per week to any individual who is in or is determined by others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co-occurring mental illness and substance ~~abuse~~ use disorder. The system shall address all ages, income levels, and health coverage statuses.

d. The goals of an intervention offered by a provider under the services system shall include but are not limited to symptom reduction, stabilization of the individual receiving the intervention, and restoration of the individual to a previous level of functioning.

e. The elements of the services system shall be specified in administrative rules adopted by the commission.

3. The services system elements shall include but are not limited to all of the following:

a. Standards for accrediting or approving emergency mental health crisis services providers. Such providers may include but are not limited to a community mental health center designated under chapter 230A, a unit of the department or other state agency, a county, a mental health and disability services region, or any other public or private provider who meets the accreditation or approval standards for an emergency mental health crisis services provider.

b. Identification by the ~~division~~ department of geographic regions, groupings of mental health and disability services regions, ~~service areas~~, or other means of distributing and organizing the emergency mental health crisis services system to ensure statewide availability of the services.

c. Coordination of emergency mental health crisis services with all of the following:

- (1) The district and juvenile courts.
- (2) Law enforcement.
- (3) Judicial district departments of correctional services.
- (4) Mental health and disability services regions.
- (5) Other mental health, substance ~~abuse~~ use disorder, and co-occurring mental illness and substance ~~abuse~~ use disorder services available through the state and counties to serve both children and adults.

d. Identification of basic services to be provided through each accredited or approved emergency mental health crisis services provider which may include but are not limited to face-to-face crisis intervention, stabilization, support, counseling, preadmission screening for individuals who may require psychiatric hospitalization, transportation, and follow-up services.

e. Identification of operational requirements for emergency mental health crisis services provider accreditation or approval which may include providing a telephone hotline, mobile crisis staff, collaboration protocols, follow-up with community services, information systems, and competency-based training.

4. The ~~division~~ department shall initially implement the program through a competitive block grant process. The implementation shall be limited to the extent of the appropriations provided for the program.

Sec. 458. Section 225C.19A, Code 2023, is amended to read as follows:

225C.19A Crisis stabilization programs.

The department shall accredit, certify, or apply standards of review to authorize the operation of crisis stabilization programs, including crisis stabilization programs operating in a psychiatric medical institution for children pursuant to chapter 135H that provide children with mental health, substance ~~abuse~~ use disorder, and co-occurring mental health and substance ~~abuse~~ use disorder services. In authorizing the operation of a crisis stabilization program, the department shall apply the relevant requirements for an emergency mental health crisis services provider and system under section 225C.19. A program authorized to operate under this section is not required to be licensed under chapter 135B, 135C, 135G, or 135H, or certified under chapter 231C. The commission shall adopt rules to implement this section. The department shall accept accreditation of a crisis stabilization program by

a national accrediting organization in lieu of applying the rules adopted in accordance with this section to the program.

Sec. 459. Section 225C.20, Code 2023, is amended to read as follows:

225C.20 Responsibilities of mental health and disability services regions for individual case management services.

Individual case management services funded under the medical assistance program shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A regional administrator may contract for one or more counties of the region to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The regional administrator may subcontract for the provision of case management services so long as the subcontract meets the same standards. A regional administrator may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the regional administrator shall provide written notification of a change at least ninety days before the date the change will take effect.

Sec. 460. Section 225C.21, Code 2023, is amended to read as follows:

225C.21 Supported community living services.

1. As used in this section, “*supported community living services*” means services provided in a noninstitutional setting to adult persons with mental illness, an intellectual disability, or developmental disabilities to meet the persons’ daily living needs.

2. The commission shall adopt rules pursuant to chapter 17A establishing minimum standards for supported community living services. The ~~administrator~~ department shall determine whether to grant, deny, or revoke approval for any supported community living service.

3. Approved supported community living services may receive funding from the state, federal and state social services block grant funds, and other appropriate funding sources, consistent with state legislation and federal regulations. The funding may be provided on a per diem, per hour, or grant basis, as appropriate.

Sec. 461. Section 225C.23, Code 2023, is amended to read as follows:

225C.23 Brain injury recognized as disability.

1. ~~The department of human services, the Iowa department of public health, the department of education and its divisions~~ division of special education and of the department of education, the division of vocational rehabilitation services of the department of workforce development, the department of human rights and its division for persons with disabilities, the department for the blind, and all other state agencies which serve persons with brain injuries, shall recognize brain injury as a distinct disability and shall identify those persons with brain injuries among the persons served by the state agency.

2. For the purposes of this section, “*brain injury*” means the same as defined in section 135.22.

Sec. 462. Section 225C.29, Code 2023, is amended to read as follows:

225C.29 Compliance.

Except for a violation of section 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the commission to implement sections 225C.25, 225C.26, 225C.28A, and 225C.28B shall be by a proceeding for compliance initiated by request to the ~~division~~ department pursuant to chapter 17A. Any decision of the ~~division~~ department shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the ~~division~~ department or a party in interest may apply to the Iowa district court for an order to enforce the decision of the ~~division~~ department. Any rules adopted by the commission to implement sections 225C.25, 225C.26, 225C.28A, and 225C.28B do not create any right, entitlement, property, or liberty right or interest, or private cause of action for damages against the state or a political subdivision of the state or for which the state or a political subdivision of the state would be responsible. Any violation of section 225C.28B, subsection 2, shall solely

be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 3, paragraph “g”.

Sec. 463. Section 225C.35, Code 2023, is amended to read as follows:

225C.35 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

- ~~1. “Department” means the department of human services.~~
- ~~2. 1. “Family” means a family member and the parent or legal guardian of the family member.~~
- ~~3. 2. “Family member” means a person less than eighteen years of age who by educational determination has a moderate, severe, or profound educational disability or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, as codified in 42 U.S.C. §15002. The department shall adopt rules establishing procedures for determining whether a child has a developmental disability.~~
- ~~4. 3. “Legal guardian” means a person appointed by a court to exercise powers over a family member.~~
- ~~5. 4. “Medical assistance” means payment of all or part of the care authorized to be provided pursuant to chapter 249A the same as defined in section 249A.2.~~
- ~~6. 5. “Parent” means a biological or adoptive parent.~~
- ~~7. 6. “Supplemental security income” means financial assistance provided to individuals pursuant to Tit. XVI of the federal Social Security Act, 42 U.S.C. §1381 – 1383c.~~

Sec. 464. Section 225C.37, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. A statement that if the child receives medical assistance, then the family support subsidy shall only be used for the cost of a service which is not covered by medical assistance. The family may receive ~~welfare~~ public assistance for which the family is eligible.

Sec. 465. Section 225C.45, Code 2023, is amended to read as follows:

225C.45 Public housing unit program.

1. The ~~administrator~~ department may establish a public housing ~~unit within a bureau of the division~~ program to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing.
2. In implementing the public housing ~~unit~~ program, the ~~division~~ department may do all of the following:
 - a. Prepare, implement, and operate housing projects and provide for the construction, improvement, extension, alteration, or repair of a housing project under the ~~division’s~~ department’s jurisdiction.
 - b. Develop and implement studies, conduct analyses, and engage in research concerning housing and housing needs. The information obtained from these activities shall be made available to the public and to the building, housing, and supply industries.
 - c. Cooperate with the Iowa finance authority, ~~and~~ participate in any of the authority’s programs. ~~Use, and use~~ any funds obtained pursuant to subsection 1 to participate in the authority’s programs. The ~~division~~ department shall comply with rules adopted by the authority as the rules apply to the housing activities of the ~~division~~ department.
3. In accepting contributions, grants, or other financial assistance from the federal government relating to a housing activity of the ~~division~~ department, including construction, operation, or maintenance, or in managing a housing project or undertaking constructed or owned by the federal government, the ~~division~~ department may do any of the following:
 - a. Comply with federally required conditions or enter into contracts or agreements as ~~may~~ be necessary, convenient, or desirable.
 - b. Take any other action necessary or desirable in order to secure the financial aid or cooperation of the federal government.
 - c. Include in a contract with the federal government for financial assistance any provision which the federal government may require as a condition of the assistance that is consistent with the provisions of this section.

4. The ~~division~~ department shall not proceed with a housing project pursuant to this section, unless both of the following conditions are met:

a. A study for a report which includes recommendations concerning the housing available within a community is publicly issued by the ~~division~~ department. The study shall be included in the ~~division's~~ department's recommendations for a housing project.

b. The ~~division's~~ department's recommendations are approved by a majority of the city council or board of supervisors with jurisdiction over the geographic area affected by the recommendations.

5. Property acquired or held pursuant to this section is public property used for essential public purposes and is declared to be exempt from any tax or special assessment of the state or any state public body as defined in section 403A.2. In lieu of taxes on the property, the ~~division~~ department may agree to make payments to the state or a state public body, including but not limited to the ~~division~~ department, as the ~~division~~ department finds necessary to maintain the purpose of providing low-cost housing in accordance with this section.

6. Any property owned or held by the ~~division~~ department pursuant to this section is exempt from levy and sale by execution. An execution or other judicial process shall not be issued against the property and a judgment against the ~~division~~ department shall not be a lien or charge against the property. However, the provisions of this subsection shall not apply to or limit the right of the federal government to pursue any remedies available under this section. The provisions of this subsection shall also not apply to or limit the right of an obligee to take either of the following actions:

a. Foreclose or otherwise enforce a mortgage or other security executed or issued pursuant to this section.

b. Pursue remedies for the enforcement of a pledge or lien on rents, fees, or revenues.

7. In any contract with the federal government to provide annual payments to the ~~division~~ department, the ~~division~~ department may obligate itself to convey to the federal government possession of or title to the housing project in the event of a substantial default as defined in the contract and with respect to the covenant or conditions to which the ~~division~~ department is subject. The obligation shall be specifically enforceable and shall not constitute a mortgage. The contract may also provide that in the event of a 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 the contract. However, the contract shall require that, as soon as is practicable after the federal government is satisfied that all defaults with respect to the housing project are cured and the housing project will be operated in accordance with the terms of the contract, the federal government shall reconvey the housing project to the ~~division~~ department.

8. The ~~division~~ department shall not undertake a housing project pursuant to this section until a public hearing has been held. At the hearing, the ~~division~~ department shall notify the public of the proposed project's name, location, number of living units proposed, and approximate cost. Notice of the public hearing shall be published at least once in a newspaper of general circulation at least fifteen days prior to the date set for the hearing.

Sec. 466. Section 225C.47, subsection 2, Code 2023, is amended to read as follows:

2. A comprehensive family support program is created in the department of ~~human services~~ to provide a statewide system of services and support to eligible families. The program shall be implemented in a manner which enables a family member of an individual with a disability to identify the services and support needed to enable the individual to reside with the individual's family, to function more independently, and to increase the individual's integration into the community.

Sec. 467. Section 225C.49, Code 2023, is amended to read as follows:

225C.49 Departmental duties concerning services to individuals with a disability.

1. The department shall provide coordination of the programs administered by the department which serve individuals with a disability and the individuals' families, including but not limited to the following juvenile justice and child welfare services: family-centered services described under section 232.102, decategorization of child welfare funding provided for under section 232.188, and foster care services paid under section 234.35, subsection 3.

The department shall regularly review administrative rules associated with such programs and make recommendations to the council ~~on human services~~, governor, and general assembly for revisions to remove barriers to the programs for individuals with a disability and the individuals' families including the following:

- a. Eligibility prerequisites which require declaring the individual at risk of abuse, neglect, or out-of-home placement.
- b. Time limits on services which restrict addressing ongoing needs of individuals with a disability and their families.

2. The department shall coordinate the department's programs and funding utilized by individuals with a disability and their families with other state and local programs and funding directed to individuals with a disability and their families.

3. In implementing the provisions of this section, the department shall do all of the following:

- a. Compile information concerning services and other support available to individuals with a disability and their families. Make the information available to individuals with a disability and their families and department staff.

- b. Utilize internal training resources or contract for additional training of staff concerning the information under paragraph "a" and training of families and individuals as necessary to implement the family support subsidy and comprehensive family support programs under this chapter.

4. The department shall designate one individual whose sole duties are to provide central coordination of the programs under sections 225C.36 and 225C.47 and to oversee development and implementation of the programs.

Sec. 468. Section 225C.51, Code 2023, is amended to read as follows:

225C.51 Children's behavioral health system state board.

1. A children's behavioral health system state board is created as the state body to provide guidance on the implementation and management of a children's behavioral health system for the provision of services to children with a serious emotional disturbance. State board members shall be appointed on the basis of interest and experience in the fields of children's behavioral health to ensure adequate representation from persons with life experiences and from persons knowledgeable about children's behavioral health services. The department shall provide support to the state board, and the board may utilize staff support and other assistance provided to the state board by other persons. The state board shall meet at least four times per year. The membership of the state board shall consist of the following persons:

- a. The director of the department of health and human services or the director's designee.
- b. The director of the department of education or the director's designee.
- ~~c. The director of the department of public health or the director's designee.~~
- ~~d. c.~~ The director of workforce development or the director's designee.
- ~~e. d.~~ A member of the mental health and disability services commission.
- ~~f. e.~~ Members appointed by the governor who are active members of each of the indicated groups:

- (1) One member shall be selected from nominees submitted by the state court administrator.

- (2) One member shall be selected from nominees submitted by the early childhood Iowa office program in the department of ~~management~~.

- (3) One member shall be a board member or an employee of a provider of mental health services to children.

- (4) One member shall be a board member or an employee of a provider of child welfare services.

- (5) One member shall be an administrator of an area education agency.

- (6) One member shall be an educator, counselor, or administrator of a school district.

- (7) One member shall be a representative of an established advocacy organization whose mission or purpose it is, in part, to further goals related to children's mental health.

- (8) One member shall be a parent or guardian of a child currently utilizing or who has utilized behavioral health services.

- (9) One member shall be a sheriff.

(10) One member shall be a pediatrician.

(11) One member shall be a representative from a health care system.

(12) One member shall be a chief executive officer of a mental health and disability services region.

~~g. f.~~ In addition to the voting members, the membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in a nonvoting, ex officio capacity and is not eligible for per diem and expenses as provided in section 2.10.

2. Members appointed by the governor shall serve four-year staggered terms and are subject to confirmation by the senate. The four-year terms shall begin and end as provided in section 69.19. Vacancies on the state board shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive four-year terms.

3. The director of the department of human services and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.

Sec. 469. Section 225C.52, subsection 1, Code 2023, is amended to read as follows:

1. Advise the ~~administrator~~ director on the administration of the children's behavioral health system.

Sec. 470. Section 225D.1, subsection 6, Code 2023, is amended to read as follows:

6. "*Department*" means the department of health and human services.

Sec. 471. Section 226.1, Code 2023, is amended to read as follows:

226.1 Official designation — definitions.

1. The state hospitals for persons with mental illness shall be designated as follows:

- a. Mental Health Institute, Independence, Iowa.
- b. Mental Health Institute, Cherokee, Iowa.

2. a. The purpose of the mental health institutes is to operate as regional resource centers providing one or more of the following:

(1) Treatment, training, care, habilitation, and support of persons with mental illness or a substance ~~abuse problem~~ use disorder.

(2) Facilities, services, and other support to the communities located in the region being served by a mental health institute so as to maximize the usefulness of the mental health institutes while minimizing overall costs.

(3) A unit for the civil commitment of sexually violent predators committed to the custody of the director of ~~human services~~ pursuant to chapter 229A.

b. In addition, the mental health institutes are encouraged to act as a training resource for community-based program staff, medical students, and other participants in professional education programs.

3. A mental health institute may request the approval of the council ~~on human services~~ to change the name of the institution for use in communication with the public, in signage, and in other forms of communication.

4. For the purposes of this chapter, unless the context otherwise requires:

a. "~~Administrator~~" means ~~the person assigned by the director of human services to control the state mental health institutes.~~ "Council" means the council on health and human services.

b. "*Department*" means the department of health and human services.

c. "*Director*" means the director of health and human services.

e. d. "*Mental health and disability services region*" means a mental health and disability services region formed in accordance with section 331.389.

e. "*Mental health institute*" or "*state mental health institute*" means a state hospital for persons with mental illness as designated in this chapter.

d. f. "*Regional administrator*" means the ~~regional administrator of a mental health and disability services region,~~ same as defined in section 331.388.

Sec. 472. Section 226.4, Code 2023, is amended to read as follows:

226.4 Salary of superintendent.

The salary of the superintendent of each ~~hospital~~ mental health institute shall be determined by the ~~administrator~~ director.

Sec. 473. Section 226.5, Code 2023, is amended to read as follows:

226.5 Superintendent as witness.

The superintendents and assistant physicians of ~~said hospitals~~ the mental health institutes, when called as witnesses in any court, shall be paid the same mileage which other witnesses are paid and in addition ~~thereto~~ shall be paid a fee of twenty-five dollars per day, ~~said the~~ fee to revert to the support fund of the ~~hospital~~ mental health institute the superintendent or assistant physician serves.

Sec. 474. Section 226.6, Code 2023, is amended to read as follows:

226.6 Duties of superintendent.

The superintendent shall:

1. Have the control of the medical, mental, moral, and dietetic treatment of the patients in the superintendent's custody subject to the approval of the ~~administrator~~ director.
2. Require all subordinate officers and employees to perform their respective duties.
3. Have an official seal with the name of the ~~hospital~~ mental health institute and the word "Iowa" ~~thereon and on the seal~~. The superintendent may affix the ~~same seal~~ to all notices, orders of discharge, or other papers required to be given by the superintendent.
4. Keep proper books in which shall be entered all moneys and supplies received on account of any patient and a detailed account of the disposition of ~~the same~~ all moneys and supplies.

Sec. 475. Section 226.7, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Preference in the reception of patients into ~~said hospitals~~ the mental health institutes shall be exercised in the following order:

Sec. 476. Section 226.8, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If determined appropriate for the person at the sole discretion of the director ~~of human services, the administrator, or the director's or administrator's~~ designee.

Sec. 477. Section 226.9, Code 2023, is amended to read as follows:

226.9 Custody of patient.

The superintendent, upon the receipt of a duly executed order of admission of a patient into ~~the hospital for persons with mental illness~~ a state mental health institute, pursuant to section 229.13, shall take ~~such~~ the patient into custody and restrain the patient as provided by law and the rules of the ~~administrator~~ department, without liability on the part of such superintendent and all other officers of the ~~hospital~~ mental health institute to prosecution of any kind ~~on account thereof~~, but no person shall be detained in the ~~hospital~~ mental health institute who is found by the superintendent to be in good mental health.

Sec. 478. Section 226.10, Code 2023, is amended to read as follows:

226.10 Equal treatment.

The patients of the state mental health institutes, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care. If in addition to mental illness a patient has a co-occurring intellectual disability, brain injury, or substance ~~abuse~~ use disorder, the care provided shall also address the co-occurring needs.

Sec. 479. Section 226.11, Code 2023, is amended to read as follows:

226.11 Special care permitted.

Patients may have such special care as ~~may be~~ agreed upon with the superintendent, if the friends or relatives of the patient will pay the expense ~~thereof~~ of the special care. Charges for such special care and attendance shall be paid quarterly in advance.

Sec. 480. Section 226.12, Code 2023, is amended to read as follows:

226.12 Monthly reports.

The ~~administrator~~ director shall assure that the superintendent of each institute provides monthly reports concerning the programmatic, environmental, and fiscal condition of the mental health institute. The ~~administrator~~ director or the ~~administrator's~~ director's designee shall periodically visit each institute to validate the information.

Sec. 481. Section 226.13, Code 2023, is amended to read as follows:

226.13 Patients allowed to write.

The name and address of the ~~administrator~~ director shall be ~~kept~~ posted in every ward in each ~~hospital~~ mental health institute. Every patient shall be allowed to write once a week what the patient pleases to ~~said~~ administrator the director and to any other person. The superintendent may send letters addressed to other parties to the ~~administrator~~ director for inspection before forwarding them to the individual addressed.

Sec. 482. Section 226.14, Code 2023, is amended to read as follows:

226.14 Writing material.

Every patient shall be furnished by the superintendent or party having charge of ~~such person~~ the patient, at least once in each week, with suitable materials for writing, enclosing, sealing, and mailing letters, if the patient requests and uses the ~~same~~ materials.

Sec. 483. Section 226.15, Code 2023, is amended to read as follows:

226.15 Letters to ~~administrator~~ director.

The superintendent or other officer in charge of a patient shall, without reading the ~~same~~ letters, receive all letters addressed to the ~~administrator~~ director, if so requested, and shall properly mail the ~~same~~ letters, and deliver to such patient all letters or other writings addressed to the patient. Letters written to the ~~person so confined~~ patient may be examined by the superintendent, and if, in the superintendent's opinion, the delivery of such letters would be injurious to the ~~person so confined~~ patient, the superintendent shall return the letters to the writer with the superintendent's reasons for not delivering ~~them~~ the letters.

Sec. 484. Section 226.16, Code 2023, is amended to read as follows:

226.16 Unauthorized departure and retaking.

~~It shall be the duty of the~~ The superintendent and of all other officers and employees of any of ~~said hospitals~~ mental health institute, in case of the unauthorized departure of any involuntarily hospitalized patient, to ~~shall~~ exercise all due diligence to take into protective custody and return ~~said~~ the patient to the hospital mental health institute. A notification by the superintendent of such unauthorized departure to any peace officer of the state or to any private person shall be sufficient authority to such officer or person to take and return ~~such~~ the patient to the hospital mental health institute.

Sec. 485. Section 226.17, Code 2023, is amended to read as follows:

226.17 Expense attending retaking.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and return to the hospital mental health institute of the patient shall be paid on itemized vouchers, sworn to by the claimants and approved by the ~~business manager and the administrator~~ director or the director's designee, from any moneys in the state treasury not otherwise appropriated.

Sec. 486. Section 226.18, Code 2023, is amended to read as follows:

226.18 Investigation as to mental health.

The ~~administrator~~ director may investigate the mental condition of any patient and shall discharge any person, if, in the ~~administrator's~~ director's opinion, ~~such~~ the person is not mentally ill, or can be cared for after ~~such~~ discharge without danger to others, and with benefit to the patient; ~~but in.~~ In determining whether ~~such~~ the patient shall be discharged, the recommendation of the superintendent shall be secured. If the ~~administrator~~ director orders the discharge of an involuntarily hospitalized patient, the discharge shall be by the procedure prescribed in section 229.16. The power to investigate the mental condition of a

patient is merely permissive, and does not repeal or alter any statute respecting the discharge or commitment of patients of the ~~state hospitals~~ mental health institutes.

Sec. 487. Section 226.22, Code 2023, is amended to read as follows:

226.22 Clothing furnished.

Upon ~~such~~ discharge, the ~~business manager~~ department shall furnish ~~such~~ the person discharged, unless otherwise supplied, with suitable clothing and a sum of money not exceeding twenty dollars, which shall be charged with the other expenses of ~~such~~ the patient in the ~~hospital~~ mental health institute.

Sec. 488. Section 226.23, Code 2023, is amended to read as follows:

226.23 Convalescent leave of patients.

Upon the recommendation of the superintendent and in accordance with section 229.15, subsection 5, in the case of an involuntary patient, the ~~administrator~~ director may place the patient on convalescent leave ~~said patient~~ for a period not to exceed one year, under ~~such~~ conditions as ~~are~~ prescribed by ~~said administrator~~ the director.

Sec. 489. Section 226.26, Code 2023, is amended to read as follows:

226.26 Dangerous patients.

The ~~administrator~~ director, on the recommendation of the superintendent, and on the application of the relatives or friends of a patient who is not cured and who cannot be safely allowed to go at liberty, may release the patient when fully satisfied that the relatives or friends will provide and maintain all necessary supervision, care, and restraint over the patient. If the patient being released was involuntarily hospitalized, the consent of the district court which ordered the patient's hospitalization placement shall be obtained in advance in substantially the manner prescribed by section 229.14.

Sec. 490. Section 226.27, Code 2023, is amended to read as follows:

226.27 Patient accused or acquitted of crime or awaiting judgment.

If a patient was committed to a ~~state hospital~~ mental health institute for evaluation or treatment under chapter 812 or the rules of criminal procedure, further proceedings shall be had under chapter 812 or the applicable rule when the evaluation has been completed or the patient has regained mental capacity, as the case may be.

Sec. 491. Section 226.30, Code 2023, is amended to read as follows:

226.30 Transfer of dangerous patients.

When a patient of any ~~hospital for persons with~~ mental illness health institute becomes incorrigible and unmanageable to such an extent that the patient is dangerous to the safety of others in the ~~hospital institute~~, the ~~administrator~~ director, with the consent of the director of the Iowa department of corrections, may apply in writing to the district court or to any judge ~~thereof~~ of the district court, of the county in which the ~~hospital institute~~ institute is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be so transferred. The county attorney of the county shall appear in support of the application on behalf of the ~~administrator~~ director.

Sec. 492. Section 226.32, Code 2023, is amended to read as follows:

226.32 Overcrowded conditions.

The ~~administrator~~ director shall order the discharge or removal from the ~~hospital~~ mental health institute of incurable and harmless patients whenever it is necessary to make room for recent cases. If a patient who is to be so discharged entered the ~~hospital~~ mental health institute voluntarily, the ~~administrator~~ director shall notify the regional administrator for the county interested at least ten days in advance of the day of actual discharge.

Sec. 493. Section 226.33, Code 2023, is amended to read as follows:

226.33 Notice to court.

When a patient who was hospitalized involuntarily and who has not fully recovered is discharged from the ~~hospital~~ mental health institute by the ~~administrator~~ director under

section 226.32, notice of the order shall at once be sent to the court which ordered the patient's hospitalization, in the manner prescribed by section 229.14.

Sec. 494. Section 226.40, Code 2023, is amended to read as follows:

226.40 Emergency patients.

In case of emergency disaster, with the infliction of numerous casualties among the civilian population, the mental health institutes ~~are authorized to~~ may accept sick and wounded persons without commitment or any other formalities.

Sec. 495. Section 226.41, Code 2023, is amended to read as follows:

226.41 Charge permitted.

~~The hospital is authorized to make a~~ mental health institute may charge for patients admitted under section 226.40, in the manner provided by law and subject to the changes provided in section 226.42.

Sec. 496. Section 226.42, Code 2023, is amended to read as follows:

226.42 Emergency powers of superintendents.

In case the mental health institutes lose contact with the ~~statehouse~~ seat of government, due to enemy action or otherwise, the superintendents of the institutes ~~are hereby delegated the following powers and duties~~ may do any of the following:

1. ~~May collect~~ Collect moneys due the state treasury from the counties and from responsible persons or other relatives, these funds to be collected monthly, instead of quarterly, and to be deposited for use in operating the institutes.

2. ~~The superintendent shall have the power to requisition~~ Requisition supplies, such as food, fuel, drugs and medical equipment, from any source available, in the name of the state, ~~with the power to~~ and enter into contracts binding the state for payment at an indefinite future time.

3. ~~The superintendent shall be authorized to employ~~ Employ personnel in all categories and for whatever remuneration the superintendent deems necessary, without regard to existing laws, rules, or regulations, in order to permit the institute to continue its ~~old~~ existing functions, ~~as well as~~ and meet its additional responsibilities.

Sec. 497. Section 226.43, Code 2023, is amended to read as follows:

226.43 Fund created.

There is ~~hereby~~ established at each ~~hospital~~ mental health institute a fund known as the "patients' personal deposit fund".

Sec. 498. Section 226.44, Code 2023, is amended to read as follows:

226.44 Deposits.

Any funds, including social security benefits, coming into the possession of the superintendent or any employee of the ~~hospital~~ mental health institute belonging to any patient in that ~~hospital~~ mental health institute, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the property of that patient has been appointed, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires and comforts for the patient.

Sec. 499. Section 226.45, Code 2023, is amended to read as follows:

226.45 Reimbursement to county or state.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the ~~business manager of the hospital~~ mental health institute may apply any of the excess to reimburse the county of residence or the state when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown, for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient, when billed by the county of residence or by the ~~administrator when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown~~ department.

Sec. 500. Section 226.46, Code 2023, is amended to read as follows:

226.46 Deposit of fund.

The ~~business manager~~ department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the ~~business manager~~ department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid ~~thereon~~ on the account may be used for recreational purposes at the ~~hospital~~ mental health institute.

Sec. 501. Section 227.1, Code 2023, is amended to read as follows:

227.1 Definitions — supervision.

1. For the purposes of this chapter, unless the context otherwise requires:

a. ~~“Administrator” means the person assigned by the director of human services in the appropriate division of the department to administer mental health and disability services.~~ “County care facility” means a county care facility operated under chapter 347B.

b. “Department” means the department of health and human services.

c. “Director” means the director of health and human services.

d. “Facility” includes a county care facility and a private or county facility, including a hospital, for persons with mental illness or an intellectual disability.

e. “Mental health and disability services region” means a mental health and disability services region formed in accordance with section 331.389.

f. “Patient” means a person receiving care in a facility or a state mental health institute.

d. g. ~~“Regional administrator” means the regional administrator of a mental health and disability services region, same as defined in section 331.388.~~

h. “Resident” means a person cared for in a county care facility.

2. The regulatory requirements for county and private ~~institutions~~ facilities where persons with mental illness or an intellectual disability are admitted, committed, or placed shall be administered by the ~~administrator~~ department.

Sec. 502. Section 227.2, Code 2023, is amended to read as follows:

227.2 Inspection.

1. The director of inspections, ~~and appeals, and licensing~~ shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the ~~administrator of the division~~ director or the director of the department of inspections, ~~and appeals, and licensing~~, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or county ~~institution~~ facility where persons with mental illness or an intellectual disability ~~are admitted or reside~~. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with and interested in the care of persons with mental illness and persons with an intellectual disability. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the regional administrator for the county in which the facility is located on plans and practices that will improve the care given ~~patients~~ residents. The person shall also make recommendations to the ~~administrator of the division and the director of public health~~ for coordinating and improving the relationships between the administrators of county care facilities, ~~the administrator of the division, the director of public health~~, the superintendents of state mental health institutes and resource centers, community mental health centers, mental health and disability services regions, and other cooperating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a county care facility under this section shall be filed by the person with the ~~administrator of the division and the director of public health~~ department and shall include:

a. The capacity of the ~~institution~~ facility for the care of residents.

b. The number, sex, ages, and primary diagnoses of the residents.

c. The care of residents, their food, clothing, treatment plan, employment, and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.

- d. The number, job classification, sex, duties, and salaries of all employees.
- e. The cost to the state or county of maintaining residents in a county care facility.
- f. The recommendations given to and received from the regional administrator on methods and practices that will improve the conditions under which the county care facility is operated.
- g. Any failure to comply with standards adopted under section 227.4 for care of persons with mental illness and persons with an intellectual disability in county care facilities, which is not covered in information submitted pursuant to paragraphs “a” through “f”, and any other matters which the director of public health, in consultation with the administrator of the division, may require.

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the regional administrator for the county, to the administrator of the county care facility inspected and to its certified volunteer long-term care ombudsman, and to the department on aging.

3. The department of inspections, and appeals, and licensing shall inform the administrator of the division department of an action by the department of inspections, appeals, and licensing to suspend, revoke, or deny renewal of a license issued by the department of inspections, and appeals, and licensing to a county care facility, and the reasons for the action.

4. In addition to the licensure inspections required or authorized by this section, the administrator of the division department shall cause to be made an evaluation of each person cared for in a county care facility at least once each year by one or more qualified mental health, intellectual disability, or medical professionals, whichever is appropriate.

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health institute. It is the responsibility of the county to secure the annual evaluation for all other persons with mental illness in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state resource center. It is the responsibility of the county to secure the annual evaluation for all other persons with an intellectual disability in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph “a” nor paragraph “b” is applicable.

5. The evaluations required by subsection 4 shall include an examination of each person which shall reveal the person’s condition of mental and physical health and the likelihood of improvement or discharge and other recommendations concerning the care of those persons as the evaluator deems pertinent. One copy of the evaluation shall be filed with the administrator of the division department and one copy shall be filed with the administrator of the county care facility.

Sec. 503. Section 227.3, Code 2023, is amended to read as follows:

227.3 Residents to have hearing Resident and patient input.

The inspector conducting any licensure inspection or review under section 227.2 shall give each resident or patient an opportunity to converse with the inspector out of the hearing of any officer or employee of the institution facility, and shall fully investigate all complaints and report the result in writing to the administrator of the division department. The administrator department before acting on the report adversely to the institution facility, shall give the persons in charge a copy of the report and an opportunity to be heard.

Sec. 504. Section 227.4, Code 2023, is amended to read as follows:

227.4 Standards for care of persons with mental illness or an intellectual disability in county care facilities.

The administrator department, in cooperation with the department of inspections and appeals, shall recommend and the mental health and disability services commission created in section 225C.5 shall adopt, or amend and adopt, standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections and appeals as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are

residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the ~~administrator~~ department shall designate an advisory committee representing administrators of county care facilities, regional administrators, mental health and disability services region governing boards, and county care facility certified volunteer long-term care ombudsmen to assist in the establishment of standards.

Sec. 505. Section 227.6, Code 2023, is amended to read as follows:

227.6 Removal of residents or patients.

If a county care facility fails to comply with rules and standards adopted under this chapter, the ~~administrator~~ department may remove all persons with mental illness and all persons with an intellectual disability cared for in the county care facility at public expense, to the proper state mental health institute or resource center, or to some private or county ~~institution or hospital~~ facility for the care of persons with mental illness or an intellectual disability that has complied with the rules prescribed by the ~~administrator~~ department. Residents being transferred to a state mental health institute or resource center shall be accompanied by an attendant or attendants sent from the institute or resource center. If a resident is transferred under this section, at least one attendant shall be of the same sex. If the ~~administrator~~ department finds that the needs of ~~residents~~ patients with mental illness and ~~residents~~ patients with an intellectual disability of any other county or private ~~institution~~ facility are not being adequately met, those ~~residents~~ patients may be removed from that ~~institution~~ facility upon order of the ~~administrator~~ department.

Sec. 506. Section 227.7, Code 2023, is amended to read as follows:

227.7 Cost — collection from county.

The cost of such removal, including all expenses of ~~said~~ the attendant, shall be certified by the superintendent of the ~~hospital~~ facility receiving the patient, to the director of the department of administrative services, who shall draw a warrant upon the treasurer of state for ~~said sum~~ the amount, which shall be credited to the support fund of ~~said hospital~~ the facility and charged against the general revenues of the state and collected by the director of the department of administrative services from the county which sent ~~said~~ the patient to ~~said institution~~ the facility.

Sec. 507. Section 227.8, Code 2023, is amended to read as follows:

227.8 Notification to guardians.

The ~~administrator~~ department shall notify the guardian, or one or more of the relatives, of patients kept at private expense, of all violations of ~~said~~ the rules by ~~said~~ the private or county ~~institutions~~ facilities, and of the action of the ~~administrator~~ department as to all other patients.

Sec. 508. Section 227.9, Code 2023, is amended to read as follows:

227.9 Investigating mental health.

~~Should~~ When the ~~administrator~~ department determines that any person in any such county or private ~~institution~~ facility is in good mental health, or illegally restrained of liberty, the ~~administrator~~ department shall institute and prosecute proceedings in the name of the state, before the proper officer, board, or court, for the discharge of ~~such~~ the person.

Sec. 509. Section 227.10, Code 2023, is amended to read as follows:

227.10 Transfers from county or private institutions facilities.

Patients who have been admitted at public expense to any ~~institution~~ facility to which this chapter is applicable may be involuntarily transferred to the proper state ~~hospital for persons with mental illness~~ health institute in the manner prescribed by sections 229.6 through 229.13. The application required by section 229.6 may be filed by the ~~administrator of the division~~ director or the ~~administrator's~~ director's designee, or by the administrator of the ~~institution~~ facility where the patient is ~~then~~ being maintained or treated. If the patient was admitted to that ~~institution~~ facility involuntarily, the ~~administrator of the division~~ department may

arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at the mental health and disability services region's expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by the mental health and disability services region is subject to an authorization for the transfer through the regional administrator for the patient's county of residence.

Sec. 510. Section 227.11, Code 2023, is amended to read as follows:

227.11 Transfers from state ~~hospitals~~ mental health institutes.

A regional administrator for the county chargeable with the expense of a patient in a state ~~hospital for persons with mental illness~~ health institute shall transfer the patient to a county or private ~~institution~~ facility for persons with mental illness that is in compliance with the applicable rules when the ~~administrator of the division~~ director or the ~~administrator's director's~~ designee orders the transfer on a finding that the patient is suffering from a serious mental illness and will receive equal benefit by being so transferred. A mental health and disability services region shall transfer to a county care facility any patient in a state ~~hospital for persons with mental illness~~ health institute upon request of the superintendent of the state ~~hospital~~ mental health institute in which the patient is confined pursuant to the superintendent's authority under section 229.15, subsection 5, and approval by the regional administrator for the county of the patient's residence. In no case shall a patient be ~~thus~~ transferred except upon compliance with section 229.14A or without the written consent of a relative, friend, or guardian if such relative, friend, or guardian pays the expense of the care of such patient in a state ~~hospital~~ mental health institute. Patients transferred to a public or private facility under this section may subsequently be placed on convalescent or limited leave or transferred to a different facility for continued full-time custody, care, and treatment when, in the opinion of the attending physician or the chief medical officer of the ~~hospital~~ facility from which the patient was so transferred, the best interest of the patient would be served by ~~such~~ the leave or transfer. For any patient who is involuntarily committed, any transfer made under this section is subject to the placement hearing requirements of section 229.14A.

Sec. 511. Section 227.12, Code 2023, is amended to read as follows:

227.12 Difference of opinion.

When a difference of opinion exists between the ~~administrator of the division~~ director and the authorities in charge of any private or county ~~hospital~~ facility in regard to the transfer of a patient as provided in sections 227.10 and 227.11, the matter shall be submitted to the district court of the county in which ~~such hospital~~ the facility is situated and shall be summarily tried as an equitable action, and the judgment of the district court shall be final.

Sec. 512. Section 227.13, Code 2023, is amended to read as follows:

227.13 Discharge of transferred patient.

Patients transferred from a state ~~hospital~~ mental health institute to ~~such~~ county or private ~~institutions~~ facilities shall not be discharged, when not cured, without the consent of the ~~administrator of the division~~ director.

Sec. 513. Section 227.14, Code 2023, is amended to read as follows:

227.14 Caring for persons with mental illness from other counties.

The regional administrator for a county that does not have proper facilities for caring for persons with mental illness may, with the consent of the ~~administrator of the division~~ department, provide for such care at the expense of the mental health and disability services region in any convenient and proper county or private ~~institution~~ facility for persons with mental illness which is willing to receive the persons.

Sec. 514. Section 227.15, Code 2023, is amended to read as follows:

227.15 Authority to involuntarily confine in ~~hospital~~.

~~No~~ A person shall ~~not~~ be involuntarily confined and restrained in any private ~~institution~~ or hospital or county ~~hospital~~ facility or other general hospital with a psychiatric ward for

the care or treatment of persons with mental illness, except by the procedure prescribed in sections 229.6 through 229.15.

Sec. 515. Section 229.1, Code 2023, is amended to read as follows:

229.1 Definitions.

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

~~1. “Administrator” means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator’s designee.~~

~~2.~~ 1. “Advocate” means a mental health advocate.

~~3.~~ 2. “Auditor” means the county auditor or the auditor’s designee.

~~4.~~ 3. “Chemotherapy” means treatment of an individual by use of a drug or substance which cannot legally be delivered or administered to the ultimate user without a physician’s prescription or medical order.

~~5.~~ 4. “Chief medical officer” means the medical director in charge of a public or private hospital, or that individual’s physician-designee. This chapter does not negate the authority otherwise reposed by law in the respective superintendents of each of the state hospitals for persons with mental illness health institutes, established by chapter 226, to make decisions regarding the appropriateness of admissions or discharges of patients of that hospital, state mental health institute; however, it is the intent of this chapter that if the superintendent is not a licensed physician the decisions by the superintendent shall be corroborated by the chief medical officer of the hospital mental health institute.

~~6.~~ 5. “Clerk” means the clerk of the district court.

~~7.~~ 6. “Department” means the department of health and human services.

~~8.~~ 7. “Director” means the director of health and human services.

~~9.~~ 8. “Hospital” means either a public hospital or a private hospital.

~~10.~~ 9. “Licensed physician” means an individual licensed under the provisions of chapter 148 to practice medicine and surgery or osteopathic medicine and surgery.

~~11.~~ 10. “Magistrate” means the same as defined in section 801.4, ~~subsection 10.~~

~~12.~~ 11. “Mental health and disability services region” means a mental health and disability services region formed in accordance with section 331.389.

~~13.~~ 12. “Mental health professional” means the same as defined in section 228.1.

~~14.~~ 13. “Mental illness” means every type of mental disease or mental disorder, except that it does not refer to an intellectual disability as defined in section 4.1, or to insanity, diminished responsibility, or mental incompetency as the terms are defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules.

~~15.~~ 14. “Patient” means a person who has been hospitalized or ordered hospitalized to receive treatment pursuant to section 229.14.

~~16.~~ 15. “Private hospital” means any hospital or ~~institution facility~~ not directly supported by public funds, or a part thereof of such hospital or facility, which is equipped and staffed to provide inpatient care to persons with mental illness.

~~17.~~ 16. “Psychiatric advanced registered nurse practitioner” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

~~18.~~ 17. “Public hospital” means any of the following:

a. A state mental health institute established by chapter 226; ~~or,~~

b. The state psychiatric hospital established by chapter 225; ~~or,~~

c. Any other publicly supported hospital or institution facility, or part of such hospital or institution facility, which is equipped and staffed to provide inpatient care to persons with mental illness, except the Iowa medical and classification center established by chapter 904.

~~19.~~ 18. “Region” means a mental health and disability services region formed in accordance with section 331.389.

~~20.~~ 19. “Regional administrator” means the ~~regional administrator of a mental health and disability services region,~~ same as defined in section 331.388.

19. 20. “Respondent” means any person against whom an application has been filed under section 229.6, but who has not been finally ordered committed for full-time custody, care, and treatment in a hospital.

20. 21. “Serious emotional injury” is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other mental health professional and which can be causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

21. 22. “Seriously mentally impaired” or “serious mental impairment” describes the condition of a person with mental illness and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person’s hospitalization or treatment, and who because of that illness meets any of the following criteria:

a. Is likely to physically injure the person’s self or others if allowed to remain at liberty without treatment.

b. Is likely to inflict serious emotional injury on members of the person’s family or others who lack reasonable opportunity to avoid contact with the person with mental illness if the person with mental illness is allowed to remain at liberty without treatment.

c. Is unable to satisfy the person’s needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

d. Has a history of lack of compliance with treatment and any of the following apply ~~apply~~ applies:

(1) Lack of compliance has been a significant factor in the need for emergency hospitalization.

(2) Lack of compliance has resulted in one or more acts causing serious physical injury to the person’s self or others or an attempt to physically injure the person’s self or others.

Sec. 516. Section 229.2, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian, or custodian and the minor to assess the family environment and the appropriateness of the application for admission.

(2) During the interview and consultation the chief medical officer shall inform the minor orally and in writing that the minor has a right to object to the admission. If the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent, guardian, or custodian must petition the juvenile court for approval of the admission before the minor is actually admitted.

Sec. 517. Section 229.4, Code 2023, is amended to read as follows:

229.4 Right to release on application.

A voluntary patient who requests release or whose release is requested, in writing, by the patient’s legal guardian, parent, spouse, or adult next of kin shall be released from the hospital ~~forthwith, except that~~ in accordance with all of the following, as applicable:

1. If the patient was admitted on the patient’s own application and the request for release is made by some other person, release may be conditioned upon the agreement of the patient.

2. If the patient is a minor who was admitted on the application of the patient’s parent, guardian, or custodian pursuant to section 229.2, subsection 1, the patient’s release prior to becoming eighteen years of age may be conditioned upon the consent of the parent, guardian, or custodian, or upon the approval of the juvenile court if the admission was approved by the juvenile court; ~~and.~~

3. If the chief medical officer of the hospital, not later than the end of the next secular day on which the office of the clerk of the district court for the county in which the hospital is located is open and which follows the submission of the written request for release of the patient, files with that clerk a certification that in the chief medical officer’s opinion the patient is seriously mentally impaired, the release may be postponed for the period of time the court determines is necessary to permit commencement of judicial procedure for involuntary hospitalization. That period of time may not exceed five days, exclusive of days on which the clerk’s office is not open unless the period of time is extended by order of a district court judge

for good cause shown. Until disposition of the application for involuntary hospitalization of the patient is determined, if ~~one~~ an application is timely filed, the chief medical officer may detain the patient in the hospital and may provide treatment which is necessary to preserve the patient's life, or to appropriately control behavior by the patient which is likely to result in physical injury to the patient or to others if allowed to continue, but may not otherwise provide treatment to the patient without the patient's consent.

Sec. 518. Section 229.6, subsection 1, Code 2023, is amended to read as follows:

1. Proceedings for the involuntary hospitalization of an individual pursuant to this chapter or for the involuntary commitment or treatment of a person with a ~~substance-related~~ substance use disorder to a facility pursuant to chapter 125 may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence. The clerk, or the clerk's designee, shall assist the applicant in completing the application.

Sec. 519. Section 229.6, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) A ~~substance-related~~ substance use disorder as defined in section 125.2.

Sec. 520. Section 229.8, Code 2023, is amended to read as follows:

229.8 Procedure after application is filed.

As soon as practicable after the filing of an application pursuant to section 229.6, the court shall do all of the following:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by the mental health and disability services region at an hourly rate to be established by the regional administrator for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

2. Cause copies of the application and supporting documentation to be sent to the county attorney or the county attorney's attorney-designate for review.

3. Issue a written order which shall provide for all of the following:

a. If not previously done, set a time and place for a hospitalization hearing, which shall be at the earliest practicable time not less than forty-eight hours after notice to the respondent, unless the respondent waives such minimum prior notice requirement; ~~and~~.

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. 521. Section 229.11, subsection 1, Code 2023, is amended to read as follows:

1. If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a mental health and disability services region, for a placement in accordance with paragraph "a", the judge shall give notice of the placement to the regional administrator for the county in which the court is located, and for a placement in accordance with paragraph "b" or "c", the judge shall order the placement in a hospital or facility designated through the regional administrator. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph "a", if possible,

and if not then in accordance with paragraph “b”, or, only if neither of these alternatives is available, in accordance with paragraph “c”. Detention may be in any of the following:

a. In the custody of a relative, friend, or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent’s funds or property; ~~or.~~

b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent’s life, or to appropriately control behavior by the respondent which is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent’s consent; ~~or.~~

c. In the nearest facility in the community which is licensed to care for persons with mental illness or substance ~~abuse~~ use disorder, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime shall not be ordered.

Sec. 522. Section 229.13, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The court shall order any other respondent placed under the care of an appropriate hospital or facility licensed to care for persons with mental illness or substance ~~abuse~~ use disorder on an inpatient or outpatient basis.

Sec. 523. Section 229.15, subsections 4 and 5, Code 2023, are amended to read as follows:

4. When a patient has been placed in an alternative facility other than a hospital pursuant to a report issued under section 229.14, subsection 1, paragraph “d”, a report on the patient’s condition and prognosis shall be made to the court which placed the patient, at least once every six months, unless the court authorizes annual reports. If an evaluation of the patient is performed pursuant to section 227.2, subsection 4, a copy of the evaluation report shall be submitted to the court within fifteen days of the evaluation’s completion. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the ~~administrator~~ department exercises the authority to remove residents or patients from a county care facility or other county or private ~~institution~~ facility under section 227.6, the ~~administrator~~ department shall promptly notify each court which placed in that facility any resident ~~so~~ or patient removed.

5. a. When in the opinion of the chief medical officer the best interest of a patient would be served by a convalescent or limited leave, the chief medical officer may authorize the leave and, if authorized, shall promptly report the leave to the court. When in the opinion of the chief medical officer the best interest of a patient would be served by a transfer to a different hospital for continued full-time custody, care, and treatment, the chief medical officer shall promptly send a report to the court. The court shall act upon the report in accordance with section 229.14A.

b. This subsection shall not be construed to add to or restrict the authority otherwise provided by law for transfer of patients or residents among various state institutions administered by the department of ~~human services~~. If a patient is transferred under this subsection, the treatment provider to whom the patient is transferred shall be provided with copies of relevant court orders by the former treatment provider.

Sec. 524. Section 229.19, subsection 1, paragraphs a and e, Code 2023, are amended to read as follows:

a. In each county the board of supervisors shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of ~~human services~~, an officer or employee of a region, an officer or employee of a county performing duties for a region, or an officer or employee of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients’ hospitalization or treatment under section 229.14 or 229.15.

e. An advocate may also be assigned pursuant to this section for an individual who has been diagnosed with a co-occurring mental illness and ~~substance-related~~ substance use disorder.

Sec. 525. Section 229.21, Code 2023, is amended to read as follows:

229.21 Judicial hospitalization referee — appeals to district court.

1. The chief judge of each judicial district may appoint at least one judicial hospitalization referee for each county within the district. The judicial hospitalization referee shall be an attorney, licensed to practice law in this state, who shall be chosen with consideration to any training, experience, interest, or combination of those factors, which are pertinent to the duties of the office. The referee shall hold office at the pleasure of the chief judge of the judicial district and receive compensation at a rate fixed by the supreme court. If the referee expects to be absent for any significant length of time, the referee shall inform the chief judge who may appoint a temporary substitute judicial hospitalization referee having the qualifications set forth in this subsection.

2. When an application for involuntary hospitalization under section 229.6 or for involuntary commitment or treatment of persons with ~~substance-related disorders~~ a substance use disorder under section 125.75 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 through 229.19, this section, and section 229.22 or sections 125.75 through 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C shall be in accordance with section 135C.23.

3. a. Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a person with a ~~substance-related~~ substance use disorder sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

b. An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a person with a ~~substance-related~~ substance use disorder shall include the following notice, located conspicuously on the face of the order:

NOTE: The respondent may appeal from this order to a judge of the district court by giving written notice of the appeal to the clerk of the district court within ten days after the date of this order. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney. For a more complete description of the respondent's appeal rights, consult section 229.21 of the Code of Iowa or an attorney.

c. When appealed, the matter shall stand for trial de novo. Upon appeal, the court shall schedule a hospitalization or commitment hearing before a district judge at the earliest practicable time.

d. Any respondent with respect to whom the magistrate or judicial hospitalization referee has held a placement hearing and has entered a placement order may appeal the order to a judge of the district court. The request for appeal must be given to the clerk in writing within ten days of the entry of the magistrate's or referee's order. The request for appeal shall be signed by the respondent, or the respondent's next friend, guardian, or attorney.

4. If the appellant is in custody under the jurisdiction of the district court at the time of service of the notice of appeal, the appellant shall be discharged from custody unless an order that the appellant be taken into immediate custody has previously been issued under section 229.11 or section 125.81, in which case the appellant shall be detained as provided in that section until the hospitalization or commitment hearing before the district judge. If

the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a person with a ~~substance-related~~ substance use disorder. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

5. The hospitalization or commitment hearing before the district judge shall be held, and the judge's finding shall be made and an appropriate order entered, as prescribed by sections 229.12 and 229.13 or sections 125.82 and 125.83. If the judge orders the appellant hospitalized or committed for a complete psychiatric or ~~substance abuse~~ substance use disorder evaluation, jurisdiction of the matter shall revert to the judicial hospitalization referee.

Sec. 526. Section 229.23, subsection 3, Code 2023, 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. 527. Section 229.24, subsection 1, Code 2023, is amended to read as follows:

1. All papers and records pertaining to any involuntary hospitalization or application pursuant to section 229.6 of any person under this chapter, whether part of the permanent record of the court or of a file in the department of ~~human services~~, are subject to inspection only upon an order of the court for good cause shown.

Sec. 528. Section 229.26, Code 2023, is amended to read as follows:

229.26 Exclusive procedure for involuntary hospitalization.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of prisoners with mental illness to state ~~hospitals for persons with mental illness~~ health institutes and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, or negate the provisions of section 232.51 relating to disposition of children with mental illness.

Sec. 529. Section 229.27, subsection 3, Code 2023, is amended to read as follows:

3. A hearing limited to the question of the person's competence and conducted in substantially the manner prescribed in sections 633.552, 633.556, 633.558, and 633.560 shall be held when any of the following circumstances applies:

a. The court is petitioned or proposes upon its own motion to find incompetent by reason of mental illness a person whose involuntary hospitalization has been ordered under section 229.13 or 229.14, and who contends that the person is not incompetent; ~~or.~~

b. A person previously found incompetent by reason of mental illness under subsection 2 petitions the court for a finding that the person is no longer incompetent and, after notice to the applicant who initiated the petition for hospitalization of the person and to any other party as directed by the court, an objection is filed with the court. The court may order a hearing on its own motion before acting on a petition filed under this paragraph. A petition by a person for a finding that the person is no longer incompetent may be filed at any time without regard to whether the person is at that time hospitalized for treatment of mental illness.

Sec. 530. Section 229.41, Code 2023, is amended to read as follows:

229.41 Voluntary admission — state mental health institute.

Persons making application pursuant to section 229.2 on their own behalf or on behalf of another person who is under eighteen years of age, if the person whose admission is sought is received for observation and treatment on the application, shall be required to pay the costs of hospitalization at rates established by the ~~administrator~~ department. The costs may be collected weekly in advance and shall be payable ~~at to~~ the ~~business office of the hospital~~ state mental health institute. The collections shall be remitted to the department of ~~human services~~ monthly to be credited to the general fund of the state.

Sec. 531. Section 229.42, Code 2023, is amended to read as follows:

229.42 Costs paid by county — state mental health institute.

1. If a person wishing to make application for voluntary admission to a state mental hospital established by ~~chapter 226~~

health institute is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made through a regional administrator before application for admission is made to the ~~hospital~~ state mental health institute. The person's county of residence shall be determined through the regional administrator and if the admission is approved through the regional administrator, the person's admission to a state mental health hospital institute shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the department of ~~human services' administrator~~. The costs of the hospitalization shall be paid by the county of residence through the regional administrator to the department of ~~human services~~ and credited to the general fund of the state, provided that the state mental health hospital institute rendering the services has certified to the county auditor of the county of residence and the regional administrator the amount chargeable to the mental health and disability services region and has sent a duplicate statement of the charges to the department of ~~human services~~. A mental health and disability services region shall not be billed for the cost of a patient unless the patient's admission is authorized through the regional administrator. The state mental health institute and the regional administrator shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

2. All the provisions of chapter 230 shall apply to ~~such~~ the voluntary patients ~~so far as is to~~ the extent applicable.

3. The provisions of this section and of section 229.41 shall apply to all voluntary inpatients or outpatients receiving mental health services either away from or at the ~~institution~~ state mental health institute.

4. If a county fails to pay the billed charges within forty-five days from the date the county auditor received the certification statement from the superintendent, the department of ~~human services~~ shall charge the delinquent county the penalty of one percent per month on and after forty-five days from the date the county received the certification statement until paid. The penalties received shall be credited to the general fund of the state.

Sec. 532. Section 229.43, Code 2023, is amended to read as follows:

229.43 Nonresident patients — state mental health institutes.

The ~~administrator~~ department may place patients of state mental health institutes who are nonresidents on convalescent leave to a private sponsor or in a health care facility licensed under chapter 135C, when in the opinion of the ~~administrator~~ director the placement is in the best interests of the patient and the state of Iowa. If the patient ~~was~~ involuntarily hospitalized, the district court which ordered hospitalization of the patient ~~must~~ shall be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 5.

Sec. 533. Section 229.45, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~human services~~, in consultation with the office of attorney general, shall develop a summary of the procedures involved in an involuntary commitment and information concerning the participation of an applicant in the proceedings. The summary

shall be provided by the department, at the department's expense, to the clerks of the district court who shall make the summary available to all applicants prior to the filing of a verified application, or to any other person upon request, and who shall attach a copy of the summary to the notice of hearing which is served upon the respondent under section 125.77 or 229.7. The summary may include, but is not limited to, the following:

Sec. 534. Section 229A.2, Code 2023, is amended to read as follows:

229A.2 Definitions.

As used in this chapter:

1. "Agency with jurisdiction" means an agency which has custody of or releases a person serving a sentence or term of confinement or is otherwise in confinement based upon a lawful order or authority, and includes but is not limited to the department of corrections, the department of health and human services, a judicial district department of correctional services, and the Iowa board of parole.

2. "Appropriate secure facility" means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.

3. "Convicted" means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, whether or not the juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Convicted" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

4. "Department" means the department of health and human services.

5. "Director" means the director of health and human services.

6. "Discharge" means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with supervision is not considered to be discharged.

7. "Likely to engage in predatory acts of sexual violence" means that the person more likely than not will engage in acts of a sexually violent nature. If a person is not confined at the time that a petition is filed, a person is "likely to engage in predatory acts of sexual violence" only if the person commits a recent overt act.

8. "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to commit sexually violent offenses to a degree which would constitute a menace to the health and safety of others.

9. "Predatory" means acts directed toward a person with whom a relationship has been established or promoted for the primary purpose of victimization.

10. "Presently confined" means incarceration or detention in a correctional facility, a rehabilitation camp, a residential facility, a county jail, a halfway house, or any other comparable facility, including but not limited to placement at such a facility as a condition of probation, parole, or special sentence following conviction for a sexually violent offense.

11. "Recent overt act" means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

12. "Safekeeper" means a person who is confined in an appropriate secure facility pursuant to this chapter but who is not subject to an order of commitment pursuant to this chapter.

13. "Sexually motivated" means that one of the purposes for commission of a crime is the purpose of sexual gratification of the perpetrator of the crime.

14. "Sexually violent offense" means:

a. A violation of any provision of chapter 709.

b. A violation of any of the following if the offense involves sexual abuse, attempted sexual abuse, or intent to commit sexual abuse:

(1) Murder as defined in section 707.1.

- (2) Kidnapping as defined in section 710.1.
- (3) Burglary as defined in section 713.1.
- (4) Child endangerment under section 726.6, subsection 1, paragraph “e”.
 - c. Sexual exploitation of a minor in violation of section 728.12.
 - d. Pandering involving a minor in violation of section 725.3, subsection 2.
 - e. An offense involving an attempt or conspiracy to commit any offense referred to in this subsection.
 - f. An offense under prior law of this state or an offense committed in another jurisdiction which would constitute an equivalent offense under paragraphs “a” through “e”.
 - g. Any act which, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated.
- ~~13.~~ 15. “Sexually violent predator” means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.
- ~~14.~~ 16. “Transitional release” means a conditional release from a secure facility operated by the department of ~~human services~~ with the conditions of such release set by the court or the department of ~~human services~~.

Sec. 535. Section 229A.5C, subsections 3 and 4, Code 2023, are amended to read as follows:

3. A person who is subject to an order of civil commitment under this chapter shall not be released from jail or paroled or released to a facility or program located outside the county jail or correctional institution other than to a secure facility operated by the department of ~~human services~~.

4. A person who committed a public offense while in a transitional release program or on release with supervision may be returned to a secure facility operated by the department of ~~human services~~ upon completion of any term of confinement that resulted from the commission of the public offense.

Sec. 536. Section 229A.6A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. To a medical facility for medical treatment, if necessary medical treatment is not available at the facility where the person is confined. A transport order is not required to transport the person for medical treatment. However, the person is not entitled to choose the medical facility where treatment is to be obtained or the medical personnel to provide the treatment. Transportation of a committed person shall be provided by the sheriff of the county in which the person is confined if requested by the department of ~~human services~~.

Sec. 537. Section 229A.7, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. If the court or jury determines that the respondent is a sexually violent predator, the respondent shall be committed to the custody of the director of the department of ~~human services~~ for control, care, and treatment until such time as the person’s mental abnormality has so changed that the person is safe to be placed in a transitional release program or discharged. The determination may be appealed.

Sec. 538. Section 229A.7, subsection 7, Code 2023, is amended to read as follows:

7. The control, care, and treatment of a person determined to be a sexually violent predator shall be provided at a facility operated by the department of ~~human services~~. At all times prior to placement in a transitional release program or release with supervision, persons committed for control, care, and treatment by the department of ~~human services~~ pursuant to this chapter shall be kept in a secure facility and those patients shall be segregated at all times from any other patient under the supervision of the department of ~~human services~~. A person committed pursuant to this chapter to the custody of the department of ~~human services~~ may be kept in a facility or building separate from any other patient under the supervision of the department of ~~human services~~. The department of ~~human services~~ may enter into a chapter 28E agreement

with the department of corrections or other appropriate agency in this state or another state for the confinement of patients who have been determined to be sexually violent predators. Patients who are in the custody of the director of the department of corrections pursuant to a chapter 28E agreement and who have not been placed in a transitional release program or released with supervision shall be housed and managed separately from criminal offenders in the custody of the director of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from those offenders.

Sec. 539. Section 229A.8, subsection 4, Code 2023, is amended to read as follows:

4. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge or placement in a transitional release program at the annual review. The ~~director of human services~~ department shall provide the committed person with an annual written notice of the person's right to petition the court for discharge or placement in a transitional release program without authorization from the director. The notice shall contain a waiver of rights. The ~~director~~ department shall forward the notice and waiver form to the court with the annual report.

Sec. 540. Section 229A.8, subsection 5, paragraphs f and g, Code 2023, are amended to read as follows:

f. If at the time for the annual review the committed person has filed a petition for discharge or placement in a transitional release program with authorization from the director of ~~human services~~, the court shall set a final hearing within ninety days of the authorization by the director, and no annual review shall be held.

g. If the committed person has not filed a petition, or has filed a petition for discharge or for placement in a transitional release program without authorization from the director of ~~human services~~, the court shall first conduct the annual review as provided in this subsection.

Sec. 541. Section 229A.8, subsection 6, paragraph e, Code 2023, is amended to read as follows:

e. If the director of ~~human services~~ has authorized the committed person to petition for discharge or for placement in a transitional release program and the case is before a jury, testimony by a victim of a prior sexually violent offense committed by the person is not admissible. If the director has not authorized the petition or the case is before the court, testimony by a victim of a sexually violent offense committed by the person may be admitted.

Sec. 542. Section 229A.8A, subsections 1, 6, and 7, Code 2023, are amended to read as follows:

1. The department of ~~human services~~ is authorized to may establish a transitional release program and provide control, care, and treatment, and supervision of committed persons placed in such a program.

6. The department of ~~human services~~ shall be responsible for establishing and implementing the rules and directives regarding the location of the transitional release program, staffing needs, restrictions on confinement and the movement of committed persons, and for assessing the progress of committed persons in the program. The court may also impose conditions on a committed person placed in the program.

7. The department of ~~human services~~ may contract with other government or private agencies, including the department of corrections, to implement and administer the transitional release program.

Sec. 543. Section 229A.8B, subsections 2 and 3, Code 2023, are amended to read as follows:

2. If a committed person absconds from a transitional release program in violation of the rules or directives, a presumption arises that the person poses a risk to public safety. The department of ~~human services~~, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the person is in transitional release from the sexually violent predator program, and any other information important to public safety.

3. Upon the return of the committed person to a secure facility, the director of ~~human services~~ or the director's designee shall notify the court that issued the ex parte order that the absconder has been returned to a secure facility, and the court shall set a hearing to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the rules or directives occurred. The court shall schedule a hearing after receiving notice that the committed person has been returned from the transitional release program to a secure facility.

Sec. 544. Section 229A.9A, subsections 2, 3, and 8, Code 2023, are amended to read as follows:

2. If release with supervision is ordered, the department of ~~human services~~ shall prepare within sixty days of the order of the court a release plan addressing the person's needs for counseling, medication, community support services, residential services, vocational services, ~~alcohol or other drug abuse~~ substance use disorder treatment, sex offender treatment, or any other treatment or supervision necessary.

3. The court shall set a hearing on the release plan prepared by the department of ~~human services~~ before the committed person is released from a secure facility or a transitional release program.

8. The court shall retain jurisdiction over the committed person who has been released with supervision until the person is discharged from the program. The department of ~~human services~~ or a judicial district department of correctional services shall not be held liable for any acts committed by a committed person who has been ordered released with supervision.

Sec. 545. Section 229A.9B, subsections 2, 3, and 5, Code 2023, are amended to read as follows:

2. If a committed person has absconded in violation of the conditions of the person's release plan, a presumption arises that the person poses a risk to public safety. The department of ~~human services~~ or contracting agency, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the committed person is on release with supervision from the sexually violent predator program, and any other information pertinent to public safety.

3. Upon the return of the committed person to a secure facility, the director of ~~human services~~ or the director's designee shall notify the court that issued the ex parte order that the committed person has been returned to a secure facility, and the court shall set hearing to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the conditions of the release plan occurred. The court shall schedule a hearing after receiving notice that the committed person has been returned to a secure facility.

5. If the court determines a violation occurred, the court shall receive release recommendations from the department of ~~human services~~ and either order that the committed person be returned to release with supervision or placed in a transitional release program, or be confined in a secure facility. The court may impose further conditions upon the committed person if returned to release with supervision or placed in the transitional release program. If the court determines no violation occurred, the committed person shall be returned to release with supervision.

Sec. 546. Section 229A.10, subsection 1, Code 2023, is amended to read as follows:

1. If the director of ~~human services~~ determines that the person's mental abnormality has so changed that the person is not likely to engage in predatory acts that constitute sexually violent offenses if discharged, the director shall authorize the person to petition the court for discharge. The petition shall be served upon the court and the attorney general. The court, upon receipt of the petition for discharge, shall order a hearing within thirty days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the attorney general. If the

attorney general objects to the petition for discharge, the burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is likely to engage in predatory acts that constitute sexually violent offenses if discharged.

Sec. 547. Section 229A.11, Code 2023, is amended to read as follows:

229A.11 Subsequent discharge or transitional release petitions — limitations.

Nothing in this chapter shall prohibit a person from filing a petition for discharge or placement in a transitional release program, pursuant to this chapter. However, if a person has previously filed a petition for discharge or for placement in a transitional release program without the authorization of the director of human services, and the court determines either upon review of the petition or following a hearing that the petition was frivolous or that the petitioner's condition had not so changed that the person was not likely to engage in predatory acts constituting sexually violent offenses if discharged, or was not suitable for placement in the transitional release program, then the court shall summarily deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the director's authorization, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds. If the court determines that a petition is frivolous, the court shall dismiss the petition without a hearing.

Sec. 548. Section 229A.12, Code 2023, is amended to read as follows:

229A.12 Director of human services — responsibility for costs — reimbursement.

The director of human services shall be responsible for all costs relating to the evaluation, treatment, and services provided to a person that are incurred after the person is committed to the director's custody after the court or jury determines that the respondent is a sexually violent predator and pursuant to commitment under any provision of this chapter. If placement in a transitional release program or supervision is ordered, the director shall also be responsible for all costs related to the transitional release program or to the supervision and treatment of any person. Reimbursement may be obtained by the director from the patient and any person legally liable or bound by contract for the support of the patient for the cost of confinement or of care and treatment provided. To the extent allowed by the United States social security administration, any benefit payments received by the person pursuant to the federal Social Security Act shall be used for the costs incurred. As used in this section, "*any person legally liable*" does not include a political subdivision.

Sec. 549. Section 229A.15B, Code 2023, is amended to read as follows:

229A.15B Rulemaking authority.

The department of human services shall adopt rules pursuant to chapter 17A necessary to administer this chapter.

Sec. 550. Section 230.1, Code 2023, is amended to read as follows:

230.1 Definitions.

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

~~1. "Administrator" means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.~~

~~2. 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.~~

~~3. 2. "Department" means the department of health and human services.~~

~~3. "Director" means the director of health and human services.~~

~~4. "Region" means a mental health and disability services region formed in accordance with section 331.389.~~

~~5. "Regional administrator" means the same as defined in section 331.388.~~

~~6. "State mental health institute" or "mental health institute" means a mental health institute designated in section 226.1.~~

Sec. 551. Section 230.1A, Code 2023, is amended to read as follows:

230.1A Liability of county and state.

1. The necessary and legal costs and expenses ~~attending~~ for the taking into custody, care, investigation, admission, commitment, and support of a person with mental illness admitted or committed to a state ~~hospital~~ mental health institute shall be paid by the regional administrator on behalf of the person's county of residence or by the state as follows:

a. If the person is eighteen years of age or older, as follows:

(1) The costs attributed to mental illness shall be paid by the regional administrator on behalf of the person's county of residence.

(2) The costs attributed to a ~~substance-related~~ substance use disorder shall be paid by the person's county of residence.

(3) The costs attributable to a dual diagnosis of mental illness and a ~~substance-related~~ substance use disorder may be ~~split~~ divided as provided in section 226.9C.

b. By the state if such person has no residence in this state, if the person's residence is unknown, or if the person is under eighteen years of age.

2. The county of residence of any person with mental illness who is a patient of any state ~~institution~~ mental health institute shall be the person's county of residence existing at the time of admission to the ~~institution~~ institute.

3. A region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the regional administrator for the county.

Sec. 552. Section 230.5, Code 2023, is amended to read as follows:

230.5 Nonresidents.

If a person's residence is determined in accordance with section 230.2 or 230.3 to be in a foreign state or country, or is unknown, the court or the regional administrator of the person's county of residence shall immediately certify the determination to the ~~department's administrator~~ department. The certification shall be accompanied by a copy of the evidence supporting the determination. A court order issued pursuant to section 229.13 shall direct that the patient be hospitalized at the appropriate state ~~hospital for persons with mental illness~~ health institute.

Sec. 553. Section 230.6, Code 2023, is amended to read as follows:

230.6 Investigation by administrator department.

The ~~administrator~~ department shall immediately investigate the residency of a patient and proceed as follows:

1. If the ~~administrator~~ department concurs with a certified determination of residency concerning the patient, the ~~administrator~~ department shall cause the patient either to be transferred to a state ~~hospital for persons with mental illness~~ health institute at the expense of the state, or to be transferred, with approval of the court as required by chapter 229, to the place of foreign residence.

2. If the ~~administrator~~ department disputes a certified legal residency determination, the ~~administrator~~ department shall order the patient to be maintained at a state ~~hospital for persons with mental illness~~ health institute at the expense of the state until the dispute is resolved.

3. If the ~~administrator~~ department disputes a residency determination, the ~~administrator~~ department shall utilize the procedure provided in section 331.394 to resolve the dispute. A determination of the person's residency status made pursuant to section 331.394 is conclusive.

Sec. 554. Section 230.7, Code 2023, is amended to read as follows:

230.7 Transfer of nonresidents.

Upon determining that a patient in a state ~~hospital~~ mental health institute who has been involuntarily hospitalized under chapter 229 or admitted voluntarily at public expense was not a resident of this state at the time of the involuntary hospitalization or admission, the ~~administrator~~ director or director's designee may cause ~~that~~ the patient to be conveyed to the patient's place of residence. However, a transfer under this section may be made only if the patient's condition so permits and other reasons do not render the transfer inadvisable. If the

patient was involuntarily hospitalized, prior approval of the transfer ~~must~~ shall be obtained from the court which ordered the patient hospitalized.

Sec. 555. Section 230.8, Code 2023, is amended to read as follows:

230.8 Transfers of persons with mental illness — expenses.

The transfer to any state ~~hospitals~~ mental health institute or to the places of their residence of persons with mental illness who have no residence in this state or whose residence is unknown, shall be made according to the directions of the ~~administrator~~ department, and when practicable by employees of the state ~~hospitals~~ mental health institutes. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the ~~administrator~~ director.

Sec. 556. Section 230.9, Code 2023, is amended to read as follows:

230.9 Subsequent discovery of residence.

If, after a person has been received by a state ~~hospital for persons with mental illness~~ health institute whose residence is supposed to be outside this state, the ~~administrator~~ department determines that the residence of the person was, at the time of admission or commitment, in a county of this state, the ~~administrator~~ department shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the person to the regional administrator of the person's county of residence. The certification shall be sent to the regional administrator of the person's county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The costs and expenses shall be collected as provided by law in other cases. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged in accordance with that determination.

Sec. 557. Section 230.10, Code 2023, is amended to read as follows:

230.10 Payment of costs.

All legal costs and expenses ~~attending for~~ the taking into custody, care, investigation, and admission or commitment of a person to a state ~~hospital for persons with mental illness~~ health institute under a finding that the person has residency in another county of this state shall be charged against the regional administrator of the person's county of residence.

Sec. 558. Section 230.11, Code 2023, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses ~~attending for~~ the taking into custody, care, and investigation of a person who has been admitted or committed to a state ~~hospital~~ mental health institute, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as approved by the ~~administrator~~ department. The amount of the costs and expenses approved by the ~~administrator~~ department is appropriated to the department from any moneys in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the regional administrator of the person's county which has paid them, and approved by the ~~administrator~~ department.

Sec. 559. Section 230.12, Code 2023, is amended to read as follows:

230.12 Residency disputes.

If a dispute arises between different counties or between the ~~administrator~~ department and a regional administrator for a county as to the residence of a person admitted or committed to a state ~~hospital for persons with mental illness~~ health institute, the dispute shall be resolved as provided in section 331.394.

Sec. 560. Section 230.15, Code 2023, is amended to read as follows:

230.15 Personal liability.

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person,

and any person bound by contract for support of the person. The regional administrator of the person's county of residence, subject to the direction of the region's governing board, shall enforce the obligation created in this section as to all sums advanced by the regional administrator. The liability to the regional administrator incurred by a person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the regional administrator for the care and treatment of the person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

2. A person with a ~~substance-related~~ substance use disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the person with a ~~substance-related~~ substance use disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the person with a ~~substance-related~~ substance use disorder is legally liable to the county for the amount paid. The person with a ~~substance-related~~ substance use disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state ~~hospital mental health institute~~ to the state. Any payments received by the state from or on behalf of a person with a ~~substance-related~~ substance use disorder shall be in part credited to the county in proportion to the share of the costs paid by the county.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a ~~substance-related~~ substance use disorder as established by the department of ~~human services~~.

Sec. 561. Section 230.18, Code 2023, is amended to read as follows:

230.18 Expense in county or private ~~hospitals~~ facility.

The estates of persons with mental illness who may be treated or confined in any county ~~hospital or home, or in any private hospital or sanatorium facility~~, and the estates of persons legally bound for their support, shall be liable to the regional administrator of the person's county of residence for the reasonable cost of such support.

Sec. 562. Section 230.19, Code 2023, is amended to read as follows:

230.19 Nonresidents liable to state — presumption.

The estates of all nonresident patients provided for and treated in state ~~hospitals~~ health institutes in this state, and all persons legally bound for the support of such patients, shall be liable to the state for the reasonable value of the care, maintenance, and treatment of such patients while in such ~~hospitals~~ institutes. The certificate of the superintendent of the state ~~hospital mental health institute~~ in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due ~~therefrom~~ as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value of the care, maintenance, and treatment furnished such patient.

Sec. 563. Section 230.20, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The costs of food, lodging, and other maintenance provided to persons not patients of the ~~hospital~~ state mental health institute.

Sec. 564. Section 230.20, subsection 7, Code 2023, is amended to read as follows:

7. A superintendent of a mental health institute may request that the director of ~~human services~~ enter into a contract with a person for the mental health institute to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 226.1. The contract provisions shall include charges which reflect the actual cost of providing the services or fulfilling the other purposes. Any income from a contract authorized under this subsection may be retained by the mental health institute to defray the costs of providing the services. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 6.

Sec. 565. Section 230.26, Code 2023, is amended to read as follows:

230.26 Regional administrator to keep record.

The regional administrator shall keep an accurate account of the cost of the maintenance of any patient kept in any ~~institution~~ facility as provided for in this chapter and keep an index of the names of the persons admitted or committed from each county in the region. The name of the spouse of the person admitted or committed shall also be indexed in the same manner as the names of the persons admitted or committed are indexed. The book shall be designated as an account book or index, and shall have no reference in any place to a lien.

Sec. 566. Section 230.31, Code 2023, is amended to read as follows:

230.31 Departers from other states.

If a person with mental illness departs without proper authority from an ~~institution~~ a facility in another state and is found in this state, a peace officer in the county in which the patient is found may take and detain the patient without order and shall report the detention to the ~~administrator~~ department who shall provide for the return of the patient to the authorities of the state where the unauthorized leave was made. Pending such return, the patient may be detained temporarily at one of the institutions of this state under the control of the ~~administrator or any other administrator of the department of human services~~. Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

Sec. 567. Section 230.32, Code 2023, is amended to read as follows:

230.32 Support of nonresident patients on leave.

The cost of support of patients without residence in this state, who are placed on convalescent leave or removed from a state mental health institute to any health care facility licensed under chapter 135C for rehabilitation purposes, shall be paid from the ~~hospital~~ state mental health institute support fund and shall be charged on abstract in the same manner as state inpatients, until such time as the patient becomes self-supporting or qualifies for support under existing statutes.

Sec. 568. Section 230.33, Code 2023, is amended to read as follows:

230.33 Reciprocal agreements.

1. The ~~administrator~~ department may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with an intellectual disability to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

2. However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, final action shall not be taken without the approval of the district court of the county of admission or commitment.

Sec. 569. Section 230A.101, Code 2023, is amended to read as follows:

230A.101 Services system roles.

1. The role of the department of ~~human services, through the division of the department~~ designated as the state mental health authority with responsibility for state policy concerning mental health and disability services, is to develop and maintain policies for the mental health and disability services system. The policies shall address the service needs of individuals of all ages with disabilities in this state, regardless of the individuals' places of residence or economic circumstances, and shall be consistent with the requirements of chapter 225C and other applicable law.

2. The role of community mental health centers in the mental health and disability services system is to provide an organized set of services in order to adequately meet the mental health needs of this state's citizens based on organized catchment areas.

Sec. 570. Section 230A.102, Code 2023, is amended to read as follows:

230A.102 Definitions.

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

1. "~~Administrator~~", "~~commission~~" "*Commission*", "*department*", "*director*", and "*disability services*", and "~~division~~" mean the same as defined in section 225C.2.

2. "*Catchment area*" means a community mental health center catchment area identified in accordance with this chapter.

3. "*Community mental health center*" or "*center*" means a community mental health center designated in accordance with this chapter.

Sec. 571. Section 230A.103, Code 2023, is amended to read as follows:

230A.103 Designation of community mental health centers.

1. The ~~division~~ department, subject to agreement by any community mental health center that would provide services for the catchment area and approval by the commission, shall designate at least one community mental health center under this chapter for addressing the mental health needs of the county or counties comprising the catchment area. The designation process shall provide for the input of potential service providers regarding designation of the initial catchment area or a change in the designation.

2. The ~~division~~ department shall utilize objective criteria for designating a community mental health center to serve a catchment area and for withdrawing such designation. The commission shall adopt rules outlining the criteria. The criteria shall include but are not limited to provisions for meeting all of the following requirements:

a. An appropriate means shall be used for determining which prospective designee is best able to serve all ages of the targeted population within the catchment area with minimal or no service denials.

b. An effective means shall be used for determining the relative ability of a prospective designee to appropriately provide mental health services and other support to consumers residing within a catchment area as well as consumers residing outside the catchment area. The criteria shall address the duty for a prospective designee to arrange placements outside the catchment area when such placements best meet consumer needs and to provide services within the catchment area to consumers who reside outside the catchment area when the services are necessary and appropriate.

3. The board of directors for a designated community mental health center shall enter into an agreement with the ~~division~~ department. The terms of the agreement shall include but are not limited to all of the following:

a. The period of time the agreement will be in force.

b. The services and other support the center will offer or provide for the residents of the catchment area.

c. The standards to be followed by the center in determining whether and to what extent the persons seeking services from the center shall be considered to be able to pay the costs of the services.

d. The policies regarding availability of the services offered by the center to the residents of the catchment area as well as consumers residing outside the catchment area.

e. The requirements for preparation and submission to the ~~division~~ department of annual audits, cost reports, program reports, performance measures, and other financial and service accountability information.

4. This section does not limit the authority of the board or the boards of supervisors of any county or group of counties to continue to expend money to support operation of a center.

Sec. 572. Section 230A.104, Code 2023, is amended to read as follows:

230A.104 Catchment areas.

1. The ~~division~~ department shall collaborate with affected counties in identifying community mental health center catchment areas in accordance with this section.

2. a. Unless the ~~division~~ department has determined that exceptional circumstances exist, a catchment area shall be served by one community mental health center. The purpose of this general limitation is to clearly designate the center responsible and accountable for providing core mental health services to the target population in the catchment area and to protect the financial viability of the centers comprising the mental health services system in the state.

b. A formal review process shall be used in determining whether exceptional circumstances exist that justify designating more than one center to serve a catchment area. The criteria for the review process shall include but are not limited to a means of determining whether the catchment area can support more than one center.

c. Criteria shall be provided that would allow the designation of more than one center for all or a portion of a catchment area if designation or approval for more than one center was provided by the ~~division~~ department as of October 1, 2010. The criteria shall require a determination that all such centers would be financially viable if designation is provided for all.

Sec. 573. Section 230A.105, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Individuals described in paragraph "a", "b", "c", or "d" who have a co-occurring disorder, including but not limited to substance ~~abuse~~ use disorder, intellectual disability, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

Sec. 574. Section 230A.108, Code 2023, is amended to read as follows:

230A.108 Administrative, diagnostic, and demographic information.

Release of administrative and diagnostic information, as defined in section 228.1, and demographic information necessary for aggregated reporting to meet the data requirements established by the ~~division~~ department, relating to an individual who receives services from a community mental health center, may be made a condition of support of that center by the ~~division~~ department.

Sec. 575. Section 230A.110, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~division~~ department shall recommend and the commission shall adopt standards for designated community mental health centers and comprehensive community mental health programs, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high-quality mental health services within a framework of accountability to the community it serves. The standards adopted shall conform with federal standards applicable to community mental health centers and shall be in substantial conformity with the applicable behavioral health standards adopted by the joint commission, formerly known as the joint commission on accreditation of health care organizations, or other recognized national standards for evaluation of psychiatric facilities unless in the judgment of the ~~division~~ department, with approval of the commission, there are sound reasons for departing from the standards.

2. When recommending standards under this section, the ~~division~~ department shall designate an advisory committee representing boards of directors and professional staff of designated community mental health centers to assist in the formulation or revision of standards. The membership of the advisory committee shall include representatives of professional and nonprofessional staff and other appropriate individuals.

Sec. 576. Section 230A.110, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by the auditor of state, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the auditor or accountant to the ~~administrator of the division of mental health and disability services~~ department.

Sec. 577. Section 230A.111, Code 2023, is amended to read as follows:

230A.111 Review and evaluation.

1. The review and evaluation of designated centers shall be performed through a formal accreditation review process as recommended by the ~~division~~ department and approved by the commission. The accreditation process shall include all of the following:

- a. Specific time intervals for full accreditation reviews based upon levels of accreditation.
- b. Use of random or complaint-specific, on-site limited accreditation reviews in the interim between full accreditation reviews, as a quality review approach. The results of such reviews shall be presented to the commission.
- c. Use of center accreditation self-assessment tools to gather data regarding quality of care and outcomes, whether used during full or limited reviews or at other times.

2. The accreditation process shall include but is not limited to addressing all of the following:

- a. Measures to address centers that do not meet standards, including authority to revoke accreditation.
- b. Measures to address noncompliant centers that do not develop a corrective action plan or fail to implement steps included in a corrective action plan accepted by the ~~division~~ department.
- c. Measures to appropriately recognize centers that successfully complete a corrective action plan.
- d. Criteria to determine when a center's accreditation should be denied, revoked, suspended, or made provisional.

Sec. 578. Section 231.4, subsection 1, paragraphs e and f, Code 2023, are amended to read as follows:

e. "*Department*" means the department ~~on aging~~ of health and human services.

f. "*Director*" means the director of ~~the department on aging~~ health and human services.

Sec. 579. Section 231.21, Code 2023, is amended to read as follows:

231.21 Department on aging Administration of chapter — department of health and human services.

~~An Iowa~~ The department ~~on aging is established which~~ of health and human services shall administer this chapter under the policy direction of the commission on aging. ~~The department on aging shall be administered by a director.~~

Sec. 580. Section 231.23, Code 2023, is amended to read as follows:

231.23 Department on aging — duties and authority.

The department ~~on aging~~ director shall:

1. Develop and administer a state plan on aging.
2. Assist the commission in the review and approval of area plans.
3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter and all other chapters under the department's jurisdiction.
4. Advocate for older individuals by reviewing and commenting upon all state plans, budgets, laws, rules, regulations, and policies which affect older individuals and by providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals.
5. Assist the commission in dividing the state into distinct planning and service areas.

6. Assist the commission in designating for each area a public or private nonprofit agency or organization as the area agency on aging for that area.

7. Pursuant to commission policy, take into account the views of older Iowans.

8. Assist the commission in adopting a method for the distribution of funds available from the federal Act and state appropriations and allocations.

9. Assist the commission in assuring that preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

10. Assist the commission in developing, adopting, and enforcing administrative rules, by issuing necessary forms and procedures.

11. Apply for, receive, and administer grants, devises, donations, gifts, or bequests of real or personal property from any source to conduct projects consistent with the purposes of the department. Notwithstanding section 8.33, moneys received by the department pursuant to this section are not subject to reversion to the general fund of the state.

12. Administer state authorized programs.

13. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors.

Sec. 581. Section 231.23A, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~on aging~~ shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

Sec. 582. Section 231.31, Code 2023, is amended to read as follows:

231.31 State plan on aging.

The department ~~on aging~~ shall develop, and submit to the commission on aging for approval, a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements.

Sec. 583. Section 231.32, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department ~~on aging~~ and which can and will engage only in the planning or provision of a broad range of long-term living and community support services or nutrition services within the planning and service area.

Sec. 584. Section 231.42, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals, the department of health and human services, ~~the department on aging~~, or the appropriate law enforcement agency, as applicable.

Sec. 585. Section 231.58, Code 2023, is amended to read as follows:

231.58 Long-term living coordination.

The director may convene meetings, as necessary, of the director and the ~~directors of human services, public health, and director of inspections and appeals~~, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans in the state. The group may consult with individuals, institutions and entities with expertise in the area of the long-term living system and older Iowans, as necessary, to facilitate the group's efforts.

Sec. 586. Section 231C.5, subsection 2, paragraph b, subparagraph (2), subparagraph division (c), Code 2023, is amended to read as follows:

(c) Contact information for the department of health and human services and the senior health insurance information program to assist tenants in accessing third-party payment sources.

Sec. 587. Section 231C.5A, Code 2023, is amended to read as follows:

231C.5A Assessment of tenants — program eligibility.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections and appeals, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

Sec. 588. Section 231E.3, subsections 5 and 6, Code 2023, are amended to read as follows:

5. "Department" means the department ~~on aging established in section 231.21~~ of health and human services.

6. "Director" means the director of ~~the department on aging~~ health and human services.

Sec. 589. Section 231E.4, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Work with the ~~department of human services, the Iowa department of public health, the Iowa developmental disabilities council,~~ and other agencies to establish a referral system for the provision of guardianship, conservatorship, and representative payee services.

Sec. 590. Section 232.2, subsections 14 and 18, Code 2023, are amended to read as follows:

14. "Department" means the department of health and human services and includes the local, ~~and county, and service area~~ officers of the department.

18. "Director" means the director of ~~the department of~~ health and human services or ~~that person's~~ the director's designee.

Sec. 591. Section 232.11, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. If the child is not represented by counsel as required under subsection 1, counsel shall be provided as follows:

a. If the court determines, after giving the child's parent, guardian, or custodian an opportunity to be heard, that such person has the ability in whole or in part to pay for the employment of counsel, it shall either order that person to retain an attorney to represent the child or shall appoint counsel for the child and order the parent, guardian, or custodian to pay for that counsel as provided in subsection 5.

b. If the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel to represent the child, it shall appoint counsel, who shall be reimbursed according to section 232.141, subsection 2, paragraph "b".

c. The court may appoint counsel to represent the child and reserve the determination of payment until the parent, guardian, or custodian has an opportunity to be heard.

4. If the child is represented by counsel and the court determines that there is a conflict of interest between the child and the child's parent, guardian, or custodian and that the retained

counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child and order the parent, guardian, or custodian to pay for such counsel as provided in subsection 5.

5. If the court determines, after an inquiry which includes notice and reasonable opportunity to be heard that the parent, guardian, or custodian has the ability to pay in whole or in part for the attorney appointed for the child, the court may order that person to pay such sums as the court finds appropriate in the manner and to whom the court directs. If the person so ordered fails to comply with the order without good reason, the court shall enter judgment against the person.

Sec. 592. Section 232.21, subsection 2, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) An institution or other facility operated by the department of ~~human services~~, or one which is licensed or otherwise authorized by law to receive and provide care for the child.

Sec. 593. Section 232.22, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of ~~human services~~.

Sec. 594. Section 232.28, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. In the course of a preliminary inquiry, the intake officer may:

a. Interview the complainant, victim, or witnesses of the alleged delinquent act.

b. Check existing records of the court, law enforcement agencies, public records of other agencies, and child abuse records as provided in section 235A.15, subsection 2, paragraph "e".

c. Hold conferences with the child and the child's parent or parents, guardian, or custodian for the purpose of interviewing them and discussing the disposition of the complaint in accordance with the requirements set forth in subsection 8.

d. Examine any physical evidence pertinent to the complaint.

e. Interview such persons as are necessary to determine whether the filing of a petition would be in the best interests of the child and the community as provided in section 232.35, subsections 2 and 3.

4. Any additional inquiries may be made only with the consent of the child and the child's parent or parents, guardian, or custodian.

5. Participation of the child and the child's parent or parents, guardian, or custodian in a conference with an intake officer shall be voluntary, and they shall have the right to refuse to participate in such conference. At such conference the child shall have the right to the assistance of counsel in accordance with section 232.11 and the right to remain silent when questioned by the intake officer.

Sec. 595. Section 232.29, subsection 1, paragraphs b, d, and g, Code 2023, are amended to read as follows:

b. The intake officer shall advise the child and the child's parent, guardian, or custodian that they have the right to refuse an informal adjustment of the complaint and demand the filing of a petition and a formal adjudication.

d. The terms of such agreement shall be clearly stated in writing and signed by all parties to the agreement and a copy of this agreement shall be given to the child; the counsel for the child; the parent, guardian, or custodian; and the intake officer, who shall retain the copy in the case file.

g. The child and the child's parent, guardian, or custodian shall have the right to terminate such agreement at any time and to request the filing of a petition and a formal adjudication.

Sec. 596. Section 232.38, Code 2023, is amended to read as follows:

232.38 Presence of parents at hearings.

1. Any hearings or proceedings under this subchapter subsequent to the filing of a petition shall not take place without the presence of one or both of the child's parents, guardian, or

custodian except that a hearing or proceeding may take place without such presence if the parent, guardian, or custodian fails to appear after reasonable notification, or if the court finds that a reasonably diligent effort has been made to notify the child's parent, guardian, or custodian, and the effort was unavailing.

2. In any such hearings or proceedings the court may temporarily excuse the presence of the parent, guardian, or custodian when the court deems it in the best interests of the child. Counsel for the parent, guardian, or custodian shall have the right to participate in a hearing or proceeding during the absence of the parent, guardian, or custodian.

Sec. 597. Section 232.43, subsection 2, Code 2023, is amended to read as follows:

2. The county attorney and the child's counsel may mutually consider a plea agreement which contemplates entry of a plea admitting the allegations of the petition in the expectation that other charges will be dismissed or not filed or that a specific disposition will be recommended by the county attorney and granted by the court. Any plea discussion shall be open to the child and the child's parent, guardian, or custodian.

Sec. 598. Section 232.44, subsection 5, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Place the child in the custody of a parent, guardian, or custodian under that person's supervision, or under the supervision of an organization which agrees to supervise the child.

Sec. 599. Section 232.44, subsection 7, Code 2023, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian, or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this subsection may be held by telephone conference call.

Sec. 600. Section 232.46, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. A child's need for shelter placement or for inpatient mental health or substance ~~abuse~~ use disorder treatment does not preclude entry or continued execution of a consent decree.

Sec. 601. Section 232.46, subsection 3, Code 2023, is amended to read as follows:

3. A consent decree shall not be entered unless the child and the child's parent, guardian, or custodian is informed of the consequences of the decree by the court and the court determines that the child has voluntarily and intelligently agreed to the terms and conditions of the decree. If the county attorney objects to the entry of a consent decree, the court shall proceed to determine the appropriateness of entering a consent decree after consideration of any objections or reasons for entering such a decree.

Sec. 602. Section 232.52, subsection 2, paragraph d, subparagraph (3), Code 2023, is amended to read as follows:

(3) The department of ~~human services~~ for purposes of foster care and prescribing the type of placement which will serve the best interests of the child and the means by which the placement shall be monitored by the court. The court shall consider ordering placement in family foster care as an alternative to group foster care.

Sec. 603. Section 232.52, subsection 2, paragraph e, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An order transferring the custody of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of ~~the department of human services~~ for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section

702.11, or a felony violation of section 124.401 or chapter 707, or the court finds any three of the following conditions exist:

Sec. 604. Section 232.52, subsections 6, 8, and 9, Code 2023, are amended to read as follows:

6. If the court orders the transfer of custody of the child to the department of ~~human services~~ or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

8. If the court orders the transfer of the custody of the child 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.

9. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department of ~~human services~~ has been assigned to work on the child's case, the court may order the department of ~~human services~~ to assign the same social worker or caseworker to work on any matters related to the child arising under this subchapter.

Sec. 605. Section 232.52, subsection 10, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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 state training school pursuant to subsection 2, paragraph "e", to a facility which has been designated to be an alternative placement site for the state training school, provided the court finds that all of the following conditions exist:

Sec. 606. Section 232.68, subsection 4, Code 2023, is amended to read as follows:

4. "*Department*" means the state department of health and human services and includes the local, and county, ~~and service area~~ offices of the department.

Sec. 607. Section 232.69, subsection 1, paragraph b, subparagraphs (6) and (7), Code 2023, are amended to read as follows:

(6) An employee or operator of a substance abuse use disorder program or facility licensed under chapter 125.

(7) An employee of a department of ~~human services~~ institution listed in section 218.1.

Sec. 608. Section 232.70, subsections 3, 5, and 6, Code 2023, are amended to read as follows:

3. The oral report shall be made by telephone or otherwise to the department of ~~human services~~. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

5. The oral and written reports shall contain the following information, or as much ~~thereof~~ of the following information as the person making the report is able to furnish:

a. The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care;_

b. The child's present whereabouts if not the same as the parent's or other person's home address;_

c. The child's age;_

d. The nature and extent of the child's injuries, including any evidence of previous injuries;_

e. The name, age and condition of other children in the same home;_

f. Any other information which the person making the report believes might be helpful in establishing the cause of the injury to the child, the identity of the person or persons responsible for the injury, or in providing assistance to the child; ~~and~~_

g. The name and address of the person making the report.

6. A report made by a permissive reporter, as defined in section 232.69, subsection 2, shall be regarded as a report pursuant to this chapter whether or not the report contains all of the information required by this section and may be made to the department of human services, county attorney, or law enforcement agency. If the report is made to any agency other than the department of human services, such agency shall promptly refer the report to the department of human services.

Sec. 609. Section 232.72, subsections 1 and 2, Code 2023, are amended to read as follows:

1. For the purposes of this subchapter, the terms “*department of health and human services*”, “*department*”, or “*county attorney*” ordinarily refer to the ~~service area~~ or local office of the department of human services or of the county attorney’s office serving the county in which the child’s home is located.

2. If the person making a report of child abuse pursuant to this chapter does not know where the child’s home is located, ~~or if the child’s home is not located in the service area where the health practitioner examines, attends, or treats the child~~, the report may be made to the department or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or treats the child. These agencies shall promptly proceed as provided in section 232.71B, unless the matter is transferred as provided in this section.

Sec. 610. Section 232.75, subsection 3, Code 2023, is amended to read as follows:

3. A person who reports or causes to be reported to the department of human services false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

Sec. 611. Section 232.78, subsection 4, Code 2023, is amended to read as follows:

4. The juvenile court may enter an order authorizing a physician or physician assistant or hospital to provide emergency medical or surgical procedures before the filing of a petition under this chapter provided all of the following conditions are met:

- a. Such procedures are necessary to safeguard the life and health of the child; ~~and~~
- b. There is not enough time to file a petition under this chapter and hold a hearing as provided in section 232.95.

Sec. 612. Section 232.79, subsection 4, paragraphs a and b, Code 2023, are amended to read as follows:

a. When the court is informed that there has been an emergency removal or keeping of a child without a court order, the court shall direct the department of human services or the juvenile probation department to make every reasonable effort to communicate immediately with the child’s parent or parents or other person legally responsible for the child’s care. Upon locating the child’s parent or parents or other person legally responsible for the child’s care, the department of human services or the juvenile probation department shall, in accordance with court-established procedures, immediately orally inform the court. After orally informing the court, the department of human services or the juvenile probation department shall provide to the court written documentation of the oral information.

b. The court shall authorize the department of human services or the juvenile probation department to cause a child thus removed or kept to be returned if it concludes there is not an imminent risk to the child’s life and health in so doing. If the department of human services or the juvenile probation department receives information which could affect the court’s decision regarding the child’s return, the department of human services or the juvenile probation department, in accordance with court established procedures, shall immediately orally provide the information to the court. After orally providing the information to the court, the department of human services or the juvenile probation department shall provide to the court written documentation of the oral information. If the child is not returned, the department of human services or the juvenile probation department shall ~~forthwith~~ cause a petition to be filed within three days after the removal.

Sec. 613. Section 232.81, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of a complaint, the court may request the department of ~~human services~~, juvenile probation office, or other authorized agency or individual to conduct a preliminary investigation of the complaint to determine if further action should be taken.

Sec. 614. Section 232.82, subsection 2, Code 2023, is amended to read as follows:

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department of ~~human services~~, or a juvenile court officer within three days of the entering of the order.

Sec. 615. Section 232.87, subsection 2, Code 2023, is amended to read as follows:

2. A petition may be filed by the department of ~~human services~~, juvenile court officer, or county attorney.

Sec. 616. Section 232.89, subsection 3, Code 2023, is amended to read as follows:

3. The court shall determine, after giving the parent, guardian, or custodian an opportunity to be heard, whether the person has the ability to pay in whole or in part for counsel appointed for the child. If the court determines that the person possesses sufficient financial ability, the court shall then consult with the department of ~~human services~~, the juvenile probation office, or other authorized agency or individual regarding the likelihood of impairment of the relationship between the child and the child's parent, guardian, or custodian as a result of ordering the parent, guardian, or custodian to pay for the child's counsel. If impairment is deemed unlikely, the court shall order that person to pay an amount the court finds appropriate in the manner and to whom the court directs. If the person fails to comply with the order without good reason, the court shall enter judgment against the person. If impairment is deemed likely or if the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel appointed to represent the child, counsel shall be reimbursed pursuant to section 232.141, subsection 2, paragraph "b".

Sec. 617. Section 232.96, subsections 4 and 6, Code 2023, are amended to read as follows:

4. A report made to the department of ~~human services~~ pursuant to chapter 235A shall be admissible in evidence, but such a report shall not alone be sufficient to support a finding that the child is a child in need of assistance unless the attorneys for the child and the parents consent to such a finding.

6. A report, study, record, or other writing or an audiotape or videotape recording made by the department of ~~human services~~, a juvenile court officer, a peace officer, a child protection center, or a hospital relating to a child in a proceeding under this subchapter is admissible notwithstanding any objection to hearsay statements contained in it provided it is relevant and material and provided its probative value substantially outweighs the danger of unfair prejudice to the child's parent, guardian, or custodian. The circumstances of the making of the report, study, record or other writing or an audiotape or videotape recording, including the maker's lack of personal knowledge, may be proved to affect its weight.

Sec. 618. Section 232.97, subsection 1, Code 2023, is amended to read as follows:

1. The court shall not make a disposition of the petition until five working days after a social report has been submitted to the court and counsel for the child and has been considered by the court. The court may waive the five-day requirement upon agreement by all the parties. The court may direct either the juvenile court officer or the department of ~~human services~~ or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

Sec. 619. Section 232.98, subsection 2, Code 2023, is amended to read as follows:

2. Following an adjudication that a child is a child in need of assistance, the court may after a hearing order the physical or mental examination of the parent, guardian, or custodian if that person's ability to care for the child is at issue.

Sec. 620. Section 232.100, Code 2023, is amended to read as follows:

232.100 Suspended judgment.

After the dispositional hearing the court may enter an order suspending judgment and continuing the proceedings subject to terms and conditions imposed to assure the proper care and protection of the child. Such terms and conditions may include the supervision of the child and of the parent, guardian, or custodian by the department of ~~human services~~, juvenile court office, or other appropriate agency designated by the court. The maximum duration of any term or condition of a suspended judgment shall be twelve months unless the court finds at a hearing held during the last month of that period that exceptional circumstances require an extension of the term or condition for an additional six months.

Sec. 621. Section 232.101, subsection 1, Code 2023, is amended to read as follows:

1. After the dispositional hearing, the court may enter an order permitting the child's parent, guardian, or custodian at the time of the filing of the petition to retain custody of the child subject to terms and conditions which the court prescribes to assure the proper care and protection of the child. Such terms and conditions may include supervision of the child and the parent, guardian, or custodian by the department of ~~human services~~, juvenile court office, or other appropriate agency which the court designates. Such terms and conditions may also include the provision or acceptance by the parent, guardian, or custodian of special treatment or care which the child needs for the child's physical or mental health. If the parent, guardian, or custodian fails to provide the treatment or care, the court may order the department of ~~human services~~ or some other appropriate state agency to provide such care or treatment.

Sec. 622. Section 232.102, subsections 4 and 6, Code 2023, are amended to read as follows:

4. 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~~ of any of the following:

- (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.

6. 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.

Sec. 623. Section 232.103A, subsections 3 and 5, Code 2023, are amended to read as follows:

3. The juvenile court shall designate the petitioner and respondent for the purposes of the bridge order. A bridge order shall only address matters of custody, physical care, and visitation. All other matters, including child support, shall be filed by separate petition or by action of the child support ~~recovery unit~~ services, and shall be subject to existing applicable statutory provisions.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to the child support ~~recovery unit~~ services without a court order.

Sec. 624. Section 232.111, subsection 1, Code 2023, is amended to read as follows:

1. A child's guardian, guardian ad litem, or custodian, the department of ~~human services~~, a juvenile court officer, or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

Sec. 625. Section 232.116, subsection 1, paragraph 1, Code 2023, is amended to read as follows:

1. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe ~~substance-related~~ substance use disorder as described by either of the following:

(a) The severe ~~substance-related~~ substance use disorder meets the definition for that term as defined in the most current edition of the diagnostic and statistical manual prepared by the American psychiatric association, and the parent presents a danger to self or others as evidenced by prior acts.

(b) The disorder is evidenced by continued and repeated use through the case, the parent's refusal to obtain a substance ~~abuse~~ use disorder evaluation or treatment after given the opportunity to do so, and the parent presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

Sec. 626. Section 232.142, Code 2023, is amended to read as follows:

232.142 Maintenance and cost of juvenile homes — fund.

1. County boards of supervisors which singly or in conjunction with one or more other counties provide and maintain juvenile detention and juvenile shelter care homes are subject to this section.

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 through 331.449. Expenses for providing and maintaining a multicounty

home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director, ~~the director of the department of human rights, or a designee of the director of the department of human rights.~~ Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home. ~~This subsection is repealed July 1, 2023.~~

4. The director, ~~the director of the department of human rights, or a designee of the director of the department of human rights~~ shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes. ~~This subsection is repealed July 1, 2023.~~

5. The director, ~~the director of the department of human rights, or a designee of the director of the department of human rights~~ 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 seventy-two beds beginning July 1, 2017. ~~This subsection is repealed July 1, 2023.~~

6. A juvenile detention home fund is created in the state treasury under the authority of the department ~~or the department of human rights as the department and the department of human rights agree.~~ The fund shall consist of moneys deposited in the fund pursuant to section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes. ~~This subsection is repealed July 1, 2023.~~

Sec. 627. Section 232.147, subsection 2, paragraphs c, e, and j, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department of human services, juvenile officer, or intake officer.

j. ~~The department of human services.~~

Sec. 628. Section 232.147, subsection 3, paragraphs c, e, and h, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department of human services, juvenile court officer, or intake officer.

h. ~~The department of human services.~~

Sec. 629. Section 232.147, subsection 4, paragraphs c, f, and j, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

f. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department of ~~human services~~, juvenile court officer, or intake officer.

j. The department of ~~human services~~.

Sec. 630. Section 232.147, subsection 7, Code 2023, is amended to read as follows:

7. Official juvenile court records enumerated in section 232.2, subsection 43, paragraph "e", relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to ~~the child support recovery unit~~ services without court order.

Sec. 631. Section 232.149, subsection 5, paragraph h, Code 2023, is amended to read as follows:

h. The department of ~~human services~~.

Sec. 632. Section 232.149A, subsection 3, paragraphs c and e, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

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

Sec. 633. Section 232.158A, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding any provision of the interstate compact on the placement of children under section 232.158 to the contrary, the department of ~~human services~~ shall permit the legal risk placement of a child under the interstate compact on the placement of children if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

Sec. 634. Section 232.158A, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. That the prospective adoptive parent assumes full legal, financial, and other risks associated with the legal risk placement and that the prospective adoptive parent agrees to hold the department of ~~human services~~ harmless for any disruption or failure of the placement.

Sec. 635. Section 232.160, Code 2023, is amended to read as follows:

232.160 Department of health and human services as public authority.

The "*appropriate public authorities*" as used in article III of the interstate compact on the placement of children under section 232.158 shall, with reference to this state, mean the state department of health and human services and ~~said the~~ department shall receive and act with reference to notices required by article III of that interstate compact.

Sec. 636. Section 232.161, Code 2023, is amended to read as follows:

232.161 Department as authority in receiving state.

As used in paragraph "a" of article V of the interstate compact on the placement of children under section 232.158, the phrase "*appropriate authority in the receiving state*" with reference to this state ~~shall mean~~ means the state department of health and human services.

Sec. 637. Section 232.162, Code 2023, is amended to read as follows:

232.162 Authority to enter agreements.

The officers and agencies of this state and its subdivisions having authority to place children may enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph “b” of article V of the interstate compact on the placement of children under section 232.158. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency of this state shall not be binding unless it has the approval in writing of the ~~administrator of child and family services~~ director or the director’s designee in the case of the state and the county general assistance director in the case of a subdivision of the state.

Sec. 638. Section 232.168, Code 2023, is amended to read as follows:

232.168 Attorney general to enforce.

The attorney general may, on the attorney general’s own initiative, institute any criminal and civil actions and proceedings under this subchapter, at whatever stage of placement necessary, to enforce the interstate compact on the placement of children, including, but not limited to, seeking enforcement of the provisions of the compact through the courts of a party state. The department of ~~human services~~ shall cooperate with the attorney general and shall refer any placement or proposed placement to the attorney general which may require enforcement measures.

Sec. 639. Section 232.171, subsection 4, Code 2023, is amended to read as follows:

4. *Article IV — Return of runaways.*

a. (1) That the parent, guardian, or person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, or person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile’s return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile’s custody, the circumstances of the juvenile’s running away, the juvenile’s location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering the juvenile’s own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner’s entitlement to the juvenile’s custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel the juvenile’s return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, or person or agency entitled to the juvenile’s legal custody, and that it is in the best interest and for the protection of such juvenile that the juvenile be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, or person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace

officer or other appropriate person directing the officer or person to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile, unless the juvenile shall first be taken forthwith before a judge of a court in the state, who shall inform the juvenile of the demand made for the juvenile's return, and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such juvenile over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

(2) Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, or person or agency entitled to the juvenile's legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the person's own protection and welfare, for such a time not exceeding ninety days as will enable the person's return to another state party to this compact pursuant to a requisition for the person's return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which the juvenile ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

b. That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

c. That "*juvenile*" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, or person or agency entitled to the legal custody of such minor.

Sec. 640. Section 232.171, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. That the duly constituted judicial and administrative authorities of a state party to this compact, herein called "*sending state*", may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact, herein called "*receiving state*", while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

Sec. 641. Section 232.171, subsection 10, paragraph f, Code 2023, is amended to read as follows:

f. Provide that the consent of the parent, guardian, or person or agency entitled to the legal custody of ~~said the~~ delinquent juvenile shall be secured prior to the juvenile being sent to another state; and

Sec. 642. Section 232.188, Code 2023, is amended to read as follows:

232.188 Decategorization of child welfare and juvenile justice funding initiative.

1. *Definitions.* For the purposes of this section, unless the context otherwise requires:

a. “*Decategorization governance board*” or “*governance board*” means the group that enters into and implements a decategorization project agreement.

b. “*Decategorization project*” means the county or counties that have entered into a decategorization agreement to implement the decategorization initiative in the county or multicounty area covered by the agreement.

c. “*Decategorization services funding pool*” or “*funding pool*” means the funding designated for a decategorization project from all sources.

2. *Purpose.* The decategorization of the child welfare and juvenile justice funding initiative is intended to establish a system of delivering human services based upon client needs to replace a system based upon a multitude of categorical programs and funding sources, each with different service definitions and eligibility requirements. The purposes of the decategorization initiative include but are not limited to redirecting child welfare and juvenile justice funding to services which are more preventive, family-centered, and community-based in order to reduce use of restrictive approaches which rely upon institutional, out-of-home, and out-of-community services.

3. *Implementation.*

a. Implementation of the initiative shall be through creation of decategorization projects. A project shall consist of either a single county or a group of counties interested in jointly implementing the initiative. Representatives of the department, juvenile court services, and county government shall develop a project agreement to implement the initiative within a project.

b. The initiative shall include community planning activities in the area covered by a project. As part of the community planning activities, the department shall partner with other community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families receiving services from the child welfare and juvenile justice systems within the project area.

c. The decategorization initiative shall not be implemented in a manner that limits the legal rights of children and families to receive services.

4. *Governance board.*

a. In partnership with an interested county or group of counties which has demonstrated the commitment and involvement of the affected county department, or departments, of human services, the juvenile justice system within the project area, and board, or boards, of supervisors in order to form a decategorization project, the department shall develop a process for combining specific state and state-federal funding categories into a decategorization services funding pool for that project. A decategorization project shall be implemented by a decategorization governance board. The decategorization governance board shall develop specific, quantifiable short-term and long-term plans for enhancing the family-centered and community-based services and reducing reliance upon out-of-community care in the project area.

b. The department shall work with the decategorization governance boards to best coordinate planning activities and most effectively target funding resources. ~~A departmental service area manager~~ The department shall work with the decategorization governance boards ~~in that service area~~ to support board planning and service development activities and to promote the most effective alignment of resources.

c. A decategorization governance board shall coordinate the project’s planning and budgeting activities with the ~~departmental service area manager~~ department’s designee for the county or counties comprising the project area and the early childhood Iowa area board

or boards for the early childhood Iowa area or areas within which the decategorization project is located.

5. *Funding pool.*

a. The governance board for a decategorization project has authority over the project's decategorization services funding pool and shall manage the pool to provide more flexible, individualized, family-centered, preventive, community-based, comprehensive, and coordinated service systems for children and families served in that project area. A funding pool shall also be used for child welfare and juvenile justice systems enhancements.

b. Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project for the next three succeeding fiscal years. Such moneys shall be known as "carryover funding". Moneys may be made available to a funding pool from one or more of the following sources:

- (1) Funds designated for the initiative in a state appropriation.
- (2) Child welfare and juvenile justice services funds designated for the initiative by a ~~departmental service area manager~~ the department.
- (3) Juvenile justice program funds designated for the initiative by a chief juvenile court officer.
- (4) Carryover funding.
- (5) Any other source designating moneys for the funding pool.

c. The services and activities funded from a project's funding pool may vary depending upon the strategies selected by the project's governance board and shall be detailed in an annual child welfare and juvenile justice decategorization services plan developed by the governance board. A decategorization governance board shall involve community representatives and county organizations in the development of the plan for that project's funding pool. In addition, the governance board shall coordinate efforts through communication with the ~~appropriate departmental service area manager~~ department regarding budget planning and decategorization service decisions.

d. A decategorization governance board is responsible for ensuring that decategorization services expenditures from that project's funding pool do not exceed the amount of funding available. If necessary, the governance board shall reduce expenditures or discontinue specific services as necessary to manage within the funding pool resources available for a fiscal year.

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 state board. In addition, the decategorization governance board shall submit an annual progress report to the department ~~administrator~~ and the early childhood Iowa 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.

6. *Departmental role.* A The ~~departmental service area's~~ share of the child welfare appropriation that is not allocated by law for the decategorization initiative shall be managed by and is under the authority of the ~~service area manager~~ department. ~~A service area manager~~ The department is responsible for meeting the child welfare service needs ~~in the counties comprising the service area~~ with the available funding resources.

Sec. 643. Section 232.189, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Based upon a model reasonable efforts family court initiative, the director ~~of human services~~ and the chief justice of the supreme court or their designees shall jointly establish and implement a statewide protocol for reasonable efforts, as defined in section 232.102. In addition, the director and the chief justice shall design and implement a system for judicial and departmental reasonable efforts education for deployment throughout the state. The system for reasonable efforts education shall be developed in a manner which addresses the particular needs of rural areas and shall include but is not limited to all of the following topics:

Sec. 644. Section 232B.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. “*Department*” means the department of health and human services.

NEW SUBSECTION. 3B. “*Director*” means the director of health and human services.

Sec. 645. Section 232B.9, subsections 8 and 9, Code 2023, are amended to read as follows:

8. A record of each foster care placement, emergency removal, preadoptive placement, or adoptive placement of an Indian child, under the laws of this state, shall be maintained in perpetuity by the department of ~~human services~~ in accordance with section 232B.13. The record shall document the active efforts to comply with the applicable order of preference specified in this section.

9. The state of Iowa recognizes the authority of Indian tribes to license foster homes and to license agencies to receive children for control, care, and maintenance outside of the children’s own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care or adoption. The department of ~~human services~~ and child-placing agencies licensed under chapter 238 may place children in foster homes and facilities licensed by an Indian tribe.

Sec. 646. Section 232B.11, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The director of ~~human services~~ or the director’s designee shall make a good faith effort to enter into agreements with Indian tribes regarding jurisdiction over child custody proceedings and the care and custody of Indian children whose tribes have land within Iowa, including but not limited to the Sac and Fox tribe, the Omaha tribe, the Ponca tribe, and the Winnebago tribe, and whose tribes have an Indian child who resides in the state of Iowa. An agreement shall seek to promote the continued existence and integrity of the Indian tribe as a political entity and the vital interest of Indian children in securing and maintaining a political, cultural, and social relationship with their tribes. An agreement shall assure that tribal services and Indian organizations or agencies are used to the greatest extent practicable in planning and implementing any action pursuant to the agreement concerning the care and custody of Indian children. If tribal services are not available, an agreement shall assure that community services and resources developed specifically for Indian families will be used.

2. If an agreement entered into between the tribe and the department of ~~human services~~ pertaining to the funding of foster care placements for Indian children conflicts with any federal or state law, the state in a timely, good faith manner shall agree to amend the agreement in a way that prevents any interruption of services to eligible Indian children.

Sec. 647. Section 232B.12, Code 2023, is amended to read as follows:

232B.12 Payment of foster care expenses.

1. If the department of ~~human services~~ has legal custody of an Indian child and that child is placed in foster care according to the placement preferences under section 232B.9 the state shall pay, subject to any applicable federal funding limitations and requirements, the cost of the foster care in the manner and to the same extent the state pays for foster care of non-Indian children, including the administrative and training costs associated with the placement. In addition, the state shall pay the other costs related to the foster care placement of an Indian child as may be provided for in an agreement entered into between a tribe and the state.

2. The department of ~~human services~~ may, subject to any applicable federal funding limitations and requirements and within funds appropriated for foster care services, purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state court order; and the purchase of the care is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Sec. 648. Section 232B.13, subsections 1, 3, 4, and 5, Code 2023, are amended to read as follows:

1. The department of ~~human services~~ shall establish an automated database where a permanent record shall be maintained of every involuntary or voluntary foster care, preadoptive placement, or adoptive placement of an Indian child that is ordered by a court of this state and in which the department was involved. The automated record shall document the active efforts made to comply with the order of placement preference specified in section 232B.9. An Indian child's placement record shall be maintained in perpetuity by the department of ~~human services~~ and shall include but is not limited to the name, birthdate, and gender of the Indian child, and the location of the local department office that maintains the original file and documents containing the information listed in subsection 2.

3. If a court orders the foster care, preadoptive placement, or adoptive placement of an Indian child, the court and any state-licensed child-placing agency involved in the placement shall provide the department of ~~human services~~ with the records described in subsections 1 and 2.

4. A record maintained pursuant to this section by the department of ~~human services~~, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall be made available within seven days of a request for the record by the Indian child's tribe or the secretary of the interior.

5. Upon the request of an Indian individual who is eighteen years of age or older, or upon the request of an Indian child's parent, Indian custodian, attorney, guardian ad litem, guardian, legal custodian, or caseworker of the Indian child, the department of ~~human services~~, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall provide access to the records pertaining to the Indian individual or child maintained pursuant to this section. The records shall also be made available upon the request of the descendants of the Indian individual or child. A record shall be made available within seven days of a request for the record by any person authorized by this subsection to make the request.

Sec. 649. Section 232B.14, subsection 1, Code 2023, is amended to read as follows:

1. The department of ~~human services~~, in consultation with Indian tribes, shall establish standards and procedures for the department's review of cases subject to this chapter and methods for monitoring the department's compliance with provisions of the federal Indian Child Welfare Act and this chapter. These standards and procedures and the monitoring methods shall be integrated into the department's structure and plan for the federal government's child and family service review process and any program improvement plan resulting from that process.

Sec. 650. Section 232C.2, subsection 1, Code 2023, is amended to read as follows:

1. Prior to an emancipation hearing held pursuant to section 232C.1, the court, on its own motion, may stay the proceedings, and refer the parties to mediation or request that the department of health and ~~human services~~ investigate any allegations of child abuse or neglect contained in the petition, and order that a written report be prepared and filed by the department.

Sec. 651. Section 232C.4, subsection 6, Code 2023, is amended to read as follows:

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify ~~the child support recovery unit~~ services of the department of health and ~~human services~~ of the emancipation.

Sec. 652. Section 232D.204, subsection 4, Code 2023, is amended to read as follows:

4. A proceeding under this section shall not create a new eligibility category for the department of health and ~~human services~~ protective services.

Sec. 653. Section 232D.307, subsection 3, Code 2023, is amended to read as follows:

3. The judicial branch in conjunction with the department of public safety, the department of health and ~~human services~~, and the state chief information officer shall establish

procedures for electronic access to the single contact repository necessary to conduct background checks requested under subsection 1.

Sec. 654. Section 233.2, subsection 2, paragraphs c and d, Code 2023, are amended to read as follows:

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of health and human services.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of public health and human services shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

Sec. 655. Section 233.2, subsection 3, Code 2023, is amended to read as follows:

3. As soon as possible after the individual on duty or first responder assumes physical custody of a newborn infant released under subsection 1, the individual or first responder shall notify the department of health and human services and the department shall take the actions necessary to assume the care, control, and custody of the newborn infant. The department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. Within twenty-four hours of taking custody of the newborn infant, the department shall notify the juvenile court and the county attorney in writing of the department's action and the circumstances surrounding the action.

Sec. 656. Section 233.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of health and human services, in consultation with the ~~Iowa department of public health and the department of justice~~, shall develop and distribute the following:³

Sec. 657. Section 233A.1, Code 2023, is amended to read as follows:

233A.1 State training school — Eldora.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at the state training school to provide court-committed male juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora shall be known as the "*state training school*".

3. For the purposes of this chapter "~~director~~":

a. "Department" means the department of health and human services.

b. "Director" means the director of health and human services ~~and "superintendent"~~.

c. "State training school" means the diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora.

d. "Superintendent" means the administrator in charge of the ~~diagnosis and evaluation center for juvenile delinquents and other units at the state training school~~.

³ See chapter 112, §72 herein

3. 4. The number of children present at any one time at the state training school shall not exceed the population guidelines established under 1990 Iowa Acts, ch. 1239, §21, as adjusted for subsequent changes in the capacity at the training school.

Sec. 658. Section 233A.3, Code 2023, is amended to read as follows:

233A.3 Salary.

The salary of the superintendent of the state training school shall be determined by the ~~administrator~~ director.

Sec. 659. Section 233A.6, Code 2023, is amended to read as follows:

233A.6 Visits.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, county attorneys, and persons ordained or designated as regular leaders of a religious community ~~are authorized to~~ may visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Sec. 660. Section 233A.7, Code 2023, is amended to read as follows:

233A.7 Placing in families.

All children committed to and received in the state training school may be placed by the department under foster care arrangements, with any persons or in families of good standing and character where ~~they the children~~ will be properly cared for and educated. The cost of foster care provided under these arrangements shall be paid as provided in section 234.35.

Sec. 661. Section 233A.8, Code 2023, is amended to read as follows:

233A.8 Articles of agreement.

~~Such children shall be so~~ A child placed in foster care as provided in section 233A.7 shall be placed under articles of agreement, approved by the administrator director and signed by the person or persons taking them providing foster care and by the superintendent. Said The articles of agreement shall provide for the custody, care, education, maintenance, and earnings of said children the child for a time to be fixed specified in said the articles, which shall not extend beyond the time when the persons bound shall attain the child attains age of eighteen years of age.

Sec. 662. Section 233A.9, Code 2023, is amended to read as follows:

233A.9 Resuming custody of child.

~~In case If a child so placed be in foster care as provided in section 233A.7 is not given the care, education, treatment, and maintenance required by such the articles of agreement, the administrator director may cause the child to be taken from the person with whom placed and returned return the child to the institution state training school, or may replace place the child in a different foster care placement, or release, or finally discharge the child as may seem best.~~

Sec. 663. Section 233A.10, Code 2023, is amended to read as follows:

233A.10 Unlawful interference.

It shall be unlawful for any parent or other person not a party to ~~such the~~ the placing of a child ~~in foster care~~ to interfere in any manner or assume or exercise any control over such the child or the child's earnings. Said The child's earnings shall be used, held, or otherwise applied for the exclusive benefit of such the child, in accordance with section 234.37.

Sec. 664. Section 233A.11, Code 2023, is amended to read as follows:

233A.11 County attorney to appear for child.

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 through 233A.10, the county attorney of the county in which such proceedings should be instituted shall, on the request of the superintendent, approved by subject to the approval of the administrator director, institute and carry on, in the name of the superintendent, out the proceedings in on behalf of the superintendent.

Sec. 665. Section 233A.12, Code 2023, is amended to read as follows:

233A.12 Discharge or parole.

The ~~administrator~~ director may at any time after one year's service order the discharge or parole of any inmate as a reward for good conduct, and may, in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons ~~therefor~~ for the discharge or parole are urgent and sufficient. If paroled upon satisfactory evidence of reformation, the order may remain in effect or terminate under ~~such rules as the administrator may prescribe~~ prescribed by the director.

Sec. 666. Section 233A.13, Code 2023, is amended to read as follows:

233A.13 ~~Binding out or discharge~~ Discharge.

The ~~binding out or the discharge~~ of an inmate as reformed, or having arrived at ~~the age of~~ eighteen years of age, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

Sec. 667. Section 233A.14, Code 2023, is amended to read as follows:

233A.14 Transfers to other institutions.

The ~~administrator~~ director may transfer minor wards of the state to the state training school ~~minor wards of the state~~ from any institution under the ~~administrator's charge~~ director's control, but ~~no~~ a person shall not be so transferred who ~~is mentally ill or has a mental illness or an intellectual disability~~. Any child in the state training school who ~~is mentally ill~~ has a mental illness or has an intellectual disability may be transferred by the ~~administrator~~ director to the proper state institution.

Sec. 668. Section 233A.15, Code 2023, is amended to read as follows:

233A.15 Transfers to work in parks.

1. The ~~administrator~~ director may ~~detail~~ assign children, ~~classed as from the state training school deemed trustworthy, from the state training school,~~ to perform services for the department of natural resources within the state parks, state game and forest areas, and other lands under the jurisdiction of the department of natural resources. The department of natural resources shall provide permanent housing and work guidance supervision, but the care and custody of the children ~~so detailed~~ assigned shall remain ~~under employees of the division of child and family services of with the department of human services~~. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills, and habit patterns which will be conducive to the habilitation of the ~~youths~~ children involved.

2. The ~~administrator is hereby authorized to~~ director may use state-owned mobile housing equipment and facilities in performing services at temporary locations in the areas described in subsection 1.

Sec. 669. Section 234.1, Code 2023, is amended to read as follows:

234.1 Definitions.

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

~~1. "Administrator" means the administrator of the division.~~

~~2.~~ 1. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

a. The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or for placement in a supervised apartment living arrangement, in this state.

b. The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person's case permanency plan.

c. The department has made an application for the person for adult services upon a determination that it is likely the person will need or be eligible for services or other support from the adult services system.

3. ~~“Division” or “state division” means that division of the department of human services to which the director has assigned responsibility for income and service programs.~~

4. ~~“Food assistance program” means the benefits provided through the United States department of agriculture program administered by the department of human services in accordance with 7 C.F.R. pts. 270 – 283.~~

2. “Council” means the council on health and human services.

3. “Department” means the department of health and human services.

4. “Director” means the director of health and human services.

5. “Food programs” means the food stamp supplemental nutrition assistance program and donated foods programs authorized by federal law under the United States department of agriculture.

6. “Supplemental nutrition assistance program” or “SNAP” means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – 280, ⁴ as amended.

Sec. 670. Section 234.4, Code 2023, is amended to read as follows:

234.4 Education of children in departmental programs.

If the department of human services has custody or has other responsibility for a child based upon the child’s involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child’s school attendance. As part of fulfilling the responsibilities described in this section, if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student’s degree of success in adjusting to the different school.

Sec. 671. Section 234.6, Code 2023, is amended to read as follows:

234.6 Powers and duties of the administrator director.

1. ~~The administrator shall be vested with the authority to~~ director shall 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 director’s administration. ~~The administrator~~ director 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 director may abolish, alter, consolidate, or establish subdivisions subunits and may abolish or change offices previously created existing subunits. ~~The administrator~~ director may employ necessary personnel and fix determine their compensation; may allocate or reallocate functions and duties among any subdivisions now existing or later established subunits; and may adopt rules relating to the employment of personnel and the allocation of their functions and duties among the various subdivisions subunits as required for competent and efficient administration may require. ~~The administrator~~ director shall do all of the following:

a. Cooperate with the social security administration created by the Social Security Act and codified at 42 U.S.C. §901, or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the social security administration, from time to time, may require, and to comply with such regulations as such social security administration, from time to time, may find necessary to assure the correctness and verification of such reports.

⁴ See chapter 112, §56 herein

b. Furnish information to acquaint the public generally with the operation of the federal Acts under the director's jurisdiction of the administrator.

c. ~~With the approval of the director of human services, the governor, the director of the department of management, and the director of the department of administrative services, set up establish an administrative fund from the funds under the administrator's director's control and management an administrative fund and from the administrative fund pay the expenses of operating the division department's duties under this chapter.~~

d. ~~Notwithstanding any provisions to the contrary in chapter 239B relating to the consideration of income and resources of claimants for assistance, the administrator, and with the consent and approval of the director of human services and the council on human services, shall make such adopt rules as may be necessary to qualify for federal aid in the assistance programs administered by the administrator director.~~

e. ~~Have authority to use~~ Use funds available to the department, subject to any limitations placed on the use ~~thereof of the funds~~ by the legislation appropriating the funds, to provide to or purchase, for eligible families and individuals eligible therefor, services including but not limited to the following:

(1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

(2) Foster care, including foster family care, group homes, and institutions.

(3) Family-centered services, as defined in section 232.102A, subsection 1, paragraph "b".

(4) Family planning.

(5) Protective services.

(6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

(7) Transportation services.

(8) Any services, not otherwise enumerated in this paragraph "e", authorized by or pursuant to the United States Social Security Act of 1934, as amended.

f. Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs ~~to the director~~ for adoption pursuant to chapter 17A.

g. Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

h. Recommend rules for their adoption by the council ~~on human services~~ for before and after school child care programs, conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. ~~The department of human services shall have the power and authority to~~ may use the funds available ~~to it~~, to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

3. In determining the reimbursement rate for services purchased by the department of ~~human services~~ from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

Sec. 672. Section 234.7, Code 2023, is amended to read as follows:

234.7 Department duties.

1. ~~The department of human services~~ shall comply with the provision associated with child foster care licensees under chapter 237 that requires that a child's foster parent be included in, and be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

2. a. ~~The department of human services~~ shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for children who are described by both of the following:

(1) The child needs behavioral health care services and qualifies for the care level provided by a psychiatric medical institution for children licensed under chapter 135H.

(2) The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others and whose parent, guardian, or custodian is unable to provide such treatment.

b. The waiver request shall provide for appropriately addressing the needs of children described in paragraph “a” by implementing any of the following options: using a wraparound services approach, renegotiating the medical assistance program contract provisions for behavioral health services, or applying another approach for appropriately meeting the children’s needs.

c. If federal approval of the waiver request is not received, the department shall submit options to the governor and general assembly to meet the needs of such children through a state-funded program.

Sec. 673. Section 234.8, Code 2023, is amended to read as follows:

234.8 Fees for child welfare services.

The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person’s ability to pay and consideration of the fee’s impact upon the liable person’s family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section 8A.504. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.

Sec. 674. Section 234.12, Code 2023, is amended to read as follows:

234.12 Department to provide food programs.

1. The department of human services is authorized to ~~may~~ enter into such agreements with agencies of the federal government as ~~are~~ necessary in order to make available to the people of this state any federal food programs which may, under federal laws and regulations, be implemented in this state. Each such program shall be implemented in every county in the state, or in each county where implementation is permitted by federal laws and regulations.

2. The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant for or recipient of ~~food stamp~~ supplemental nutrition assistance program benefits in this state. However, the department of human services may apply contingent eligibility requirements as provided under state law and allowed under federal law.

3. Upon request by the department of human services, the department of inspections and appeals shall conduct investigations into possible fraudulent practices, as described in section 234.13, relating to food programs administered by the department of human services.

Sec. 675. Section 234.12A, Code 2023, is amended to read as follows:

234.12A Electronic benefits transfer program.

1. The department of human services shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the ~~food supplemental nutrition~~ assistance program. The electronic benefits transfer program implemented under this section shall not require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

2. A point-of-sale terminal which is used only for purchases from a retailer by electronic benefits transfer utilizing electronic funds transfer systems is not a satellite terminal as defined in section 527.2.

3. For the purposes of this section, “retailer” means a business authorized by the United States department of agriculture to accept ~~food~~ supplemental nutrition assistance program benefits.

Sec. 676. Section 234.13, Code 2023, is amended to read as follows:

234.13 Fraudulent practices relating to food programs.

For the purposes of this section, unless the context otherwise requires, “*benefit transfer instrument*” means a ~~food-stamp~~ supplemental nutrition assistance program coupon, authorization-to-purchase card, or electronic benefits transfer card. A person commits a fraudulent practice if that person does any of the following:

1. With intent to gain financial assistance to which that person is not entitled, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department of ~~human services~~ any change in income, resources or other circumstances affecting that person’s entitlement to such financial assistance.

2. As a beneficiary of the food programs, transfers any ~~food-stamp~~ supplemental nutrition assistance program benefit transfer instrument to any other individual with intent that the benefit transfer instrument be used for the benefit of someone other than persons within the beneficiary’s ~~food-stamp~~ supplemental nutrition assistance program household as certified by the department of ~~human services~~.

3. Knowingly acquires, uses or attempts to use any ~~food-stamp~~ supplemental nutrition assistance program benefit transfer instrument which was not issued for the benefit of that person’s ~~food-stamp~~ supplemental nutrition assistance program household by the department of ~~human services~~, or by an agency administering food programs in another state.

4. Acquires, alters, transfers, or redeems a ~~food-stamp~~ supplemental nutrition assistance benefit transfer instrument or possesses a benefit transfer instrument, knowing that the benefit transfer instrument has been received, transferred, or used in violation of this section or the provisions of the federal ~~food-stamp~~ supplemental nutrition assistance program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

Sec. 677. Section 234.14, Code 2023, is amended to read as follows:

234.14 Federal grants.

The state treasurer is ~~hereby authorized to~~ may receive such federal funds as ~~may be~~ made available for carrying out any of the activities and functions of the ~~state division department under this chapter~~, and all such funds are ~~hereby~~ appropriated for expenditure upon authorization of the ~~administrator~~ director.

Sec. 678. Section 234.21, Code 2023, is amended to read as follows:

234.21 Services to be offered.

The ~~state division department~~ may offer, provide to, or purchase family planning and birth control services to ~~for every person who is an~~ eligible applicant or recipient of service services or any financial assistance from the department of ~~human services~~, or who is receiving federal supplementary security income as defined in section 249.1.

Sec. 679. Section 234.22, Code 2023, is amended to read as follows:

234.22 Extent of services.

~~Such~~ The family planning and birth control services may include ~~interview~~ interviews with trained personnel; distribution of literature; referral to a licensed physician or physician assistant for consultation, examination, tests, medical treatment, and ~~prescription~~ prescriptions; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

Sec. 680. Section 234.23, Code 2023, is amended to read as follows:

234.23 Charge for services.

In making provision for and offering such services, the ~~state division department~~ may charge ~~these~~ persons to whom family planning and birth control services are rendered a fee sufficient to reimburse the ~~state division department~~ all or any portion of the costs of the services rendered.

Sec. 681. Section 234.35, Code 2023, is amended to read as follows:

234.35 When state to pay foster care costs.

1. The department of human services is responsible for paying the cost of foster care for a child, according to rates established pursuant to section 234.38, under any of the following circumstances:

a. When a court has committed the child to the director of human services or the director's designee.

b. When a court has transferred legal custody of the child to the department of human services.

c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.

d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.46, section 232.52, subsection 2, paragraph "d", or section 232.102, subsection 1. However, payment shall not be made for a group foster care placement unless the group foster care meets requirements as established by the department by rule.

f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.

g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.

h. When the child is placed in shelter care pursuant to section 232.20, subsection 1, or section 232.21.

2. Except as provided under section 234.38 for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. Family foster care or supervised apartment living arrangements.

b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 682. Section 234.37, Code 2023, is amended to read as follows:

234.37 Department may establish accounts for certain children.

The department of human services is authorized to may establish an account in the name of any child committed to the director of human services or the director's designee, or whose legal custody has been transferred to the department, or who is voluntarily placed in foster care pursuant to section 234.35. Any money which the child receives from the United States government or any private source shall be placed in the child's account, unless a guardian of the child's property has been appointed and demands the money, in which case it shall be paid to the guardian. The account shall be maintained by the department as trustee for the child in an interest-bearing account at a reputable bank or savings association, except that if the child is residing at an institution administered by the department a limited amount of the child's funds may be maintained in a separate account, which need not be interest bearing, in the child's name at the institution. Any money held in an account in the child's name or in trust for the child under this section may be used, at the discretion of the department and subject to restrictions lawfully imposed by the United States government or other source from which the child receives the funds, for the purchase of personal incidentals, desires and comforts of the child. All of the money held for a child by the department under this section and not used in the child's behalf as authorized by law shall be promptly paid to the child or the child's parent or legal guardian upon termination of the commitment of the child to the director or the director's designee, or upon transfer or cessation of legal custody of the child by the department.

Sec. 683. Section 234.38, Code 2023, is amended to read as follows:

234.38 Foster care reimbursement rates.

The department of ~~human services~~ shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 1, paragraph “e”, subparagraph (2), or section 234.35. In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.

Sec. 684. Section 234.39, Code 2023, is amended to read as follows:

234.39 Responsibility for cost of services.

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

a. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent’s or guardian’s support obligation for the cost of foster care provided by the department. The amount of the parent’s or guardian’s support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under section 598.21B. However, the court, or the department of ~~human services~~ in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department’s foster care ~~recovery unit services~~. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, ~~the child support recovery unit services~~ may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or ~~the child support recovery unit services~~ may enforce the judgment as allowed by law. An order entered under this paragraph may be modified only in accordance with the guidelines prescribed under section 598.21C, or under chapter 252H.

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

2. A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services

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

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

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

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

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

Sec. 685. Section 234.40, Code 2023, is amended to read as follows:

234.40 Corporal punishment.

The department of ~~human services~~ shall adopt rules prohibiting corporal punishment of foster children by foster parents licensed by the department. The rules shall allow foster parents to use reasonable physical force to restrain a foster child in order to prevent injury to the foster child, injury to others, the destruction of property, or extremely disruptive behavior. For the purposes of this section, “*corporal punishment*” means the intentional physical punishment of a foster child. A foster parent’s physical contact with the body of a foster child shall not be considered corporal punishment if the contact is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the foster parent uses reasonable force, as defined under section 704.1.

Sec. 686. Section 234.41, Code 2023, is amended to read as follows:

234.41 Tort actions.

A foster parent licensed by the department of ~~human services~~ stands in the same relationship to the foster parent’s minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a biological parent to the biological parent’s minor child who resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department of ~~human services~~.

Sec. 687. Section 234.45, Code 2023, is amended to read as follows:

234.45 Iowa marriage initiative grant fund.

1. An Iowa marriage initiative grant fund is established in the state treasury under the authority of the department of ~~human services~~. The grant fund shall consist of moneys appropriated to the fund and notwithstanding section 8.33 such moneys shall not revert to the fund from which appropriated at the close of the fiscal year but shall remain in the Iowa marriage initiative grant fund. Moneys credited to the fund shall be used as directed in appropriations made by the general assembly for funding of services to support marriage and to encourage the formation and maintenance of two-parent families that are secure and nurturing.

2. It is the intent of the general assembly to credit to the Iowa marriage initiative grant fund, federal moneys provided to the state for the express purpose of supporting marriage or two-parent families.

Sec. 688. Section 234.46, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age eighteen or older in making the transition to self-sufficiency. The department shall adopt rules necessary for administration of the program, including but not limited to eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for participation of each person who meets the definition of young adult on the same basis, regardless of whether federal financial participation is provided. The services and other support available under the program may include but are not limited to any of the following:

Sec. 689. Section 234.47, Code 2023, is amended to read as follows:

234.47 State child care assistance and adoption subsidy programs — expenditure projections.

The department of ~~human services~~, the department of management, and the legislative services agency shall utilize a joint process to arrive at consensus projections for expenditures for the state child care assistance program under section 237A.13 and adoption subsidy and other assistance provided under section 600.17.

Sec. 690. Section 235.1, Code 2023, is amended to read as follows:

235.1 Definitions.

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

- ~~1. "Administrator" means the same as defined in section 234.1.~~
- ~~2. 1. "Child" means the same as defined in section 234.1.~~
- ~~3. 2. "Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or an intellectual disability or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.~~
- ~~4. "State division" means the same as defined in section 234.1.~~
- ~~3. "Department" means the department of health and human services.~~
- ~~4. "Director" means the director of health and human services.~~

Sec. 691. Section 235.2, Code 2023, is amended to read as follows:

235.2 Powers and duties of ~~state division~~ department.

The ~~state division~~ department, in addition to all other powers and duties given it ~~the~~ department by law, shall:

1. Administer and enforce the provisions of this chapter.
2. Join and cooperate with the government of the United States through its appropriate agency or instrumentality or with any other officer or agency of the federal government in planning, establishing, extending and strengthening public and private child welfare services within the state.

3. ~~Make such investigations~~ Investigate and to obtain such information as will to permit the ~~administrator~~ director to determine the need for public child welfare services within the state and within the ~~several~~ county departments ~~thereof~~.

4. Apply for and receive any funds which are or may be allotted to the state by the United States or any agency ~~thereof~~ of the United States for the purpose of developing child welfare services.

5. Make ~~such~~ reports and budget estimates to the governor and to the general assembly as ~~are~~ required by law or ~~such~~ as are necessary and proper to obtain the appropriation of state funds for child welfare services within the state and for all the purposes of this chapter.

6. Cooperate with the ~~several~~ county departments within the state, and all county boards of supervisors and other public or private agencies charged with the protection and care of children, in the development of child welfare services.

7. Aid in the enforcement of all laws of the state for the protection and care of children.

8. Cooperate with the juvenile courts of the state and ~~with the other administrators and divisions of the subunits within the department of human services~~ regarding the management and control of state institutions and the inmates ~~thereof~~ of the institutions.

Sec. 692. Section 235.3, Code 2023, is amended to read as follows:

235.3 Powers and duties of administrator director.

The administrator director shall:

1. Plan and supervise all public child welfare services and activities within the state as provided by this chapter.

2. Make ~~such~~ reports and obtain and furnish ~~such~~ information ~~from time to time~~ as may be necessary to permit cooperation by the ~~state division~~ director with the United States children's bureau, the social security administration, or any other federal agency which is ~~now or may hereafter~~ be charged with any duty regarding child care or child welfare services.

3. Adopt rules as necessary or advisable for the supervision of the private child-caring agencies or their officers which the ~~administrator~~ department is empowered to license and supervise.

4. Supervise private institutions for the care of dependent, neglected, and delinquent children, and make reports regarding the institutions.

5. Designate and approve the private and county institutions within the state to which neglected, dependent, and delinquent children may be legally committed ~~and to have supervision of,~~ supervise the care of children committed ~~thereto~~ to these institutions, and have the right of visitation to visit and inspection of said ~~inspect~~ these institutions at all times.

6. Receive and keep on file annual reports from all institutions to which children subject to the jurisdiction of the juvenile court are committed, compile statistics regarding juvenile delinquency, make reports regarding juvenile delinquency, and study prevention and cure of juvenile delinquency.

7. Require and receive from the clerks of the courts of record within the state duplicates of the findings of the courts upon petitions for adoption, and keep records and compile statistics regarding adoptions.

8. License private child-placing agencies, make reports regarding ~~them~~ the agencies, and revoke ~~such~~ licenses.

9. Make ~~such~~ rules and regulations as ~~may be~~ necessary for the distribution and use of funds appropriated for child welfare services.

Sec. 693. Section 235.4, Code 2023, is amended to read as follows:

235.4 Licenses.

Licenses issued to private boarding homes for children and private child-placing agencies by the ~~administrator~~ department shall remain in effect for the period for which issued, unless sooner revoked according to law. Thereafter ~~each of such~~ the agencies shall apply to the ~~administrator~~ department for a new license, and shall submit to ~~such~~ rules regarding licensing as ~~the administrator prescribes~~ prescribed by the department.

Sec. 694. Section 235.7, Code 2023, is amended to read as follows:

235.7 Transition committees.

1. *Committees established.* The department of ~~human services~~ shall establish and maintain local transition committees to address the transition needs of those children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in section 232.2. The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt protocols and other procedures appropriate for the geographic area addressed by the committee.

2. *Membership.* The department may authorize the governance boards of decategorization of child welfare and juvenile justice funding projects established under section 232.188 to appoint the transition committee membership and may utilize the boundaries of decategorization projects to establish the service areas for transition committees. The committee membership may include but is not limited to department of ~~human services~~ staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general assistance or emergency relief under chapter 251 or 252, or a regional administrator of the county mental health and disability services region, as defined in section 331.388, in the area, school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

3. *Duties.* A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with section 232.2, subsection 4, paragraph "g", which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals for whom service plans are approved.

Sec. 695. Section 235A.1, Code 2023, is amended to read as follows:

235A.1 Child abuse prevention program.

1. *a.* A program for the prevention of child abuse is established within the state department of health and human services. Any moneys appropriated by the general assembly for child abuse prevention shall be used by the department of ~~human services~~ solely for the purposes of child abuse prevention and shall not be expended for treatment or other service delivery programs regularly maintained by the department. Moneys appropriated for child abuse prevention shall be used by the department through contract with an agency or organization which shall administer the funds with maximum use of voluntary administrative services for the following:

(1) Matching federal funds to purchase services relating to community-based programs for the prevention of child abuse and neglect.

(2) Funding the establishment or expansion of community-based prevention projects or educational programs for the prevention of child abuse and neglect.

(3) ~~To study and evaluate~~ Studying and evaluating community-based prevention projects and educational programs for the problems of families and children.

b. Funds for the programs or projects shall be applied for and received by a community-based volunteer coalition or council.

2. The director of health and human services may accept grants, gifts, and bequests from any source for the purposes designated in subsection 1. The director shall remit funds so received to the treasurer of state who shall deposit ~~them~~ the funds in the general fund of the state for the use of the child abuse prevention program.

Sec. 696. Section 235A.2, Code 2023, is amended to read as follows:

235A.2 Child abuse prevention program fund.

1. A child abuse prevention program fund is created in the state treasury under the control of the department of health and human services. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. The fund shall include moneys transferred to the fund pursuant to an income tax checkoff provided in chapter 422, subchapter II, if applicable. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, for the purposes described in section 235A.1 of preventing child abuse and neglect.

Sec. 697. NEW SECTION. 235A.3 Child abuse prevention program advisory committee.

The council on health and human services shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

1. Advise the director of health and human services regarding expenditures of funds received for the child abuse prevention program.
2. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.
3. Recommend changes in legislation and administrative rules to the general assembly and the appropriate department officials.
4. Require reports from state agencies and other entities as necessary to perform its duties.
5. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.
6. Approve grant proposals.

Sec. 698. Section 235A.13, Code 2023, is amended to read as follows:

235A.13 Definitions.

The definitions in section 232.68 are applicable to this subchapter unless the context otherwise requires. As used in chapter 232, subchapter III, part 2, and this subchapter, unless the context otherwise requires:

1. "Assessment data" means any of the following information pertaining to the department's evaluation of a family:
 - a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.
 - b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.
2. "Child abuse information" means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:
 - a. Report data.
 - b. Assessment data.
 - c. Disposition data.
3. "Confidentiality" means the withholding of information from any manner of communication, public or private.
4. "Department" means the department of health and human services.
5. "Director" means the director of health and human services.
6. "Disposition data" means information pertaining to an opinion or decision as to the occurrence of child abuse, including:
 - a. Any intermediate or ultimate opinion or decision reached by assessment personnel.
 - b. Any opinion or decision reached in the course of judicial proceedings.
 - c. The present status of any case.
- ~~6.~~ 7. "Expungement" means the process of destroying child abuse information.
- ~~7.~~ 8. "Individually identified" means any report, assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.
- ~~8.~~ 9. "Multidisciplinary team" means a group of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of child abuse cases and who are professionals practicing in the disciplines of medicine, nursing, public health, substance ~~abuse~~ use disorder, domestic violence, mental health, social work, child development, education, law, juvenile probation, or law enforcement, or a group established pursuant to section 235B.1, subsection 1.
- ~~9.~~ 10. "Near fatality" means an injury to a child that, as certified by a physician or physician assistant, placed the child in serious or critical condition.

10. 11. “*Report data*” means any of the following information pertaining to an assessment of an allegation of child abuse in which the department has determined the alleged child abuse meets the definition of child abuse:

- a. The name and address of the child and the child’s parents or other persons responsible for the child’s care.
- b. The age of the child.
- c. The nature and extent of the injury, including evidence of any previous injury.
- d. Additional information as to the nature, extent, and cause of the injury, and the identity of the person or persons alleged to be responsible for the injury.
- e. The names and conditions of other children in the child’s home.
- f. A recording made of an interview conducted under chapter 232 in association with a child abuse assessment.
- g. Any other information believed to be helpful in establishing the information in paragraph “d”.

11. 12. “*Sealing*” means the process of removing child abuse information from authorized access as provided by this chapter.

Sec. 699. Section 235A.14, Code 2023, is amended to read as follows:

235A.14 Creation and maintenance of a central registry.

1. There is created within the state department of ~~human services~~ a central registry for certain child abuse information. The department shall organize and staff the registry and adopt rules for its operation.

2. The registry shall collect, maintain and disseminate child abuse information as provided for by this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a ~~twenty-four hour a day~~ twenty-four-hour-a-day, ~~seven-day-a-week~~ seven-day-a-week basis and which the department of ~~human services~~ and all other persons may use to report cases of suspected child abuse and that all persons authorized by this chapter may use for obtaining child abuse information.

4. An oral report of suspected child abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of ~~social~~ human services or law enforcement agency, or both.

5. The registry, upon receipt of a report of suspected child abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of child abuse involving the same child or any other child in the same family, or if the records reveal any other pertinent information with respect to the same child or any other child in the same family, the appropriate office of the department of ~~human services~~ or law enforcement agency shall be immediately notified of that fact.

6. The central registry shall include report data and disposition data which is subject to placement in the central registry under section 232.71D. The central registry shall not include assessment data.

Sec. 700. Section 235A.15, subsection 2, paragraph b, subparagraphs (2) and (4), Code 2023, are amended to read as follows:

(2) To an employee or agent of the department of ~~human services~~ responsible for the assessment of a child abuse report.

(4) To a multidisciplinary team, or to parties to an interagency agreement entered into pursuant to section 280.25, if the department of ~~human services~~ approves the composition of the multidisciplinary team or the relevant provisions of the interagency agreement and determines that access to the team or to the parties to the interagency agreement is necessary to assist the department in the diagnosis, assessment, and disposition of a child abuse case.

Sec. 701. Section 235A.15, subsection 2, paragraph c, subparagraph (8), Code 2023, is amended to read as follows:

(8) To an administrator of an agency certified by the department of ~~human services~~ to provide services under a medical assistance home and community-based services waiver, if the data concerns a person employed by or being considered by the agency for employment.

Sec. 702. Section 235A.15, subsection 2, paragraph e, subparagraphs (6), (8), and (12), Code 2023, are amended to read as follows:

(6) To the attorney for the department of ~~human services~~ who is responsible for representing the department.

(8) To an employee or agent of the department of ~~human services~~ regarding a person who is providing child care if the person is not registered or licensed to operate a child care facility.

(12) To the department of ~~human services~~ for a record check relating to employment or residence pursuant to section 218.13.

Sec. 703. Section 235A.15, subsection 7, Code 2023, is amended to read as follows:

7. If the director of ~~human services~~ receives a written request for information regarding a specific case of child abuse involving a fatality or near fatality to a child from the majority or minority leader of the senate or the speaker or the minority leader of the house of representatives, the director or the director's designee shall arrange for a confidential meeting with the requestor or the requestor's designee. In the confidential meeting the director or the director's designee shall share all pertinent information concerning the case, including but not limited to child abuse information. Any written document distributed by the director or the director's designee at the confidential meeting shall not be removed from the meeting and a participant in the meeting shall be subject to the restriction on redissemination of confidential information applicable to a person under section 235A.17, subsection 3, for confidential information disclosed to the participant at the meeting. A participant in the meeting may issue a report to the governor or make general public statements concerning the department's handling of the case of child abuse.

Sec. 704. Section 235A.15, subsection 9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If, apart from a request made pursuant to subsection 7 or 8, the department receives from a member of the public a request for information relating to a case of founded child abuse involving a fatality or near fatality to a child, the response to the request shall be made in accordance with this subsection and subsections 10 and 11. If the request is received before or during performance of an assessment of the case in accordance with section 232.71B, the director of ~~human services~~ or the director's designee shall initially disclose whether or not the assessment will be or is being performed. Otherwise, within five business days of receiving the request or completing the assessment, whichever is later, the director of ~~human services~~ or the director's designee shall consult with the county attorney responsible for prosecution of any alleged perpetrator of the fatality or near fatality and shall disclose information, including but not limited to child abuse information, relating to the case, except for the following:

Sec. 705. Section 235A.15, subsection 10, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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:

Sec. 706. Section 235A.15, subsection 11, paragraph b, Code 2023, is amended to read as follows:

b. If release of social services information in addition to that released under subsection 10, paragraph "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.

Sec. 707. Section 235A.15, subsection 12, Code 2023, is amended to read as follows:

12. If an individual who is the subject of a child abuse report listed in subsection 2, paragraph "a", or another party involved in an assessment under section 232.71B releases in a public forum or to the media information concerning a case of child abuse including but not limited to child abuse information which would otherwise be confidential, the director ~~of human services~~, or the director's designee, may respond with relevant information concerning the case of child abuse that was the subject of the release. Prior to releasing the response, the director or the director's designee shall consult with the child's parent or guardian, or the child's guardian ad litem, and 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.

Sec. 708. Section 235A.16, subsection 3, Code 2023, is amended to read as follows:

3. Subsections 1 and 2 do not apply to child abuse information that is disseminated to an employee of the department ~~of human services~~, to a juvenile court, or to the attorney representing the department as authorized by section 235A.15.

Sec. 709. Section 235A.17, subsection 2, Code 2023, is amended to read as follows:

2. The department ~~of human services~~ may notify orally the mandatory reporter in an individual child abuse case of the results of the case assessment and of the confidentiality provisions of sections 235A.15 and 235A.21. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. If the report data and disposition data have been placed in the registry as founded child abuse pursuant to section 232.71D, a copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18. Otherwise, a copy of the written notice shall be retained by the department with the case file.

Sec. 710. Section 235A.17, subsection 3, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Department ~~of human services~~ information described in section 217.30, subsection 2.

Sec. 711. Section 235A.18, subsection 3, Code 2023, is amended to read as follows:

3. The department ~~of human services~~ shall adopt rules establishing the period of time child abuse information which is not maintained in the central registry is retained by the department.

Sec. 712. Section 235A.22, Code 2023, is amended to read as follows:

235A.22 Education program.

The department ~~of human services~~ shall require an educational program for employees of the department with access to child abuse information on the proper use and control of child abuse information.

Sec. 713. Section 235A.23, subsection 1, Code 2023, is amended to read as follows:

1. The department ~~of human services~~ may compile statistics, conduct research, and issue reports on child abuse, provided identifying details of the subject of child abuse reports are deleted from any report issued.

Sec. 714. Section 235A.24, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The director ~~of human services~~ or the director's designee may apply, if the conditions under section 235A.15, subsection 11 or 12, are met, to the court requesting a review of confidential information proposed for release and an order authorizing the release of 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.

Sec. 715. Section 235B.1, subsection 4, Code 2023, is amended to read as follows:

4. *a.* The establishment of a dependent adult protective advisory council. The advisory council shall do all of the following:

(1) Advise the director of ~~human services, the director of the department on aging, the director of inspections and appeals, and the director of public health, the director of the department of corrections, and the director of human rights~~ regarding dependent adult abuse.

(2) Evaluate state law and rules and make recommendations to the general assembly and to executive branch departments regarding laws and rules concerning dependent adults.

(3) Receive and review recommendations and complaints from the public, health care facilities, and health care programs concerning the dependent adult abuse services program.

b. (1) The advisory council shall consist of twelve members. Eight members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of ~~human services, the department on aging, the Iowa department of public health,~~ and the department of inspections and appeals.

(2) The members of the advisory council shall be appointed to terms of four years beginning May 1. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled in the same manner as the original appointment.

(3) Members shall receive actual expenses incurred while serving in their official capacity.

(4) The advisory council shall select a chairperson, annually, from its membership.

Sec. 716. Section 235B.2, Code 2023, is amended to read as follows:

235B.2 Definitions.

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

1. "*Caretaker*" means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.

2. "*Court*" means the district court.

3. "*Department*" means the department of health and human services.

4. "*Dependent adult*" means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.

5. *a.* "*Dependent adult abuse*" means:

(1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.

(b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(c) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

(d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or health.

(2) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

(3) (a) Sexual exploitation of a dependent adult by a caretaker.

(b) "*Sexual exploitation*" means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed

or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. “*Sexual exploitation*” includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.

(4) (a) Personal degradation of a dependent adult by a caretaker.

(b) (i) “*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.

(ii) “*Personal degradation*” does not include any of the following:

(A) 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 any 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.

(B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph “a”, subparagraph (3).

(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.

b. “*Dependent adult abuse*” does not include any of the following:

(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the dependent adult’s caretaker, acting in accordance with the dependent adult’s stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult’s next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

6. “*Director*” means the director of health and human services.

7. “*Emergency shelter services*” means and includes, but is not limited to, secure crisis shelters or housing for victims of dependent adult abuse.

7. 8. “*Family or household member*” means a spouse, a person cohabiting with the dependent adult, a parent, or a person related to the dependent adult by consanguinity or affinity, but does not include children of the dependent adult who are less than eighteen years of age.

8. 9. “*Immediate danger to health or safety*” means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.

9. 10. “*Individual employed as an outreach person*” means a natural person who, in the course of employment, makes regular contacts with dependent adults regarding available community resources.

10. 11. "Legal holiday" means a legal public holiday as defined in section 1C.1.

11. 12. "Person" means person as defined in section 4.1.

12. 13. "Recklessly" means that a person acts or fails to act with respect to a material element of a public offense, when the person is aware of and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the act or omission. The risk must be of such a nature and degree that disregard of the risk constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation.

13. 14. "Serious injury" means the same as defined in section 702.18.

14. 15. "Support services" includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day services, respite services, legal services, and advocacy services.

Sec. 717. Section 235B.3, Code 2023, is amended to read as follows:

235B.3 Dependent adult abuse reports.

1. a. (1) The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports by establishing a central registry for dependent adult abuse information. The department shall evaluate the reports expeditiously.

(2) However, the department of inspections and appeals is solely responsible for the evaluation and disposition of dependent adult abuse cases within facilities and programs pursuant to chapter 235E and shall inform the department of ~~human services~~ of such evaluations and dispositions pursuant to section 235E.2.

(3) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of ~~human services~~ or the department of inspections and appeals determines the case involves wages, workplace safety, or other labor and employment matters under the jurisdiction of the division of labor services of the department of workforce development, the relevant portions of the case shall be referred to the division.

(4) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of ~~human services~~ or the department of inspections and appeals determines that the case involves discrimination under the jurisdiction of the civil rights commission, the relevant portions of the case shall be referred to the commission.

b. Reports of dependent adult abuse which is the result of the acts or omissions of the dependent adult shall be collected and maintained in the files of the dependent adult as assessments only and shall not be included in the central registry.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph "a", subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph "a", subparagraph (4), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. However, a subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph "a", subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph "a", subparagraph (4), that occurs within the five-year period and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur shall not be considered minor, isolated, and unlikely to reoccur.

2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department. Persons required to report include all of the following:

- a. A member of the staff of a community mental health center.
- b. A peace officer.
- c. An in-home homemaker-home health aide.
- d. An individual employed as an outreach person.
- e. A health practitioner, as defined in section 232.68.

f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.

g. A social worker.

h. A certified psychologist.

i. A massage therapist licensed pursuant to chapter 152C.

3. a. If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the department and shall also immediately notify the person in charge or the person's designated agent.

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

4. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

5. Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of human services.

6. Following the reporting of suspected dependent adult abuse, the department of human services or an agency approved by the department shall complete an assessment of necessary services and shall make appropriate referrals for receipt of these services. The assessment shall include interviews with the dependent adult, and, if appropriate, with the alleged perpetrator of the dependent adult abuse and with any person believed to have knowledge of the circumstances of the case. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.

7. Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult. Upon a showing of probable cause that a dependent adult has been financially exploited, a court may authorize a person, also authorized by the department, to make an evaluation, and to gain access to the financial records of the dependent adult.

8. If the department determines that disclosure is necessary for the protection of a dependent adult, the department may disclose to a subject of a dependent adult abuse report referred to in section 235B.6, subsection 2, paragraph "a", that an individual is listed in the child or dependent adult abuse registry or is required to register with the sex offender registry in accordance with chapter 692A.

9. If, in the course of assessment, evaluation, or investigation of a report of dependent adult abuse, the department determines that disclosure is necessary for the protection of a dependent adult's resources, the department may disclose the initiation and status of the dependent adult abuse evaluation to the dependent adult's bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4, investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution, or the administrator as defined in section 502.102, subsection 1.

10. The department shall inform the appropriate county attorneys of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

a. If, upon completion of the evaluation or upon referral from the department of inspections and appeals, the department determines that the best interests of the dependent adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or

facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

b. The department shall assist the court during all stages of court proceedings involving a suspected case of dependent adult abuse.

c. In every case involving abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

11. A person participating in good faith in reporting or cooperating with or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participating in good faith in a judicial proceeding resulting from the report or cooperation or assistance or relating to the subject matter of the report, cooperation, or assistance.

12. It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 2 or 5, or cooperating with, or assisting the department of human services in evaluating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or cooperation or assistance based solely upon the person's reporting or assistance relative to the instance of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.

13. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.

14. The department of inspections and appeals shall adopt rules which require facilities or programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of abuse and prior to the completion of an investigation of the allegation.

Sec. 718. Section 235B.5, Code 2023, is amended to read as follows:

235B.5 Creation and maintenance of a central registry.

1. There is created within the department a central registry for dependent adult abuse information. The department shall organize and staff the registry and adopt rules for its operation.

2. The registry shall collect, maintain, and disseminate dependent adult abuse information as provided in this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four-hour-a-day, seven-day-a-week basis and which the department and all other persons may use to report cases of suspected dependent adult abuse and that all persons authorized by this chapter may use for obtaining dependent adult abuse information.

4. An oral report of suspected dependent adult abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of human services or law enforcement agency, or both.

5. An oral report of suspected dependent adult abuse initially made to the central registry regarding a facility or program as defined in section 235E.1 shall be transmitted by the department to the department of inspections and appeals on the first working day following the submitting of the report.

6. The registry, upon receipt of a report of suspected dependent adult abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of dependent adult abuse involving the same adult or if the records reveal any other pertinent information with respect to the same adult, the ~~appropriate office of the department of human services~~ or the appropriate law enforcement agency shall be immediately notified of that fact.

7. The central registry shall include but not be limited to report data, investigation data, and disposition data.

Sec. 719. Section 235B.6, Code 2023, is amended to read as follows:

235B.6 Authorized access.

1. Notwithstanding chapter 22, the confidentiality of all dependent adult abuse information shall be maintained, except as specifically provided by subsections 2 and 3.

2. Access to dependent adult abuse information other than unfounded dependent adult abuse information is authorized only to the following persons:

a. A subject of a report including all of the following:

(1) To an adult named in a report as a victim of abuse or to the adult's attorney or guardian ad litem.

(2) To a guardian or legal custodian, or that person's attorney, of an adult named in a report as a victim of abuse.

(3) To the person or the attorney for the person named in a report as having abused an adult.

b. A person involved in an investigation of dependent adult abuse including all of the following:

(1) A health practitioner or mental health professional who is examining, attending, or treating an adult whom such practitioner or professional believes or has reason to believe has been the victim of abuse or to a health practitioner or mental health professional whose consultation with respect to an adult believed to have been the victim of abuse is requested by the department.

(2) An employee or agent of the department responsible for the investigation of a dependent adult abuse report or for the purpose of performing record checks as required under section 135C.33.

(3) A representative of the department involved in the certification or accreditation of an agency or program providing care or services to a dependent adult believed to have been a victim of abuse.

(4) A law enforcement officer responsible for assisting in an investigation of a dependent adult abuse allegation.

(5) A multidisciplinary team, if the department of ~~human services~~ approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the investigation, diagnosis, assessment, and disposition of a case of dependent adult abuse.

(6) The mandatory reporter who reported the dependent adult abuse in an individual case.

(7) Each board specified under chapter 147 and the Iowa department of ~~public health~~ for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

c. A person providing care to an adult including all of the following:

(1) A licensing authority for a facility, including a facility or program defined in section 235E.1, providing care to an adult named in a report.

(2) A person authorized as responsible for the care or supervision of an adult named in a report as a victim of abuse or a person named in a report as having abused an adult if the court or registry deems access to dependent adult abuse information by such person to be necessary.

(3) An employee or agent of the department responsible for registering or licensing or approving the registration or licensing of a person, or to an individual providing care to an adult and regulated by the department.

(4) The legally authorized protection and advocacy agency recognized pursuant to section 135C.2 if a person identified in the information as a victim or a perpetrator of abuse resided in or receives services from a facility, including a facility or program defined in section 235E.1, or agency because the person is diagnosed as having a developmental disability or a mental illness.

(5) To an administrator of an agency certified by the department of ~~human services~~ to provide services under a medical assistance home and community-based services waiver, if the information concerns a person employed by or being considered by the agency for employment.

(6) To the administrator of an agency providing mental health, intellectual disability, or developmental disability services under a regional service system management plan implemented in accordance with section 331.393, if the information concerns a person employed by or being considered by the agency for employment.

(7) To an administrator of a hospital licensed under chapter 135B if the data concerns a person employed or being considered for employment by the hospital.

(8) An employee of an agency requested by the department to provide case management or other services to the dependent adult.

d. Relating to judicial and administrative proceedings, persons including all of the following:

(1) A court upon a finding that information is necessary for the resolution of an issue arising in any phase of a case involving dependent adult abuse.

(2) A court or agency hearing an appeal for correction of dependent adult abuse information as provided in section 235B.10.

(3) An expert witness or a witness who testifies at any stage of an appeal necessary for correction of dependent adult abuse information as provided in section 235B.10.

(4) A court or administrative agency making a determination regarding an unemployment compensation claim pursuant to section 96.6.

(5) To a juvenile court involved in an adjudication or disposition of a child that is the subject of a guardianship proceeding under chapter 232D.

(6) To a district court upon a finding that data is necessary for the resolution of an issue arising in any phase of a case involving proceedings for a child guardianship under chapter 232D.

e. Other persons including all of the following:

(1) A person conducting bona fide research on dependent adult abuse, but without information identifying individuals named in a dependent adult abuse report, unless having that information open to review is essential to the research or evaluation and the authorized registry officials give prior written approval and the adult, the adult's guardian or guardian ad litem, and the person named in a report as having abused an adult give permission to release the information.

(2) Registry or department personnel when necessary to the performance of their official duties or a person or agency under contract with the department to carry out official duties and functions of the registry.

(3) The department of justice for the sole purpose of the filing of a claim for reparation pursuant to sections 915.21 and 915.84.

(4) A legally constituted adult protection agency of another state which is investigating or treating an adult named in a report as having been abused.

(5) The office of the attorney general.

(6) A health care facility administrator or the administrator's designee, following the appeals process, for the purpose of hiring staff or continued employment of staff.

(7) To the administrator of an agency providing care to a dependent adult in another state, for the purpose of performing an employment background check.

(8) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

(9) The department of inspections and appeals for purposes of record checks of applicants for employment with the department of inspections and appeals.

(10) The state or a local long-term care ombudsman if the victim resides in or the alleged perpetrator is an employee of a long-term care facility as defined in section 231.4.

(11) The state office or local office of public guardian as defined in section 231E.3, if the information relates to the provision of legal services for a client served by the state or local office of public guardian.

(12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section 152.5A.

(13) To the board of educational examiners created under chapter 272 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

(14) The department on aging for the purposes of conducting background checks of applicants for employment with the department on aging.

(15) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

(16) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

(17) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

(18) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

(19) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

(20) To a bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4, investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution as deemed necessary by the department to protect the dependent adult's resources.

(21) To the social security administration.

(22) To the administrator as defined in section 502.102, subsection 1.

f. To a person who submits written authorization from an individual allowing the person access to information on the determination only on whether or not the individual who authorized the access is named in a founded dependent adult abuse report as having abused a dependent adult.

3. Access to unfounded dependent adult abuse information is authorized only to those persons identified in subsection 2, paragraph "a", paragraph "b", subparagraphs (2), (5), and (6), and paragraph "e", subparagraphs (2), (5), (10), (20), (21), and (22).

Sec. 720. Section 235B.16, Code 2023, is amended to read as follows:

235B.16 Information, education, and training requirements.

1. The department on aging, in cooperation with the department, shall conduct a public information and education program. The elements and goals of the program include but are not limited to:

a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.

b. Providing caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the caretaker and dependent adult relationship.

c. Affecting public attitudes regarding the role of a dependent adult in society.

2. The department, in cooperation with the department on aging and the department of inspections and appeals, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.

3. The content of the continuing education required pursuant to chapter 272C for a licensed professional providing care or service to a dependent adult shall include, but is not limited

to, the responsibilities, obligations, powers, and duties of a person regarding the reporting of suspected dependent adult abuse, and training to aid the professional in identifying instances of dependent adult abuse.

4. The department of inspections and appeals shall provide training to investigators regarding the collection and preservation of evidence in the case of suspected dependent adult abuse.

5. *a.* For the purposes of this subsection, “*licensing board*” means a board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

b. A person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person’s employer or, if self-employed, from the department. The person shall complete at least two hours of additional dependent adult abuse identification and reporting training every three years. If the person completes at least one hour of additional dependent adult abuse identification and reporting training prior to the three-year expiration period, the person shall be deemed in compliance with the training requirements of this section for an additional three years.

c. The core training curriculum relating to the identification and reporting of dependent adult abuse, as provided in paragraph “*b*”, shall be developed by the department pursuant to subsection 2 and provided by the department.

d. An employer of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 may provide supplemental training, specific to the identification and reporting of dependent adult abuse as it relates to the person’s professional practice, in addition to the core training provided by the department.

e. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 shall require as a condition of licensure that the person is in compliance with the requirements for abuse training under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person’s completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.

f. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility’s or program’s licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons’ compliance with the training requirements of this subsection.

6. The department shall require an educational program for employees of the registry on the proper use and control of dependent adult abuse information.

Sec. 721. Section 235B.16A, Code 2023, is amended to read as follows:

235B.16A Dependent adults — dependency assessments — interagency training.

1. The dependent adult protective advisory council established pursuant to section 235B.1 shall recommend a uniform assessment instrument and process for adoption and use by the department of ~~human services~~ and other agencies involved with assessing a dependent adult's degree of dependency and determining whether dependent adult abuse has occurred. However, this section shall not apply to dependent adult abuse assessments and determinations made under chapter 235E.

2. The instrument and process design under subsection 1 shall address but is not limited to all of the following:

a. Evaluation of conformity with applicable federal law and regulations on the part of the persons employing, housing, or providing services to the dependent adult.

b. Provision for the final step in the dependency assessment of a dependent adult to be a formal assessment of the existence of risk to the health or safety of the individual or of the degree of the individual's impairment in ability under the definition of dependent adult in section 235B.2.

c. If the assessment under paragraph "b" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, and the individual being assessed agrees, provision for a case manager to be assigned to assist in preparing and implementing a safety plan which includes protective services for the individual.

d. If the assessment under paragraph "b" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, the individual being assessed does not agree to the safety plan provisions under paragraph "c" or accept other services, and the options available under sections 235B.17, 235B.18, and 235B.19 are not utilized, provision for the department of ~~human services~~ to maintain periodic contact with the individual in accordance with rules adopted for this purpose. The purpose of the contact is to assess any increased risk or impairment and to monitor the individual's goals, feelings, and concerns so that the department can intervene when necessary or offer services and other support to maintain or sustain the individual's safety and independence when the individual is ready to agree to a safety plan or accept services.

3. The department of ~~human services~~ and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred shall adopt rules and take other steps necessary to implement the uniform assessment instrument and process addressed by this section on or before July 1, 2010.

4. The department of ~~human services~~ shall cooperate with the department on aging, the departments of inspections and appeals, ~~public health~~, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 722. Section 235E.2, subsection 1, paragraphs a and c, Code 2023, are amended to read as follows:

a. The department shall receive and evaluate reports of dependent adult abuse in facilities and programs. The department shall inform the department of health and human services of such evaluations and dispositions and those individuals who should be placed on the central registry for dependent adult abuse pursuant to section 235E.7. If the department believes the situation involves an immediate danger to the public health, safety, or welfare requiring immediate agency action to seek emergency placement on the central registry, the department may utilize emergency adjudicative proceedings pursuant to section 17A.18A.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph "a", subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph "a", subparagraph (3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of health and human services as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered

to be founded dependent adult abuse. A subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph “a”, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph “a”, subparagraph (3), that occurs within the five-year period, and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur, may be considered minor, isolated, and unlikely to reoccur depending on the circumstances of the report.

Sec. 723. Section 235E.2, subsection 5, Code 2023, is amended to read as follows:

5. Any other person who believes that a dependent adult has suffered dependent adult abuse may report the suspected dependent adult abuse to the department of inspections and appeals. The department of inspections and appeals shall transfer any reports received of dependent adult abuse in the community to the department of health and human services. The department of health and human services shall transfer any reports received of dependent adult abuse in facilities or programs to the department of inspections and appeals.

Sec. 724. Section 235E.2, subsection 6, paragraph a, Code 2023, is amended to read as follows:

a. If, upon completion of an investigation, the department determines that the best interests of the dependent adult require court action, the department shall notify the department of health and human services of the potential need for a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department of health and human services in the preparation of the necessary papers to initiate the action and shall appear and represent the department of health and human services at all district court proceedings.

Sec. 725. Section 235F.6, subsection 4, Code 2023, is amended to read as follows:

4. The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

a. A provision that prohibits any party to the action from contacting or cooperating with any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging~~, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer if the defendant’s professional responsibilities include contact with vulnerable elders, dependent adults, or minors, if the party contacting or cooperating has a good-faith belief that the information is relevant to the duties or responsibilities of the entity.

b. A provision that prohibits any party to the action from filing a complaint with or reporting a violation of law to any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging~~, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer.

c. A provision that requires any party to the action to withdraw a complaint filed with or a violation reported to any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging~~, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer.

Sec. 726. Section 237.1, Code 2023, is amended to read as follows:

237.1 Definitions.

As used in this chapter:

~~1.~~ *“Administrator”* means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator’s designee.

~~2.~~ *“Agency”* means a person, as defined in section 4.1, subsection 20, which provides child foster care and which does not meet the definition of an individual in subsection 7 as defined under this section.

~~3.~~ *“Child”* means child as defined in section 234.1, subsection 2.

~~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, including a relative of the child if the relative is licensed under this chapter, but not including a guardian of the child. *“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 or an individual person with a meaningful relationship with the child where the child is not under the placement, care, or supervision of the department.

4. *“Council”* means the council on health and human services.

5. *“Department”* means the department of health and human services.

6. *“Director”* means the director of health and human services.

7. *“Facility”* means the personnel, program, physical plant, and equipment of a licensee.

~~7.~~ *“Individual”* means an individual person or a married couple who provides child foster care in a single-family home environment and which does not meet the definition of an agency in subsection 2 under this section.

~~8.~~ *“Licensee”* means an individual or an agency licensed by the administrator under this chapter.

~~9.~~ *“Reasonable and prudent parent standard”* means the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caregiver shall use when determining whether to allow a child in foster care under the placement, care, or supervision of the department to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of this subsection, *“caregiver”* means an individual or an agency licensed under this chapter with which a child in foster care has been placed or a juvenile shelter care home approved under chapter 232 in which a child in foster care has been placed.

Sec. 727. Section 237.3, Code 2023, is amended to read as follows:

237.3 Rules.

1. Except as otherwise provided by subsections 3 and 4, the administrator department shall promulgate, after their adoption by the council on human services, and enforce in accordance with chapter 17A, administrative rules necessary to implement this chapter. Formulation of the rules shall include consultation with representatives of child foster care providers, and other persons affected by this chapter. The rules shall encourage the provision of child foster care in a single-family, home environment, exempting the single-family, home facility from inappropriate rules.

2. Rules applicable to licensees shall include but are not limited to:

a. Types of facilities which include but are not limited to group foster care facilities and family foster care homes.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical care policies for children receiving child foster care.

The medical care policies shall include but are not limited to all of the following:

(1) Provision by the department to the foster care provider at or before the time of a child's placement of the child's health records and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health.

(2) If the health records supplied in accordance with the child's case permanency plan to the foster care provider are incomplete or the provider requests specific health information, provision for obtaining additional health information from the child's parent or other source and supplying the additional information to the foster care provider.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary out-of-state travel with the child's foster family.

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(a) Dietary services.

(b) Social services.

(c) Activity programs.

(d) Behavior management procedures.

(e) Educational programs, including special education as defined in section 256B.2, subsection 1, paragraph "b", where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph "g".

h. Policies for involvement of biological parents.

i. Records a licensee is required to keep, and reports a licensee is required to make to the ~~administrator~~ department.

j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual.

k. Elements of a foster care placement agreement outlining rights and responsibilities associated with an individual providing family foster care. The rights and responsibilities shall include but are not limited to all of the following:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

(2) Having regularly scheduled meetings with each case manager assigned to the child.

(3) Receiving access to any reports prepared by a service provider who is working with the child unless the access is prohibited by state or federal law.

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the state fire marshal pursuant to section 100.1, subsection 5, after consultation with the ~~administrator~~ director.

4. Rules governing sanitation, water and waste disposal standards for facilities shall be promulgated by the ~~Iowa department of public health~~ pursuant to section 135.11, ~~subsection 12,~~ after consultation with the ~~administrator~~ director.

5. In case of a conflict between rules promulgated pursuant to subsections 3 and 4 and local rules, the more stringent requirement applies.

6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to this chapter.

7. If an agency is accredited by the joint commission on the accreditation of health care organizations under the commission's consolidated standards for residential settings or by

the council on accreditation of services for families and children, the department shall modify facility licensure standards applied to the agency in order to avoid duplicating standards applied through accreditation.

8. The department, in consultation with the judicial branch, ~~the division of criminal and juvenile justice planning of the department of human rights~~, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

9. The department shall adopt rules specifying the elements of a preadoptive care agreement outlining the rights and responsibilities associated with a person providing preadoptive care, as defined in section 232.2.

10. The department shall adopt rules to administer the exception to the definition of child care in section 237A.1, subsection 3, paragraph "l", allowing a child care facility, for purposes of providing respite care to a foster family home, to provide care, supervision, or guidance of a child for a period of twenty-four hours or more who is placed with the licensed foster family home.

Sec. 728. Section 237.4, Code 2023, is amended to read as follows:

237.4 License required — exceptions.

An individual or an agency, as defined in section 237.1, shall not provide child foster care unless the individual or agency obtains a license issued by ~~the administrator~~ under this chapter. However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.
2. A residential care facility licensed under chapter 135C which is approved for the care of children.
3. A hospital licensed under chapter 135B.
4. A health care facility licensed under chapter 135C.
5. A juvenile detention home or juvenile shelter care home approved under section 232.142.
6. An institution listed in section 218.1.
7. A facility licensed under chapter 125.
8. An individual providing child care as a babysitter at the request of a parent, guardian or relative having lawful custody of the child.

Sec. 729. Section 237.5, Code 2023, is amended to read as follows:

237.5 License application and issuance — denial, suspension, or revocation — provisional licenses.

1. An individual or an agency shall apply for a license by completing an application to the ~~administrator~~ department upon forms furnished by the ~~administrator~~ department. The ~~administrator~~ department shall issue or reissue a license if the ~~administrator~~ department determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this chapter. An initial license for an individual is valid for one year from the date of issuance. After the first two years of licensure, a license for an individual is valid for two years from the most recent date of issuance except that the ~~administrator~~ department, within the ~~administrator's~~ director's discretion and based upon the performance of the licensee, may require annual renewal of the license or may issue a provisional license pursuant to subsection 3. A license for an agency is valid for up to three years from the date of issuance for the period determined by the ~~administrator~~ department in accordance with administrative rules providing criteria for making the determination. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The ~~administrator~~ department, after notice and opportunity for an evidentiary hearing, may deny an application for a license, and may suspend or revoke a license, if the applicant or

licensee violates this chapter or the rules promulgated pursuant to this chapter, or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the ~~administrator~~ department.

3. The ~~administrator~~ department may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of this chapter, if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the ~~administrator~~ department. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

Sec. 730. Section 237.6, Code 2023, is amended to read as follows:

237.6 Restricted use of facility.

A licensee shall not furnish child foster care in a building or on premises not designated in the license. A licensee shall not furnish child foster care to a greater number of children than is designated in the license, unless authorized by the administrator ~~so authorizes the department~~. Multiple licenses authorizing separate and distinct parts of a facility to provide different categories of child foster care may be issued.

Sec. 731. Section 237.7, Code 2023, is amended to read as follows:

237.7 Reports and inspections.

The ~~administrator~~ department may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals. The director of the department of inspections and appeals may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

Sec. 732. Section 237.8, Code 2023, is amended to read as follows:

237.8 Personnel.

1. A person shall not be allowed to provide services in a facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. a. (1) If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The ~~department~~ record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or for an individual who will reside in a facility utilized by a licensee, have been completed and the individual either does not have a record of crime or founded child abuse or the ~~department's~~ record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure or employment is not warranted, the individual may be provisionally approved for licensure or employment pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) An individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or for an individual who will reside in a facility utilized by a licensee, shall not be granted a license or be employed and an evaluation shall not be performed under this subsection if the individual has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

(4) If an individual is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or if an individual will reside in a facility utilized by a licensee, or if an individual is subject to licensure under this chapter as a foster parent, in addition to the record checks conducted under subparagraph (1), the individual's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph is the responsibility of the department of human services.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure as a foster parent have been completed and the individual either does not have a record of crime or founded abuse or the department's record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure is not warranted, the individual may be provisionally approved for licensure pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An individual applying to be a foster parent licensee shall not be granted a license and an evaluation shall not be performed under this subsection if the individual has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

b. Except as otherwise provided in paragraph "a", if the department record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a licensee, or resides in a licensed facility the department record check evaluation system shall notify the licensee that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted.

c. In an evaluation, the department record check evaluation system and the licensee for an employee of the licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The department record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the department's record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The department record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the department record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of

licensure, employment, or residence, the person shall not be licensed under this chapter and shall not be employed by a licensee or reside in a licensed facility.

3. In addition to the record checks required under subsection 2, the ~~department of human services~~ record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of subsection 2, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under this subsection.

4. ~~On or after July 1, 1994, a~~ A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. ~~On or after July 1, 1994, a~~ A licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

Sec. 733. Section 237.13, Code 2023, is amended to read as follows:

237.13 Foster home insurance fund.

1. For the purposes of this section, “*foster home*” means an individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a “*licensed foster home*”.

2. The foster home insurance fund shall be administered by the ~~department of human services~~. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster home or to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out this section. The department may establish limitations of liability for individual claims as deemed reasonable by the department.

3. The ~~department of human services~~ shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 734. Section 237.15, subsection 7, Code 2023, is amended to read as follows:

7. “*Person or court responsible for the child*” means the department, including but not limited to the department of health and human services, the agency, or the individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

Sec. 735. Section 237.16, Code 2023, is amended to read as follows:

237.16 Child advocacy board — staff.

1. The child advocacy board ~~is created within the department of inspections and appeals~~. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties, subject to available funding. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet at least twice a year.

3. An employee of the ~~department of human services~~ or of the ~~department of inspections and appeals~~, an employee of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care,

or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with subsection 1 shall be eligible to serve on the state board.

4. The department ~~and the department of inspections and appeals~~ shall jointly develop written protocols detailing the responsibilities of ~~each~~ the department with regard to children under the purview of the state board. The protocols shall be reviewed by the ~~departments~~ department on an annual basis.

5. The director shall employ appropriate staff for the state board in accordance with available funding.

Sec. 736. Section 237.18, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 737. Section 237.21, subsection 5, Code 2023, is amended to read as follows:

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department ~~and the department of inspections and appeals~~ are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Members of the state and local boards, court appointed special advocates, and employees of the department ~~and the department of inspections and appeals~~ who disclose information or records of the board or department, other than as provided in subsections 2, 3, and 4, section 232.126, and section 237.20, subsection 2, are guilty of a simple misdemeanor.

Sec. 738. Section 237A.1, Code 2023, is amended to read as follows:

237A.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. ~~“Administrator” means the administrator of the division of the department designated by the director to administer this chapter.~~

2. 1. “Child” means either of the following:

a. A person twelve years of age or younger.

b. A person thirteen years of age or older but younger than nineteen years of age who has a developmental disability as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402, as codified in 42 U.S.C. §15002(8).

3. 2. “Child care” means the care, supervision, and guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include care, supervision, and guidance of a child by any of the following:

a. 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:

(1) A public or nonpublic school system accredited by the department of education or the state board of regents.

(2) A nonpublic school system which is not accredited by the department of education or the state board of regents.

b. Any of the following church-related programs:

(1) An instructional program.

(2) A youth program other than a preschool, before or after school child care program, or other child care program.

(3) A program providing care to children on church premises while the children’s parents are attending church-related or church-sponsored activities on the church premises.

c. Short-term classes of less than two weeks’ duration held between school terms or during a break within a school term.

d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections and appeals pursuant to chapter 135B.

e. A program operated not more than one day per week by volunteers which meets all of the following conditions:

(1) Not more than eleven children are served per volunteer.

(2) The program operates for less than four hours during any twenty-four-hour period.

(3) The program is provided at no cost to the children's parent, guardian, or custodian.

f. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

g. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently or a summer-only program for such children. The program must be provided through a nominal membership fee or at no cost.

h. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.

i. A nationally accredited camp.

j. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:

(1) A purchase of service or managed care contract with the department.

(2) A contract approved by a governance board of a decategorization of child welfare and juvenile justice funding project created under section 232.188.

(3) An arrangement approved by a juvenile court order.

k. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

l. A child care facility providing respite care to a licensed foster family home for a period of twenty-four hours or more to a child who is placed with that licensed foster family home.

m. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

4. ~~3.~~ "*Child care center*" or "*center*" means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

5. ~~4.~~ "*Child care facility*" or "*facility*" means a child care center, preschool, or a registered child development home.

6. ~~5.~~ "*Child care home*" means a person or program providing child care to any of the following children at any one time that is not registered to provide child care under this chapter, as authorized under section 237A.3:

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

7. ~~6.~~ "*Child development home*" means a person or program registered under section 237A.3A that may provide child care to seven or more children at any one time.

7. "*Council*" means the council on health and human services.

8. "*Department*" means the department of health and human services.

9. "*Director*" means the director of health and human services.

10. "*Infant*" means a child who is less than twenty-four months of age.

11. "*Involvement with child care*" means licensed or registered under this chapter, employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or providing child care as a child care home provider, or residing in a child care home.

12. "*Licensed center*" means a center issued a full or provisional license by the department under the provisions of this chapter or a center for which a license is being processed.

13. "*Poverty level*" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

14. "*Preschool*" means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the

children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

15. “*School*” means kindergarten or a higher grade level.

16. “*State child care advisory committee*” means the state child care advisory committee established pursuant to section 135.173A.

Sec. 739. Section 237A.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An application for a license or a renewal has been filed with the ~~administrator~~ department on forms provided by the department.

Sec. 740. Section 237A.2, subsection 3, Code 2023, is amended to read as follows:

3. The ~~administrator~~ department may reduce a previously issued license to a provisional license or issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under this section. A provisional license shall not be renewable in regard to the same standards for more than two consecutive years. A provisional license shall be posted in a conspicuous place in the center as provided in this section. If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department, the provisional license shall be renewable as provided in this subsection.

Sec. 741. Section 237A.3A, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Three categories of standards shall be applicable to child development homes. The initial designations of the categories, which may be revised by the department, shall be “A”, “B”, and “C”, as ranked from less stringent standards and capacity to more stringent standards and capacity. The “C” registration category standards shall require the highest level of provider qualifications and allow the greatest capacity of the three categories. The ~~department of human services, in consultation with the Iowa department of public health,~~ shall adopt rules applying standards to each category specifying provider qualifications and training, health and safety requirements, capacity, amount of space available per child, and other minimum requirements. The capacity requirements shall take into consideration the provider’s own children, children who have a mild illness, children receiving part-time child care, and children served as a sibling group in overnight care.

Sec. 742. Section 237A.5, Code 2023, is amended to read as follows:

237A.5 Personnel.

1. All personnel in licensed or registered facilities shall have good health as evidenced by a report following a preemployment physical examination taken within six months prior to beginning employment. The examination shall include communicable disease tests by a licensed physician as defined in section 135C.1 or a licensed physician assistant as defined in section 148C.1 and shall be repeated every three years after initial employment. Controlled medical conditions which would not affect the performance of the employee in the capacity employed shall not prohibit employment.

2. a. For the purposes of this section, unless the context otherwise requires:

(1) “*Person subject to a record check*” means a person who is described by any of the following:

(a) The person is being considered for licensure or registration or is registered or licensed under this chapter.

(b) The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone or is employed with such responsibilities.

(c) The person will reside or resides in a child care facility.

(d) The person has applied for or receives public funding for providing child care.

(e) The person will reside or resides in a child care home that is not registered under this chapter but that receives public funding for providing child care.

(2) “*Person subject to an evaluation*” means a person subject to a record check whose record indicates that the person has committed a transgression.

(3) “*Transgression*” means the existence of any of the following in a person’s record:

(a) Conviction of a crime.

(b) A record of having committed founded child or dependent adult abuse.

(c) Listing in the sex offender registry under chapter 692A.

(d) A record of having committed a public or civil offense.

(e) The department has revoked a child care facility registration or license due to the person’s continued or repeated failure to operate the child care facility in compliance with this chapter and rules adopted pursuant to this chapter.

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the department record check evaluation system under paragraph “c”, the child care facility or child care home may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the department record check evaluation system. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the department record check evaluation system perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

c. Unless a record check has already been conducted in accordance with paragraph “b”, the department record check evaluation system shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the department record check evaluation system may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

d. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person’s fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The department may adopt rules specifying criteria in the public interest for requiring the national criminal history check of a person to be repeated.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph “c” that are conducted in connection with a person’s involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person’s involvement with a child development home or child care home.

(3) If record checks under paragraph “b” or “c” have been conducted on a person subject to a record check and the results do not warrant prohibition of the person’s involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

e. (1) If a record check performed pursuant to this subsection identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person’s involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the department record check evaluation system shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person’s involvement with child care is warranted.

f. If a record check performed in accordance with paragraph “b” or “c” identifies that an individual is a person subject to an evaluation, the department record check evaluation system shall perform the evaluation in accordance with this subsection, even if the application which made the person subject to the record check is withdrawn or the circumstances which made the person subject to the record check are no longer applicable. If the department’s record

check evaluation system's evaluation determines that prohibition of the person's involvement with child care is warranted, the provisions of this subsection regarding such a prohibition shall apply.

g. A person subject to a record check who is or was employed by a child care facility or child care home provider and is hired by another child care facility or child care home provider shall be subject to a record check in accordance with this subsection. However, if the person was subject to an evaluation because of a transgression in the person's record and the evaluation determined that the transgression did not warrant prohibition of the person's involvement with child care and the latest record checks do not indicate there is a transgression that was committed subsequent to that evaluation, the person may commence employment with the other child care facility or provider in accordance with the ~~department's~~ department's evaluation and an exemption from any requirements for reevaluation of the latest record checks is authorized. Authorization of an exemption under this paragraph "g" from requirements for reevaluation of the latest record checks by the ~~department~~ department record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the ~~department~~ department record check evaluation system shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph "g" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

h. In an evaluation, the ~~department~~ department record check evaluation system shall consider the nature and seriousness of the transgression in relation to the position sought or held, the time elapsed since the commission of the transgression, the circumstances under which the transgression was committed, the degree of rehabilitation, the likelihood that the person will commit the transgression again, and the number of transgressions committed by the person involved. In addition to record check information, the ~~department~~ department record check evaluation system may utilize information from the ~~department's~~ department's record check evaluation system's case records in performing the evaluation. The ~~department~~ department record check evaluation system may permit a person who is evaluated to maintain involvement with child care, if the person complies with the ~~department's~~ department's record check evaluation system's conditions and corrective action plan relating to the person's involvement with child care. The ~~department~~ department record check evaluation system has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements and corrective action plan under this paragraph.

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

(b) The person is listed or is required to be listed on any state sex offender registry or the national sex offender registry.

(c) The person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

- (ii) Child endangerment.
- (iii) Sexual assault.
- (iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under this chapter, or to receive public funding for providing child care, or may request an evaluation, and the ~~department~~ record check evaluation system shall perform an evaluation and, based upon the criteria in paragraph "h", shall determine whether prohibition of the person's involvement with child care continues to be warranted.

j. If the ~~department~~ record check evaluation system determines, through an evaluation of a person's transgression, that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The ~~department~~ record check evaluation system may identify a period of time after which the person may request that another record check and evaluation be performed. A person who continues involvement with child care in violation of this subsection is subject to penalty under section 237A.19 or injunction under section 237A.20.

k. If it has been determined that a child receiving child care from a child care facility or a child care home is the victim of founded child abuse committed by an employee, license or registration holder, child care home provider, or resident of the child care facility or child care home for which a report is placed in the central registry pursuant to section 232.71D, the ~~administrator~~ department shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the child care facility or child care home. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

3. ~~On or after July 1, 1994, a~~ A licensee or registrant shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

4. ~~On or after July 1, 1994, a~~ A licensee or registrant shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse
or have you ever been convicted of a crime, in this state or any other
state?

5. A person who serves as an unpaid volunteer in a child care facility shall not be required to complete training as a mandatory reporter of child abuse under section 232.69 or under any other requirement.

Sec. 743. Section 237A.6, Code 2023, is amended to read as follows:

237A.6 Consultative services.

The department shall, ~~and the director of public health may~~ provide consultative services to a person applying for a license or registration, or licensed or registered ~~by the administrator~~ under this chapter.

Sec. 744. Section 237A.8, Code 2023, is amended to read as follows:

237A.8 Violations — actions against license or registration.

The ~~administrator~~ department, after notice and opportunity for an evidentiary hearing before the department of inspections and appeals, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child care facility to the ~~administrator or a designee of the administrator~~ department. The ~~administrator~~ department shall notify the parent, guardian, or legal custodian of each child for whom the

person provides child care at the time of action to suspend or revoke a license or certificate of registration.

Sec. 745. Section 237A.12, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department ~~in consultation with the director of public health~~. All rules shall be developed in consultation with the state child care advisory committee. The state fire marshal shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child care facility. The rules adopted by the ~~administrator~~ department under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Sec. 746. Section 237A.14, subsection 4, Code 2023, is amended to read as follows:

4. The department ~~of human services~~ shall adopt rules pursuant to chapter 17A in accordance with this section.

Sec. 747. Section 237A.23, subsection 1, Code 2023, is amended to read as follows:

1. The ~~departments~~ department and the department of education, ~~public health, and human services~~ shall jointly establish a leadership council for child care training and development in this state. In addition to representatives of the ~~three~~ departments, the leadership council shall include but is not limited to representatives of community colleges, institutions of higher learning under the state board of regents and private institutions of higher education, the Iowa cooperative extension service in agriculture and home economics, and child care resource and referral service agencies.

Sec. 748. Section 237A.25, subsection 1, Code 2023, 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 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. 749. Section 237A.29, subsection 2, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child care provider that has been found by the department of inspections and appeals in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph "a", shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the ~~department of human services~~:

Sec. 750. Section 237A.30, subsection 1, Code 2023, is amended to read as follows:

1. The department shall work with the early childhood Iowa ~~office in the department of management program~~ established in section 256I.5 and the state child care advisory committee in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 751. Section 237C.1, Code 2023, is amended to read as follows:

237C.1 Definitions.

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

- ~~1. "Administrator" means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator's designee.~~
- ~~2. 1. "Child" or "children" means an individual or individuals under eighteen years of age.~~
- ~~3. 2. "Children's residential facility" means a private facility designed to serve children who have been voluntarily placed for reasons other than an exclusively recreational activity outside of their home by a parent or legal guardian and who are not under the custody or authority of the department of human services, juvenile court, or another governmental agency, that provides twenty-four-hour care, including food, lodging, supervision, education, or other care on a full-time basis by a person other than a relative or guardian of the child, but does not include an entity providing any of the following:

 - a. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual's home, free of charge and not as a business.
 - b. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.
 - c. Child care furnished by a child care facility as defined in section 237A.1.
 - d. Care furnished in a hospital licensed under chapter 135B or care furnished in a health care facility as defined in section 135C.1.
 - e. Care furnished by a juvenile detention home or juvenile shelter care home approved under section 232.142.
 - f. Care furnished by a child foster care facility licensed under chapter 237.
 - g. Care furnished by an institution listed in section 218.1.
 - h. Care furnished by a facility licensed under chapter 125.
 - i. Care furnished by a psychiatric medical institution for children licensed under chapter 135H.~~
- ~~4. 3. "Department" means the department of health and human services.~~
- ~~4. "Director" means the director of health and human services.~~

Sec. 752. Section 237C.3, subsection 1, Code 2023, is amended to read as follows:

- ~~1. The department of human services shall consult with the department of education, and the department of inspections and appeals, the department of public health, the state fire marshal, and other agencies as determined by the department of human services to establish certification standards for children's residential facilities in accordance with this chapter.~~

Sec. 753. Section 237C.4, subsection 3, Code 2023, is amended to read as follows:

- ~~3. Rules governing sanitation, water, and waste disposal standards for children's residential facilities shall be adopted by the department of human services in consultation with the director of public health.~~

Sec. 754. Section 237C.4, subsection 7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Prior to establishing, proposing, adopting, or modifying a standard or rule under section 237C.3, this section, or section 282.34, the department of human services or the department of education, as applicable, shall, at a minimum, do all of the following:

Sec. 755. Section 237C.5, Code 2023, is amended to read as follows:

237C.5 Certificate of approval — certification required.

A person shall not operate a children's residential facility without a certificate of approval to operate issued by the administrator department under this chapter.

Sec. 756. Section 237C.6, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A person shall apply for a certificate to operate a children's residential facility by completing and submitting to the administrator department an application in a form and format approved by the administrator department. The administrator department shall issue or reissue a certificate of approval if the administrator department determines that the applicant is or upon commencing operation will provide children's residential facility

services in compliance with this chapter. A certificate of approval is valid for up to one year from the date of issuance for the period determined by the ~~administrator~~ department in accordance with administrative rules providing criteria for making the determination.

3. The ~~administrator~~ department may deny an application for issuance or reissuance of a certificate of approval or suspend or revoke a certificate of approval if the applicant or certificate holder, as applicable, fails to comply with this chapter or the rules adopted pursuant to this chapter or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the ~~administrator~~ department. All operations of a children's residential facility shall cease during a period of suspension or revocation. The ~~administrator~~ department shall suspend or revoke a certificate of approval of a children's residential facility that fails to comply with section 282.34.

Sec. 757. Section 237C.8, Code 2023, is amended to read as follows:

237C.8 Reports and inspections.

The ~~administrator~~ department may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children's residential facility to assess compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents. The department of inspections and appeals and the ~~department of human services~~ may examine records of a children's residential facility and may inquire into matters concerning the children's residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children's residential facilities under this chapter.

Sec. 758. Section 238.1, Code 2023, is amended to read as follows:

238.1 Definitions.

For the purpose of this chapter unless the context otherwise requires:

~~1. "Administrator" means the administrator of the division of child and family services of the department of human services.~~

~~2. 1. "Child" means the same as defined in section 234.1.~~

~~3. 2. "Child-placing agency" or "agency" means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes. "Agency" includes individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department.~~

~~3. "Council" means the council on health and human services.~~

~~4. "Department" means the department of health and human services.~~

~~5. "Director" means the director of health and human services.~~

~~4. "Person" or "agency" shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division or any administrator of the department of human services.~~

~~5. "State division" means the same as defined in section 234.1.~~

Sec. 759. Section 238.3, Code 2023, is amended to read as follows:

238.3 Authority to license.

The ~~administrator~~ department may grant a license under this chapter for the period specified in section 238.9 for the conduct operation of any a child-placing agency in this state.

Sec. 760. Section 238.4, Code 2023, is amended to read as follows:

238.4 Granting of license conditional.

~~No such~~ A license shall not be issued under this chapter unless the person applying shall have shown applicant shows that the person applicant and the person's applicant's agents are properly equipped by training and experience to find and select suitable temporary or permanent homes for children and to supervise ~~such~~ the homes when in which the children

are placed in them, to the end that safeguard the health, morality, and general well-being of the children placed by them shall be properly safeguarded.

Sec. 761. Section 238.5, Code 2023, is amended to read as follows:

238.5 License required.

No A person shall ~~conduct~~ not operate a child-placing agency or solicit or receive funds for its the support of a child-placing agency without an unrevoked license issued by the ~~administrator~~ department within the preceding twelve months ~~preceding to conduct such agency~~.

Sec. 762. Section 238.6, Code 2023, is amended to read as follows:

238.6 Form of license.

The license shall state the name of the licensee and the particular premises in which the business agency may be ~~carried on~~ operated.

Sec. 763. Section 238.7, Code 2023, is amended to read as follows:

238.7 Posting of license.

Such A license shall be ~~kept~~ posted in a conspicuous place on the licensed premises.

Sec. 764. Section 238.8, Code 2023, is amended to read as follows:

238.8 Record of license.

A record of the licenses ~~so~~ issued by the department under this chapter shall be ~~kept~~ maintained by the ~~administrator~~ department.

Sec. 765. Section 238.10, Code 2023, is amended to read as follows:

238.10 Revocation of license.

The ~~administrator~~ department may, after due notice and hearing, revoke the license if any of the following applies:

1. ~~In case the person to whom the same is issued~~ The licensee violates any provision of this chapter.
2. When ~~in the opinion of the administrator~~ such the agency is maintained in such a way as to waste or misuse funds contributed by the public or without due regard to sanitation or hygiene or to the health, comfort, or well-being of the child cared for or placed by the agency.
3. ~~In case of violation by the~~ The licensee or the licensee's agents of violate any law of the state in a manner disclosing moral turpitude or unfitness to maintain ~~such the~~ the agency.
4. ~~In case any such~~ The agency is ~~conducted~~ operated by a person of ill repute or bad moral character.
5. ~~In case said~~ The agency operates in persistent violation of the ~~reasonable~~ regulations of the administrator governing such agencies.

Sec. 766. Section 238.11, Code 2023, is amended to read as follows:

238.11 Written charges — findings — notice.

Written charges against the licensee shall be served upon the licensee at least ten days before a hearing shall be had thereon on the charges and a written copy of the findings and decisions of the ~~administrator~~ department following the hearing shall be served upon the licensee in the manner prescribed for the service of original notice in civil actions.

Sec. 767. Section 238.12, Code 2023, is amended to read as follows:

238.12 Appeal — judicial review.

1. ~~Any~~ A licensee ~~feeling~~ aggrieved by ~~any~~ a decision of the ~~administrator~~ department revoking the licensee's license may appeal to the council ~~on human services~~ in the manner of ~~form~~ prescribed by ~~such the~~ the council. The council shall, upon receipt of such an appeal, give the licensee reasonable notice and opportunity for a fair hearing before ~~such the~~ the council or its duly authorized representative ~~or representatives~~. Following ~~such the~~ the hearing the council ~~on human services~~ shall take its final action and notify the licensee in writing.

2. Judicial review of the actions of the council may be sought in accordance with the terms of the ~~Iowa administrative procedure Act, chapter 17A.~~

Sec. 768. Section 238.16, Code 2023, is amended to read as follows:

238.16 Rules and regulations.

~~It shall be the duty of the administrator to provide such~~ The department shall prescribe general regulations and rules for the conduct of ~~all such~~ child-placing agencies as shall be necessary to effect the purposes of this chapter and of all other applicable laws of the state relating to children ~~so far as the same are applicable~~, and to safeguard the well-being of children placed or cared for by such agencies.

Sec. 769. Section 238.17, Code 2023, is amended to read as follows:

238.17 Forms for registration and record — preservation and maintenance.

1. The ~~administrator~~ department shall prescribe forms for the registration and record of ~~persons~~ children cared for by any child-placing agency licensed under this chapter and for reports required by ~~said administrator~~ the department from the agencies.

2. If, for any reason, a child-placing agency ~~as defined by section 238.1~~ shall cease ceases to exist, all records of registration and placement and all other records of any kind and character ~~kept maintained~~ by ~~such the~~ child-placing agency shall be turned over to the ~~administrator~~ department, for ~~preservation~~, to be ~~kept preserved and maintained~~ by the ~~said administrator~~ department as a permanent record.

Sec. 770. Section 238.18, Code 2023, is amended to read as follows:

238.18 Duty of licensee.

1. A child-placing agency licensed under this chapter shall ~~keep maintain~~ keep a record and make reports in the form ~~to be~~ prescribed by the ~~administrator~~ department.

2. For a child being placed by the agency, the agency's duties shall include compliance with the requirements of section 232.108 relating to visitation or ongoing interaction between the child and the child's siblings.

Sec. 771. Section 238.19, Code 2023, is amended to read as follows:

238.19 Inspection generally.

Authorized employees of the department of inspections and appeals may inspect the premises and conditions of the agency at any time, ~~and~~ examine every part of the agency, ~~and may~~ inquire into all matters concerning the agency and the children in the care of the agency.

Sec. 772. Section 238.22, Code 2023, is amended to read as follows:

238.22 Licensee to aid inspection.

~~The licensees~~ A licensee shall ~~give~~ provide all reasonable information to ~~such~~ inspectors authorized under this chapter and afford ~~them~~ the inspectors every reasonable ~~facility~~ means for obtaining pertinent information.

Sec. 773. Section 238.24, Code 2023, is amended to read as follows:

238.24 Information confidential — exceptions.

1. Except as authorized by this section, a person who acquires under this chapter or from the records provided for in this chapter, information relative to any agency, ~~or relative to any individual~~ or relative to any individual cared for by the agency, ~~or relative to any relative of the individual~~, shall not directly or indirectly disclose the information.

2. Disclosure of information acquired under this chapter or from the records provided for in this chapter is authorized under any of the following circumstances:

a. Disclosure made upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, ~~administrator~~, Iowa department of public health director, or the local board of health in the jurisdiction where the agency is located.

b. Disclosure ~~may be~~ made by the ~~administrator~~ director to proper persons ~~as may be~~ in the interest of a child cared for by the agency or in the interest of the child's parents or foster parents and not inimical to the child, or as ~~may be~~ necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of sections 600.16 and 600.16A.

c. Disclosure for purposes of statistical analysis performed by duly authorized persons of data collected under this chapter or the publication of the results of such analysis in such manner as will not disclose confidential information.

Sec. 774. Section 238.31, Code 2023, is amended to read as follows:

238.31 Inspection of foster homes.

The ~~administrator~~ department shall ~~be satisfied~~ ensure that each licensed child-placing agency is ~~maintaining~~ maintains proper standards ~~in its work~~, and ~~said administrator~~ may at any time cause the child and home in which the child has been placed to be visited by the ~~administrator's~~ director's agents for the purpose of ascertaining whether the home is a suitable ~~one~~ for the child, and may continue to visit and inspect the foster home and the conditions ~~therein~~ in the foster home as they affect ~~said~~ the child.

Sec. 775. Section 238.32, Code 2023, is amended to read as follows:

238.32 Authority to agencies.

~~Any institution incorporated under the laws of this state or maintained for the purpose of caring for, placing out for adoption, or otherwise improving the condition of unfortunate children may, under the conditions~~ An agency as specified in this chapter and when licensed in accordance with the provisions of this chapter may do any of the following:

1. Receive children in need of assistance, or ~~delinquent~~ children who are under eighteen years of age, ~~under commitment from~~ found to have committed a delinquent act by the juvenile court, and ~~control and dispose of them~~ provide for the disposition of the children subject to the provisions of chapter 232 and chapter 600A.

2. ~~Receive, control, and dispose and provide for the disposition~~ of all minor children voluntarily surrendered to ~~such institutions~~ the agency.

Sec. 776. Section 238.42, Code 2023, is amended to read as follows:

238.42 Agreement in child placements.

~~Every~~ An agency placing a child in a foster home shall enter into a written agreement with the person taking the child, ~~which~~. The agreement shall provide that the agency ~~placing the child~~ shall have access at all reasonable times to ~~such~~ the child and to the home in which the child is living, and ~~for the return of the child by the person taking~~ may remove the child from the home whenever, in the opinion of the agency ~~placing such child, or in the opinion of the administrator~~ department, removal is in the best interests of the child ~~shall require it~~.

Sec. 777. Section 238.45, Code 2023, is amended to read as follows:

238.45 Penalty.

~~Every~~ A person who violates any ~~of the provisions~~ provision of this chapter or who intentionally ~~shall make~~ makes any false statements or reports to the ~~administrator with reference to the matters contained herein~~ department relative to a provision of this chapter, ~~shall be~~ is guilty of a fraudulent practice.

Sec. 778. Section 239A.2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of workforce development, in consultation with the director of health and human services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The department of workforce development shall arrange with units of local government for establishment of such projects, which may include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long as the project meets the following requirements:

Sec. 779. Section 239B.1, subsection 4, Code 2023, is amended to read as follows:

4. "Department" means the department of health and human services.

Sec. 780. Section 239B.1, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 4A. "Director" means the director of health and human services.

Sec. 781. Section 239B.2, subsection 6, Code 2023, is amended to read as follows:

6. *Cooperation with child support requirements.* The department shall provide for prompt notification of ~~the department's~~ child support ~~recovery unit~~ services if assistance is provided to a child whose parent is absent from the home. An applicant or participant shall cooperate with ~~the child support recovery unit~~ services and the department as provided in 42 U.S.C. §608(a)(2) unless the applicant or participant qualifies for good cause or other exception as determined by the department in accordance with the best interest of the child, parent, or specified relative, and with standards prescribed by rule. The authorized good cause or other exceptions shall include participation in a family investment agreement safety plan option to address or prevent family or domestic violence and other consideration given to the presence of family or domestic violence. If a specified relative with whom a child is residing fails to comply with these cooperation requirements, a sanction shall be imposed as defined by rule in accordance with state and federal law.

Sec. 782. Section 239B.8, subsection 6, Code 2023, is amended to read as follows:

6. *Confidential information disclosure.* If approved by the director of ~~human services~~ or the director's designee pursuant to a written request, the department shall disclose confidential information described in section 217.30, subsection 2, to other state agencies or to any other entity which is not subject to the provisions of chapter 17A and is providing services to a participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

Sec. 783. Section 239B.9, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If a participant responsible for signing and fulfilling the terms of a family investment agreement, as defined by the director of ~~human services~~ in accordance with section 239B.8, chooses not to sign or fulfill the terms of the agreement, the participant's family, or the individual participant shall enter into a limited benefit plan. Initial actions in a written statement under section 239B.2, subsection 4, which were committed to by a participant during the application period and which commitment remains in effect, shall be considered to be a term of the participant's family investment agreement. A limited benefit plan shall apply for the period of time specified in this section. The first month of the limited benefit plan is the first month after the month in which timely and adequate notice of the limited benefit plan is given to the participant as defined by the director of ~~human services~~. The elements of a limited benefit plan shall be specified in the department's rules.

Sec. 784. Section 239B.9, subsection 3, paragraphs a and c, Code 2023, are amended to read as follows:

a. A participant who does not establish an orientation appointment with the JOBS program or who fails to keep or reschedule an orientation appointment shall receive a reminder letter which informs the participant that those who do not attend orientation have elected to choose a limited benefit plan. A participant who chooses not to respond to the reminder letter within ten calendar days from the mailing date shall receive notice establishing the effective date of the limited benefit plan. If a participant is deemed to have chosen a limited benefit plan, timely and adequate notice provisions, as determined by the director of ~~human services~~, shall apply.

c. A participant who has signed a family investment agreement but then chooses a limited benefit plan under circumstances defined by the director of ~~human services~~.

Sec. 785. Section 239B.12, Code 2023, is amended to read as follows:

239B.12 Immunization.

1. To the extent feasible, the department shall determine the immunization status of children receiving assistance under this chapter. The status shall be determined in accordance with the immunization recommendations adopted by ~~the Iowa department of public health~~ under section 139A.8, including the exemption provisions in section 139A.8, subsection 4. If the department determines a child is not in compliance with the

immunization recommendations, the department shall refer the child's parent or guardian to a local public health agency for immunization services for the child and other members of the child's family.

2. The department of ~~human services~~ shall cooperate with the Iowa department of public health to establish an interagency agreement allowing the sharing of pertinent client data, as permitted under federal law and regulation, for the purposes of ~~determining~~ determine immunization rates of participants, ~~evaluating~~ evaluate family investment program efforts to encourage immunizations, and ~~developing~~ develop strategies to further encourage immunization of participants.

Sec. 786. Section 239B.16, Code 2023, is amended to read as follows:

239B.16 Appeal — judicial review.

If an applicant's application is not acted upon within a reasonable time, if it is denied in whole or in part, or if a participant's assistance or other benefits under this chapter are modified, suspended, or canceled under a provision of this chapter, the applicant or participant may appeal to the department of ~~human services~~ which shall request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of ~~human services~~. Judicial review of the actions of the department of ~~human services~~ may be sought in accordance with chapter 17A. Upon receipt of a notice of the filing of a petition for judicial review, the department of ~~human services~~ shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 787. Section 239B.17, subsection 1, Code 2023, is amended to read as follows:

1. *Program established.* The promoting independence and self-sufficiency through employment job opportunities and basic skills program is established for applicants and participants of the family investment program. The requirements of the JOBS program shall vary as provided in the family investment agreement applicable to a family. The department of workforce development, economic development authority, department of education, and all other state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and cooperate in the JOBS program. The departments, agencies, and institutions shall make agreements and arrangements for maximum cooperation and use of all available resources in the program. The department of ~~human services~~ may contract with the department of workforce development, the economic development authority, or another appropriate entity to provide JOBS program services.

Sec. 788. Section 241.1, Code 2023, is amended to read as follows:

241.1 Definitions.

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

1. "Department" means the department of health and human services.

2. "Director" means the director of health and human services.

~~1.~~ 3. "Displaced homemaker" means an individual who meets all of the following criteria:

- a. Has worked principally in the home providing unpaid household services for family members.

- b. Is not gainfully employed.

- c. Has had, or would apparently have, difficulty finding appropriate paid employment.

- d. Has been dependent on the income of another family member but is no longer supported by that income, is or has been dependent on government assistance, or is supported as the parent of a child who is sixteen or seventeen years of age.

~~2.~~ "Department" means the department of human services.

~~3.~~ "Director" means the director of the department of human services.

Sec. 789. Section 241.3, subsection 2, Code 2023, is amended to read as follows:

2. The department shall consult and cooperate with the department of workforce development, the United States commissioner of social security administration, the office on the status of women of the department of ~~human rights~~, the department of education, and

other persons in the executive branch of the state government as the department considers appropriate to facilitate the coordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. 790. Section 249.1, Code 2023, is amended to read as follows:

249.1 Definitions.

As used in this chapter:

1. "*Council*" means the council on health and human services.
- ~~1.~~ 2. "*Department*" means the department of health and human services.
- ~~2.~~ 3. "*Director*" means the director of health and human services.
- ~~3.~~ 4. "*Federal supplemental security income*" means cash payments made to individuals by the United States government under Tit. XVI of the Social Security Act as amended by Pub. L. No. 92-603, or any other amendments thereto.
4. 5. "*Previous categorical assistance programs*" means the aid to the blind program authorized by chapter 241, the aid to the disabled program authorized by chapter 241A and the old-age assistance program authorized by chapter 249, Code 1973.
5. 6. "*State supplementary assistance*" means cash payments made to individuals:
 - a. By the United States government on behalf of the state of Iowa pursuant to section 249.2.
 - b. By the state of Iowa directly pursuant to sections 249.3 through 249.5.

Sec. 791. Section 249.4, subsection 1, Code 2023, is amended to read as follows:

1. Applications for state supplementary assistance shall be made in the form and manner prescribed by the director or the director's designee, with the approval of the council ~~on human services~~, pursuant to chapter 17A. Each person who ~~so~~ applies and is found eligible under section 249.3 shall, so long as the person's eligibility continues, receive state supplementary assistance on a monthly basis, from funds appropriated to the department for the purpose.

Sec. 792. Section 249.5, Code 2023, is amended to read as follows:

249.5 Judicial review.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if an award of assistance is modified, suspended, or canceled under a provision of this chapter, the applicant or recipient may appeal to the department of ~~human services~~, which shall request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of ~~human services~~. Judicial review of the actions of the department of ~~human services~~ may be sought in accordance with chapter 17A. Upon receipt of the petition for judicial review, the department of ~~human services~~ shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 793. Section 249.8, Code 2023, is amended to read as follows:

249.8 Cancellation of warrants.

The director of the department of administrative services, as of January, April, July, and October 1 of each year, shall stop payment on and issue duplicates of all state supplementary assistance warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer. ~~No~~ A bond of indemnity shall not be required for the issuance of ~~such~~ the duplicate warrants which shall be canceled immediately by the director of the department of administrative services. If the original warrants are subsequently presented for payment, warrants in lieu ~~thereof~~ of the original warrants shall be issued by the director of the department of administrative services at the discretion of and upon certification by the director of ~~human services~~ or the director's designee.

Sec. 794. Section 249.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with state supplementary assistance programs administered under this chapter. The department of inspections and appeals shall cooperate with the department of ~~human services~~ on the development of procedures relating to such

investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 795. Section 249.12, subsections 1 and 2, Code 2023, are amended to read as follows:

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.

Sec. 796. Section 249A.2, subsections 1 and 2, Code 2023, are amended to read as follows:

1. “*Department*” means the department of health and human services.

2. “*Director*” means the director of health and human services.

Sec. 797. Section 249A.4, subsection 10, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

A nursing facility that utilizes the supplementation option and receives supplementation under this subsection during any calendar year shall report to the department of ~~human services~~ annually, by January 15, the following information for the preceding calendar year:

Sec. 798. Section 249A.4, subsection 11, Code 2023, is amended to read as follows:

11. Shall provide an opportunity for a fair hearing before the department of inspections and appeals to an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of ~~human services~~. Judicial review of the decisions of the department of ~~human services~~ may be sought in accordance with chapter 17A. If a petition for judicial review is filed, the department of ~~human services~~ shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

Sec. 799. Section 249A.4B, Code 2023, is amended to read as follows:

249A.4B Medical assistance advisory council.

1. A medical assistance advisory council is created to comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of the federal Social Security Act and to advise the director about health and medical care services under the medical assistance program. The council shall meet no more than quarterly. The ~~director of director’s designee responsible for public health or their designee~~ and a public member of the council selected by the public members of the council shall serve as co-chairpersons of the council.

2. *a.* The council shall consist of the following voting members:

(1) Five professional or business entity members selected by the entities specified pursuant to subsection 3, paragraph “*a*”.

(2) Five public members appointed pursuant to subsection 3, paragraph “*b*”. Of the five public members, at least one member shall be a recipient of medical assistance.

b. The council shall include all of the following nonvoting members:

(1) The ~~director of public health, or the director’s designee responsible for public health or their designee.~~

(2) ~~The director of the department on aging, or the director’s designee.~~

(3) (2) The long-term care ombudsman, or the long-term care ombudsman’s designee.

(4) (3) The dean of Des Moines university — college of osteopathic medical center medicine, or the dean’s designee.

(5) (4) The dean of the university of Iowa college of medicine, or the dean’s designee.

(6) (5) A member of the ~~hawk-i Hawki~~ board created in section 514I.5, selected by the members of the ~~hawk-i Hawki~~ board.

(7) (6) The following members of the general assembly, each for a term of two years as provided in section 69.16B:

(a) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.

(b) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.

3. The voting membership of the council shall be selected or appointed as follows:

a. The five professional or business entity members shall be selected by the entities specified under this paragraph "a". The five professional or business entity members selected shall be the president, or the president's representative, of the professional or business entity, or a member of the professional or business entity, designated by the entity.

- (1) The Iowa medical society.
- (2) The Iowa osteopathic medical association.
- (3) The Iowa academy of family physicians.
- (4) The Iowa chapter of the American academy of pediatrics.
- (5) The Iowa physical therapy association.
- (6) The Iowa dental association.
- (7) The Iowa nurses association.
- (8) The Iowa pharmacy association.
- (9) The Iowa podiatric medical society.
- (10) The Iowa optometric association.
- (11) The Iowa association of community providers.
- (12) The Iowa psychological association.
- (13) The Iowa psychiatric society.
- (14) The Iowa chapter of the national association of social workers.
- (15) The coalition for family and children's services in Iowa.
- (16) The Iowa hospital association.
- (17) The Iowa association of rural health clinics.
- (18) The Iowa primary care association.
- (19) Free clinics of Iowa.
- (20) The opticians' association of Iowa, inc.
- (21) The Iowa association of hearing health professionals.
- (22) The Iowa speech and hearing association.
- (23) The Iowa health care association.
- (24) The Iowa association of area agencies on aging.
- (25) AARP.
- (26) The Iowa caregivers association.
- (27) Leading age Iowa.
- (28) The Iowa association for home care.
- (29) The Iowa council of health care centers.
- (30) The Iowa physician assistant society.
- (31) The Iowa association of nurse practitioners.
- (32) The Iowa nurse practitioner society.
- (33) The Iowa occupational therapy association.
- (34) The ARC of Iowa, formerly known as the association for retarded citizens of Iowa.
- (35) The national alliance on mental illness.
- (36) The Iowa state association of counties.
- (37) The Iowa developmental disabilities council.
- (38) The Iowa chiropractic society.
- (39) The Iowa academy of nutrition and dietetics.
- (40) The Iowa behavioral health association.
- (41) The midwest association for medical equipment services or an affiliated Iowa organization.

b. The five public members shall be public representatives which may include members of consumer groups, including recipients of medical assistance or their families, consumer organizations, and others, appointed by the governor for staggered terms of two years each,

none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professional or business entities specifically represented under paragraph "a".

4. Based upon the deliberations of the council, the council shall make recommendations to the director regarding the budget, policy, and administration of the medical assistance program.

5. For each council meeting, other than those held during the time the general assembly is in session, each legislative member of the council shall be reimbursed for actual travel and other necessary expenses and shall receive a per diem as specified in section 7E.6 for each day in attendance, as shall the members of the council who are recipients or the family members of recipients of medical assistance, regardless of whether the general assembly is in session.

6. The department shall provide staff support and independent technical assistance to the council.

7. The director shall consider the recommendations offered by the council in the director's preparation of medical assistance budget recommendations to the council on health and human services pursuant to section 217.3 and in implementation of medical assistance program policies.

Sec. 800. Section 249A.11, Code 2023, is amended to read as follows:

249A.11 Payment for patient care segregated.

A state resource center or mental health institute, upon receipt of any payment made under this chapter for the care of any patient, shall segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of ~~human services~~.

Sec. 801. Section 249A.12, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The department of ~~human services~~ shall seek federal approval to amend the home and community-based services waiver for persons with an intellectual disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

Sec. 802. Section 249A.15A, subsection 4, Code 2023, is amended to read as follows:

4. The department shall adopt rules pursuant to chapter 17A entitling alcohol and drug counselors who are certified by the nongovernmental Iowa board of ~~substance abuse~~ certification to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

Sec. 803. Section 249A.21, subsection 9, Code 2023, is amended to read as follows:

9. The department of ~~human services~~ may procure a sole source contract to implement the provisions of this section.

Sec. 804. Section 249A.24, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In addition to any other duties prescribed, the commission shall make recommendations to the council on health and human services regarding strategies to reduce state expenditures for prescription drugs under the medical assistance program excluding provider reimbursement rates. ~~The commission shall make initial recommendations to the council by October 1, 2002.~~ Following approval of any recommendation by the council on health and human services, the department shall include the approved recommendation in a notice of intended action under chapter 17A and shall comply with chapter 17A in adopting any rules to implement the recommendation. The department shall seek any federal waiver necessary to implement any approved recommendation. The strategies to be considered for recommendation by the commission shall include at a minimum all of the following:

Sec. 805. Section 249A.26, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Except as provided for disallowed costs in section 249A.27, the state shall pay one hundred percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with an intellectual disability, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or a ~~substance-related~~ substance use disorder shall not be considered to be persons with chronic mental illness.

Sec. 806. Section 249A.29, Code 2023, is amended to read as follows:

249A.29 Home and community-based services waiver providers — records checks.

1. For purposes of this section and section 249A.30 unless the context otherwise requires:

a. "Consumer" means an individual approved by the department to receive services under a waiver.

b. "Provider" means an agency certified by the department to provide services under a waiver.

c. "Waiver" means a home and community-based services waiver approved by the federal government and implemented under the medical assistance program.

2. If a person is being considered by a provider for employment involving direct responsibility for a consumer or with access to a consumer when the consumer is alone, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment by the provider. The ~~department~~ record check evaluation system shall conduct criminal and child and dependent adult abuse records checks of the person in this state and may conduct these checks in other states. The records checks and evaluations required by this section shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the ~~department~~ record check evaluation system determines that a person employed by a provider has committed a crime or has a record of founded abuse, the ~~department~~ record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment is warranted.

4. In an evaluation, the ~~department~~ record check evaluation system shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The ~~department~~ record check evaluation system may permit a person who is evaluated to be employed or to continue to be employed by the provider if the person complies with the ~~department's~~ record check evaluation system's conditions relating to the employment, which may include completion of additional training.

5. If the ~~department~~ record check evaluation system determines that the person has committed a crime or has a record of founded abuse which warrants prohibition of employment, the person shall not be employed by a provider.

Sec. 807. Section 249A.32B, Code 2023, is amended to read as follows:

249A.32B Early and periodic screening, diagnosis, and treatment funding.

The ~~department of human services, in consultation with the Iowa department of public health and the department of education,~~ shall continue the program to utilize the early and periodic screening, diagnosis, and treatment program funding under the medical assistance program, to the extent possible, to implement the screening component of the early and periodic screening, diagnosis, and treatment program through the schools. The department may enter into contracts to utilize maternal and child health centers, the public health nursing program, or school nurses in implementing this section.

Sec. 808. Section 249A.33, subsection 1, Code 2023, is amended to read as follows:

1. A pharmaceutical settlement account is created in the state treasury under the authority of the department of ~~human services~~. Moneys received from settlements relating to provision of pharmaceuticals under the medical assistance program shall be deposited in the account.

Sec. 809. Section 249A.37, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department of ~~human services~~ or as agreed upon by the department and the entity specified in this section.

Sec. 810. Section 249A.37, subsection 2, Code 2023, is amended to read as follows:

2. The department of ~~human services~~ may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 – 164.

Sec. 811. Section 249A.48, Code 2023, is amended to read as follows:

249A.48 Temporary moratoria.

1. The Iowa Medicaid enterprise program shall impose a temporary moratorium on the enrollment of new providers or provider types identified by the centers for Medicare and Medicaid services of the United States department of health and human services as posing an increased risk to the ~~medical assistance~~ Medicaid program.

a. This section shall not be interpreted to require the Iowa Medicaid enterprise program to impose a moratorium if the Iowa Medicaid enterprise program determines that imposition of a temporary moratorium would adversely affect access of recipients to medical assistance services.

b. If the Iowa Medicaid enterprise program makes a determination as specified in paragraph "a", the Iowa Medicaid enterprise program shall notify the centers for Medicare and Medicaid services of the United States department of health and human services in writing.

2. The Iowa Medicaid enterprise program may impose a temporary moratorium on the enrollment of new providers, or impose numerical caps or other limits that the Iowa Medicaid enterprise program and the centers for Medicare and Medicaid services identify as having a significant potential for fraud, waste, or abuse.

a. Before implementing the moratorium, caps, or other limits, the Iowa Medicaid enterprise program shall determine that its action would not adversely impact access by recipients to ~~medical assistance~~ Medicaid services.

b. The Iowa Medicaid enterprise program shall notify, in writing, the centers for Medicare and Medicaid services, if the Iowa Medicaid enterprise program seeks to impose a moratorium under this subsection, including all of the details of the moratorium. The Iowa Medicaid enterprise program shall receive approval from the centers for Medicare and Medicaid services prior to imposing a moratorium under this subsection.

3. a. The Iowa Medicaid enterprise program shall impose any moratorium for an initial period of six months.

b. If the Iowa Medicaid enterprise program determines that it is necessary, the Iowa Medicaid enterprise program may extend the moratorium in six-month increments. Each time a moratorium is extended, the Iowa Medicaid enterprise program shall document, in writing, the necessity for extending the moratorium.

Sec. 812. Section 249A.50, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program administered under this chapter. The department of inspections and appeals shall cooperate with the department of ~~human services~~ on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 813. Section 249B.1, subsection 4, Code 2023, is amended to read as follows:

4. “*Department*” means the department of health and human services.

Sec. 814. Section 249F.1, Code 2023, is amended to read as follows:

249F.1 Definitions.

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

1. “*Department*” means the department of health and human services.

~~1.~~ 2. “*Medical assistance*” means “*mandatory medical assistance*”, “*optional medical assistance*”, “*discretionary medical assistance*”, or “*Medicare cost sharing*” as each is defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

~~2.~~ 3. a. “*Transfer of assets*” means any transfer or assignment of a legal or equitable interest in property, as defined in section 702.14, from a transferor to a transferee for less than fair consideration, made while the transferor is receiving medical assistance or within five years prior to application for medical assistance by the transferor. Any such transfer or assignment is presumed to be made with the intent, on the part of the transferee; transferor; or another person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary, of enabling the transferor to obtain or maintain eligibility for medical assistance or of impacting the recovery or payment of a medical assistance debt. This presumption is rebuttable only by clear and convincing evidence that the transferor’s eligibility or potential eligibility for medical assistance or the impact on the recovery or payment of a medical assistance debt was no part of the reason of the transferee; transferor; or other person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary for making or accepting the transfer or assignment. A transfer of assets includes a transfer of an interest in the transferor’s home, domicile, or land appertaining to such home or domicile while the transferor is receiving medical assistance, unless otherwise exempt under paragraph “b”.

b. However, transfer of assets does not include the following:

(1) Transfers to or for the sole benefit of the transferor’s spouse, including a transfer to a spouse by an institutionalized spouse pursuant to section 1924(f)(1) of the federal Social Security Act.

(2) Transfers to or for the sole benefit of the transferor’s child who is blind or has a disability as defined in section 1614 of the federal Social Security Act.

(3) Transfer of a dwelling, which serves as the transferor’s home as defined in 20 C.F.R. §416.1212, to a child of the transferor under twenty-one years of age.

(4) Transfer of a dwelling, which serves as the transferor’s home as defined in 20 C.F.R. §416.1212, after the transferor is institutionalized, to either of the following:

(a) A sibling of the transferor who has an equity interest in the dwelling and who was residing in the dwelling for a period of at least one year immediately prior to the date the transferor became institutionalized.

(b) A child of the transferor who was residing in the dwelling for a period of at least two years immediately prior to the date the transferor became institutionalized and who provided care to the transferor which permitted the transferor to reside at the dwelling rather than in an institution or facility.

(5) Transfers of less than two thousand dollars. However, all transfers by the same transferor during the five-year period prior to application for medical assistance by the transferor shall be aggregated. If a transferor transfers property to more than one transferee during the five-year period prior to application for medical assistance by the transferor, the two thousand dollar exemption shall be divided equally between the transferees.

(6) Transfers of assets that would, at the time of the transferor's application for medical assistance, have been exempt from consideration as a resource if retained by the transferor, pursuant to 42 U.S.C. §1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, excluding the home and land appertaining to the home.

(7) Transfers to a trust established solely for the benefit of the transferor's child who is blind or permanently and totally disabled as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. §1382c.

(8) Transfers to a trust established solely for the benefit of an individual under sixty-five years of age who is disabled, as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. §1382c.

~~3.~~ 4. "Transferee" means the person who receives a transfer of assets.

~~4.~~ 5. "Transferor" means the person who makes a transfer of assets.

Sec. 815. Section 249F.2, Code 2023, is amended to read as follows:

249F.2 Creation of debt.

A transfer of assets creates a debt due and owing to the department of ~~human services~~ from the transferee in an amount equal to medical assistance provided to or on behalf of the transferor, on or after the date of the transfer of assets, but not exceeding the fair market value of the assets at the time of the transfer.

Sec. 816. Section 249F.3, Code 2023, is amended to read as follows:

249F.3 Notice of debt — failure to respond — hearing — order.

1. The department of ~~human services~~ may issue a notice establishing and demanding payment of an accrued or accruing debt due and owing to the department of ~~human services~~ as provided in section 249F.2. The notice shall be sent by restricted certified mail as defined in section 618.15, to the transferee at the transferee's last known address. If service of the notice is unable to be completed by restricted certified mail, the notice shall be served upon the transferee in accordance with the rules of civil procedure. The notice shall include all of the following:

a. The amount of medical assistance provided to the transferor to date which creates the debt.

b. A computation of the debt due and owing.

c. A demand for immediate payment of the debt.

d. (1) A statement that if the transferee desires to discuss the notice, the transferee, within ten days after being served, may contact the department of ~~human services~~ and request an informal conference.

(2) A statement that if a conference is requested, the transferee has until ten days after the date set for the conference or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department of ~~human services~~.

(3) A statement that after the holding of the conference, the department of ~~human services~~ may issue a new notice to be sent to the transferee by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney.

(4) A statement that if the department of ~~human services~~ issues a new notice, the transferee has until ten days after the date of mailing of the new notice or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department of ~~human services~~.

e. A statement that if the transferee objects to all or any part of the original notice and no conference is requested, the transferee has until twenty days after the date of service of the original notice to send a written response setting forth any objections and requesting a hearing to the department of ~~human services~~.

f. A statement that if a timely written request for a hearing is received by the department of ~~human services~~, the transferee has the right to a hearing to be held in district court as provided in section 249F.4; and that if no timely written request for hearing is received, the department of ~~human services~~ will enter an order in accordance with the latest notice.

g. A statement that as soon as the order is entered, the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, or execution.

h. A statement that the transferee must notify the department of ~~human services~~ of any change of address or employment.

i. A statement that if the transferee has any questions concerning the transfer of assets, the transferee should contact the department of ~~human services~~ or consult an attorney.

j. Other information as the department of ~~human services~~ finds appropriate.

2. If a timely written request for hearing is received by the department of ~~human services~~, a hearing shall be held in district court.

3. If a timely written request for hearing is not received by the department of ~~human services~~, the department may enter an order in accordance with the latest notice, and the order shall specify all of the following:

a. The amount to be paid with directions as to the manner of payment.

b. The amount of the debt accrued and accruing in favor of the department of ~~human services~~.

c. Notice that the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

4. The transferee shall be sent a copy of the order by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney. The order is final, and action by the department of ~~human services~~ to enforce and collect upon the order may be taken from the date of the issuance of the order.

Sec. 817. Section 249F4, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If a timely written request for a hearing is received, the department of ~~human services~~ shall certify the matter to the district court in the county where the transferee resides.

3. The department of ~~human services~~ may also request a hearing on its own motion regarding the determination of a debt, at any time prior to entry of an administrative order.

Sec. 818. Section 249F5, subsections 1 and 2, Code 2023, are amended to read as follows:

1. A true copy of an order entered by the department of ~~human services~~ pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the transferee resides or, if the transferee resides in another state, in the office of the district court in the county in which the transferor resides.

2. The department of ~~human services~~ order shall be presented, ex parte, to the district court for review and approval. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all force, effect, and attributes of a docketed order or decree of the district court.

Sec. 819. Section 249F7, Code 2023, is amended to read as follows:

249F7 Administration.

As provided in this chapter, the establishment of a debt for medical assistance due to transfer of assets shall be administered by the department of ~~human services~~. All administrative discretion in the administration of this chapter shall be exercised by the department of ~~human services~~, and any state administrative rules implementing or interpreting this chapter shall be adopted by the department of ~~human services~~.

Sec. 820. Section 249K.2, Code 2023, is amended to read as follows:

249K.2 Definitions.

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

1. "*Complete replacement*" means completed construction on a new nursing facility to replace an existing licensed and certified facility. The replacement facility shall be located in the same geographical service area as the facility that is replaced and shall have the same number or fewer licensed beds than the original facility.

2. "*Department*" means the department of health and human services.

3. ~~“Iowa Medicaid enterprise” means Iowa Medicaid enterprise as defined in section 135D.2.~~

4. ~~3.~~ “Major renovations” means construction or facility improvements to a nursing facility in which the total amount expended exceeds seven hundred fifty thousand dollars.

5. ~~4.~~ “Medical assistance”, ~~or “medical assistance program”, or “Medicaid program”~~ means the medical assistance program created pursuant to chapter 249A.

6. ~~5.~~ “New construction” means the construction of a new nursing facility which does not replace an existing licensed and certified facility and requires the provider to obtain a certificate of need pursuant to chapter 135, subchapter VI.⁵

7. ~~6.~~ “Nondirect care component” means the portion of the reimbursement rate under the medical assistance program attributable to administrative, environmental, property, and support care costs reported on the provider’s financial and statistical report.

8. ~~7.~~ “Nursing facility” means a nursing facility as defined in section 135C.1.

9. ~~8.~~ “Provider” means a current or future owner or operator of a nursing facility that provides medical assistance program services.

10. ~~9.~~ “Rate determination letter” means the letter that is distributed quarterly by the Iowa Medicaid enterprise program to each nursing facility, which is based on previously submitted financial and statistical reports from each nursing facility.

Sec. 821. Section 249K.3, subsection 2, paragraphs a and e, Code 2023, are amended to read as follows:

a. The provider shall submit a written request for instant relief to the Iowa Medicaid enterprise program explaining the nature, timing, and goals of the project and the time period during which the relief is requested. The written request shall clearly state if the provider is also requesting the nondirect care limit exception. The written request for instant relief shall be submitted no earlier than thirty days prior to the placement of the provider’s assets in service. The written request for relief shall provide adequate details to calculate the estimated value of relief including but not limited to the total cost of the project, the estimated annual depreciation expenses using generally accepted accounting principles, the estimated useful life based upon existing medical assistance and Medicare provisions, and a copy of the most current depreciation schedule. If interest expenses are included, a copy of the general terms of the debt service and the estimated annual amount of the interest expenses shall be submitted with the written request for relief.

e. During the period in which instant relief is granted, the Iowa Medicaid enterprise program shall recalculate the value of the instant relief based on allowable costs and patient days reported on the annual financial and statistical report. For purposes of calculating the per diem relief, total patient days shall be the greater of actual annual patient days or eighty-five percent of the facility’s licensed capacity. The actual value of relief shall be added to the nondirect care component for the relevant period, not to exceed one hundred ten percent of the nondirect care median for the relevant period or not to exceed one hundred twenty percent of the nondirect care median for the relevant period if the nondirect care limit exception is requested and granted. The provider’s quarterly rates for the relevant period shall be retroactively adjusted to reflect the revised nondirect care rate. All claims with dates of service from the date that instant relief is granted to the date that the instant relief is terminated shall be repriced to reflect the actual value of the instant relief per diem utilizing a mass adjustment.

Sec. 822. Section 249K.5, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The Iowa Medicaid enterprise program shall administer this chapter. The department of human services shall adopt rules, pursuant to chapter 17A, to administer this chapter.

3. In addition to any other factors to be considered in determining if a provider is eligible to participate under this chapter, the Iowa Medicaid enterprise program shall consider all of the following:

a. The history of the provider’s regulatory compliance.

⁵ See chapter 119, §22 herein

b. The historical access to nursing facility services for medical assistance program beneficiaries.

c. The provider's dedication to and participation in quality of care, considering all quality programs in which the provider has participated.

d. The provider's plans to facilitate person-directed care.

e. The provider's plans to facilitate dementia units and specialty post-acute services.

Sec. 823. Section 249L.2, subsection 1, Code 2023, is amended to read as follows:

1. "*Department*" means the department of health and human services.

Sec. 824. Section 249M.2, subsection 2, Code 2023, is amended to read as follows:

2. "*Department*" means the department of health and human services.

Sec. 825. Section 249M.4, subsection 5, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The projected expenditures for participating hospitals for the fiscal year beginning July 1, 2010, as determined by the ~~fiscal management division of the department~~, plus the amount calculated under subparagraph (1).

Sec. 826. Section 249N.2, subsections 4, 5, and 14, Code 2023, are amended to read as follows:

4. "*Department*" means the department of health and human services.

5. "*Director*" means the director of health and human services.

14. "*Medical assistance program*", "*Medicaid program*", or "*Medicaid*" means the program paying all or part of the costs of care and services provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

Sec. 827. Section 249N.5, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. For members whose household income is at or below one hundred percent of the federal poverty level, the plan shall be administered by the Iowa Medicaid ~~enterprise program~~ program consistent with program administration applicable to individuals under section 249A.3, subsection 1.

Sec. 828. Section 251.1, Code 2023, is amended to read as follows:

251.1 Definitions.

As used in this chapter:

1. "*Administrator*" means the ~~administrator of the division of adult, children, and family services of the department of human services~~.

2. 1. "*Division*" or "*state division*" "*Department*" means the ~~division of adult, children, and family services of the department of health and human services~~.

2. "*Director*" means the director of health and human services.

Sec. 829. Section 251.2, Code 2023, is amended to read as follows:

251.2 Administration of emergency relief.

The ~~state division department~~, in addition to all other powers and duties given ~~it the department~~ by law, ~~shall be~~ is charged with the supervision and administration of all funds ~~coming into the hands of received by the state now or hereafter provided~~ for emergency relief.

Sec. 830. Section 251.3, Code 2023, is amended to read as follows:

251.3 Powers and duties.

The ~~administrator~~ director shall have the power to do all of the following:

1. Appoint ~~such~~ personnel as ~~may be~~ necessary for the efficient discharge of the duties imposed ~~upon~~ on the ~~administrator in the administration of emergency relief~~, director and to make ~~such~~ rules and regulations as ~~the administrator deems~~ necessary or advisable ~~covering~~ relating to the ~~administrator's~~ director's activities and those of the ~~service area~~ advisory boards created under section 217.43, concerning emergency relief.

2. Join and cooperate with the government of the United States, or any of its appropriate agencies or instrumentalities, in any ~~proper~~ emergency relief activity.

3. Make ~~such~~ reports of budget estimates to the governor and to the general assembly as are required by law, or are as necessary and ~~proper~~ to obtain appropriations of funds ~~necessary~~ for emergency relief purposes and for all the purposes of this chapter.

4. Determine the need for funds in the various counties of the state basing such determination upon the amount of money needed in the various counties to provide adequate emergency relief, and upon the counties' financial inability to provide such relief from county funds. The ~~administrator~~ director may administer ~~said~~ state funds ~~belonging to the state~~ within the various counties of the state to supplement local funds as needed.

5. Make ~~such~~ reports, obtain and furnish ~~such~~ information ~~from time to time~~ as may be required by the governor, by the general assembly, or by any other ~~proper~~ appropriate state or federal office or agency, ~~state or federal~~, and make an annual report of ~~its~~ the department's emergency relief activities.

Sec. 831. Section 251.4, Code 2023, is amended to read as follows:

251.4 Grants from state funds to counties.

The ~~state division~~ department may require as a condition of making available state assistance available to counties for emergency relief purposes, that the county boards of supervisors ~~shall~~ establish budgets as needed in respect to the relief situation in the counties.

Sec. 832. Section 251.5, Code 2023, is amended to read as follows:

251.5 Duties of the ~~service area~~ advisory board.

~~A service area~~ The advisory board created in section 217.43 shall perform the following activities ~~for any county~~ in the ~~board's service area~~ counties represented on the board concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.

2. At the request of a county's board of supervisors, prepare requests for grants of state funds.

3. At the request of a county's board of supervisors, administer county relief funds.

4. In a county receiving grants of state funds upon approval of the director of the department of administrative services and the county's board of supervisors, administer both state and county relief funds.

5. Perform other duties as may be prescribed by the ~~administrator~~ department and a county's board of supervisors.

Sec. 833. Section 251.6, Code 2023, is amended to read as follows:

251.6 County supervisors to determine emergency relief and work projects.

The county board of supervisors shall supervise administration of emergency relief, and shall determine the minimum amount of relief required for each person or family, which persons are employable, and whether and under what conditions persons receiving emergency relief may be employed by the county.

Sec. 834. Section 251.7, Code 2023, is amended to read as follows:

251.7 County appointees to act as executive officers.

The county board of supervisors may appoint ~~an individual~~ a person to serve as the executive officer of the ~~service area~~ advisory board in all matters pertaining to relief for that county.

Sec. 835. Section 252.26, Code 2023, is amended to read as follows:

252.26 General assistance director.

The board of supervisors in each county shall appoint or designate a general assistance director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general assistance director an employee of the state department of health and human services who is assigned to work in that county and is directed by the director of health and human services, pursuant to an agreement with the county board, to exercise the functions and duties

of general assistance director in that county. The general assistance director shall receive as compensation an amount to be determined by the county board.

Sec. 836. Section 252.33, Code 2023, is amended to read as follows:

252.33 Application for assistance.

A person may make application for assistance to a member of the board of supervisors, or to the general assistance director of the county where the person is. If application is made to the general assistance director and that officer is satisfied that the applicant is in a state of want which requires assistance at the public expense, the general assistance director may afford temporary assistance, subject to the approval of the board of supervisors, as the necessities of the person require and shall immediately report the case to the board of supervisors, who may continue or deny assistance, as they find cause.

Sec. 837. Section 252.37, Code 2023, is amended to read as follows:

252.37 Appeal to supervisors.

If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the general assistance director to provide assistance, or who may direct specific assistance.

Sec. 838. Section 252A.2, subsections 7 and 8, Code 2023, are amended to read as follows:

7. "*Petitioner*" includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by ~~the child support recovery unit services~~, the state is the petitioner.

8. "*Petitioner's representative*" includes counsel of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by ~~the child support recovery unit services~~, "*petitioner's representative*" includes a county attorney, state's attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state.

Sec. 839. Section 252A.3A, subsections 3, 4, 7, 10, 12, and 13, Code 2023, are amended to read as follows:

3. a. Prior to or at the time of completion of an affidavit of paternity, written and oral information about paternity establishment, developed by ~~the child support recovery unit services~~ created in section 252B.2, shall be provided to the mother and putative father. Video or audio equipment may be used to provide oral information.

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, the benefits of establishing paternity, and the alternatives to and legal consequences of signing an affidavit of paternity, including the rights available if a parent is a minor.

c. Copies of the written information shall be made available by ~~the child support recovery unit services~~ or the Iowa department of public health and human services to those entities where an affidavit of paternity may be obtained as provided under subsection 4.

4. a. The affidavit of paternity form developed and used by the Iowa department of public health and human services is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section. It shall include the minimum requirements specified by the secretary of the United States department of health and human services pursuant to 42 U.S.C. §652(a)(7). A properly completed affidavit of paternity form developed by the Iowa department of public health and human services and existing on or after July 1, 1993, but which is superseded by a later affidavit of paternity form developed by the Iowa department of public health and human services, shall have the same legal effect as a paternity affidavit form used by the Iowa department of public health and human services on or after July 1, 1997, regardless of the date of the filing and registration of the affidavit of paternity, unless otherwise required under federal law.

b. The form shall be available from the state registrar, each county registrar, ~~the child support recovery unit services~~, and any institution in the state.

c. The Iowa department of public health and human services shall make copies of the form available to the entities identified in paragraph “b” for distribution.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits filed and registered pursuant to this section available to the child support ~~recovery unit services~~ created under section 252B.2 in accordance with section 144.13, subsection 4, and any subsequent rescission form which rescinds the affidavit.

10. a. An institution may be reimbursed by the child support ~~recovery unit services~~ created in section 252B.2 for providing the services described under subsection 9, or may provide the services at no cost.

b. An institution electing reimbursement shall enter into a written agreement with the child support ~~recovery unit services~~ for this purpose.

c. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and filing an affidavit of paternity.

d. Reimbursement shall be based only on the number of affidavits completed in compliance with this section and submitted to the state registrar during the duration of the written agreement with the child support ~~recovery unit services~~.

e. The reimbursement rate is twenty dollars for each completed affidavit filed with the state registrar.

12. a. A completed affidavit of paternity may be rescinded by registration by the state registrar of a completed and notarized rescission form signed by either the mother or putative father who signed the affidavit of paternity that the putative father is not the father of the child. The completed and notarized rescission form shall be filed with the state registrar for the purpose of registration prior to the earlier of the following:

(1) Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity.

(2) Entry of a court order pursuant to a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under this chapter, chapter 252C, 252F, 598, or 600B or other law of this state.

b. Unless the state registrar has received and registered an order as provided in section 252A.3, subsection 10, paragraph “a”, which legally establishes paternity, upon registration of a timely rescission form the state registrar shall remove the father’s information from the certificate of birth, and shall send a written notice of the rescission to the last known address of the signatory of the affidavit of paternity who did not sign the rescission form.

c. The Iowa department of public health and human services shall develop a rescission form and an administrative process for rescission. The form shall be the only rescission form recognized for the purpose of rescinding a completed affidavit of paternity. A completed rescission form shall include the signature of a notary public attesting to the identity of the party signing the rescission form. The Iowa department of public health and human services shall adopt rules which establish a fee, based upon the average administrative cost, to be collected for the registration of a rescission.

d. If an affidavit of paternity has been rescinded under this subsection, the state registrar shall not register any subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

13. The child Child support recovery unit services may enter into a written agreement with an entity designated by the secretary of the United States department of health and human services to offer voluntary paternity establishment services.

a. The agreement shall comply with federal requirements pursuant to 42 U.S.C. §666(a)(5)(C) including those regarding notice, materials, training, and evaluations.

b. The agreement may provide for reimbursement of the entity by the state if reimbursement is permitted by federal law.

Sec. 840. Section 252A.5, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Whenever the state or a political subdivision thereof of the state furnishes support to a dependent, it the political subdivision of the state has the same right through proceedings instituted by the petitioner’s representative to invoke the provisions hereof of this section as the dependent to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support; the petition in

such case may be verified by any official having knowledge of such expenditures without further verification of any person and consent of the dependent shall not be required in order to institute proceedings under this chapter. ~~The child~~ Child support ~~recovery unit~~ services may bring the action based upon a statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

3. If ~~the child support recovery unit~~ services is providing services, ~~the unit~~ child support services has the same right to invoke the provisions of this section as the dependent for which support is owed for the purpose of securing support. The petition in such case may be verified by any official having knowledge of the request for services by ~~the unit~~ child support services, without further verification by any other person, and consent of the dependent shall not be required in order to institute proceedings under this chapter. ~~The child~~ Child support ~~recovery unit~~ services may bring the action based upon the statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

Sec. 841. Section 252A.13, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

- a. For family investment program assistance, section 239B.6 shall apply.
- b. For foster care services, section 234.39 shall apply.
- c. For medical assistance, section 252E.11 shall apply.

3. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by ~~the child support recovery unit~~ services. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

Sec. 842. Section 252A.18, Code 2023, is amended to read as follows:

252A.18 Registration of support order — notice.

Registration of a support order of another state or foreign country shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall, by restricted certified mail, or ~~the child support recovery unit~~ services shall, as provided in section 252B.26, send to the respondent notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

Sec. 843. Section 252B.1, Code 2023, is amended to read as follows:

252B.1 Definitions.

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

1. "*Absent parent*" means the parent who either cannot be located or who is located and is not residing with the child at the time the support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

2. "*Child*" includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age or a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. "*Child*" includes "*child*" as defined in section 239B.1.

3. "*Child support agency*" means child support agency as defined in section 252H.2.

4. “Child support services” means child support services created in section 252B.2.

4. ~~5.~~ “Department” means the department of health and human services.

5. ~~6.~~ “Director” means the director of health and human services.

6. ~~7.~~ “Obligor” means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or pursuant to the laws of another state or foreign country.

7. ~~8.~~ “Resident parent” means the parent with whom the child is residing at the time the support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

8. ~~“Unit” means the child support recovery unit created in section 252B.2.~~

Sec. 844. Section 252B.2, Code 2023, is amended to read as follows:

252B.2 Unit Child support services established — intervention.

There is created within the department of ~~human services~~ a child support recovery unit services for the purpose of providing the services required in sections 252B.3 through 252B.6. ~~The unit Child support services is not required to intervene in actions to provide such services.~~

Sec. 845. Section 252B.3, Code 2023, is amended to read as follows:

252B.3 Duty of department to enforce child support — cooperation — rules.

1. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child is eligible for public assistance and that provision of child support services is appropriate, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239B, 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation. The department shall also take appropriate action as required by federal law upon receiving a request from a child support agency for a child receiving public assistance in another state.

2. The department of ~~human services~~ may negotiate a partial payment of a support obligation with a parent or other person responsible for the support of the child, provided that the negotiation and partial payment are consistent with applicable federal law and regulation.

3. The department shall adopt rules pursuant to chapter 17A regarding cases in which, under federal law, it is a condition of eligibility for an individual who is an applicant for or recipient of public assistance to cooperate in good faith with the department in establishing the paternity of, or in establishing, modifying, or enforcing a support order by identifying and locating the parent of the child or enforcing rights to support payments. The rules shall include all of the following provisions:

a. As required by ~~the unit child support services~~, the individual shall provide the name of the noncustodial parent and additional necessary information, and shall appear at interviews, hearings, and legal proceedings.

b. If paternity is an issue, the individual and child shall submit to blood or genetic tests pursuant to a judicial or administrative order.

c. The individual may be requested to sign a voluntary affidavit of paternity, after notice of the rights and consequences of such an acknowledgment, but shall not be required to sign an affidavit or otherwise relinquish the right to blood or genetic tests.

d. ~~The unit Child support services~~ shall promptly notify the individual and the ~~appropriate division of the department administering the department’s public assistance program~~ programs of each determination by ~~the unit child support services~~ of noncooperation of the individual and the reason for such determination.

e. A procedure under which the individual may claim that, and the department shall determine whether, the individual has sufficient good cause or other exception for not cooperating, taking into consideration the best interest of the child.

4. Without need for a court order and notwithstanding the requirements of section 598.22A, the support payment ordered pursuant to any chapter shall be satisfied as to the department, the child, and either parent for the period during which the parents are reconciled and are cohabiting, the child for whom support is ordered is living in the same residence as the

parents, and the obligor receives public assistance on the obligor's own behalf for the benefit of the child. The department shall implement this subsection as follows:

- a. ~~The unit~~ Child support services shall file a notice of satisfaction with the clerk of court.
 - b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of another state or foreign country.
 - c. ~~The unit~~ Child support services shall send notice by regular mail to the obligor when the provisions of this subsection no longer apply. A copy of the notice shall be filed with the clerk of court.
 - d. This section shall not limit the rights of the parents or the department to proceed by other means to suspend, terminate, modify, reinstate, or establish support.
5. On or after July 1, 1999, the department shall implement a program for the satisfaction of accrued support debts, based upon timely payment by the obligor of both current support due and any payments due for accrued support debt under a periodic payment plan. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to establish the criteria and procedures for obtaining satisfaction under the program. The rules adopted under this subsection shall specify the cases and amounts to which the program is applicable, and may provide for the establishment of the program as a pilot program.

Sec. 846. Section 252B.4, Code 2023, is amended to read as follows:

252B.4 Nonassistance cases.

1. The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239B, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by ~~the unit~~ child support services to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services or upon referral as described in subsection 4. The application shall be filed with the department.
2. The director may collect a fee to cover the costs incurred by the department for service of process, genetic testing and court costs if the entity providing the service charges a fee for the services.
3. Fees collected pursuant to this section shall be considered repayment receipts, as defined in section 8.2, and shall be used for the purposes of ~~the unit~~ child support services. The director or a designee shall keep an accurate record of the fees collected and expended.
4. ~~The unit~~ Child support services shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if ~~the unit~~ child support services receives a request from any of the following:
 - a. A child support agency.
 - b. A foreign country as defined in chapter 252K.

Sec. 847. Section 252B.5, Code 2023, is amended to read as follows:

252B.5 Services of unit Child support services.

~~The child~~ Child support recovery unit services shall provide the following services:

1. Assistance in the location of an absent parent or any other person who has an obligation to support the child of the resident parent.
2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. ~~The unit's~~ Child support services' independent cause of action shall not bar a party from seeking support in a subsequent proceeding.
3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted. The director may enter into a contract with a private collection agency to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form

of collection is more cost-effective than departmental collection methods. The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency. A private collection agency with whom the department enters a contract under this subsection shall comply with state and federal confidentiality requirements and debt collection laws. The director may use a portion of the state share of funds collected through this means to pay the costs of any contract authorized under this subsection.

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department of ~~human services~~ or which the child support ~~recovery unit services~~ is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department of ~~human services~~ shall adopt rules pursuant to chapter 17A necessary to assist the department of administrative services in the implementation of the child support setoff as established under section 8A.504.

5. a. In order to maximize the amount of any tax refund to which an obligor may be entitled and which may be applied to child support and medical support obligations, cooperate with any volunteer or free income tax assistance programs in the state in informing obligors of the availability of the programs.

b. ~~The child~~ Child support ~~recovery unit services~~ shall publicize the services of the volunteer or free income tax assistance programs by distributing printed materials regarding the programs.

6. Determine periodically whether an individual receiving unemployment compensation benefits under chapter 96 owes a support obligation which is being enforced by ~~the unit child support services~~, and enforce the support obligation through court or administrative proceedings to have specified amounts withheld from the individual's unemployment compensation benefits.

7. Assistance in obtaining medical support as defined in chapter 252E.

8. a. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21B, and Tit. IV-D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required if the child support ~~recovery unit services~~ determines that such a review would not be in the best interest of the child and neither parent has requested such review.

b. The department shall adopt rules setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

9. a. Assistance, in consultation with the department of administrative services, in identifying and taking action against self-employed individuals as identified by the following conditions:

(1) The individual owes support pursuant to a court or administrative order being enforced by ~~the unit child support services~~ and is delinquent in an amount equal to or greater than the support obligation amount assessed for one month.

(2) The individual has filed a state income tax return in the preceding twelve months.

(3) The individual has no reported tax withholding amount on the most recent state income tax return.

(4) The individual has failed to enter into or comply with a formalized repayment plan with ~~the unit child support services~~.

(5) The individual has failed to make either all current support payments in accordance with the court or administrative order or to make payments against any delinquency in each of the preceding twelve months.

b. ~~The unit~~ Child support services may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:

- (1) The name and social security number of the individual.
- (2) Support obligation information in the specific case, including the amount of the delinquency.

10. The review and adjustment, modification, or alteration of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A and periodic notification, at a minimum of once every three years, to parents subject to a support order of their rights to these services.

11. ~~The unit~~ Child support services shall not establish orders for spousal support. ~~The unit~~ Child support services shall enforce orders for spousal support only if the spouse is the custodial parent of a child for whom ~~the unit~~ child support services is also enforcing a child support or medical support order.

12. a. In compliance with federal procedures, periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by ~~the unit~~ child support services to owe delinquent support, under a support order as defined in section 252J.1, in excess of two thousand five hundred dollars. The certification of the delinquent amount owed may be based upon one or more support orders being enforced by ~~the unit~~ child support services if the delinquent support owed exceeds two thousand five hundred dollars. The certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by ~~the unit~~ child support services under this subsection:

(1) The obligor shall be sent a notice by regular mail in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.

(2) The notice shall include all of the following:

- (a) A statement regarding the amount of delinquent support owed by the obligor.
- (b) A statement providing information that if the delinquency is in excess of two thousand five hundred dollars, the United States secretary of state may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. §652(k).
- (c) Information regarding the procedures for challenging the certification by ~~the unit~~ child support services.

(3) (a) If the obligor chooses to challenge the certification, the obligor shall notify ~~the unit~~ child support services within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.

(b) A challenge shall be based upon mistake of fact. For the purposes of this subsection, “*mistake of fact*” means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed two thousand five hundred dollars on the date of ~~the unit’s~~ child support services’ decision on the challenge.

(4) Upon timely receipt of the challenge, ~~the unit~~ child support services shall review the certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

(5) Following ~~the unit’s~~ child support services’ review of the certification, ~~the unit~~ child support services shall send a written decision to the obligor within ten days of timely receipt of the challenge.

(a) If ~~the unit~~ child support services determines that a mistake of fact exists, ~~the unit~~ child support services shall send notification in accordance with federal procedures withdrawing the certification for passport sanction.

(b) If ~~the unit~~ child support services determines that a mistake of fact does not exist, the obligor may contest the determination within ten days following the issuance of the decision by submitting a written request for a contested case proceeding pursuant to chapter 17A.

(6) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court pursuant to chapter 17A. The

department shall transmit a copy of its record to the district court pursuant to chapter 17A. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

c. Following certification to the secretary, if ~~the unit child support services~~ determines that an obligor no longer owes delinquent support in excess of two thousand five hundred dollars, ~~the unit child support services~~ shall provide information and notice as the secretary requires to withdraw the certification for passport sanction.

13. a. Impose an annual fee, which shall be retained from support collected on behalf of the obligee, in accordance with 42 U.S.C. §654(6)(B)(ii). ~~The unit Child support services~~ shall send information regarding the requirements of this subsection by regular mail to the last known address of an affected obligee, or may include the information for an obligee in an application for services signed by the obligee. In addition, ~~the unit child support services~~ shall take steps necessary regarding the fee to qualify for federal funds in conformity with the provisions of Tit. IV-D of the federal Social Security Act, including receiving and accounting for fee payments, as appropriate, through the collection services center created in section 252B.13A.

b. Fees collected pursuant to this subsection shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes of ~~the unit child support services~~. The director shall maintain an accurate record of the fees collected and expended under this subsection.

c. Until such time as a methodology to secure payment of the collections fee from the obligor is provided by law, an obligee may act pursuant to this paragraph to recover the collections fee from the obligor. If ~~the unit child support services~~ retains all or a portion of the collections fee imposed pursuant to paragraph "a" in a federal fiscal year, there is an automatic nonsupport judgment, in an amount equal to the amount retained, against the obligor payable to the obligee. This paragraph shall serve as constructive notice that the fee amount, once retained, is an automatic nonsupport judgment against the obligor. The obligee may use any legal means, including the lien created by the nonsupport judgment, to collect the nonsupport judgment.

Sec. 848. Section 252B.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In addition to the services enumerated in section 252B.5, ~~the unit child support services~~ may provide the following services in the case of a dependent child for whom public assistance is being provided:

Sec. 849. Section 252B.6, subsection 3, Code 2023, is amended to read as follows:

3. Appear on behalf of the state for the purpose of facilitating the modification of support awards consistent with guidelines established pursuant to section 598.21B, and Tit. IV-D of the federal Social Security Act. ~~The unit Child support services~~ shall not otherwise participate in the proceeding.

Sec. 850. Section 252B.6A, Code 2023, is amended to read as follows:

252B.6A External services.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

a. ~~The unit Child support services~~ is providing services under this chapter.

b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to ~~the unit child support services~~ by the attorney under this section.

c. Support is assigned to the state based upon cash assistance paid under chapter 239B, or its successor.

d. The attorney has provided written notice to ~~the central office of the unit~~ child support services and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to ~~the unit~~ child support services that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to ~~the unit~~ child support services. An attorney may provide subsequent notices to ~~the unit~~ child support services to extend the time for receipt of the collection by subsequent ninety-day periods.

2. a. If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless ~~the unit~~ child support services consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which ~~the unit~~ child support services has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by ~~the unit~~ child support services.

3. ~~The unit~~ Child support services shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to chapters 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which ~~the unit~~ child support services is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by ~~the unit~~ child support services is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. ~~The unit~~ Child support services may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of ~~the unit~~ child support services and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify ~~the unit~~ child support services when the judicial proceeding is completed.

7. a. An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. ~~The unit~~ Child support services shall comply with all state and federal laws regarding confidentiality. ~~The unit~~ Child support services may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit ~~the unit~~ child support services from providing services or taking other actions to enforce support as provided under this chapter.

Sec. 851. Section 252B.7, Code 2023, is amended to read as follows:

252B.7 Legal services.

1. The attorney general may perform the legal services for ~~the child support recovery program~~ services and may enforce all laws for the recovery of child support from responsible relatives. The attorney general may file and prosecute:

a. Contempt of court proceedings to enforce any order of court pertaining to child support.

b. Cases under chapter 252A, the support of dependents law.

c. An information charging a violation of section 726.3, 726.5 or 726.6.

d. Any other lawful action which will secure collection of support for minor children.

2. For the purposes of subsection 1, the attorney general has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This section does not relieve a county attorney from the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. ~~The unit~~ Child support services may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support ~~program-established~~ services required pursuant to this chapter. Notwithstanding section 13.7, ~~the unit~~ child support services may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

4. An attorney employed by or under contract with ~~the child support recovery unit~~ services represents and acts exclusively on behalf of the state when providing child support enforcement services. An attorney-client relationship does not exist between the attorney and an individual party, witness, or person other than the state, regardless of the name in which the action is brought.

Sec. 852. Section 252B.7A, Code 2023, is amended to read as follows:

252B.7A Determining parent's income.

1. ~~The unit~~ Child support services shall use any of the following in determining the amount of the net monthly income of a parent for purposes of establishing or modifying a support obligation:

a. Income as identified in a signed statement of the parent pursuant to section 252B.9, subsection 1, paragraph “b”. If evidence suggests that the statement is incomplete or inaccurate, ~~the unit~~ child support services may present the evidence to the court in a judicial proceeding or to the ~~administrator~~ director in a proceeding under chapter 252C or a comparable chapter, and the court or ~~administrator~~ director shall weigh the evidence in setting the support obligation. Evidence includes but is not limited to income as established under paragraph “c”.

b. If a sworn statement is not provided by the parent, ~~the unit~~ child support services may determine income as established under paragraph “c” or “d”.

c. Income established by any of the following:

- (1) Income verified by an employer or payor of income.
- (2) Income reported to the department of workforce development.
- (3) For a public assistance recipient, income as reported to the department case worker assigned to the public assistance case.

(4) Other written documentation which identifies income.

d. By July 1, 1999, the department shall adopt rules for imputing income, whenever possible, based on the earning capacity of a parent who does not provide income information or for whom income information is not available. Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, the estimated state median income for a one-person family as published annually in the federal register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

(1) This provision is effective beginning July 1, 1992, based upon the information published in the federal register dated March 8, 1991.

(2) ~~The unit~~ Child support services may revise the estimated income each October 1. If the estimate is not available or has not been published, ~~the unit~~ child support services may revise the estimate when it becomes available.

e. When the income information obtained pursuant to this subsection does not include the information necessary to determine the net monthly income of the parent, ~~the unit~~ child support services may deduct twenty percent from the parent’s gross monthly income to arrive at the net monthly income figure.

2. The amount of the income determined may be challenged any time prior to the entry of a new or modified order for support.

3. If ~~the child support recovery unit~~ services is providing services pursuant to this chapter, the court shall use the income figure determined pursuant to this section when applying the guidelines to determine the amount of support.

4. The department may develop rules as necessary to further implement disclosure of financial information of the parties.

Sec. 853. Section 252B.7B, Code 2023, is amended to read as follows:

252B.7B Informational materials provided by ~~the unit~~ child support services.

1. ~~The unit~~ Child support services shall prepare and make available to the public, informational materials which explain ~~the unit’s~~ child support services’ procedures including, but not limited to, procedures with regard to all of the following:

- a. Accepting applications for services.
- b. Locating individuals.
- c. Establishing paternity.
- d. Establishing support.
- e. Enforcing support.
- f. Modifying, suspending, or reinstating support.
- g. Terminating services.

2. The informational materials shall include general information about and descriptions of the processes involved relating to the services provided by ~~the unit~~ child support services

including application for services, fees for services, the responsibilities of the recipient of services, resolution of disagreements with ~~the unit~~ child support services, rights to challenge the actions of ~~the unit~~ child support services, and obtaining additional information.

Sec. 854. Section 252B.8, Code 2023, is amended to read as follows:

252B.8 Central information center.

The department shall establish within ~~the unit~~ child support services an information and administration coordinating center which shall serve as a registry for the receipt of information and for answering interstate inquiries concerning absent parents and shall coordinate and supervise ~~unit~~ child support services' activities. The information and administration coordinating center shall promote cooperation between ~~the unit~~ child support services and law enforcement agencies to facilitate the effective operation of ~~the unit~~ child support services.

Sec. 855. Section 252B.9, Code 2023, is amended to read as follows:

252B.9 Information and assistance from others — availability of records.

1. a. The director may request from state, county, and local agencies information and assistance deemed necessary to carry out the provisions of this chapter. State, county, and local agencies, officers, and employees shall cooperate with ~~the unit~~ child support services and shall on request supply the department with available information relative to the absent parent, the custodial parent, and any other necessary party, notwithstanding any provisions of law making this information confidential. The cooperation and information required by this subsection shall also be provided when it is requested by a child support agency. Information required by this subsection includes, but is not limited to, information relative to location, income, property holdings, records of licenses as defined in section 252J.1, and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, ~~the unit~~ child support services shall be provided automated access.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21B, notwithstanding any provisions of law making this information confidential.

c. Notwithstanding any provisions of law making this information confidential, all persons, including for-profit, nonprofit, and governmental employers, shall, on request, promptly supply ~~the unit~~ child support services or a child support agency information on the employment, compensation, and benefits of any individual employed by such person as an employee or contractor with relation to whom ~~the unit~~ child support services or a child support agency is providing services.

d. Notwithstanding any provisions of law making this information confidential, ~~the unit~~ child support services may subpoena or a child support agency may use the administrative subpoena form promulgated by the secretary of the United States department of health and human services under 42 U.S.C. §652(a)(11)(C), to obtain any of the following:

(1) Books, papers, records, or information regarding any financial or other information relating to a paternity or support proceeding.

(2) Certain records held by public utilities, cable or other television companies, cellular telephone companies, and internet service providers with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records, and including the cellular telephone numbers of such individuals appearing in the customer records of cellular telephone companies. If the records are maintained in automated databases, ~~the unit~~ child support services shall be provided with automated access.

e. ~~The unit~~ Child support services or a child support agency may subpoena information for one or more individuals.

f. If ~~the unit~~ child support services or a child support agency issues a request under paragraph “c”, or a subpoena under paragraph “d”, all of the following shall apply:

(1) ~~The unit~~ Child support services or a child support agency may issue a request or subpoena to a person by sending it by regular mail. Proof of service may be completed according to rule of civil procedure 1.442.

(2) A person who is not a parent or putative father in a paternity or support proceeding, who is issued a request or subpoena, shall be provided an opportunity to refuse to comply for good cause by filing a request for a conference with ~~the unit~~ child support services or a child support agency in the manner and within the time specified in rules adopted pursuant to subparagraph (7).

(3) Good cause shall be limited to mistake in the identity of the person, or prohibition under federal law to release such information.

(4) After the conference ~~the unit~~ child support services shall issue a notice finding that the person has good cause for refusing to comply, or a notice finding that the person does not have good cause for failing to comply. If the person refuses to comply after issuance of notice finding lack of good cause, or refuses to comply and does not request a conference, the person is subject to a penalty of one hundred dollars per refusal.

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a penalty imposed under subparagraph (4), ~~the unit~~ child support services may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the penalty, the person may seek judicial review by the district court.

(6) If a parent or putative father fails to comply with a subpoena or request for information, the provisions of chapter 252J shall apply.

(7) ~~The unit~~ Child support services may adopt rules pursuant to chapter 17A to implement this section.

g. Notwithstanding any provisions of law making this information confidential, ~~the unit~~ child support services or a child support agency shall have access to records and information held by financial institutions with respect to individuals who owe or are owed support, or with respect to whom a support obligation is sought including information on assets and liabilities. If the records are maintained in automated databases, ~~the unit~~ child support services shall be provided with automated access. For the purposes of this section, “*financial institution*” means financial institution as defined in section 2521.1.

h. Notwithstanding any law to the contrary, ~~the unit~~ child support services and a child support agency shall have access to any data maintained by the state of Iowa which contains information that would aid the agency in locating individuals. Such information shall include, but is not limited to, driver’s license, motor vehicle, and criminal justice information. However, the information does not include criminal investigative reports or intelligence files maintained by law enforcement. ~~The unit~~ Child support services and a child support agency shall use or disclose the information obtained pursuant to this paragraph only in accordance with subsection 3. Criminal history records maintained by the department of public safety shall be disclosed in accordance with chapter 692. ~~The unit~~ Child support services shall also have access to the protective order file maintained by the department of public safety.

i. Liability shall not arise under this subsection with respect to any disclosure by a person as required by this subsection, and no advance notice from ~~the unit~~ child support services or a child support agency is required prior to requesting information or assistance or issuing a subpoena under this subsection.

j. Notwithstanding any provision of law making this information confidential, data provided to the department by an insurance carrier under section 505.25 shall also be provided to ~~the unit~~ child support services. Provision of data to ~~the unit~~ child support services under this paragraph shall not require an agreement or modification of an agreement between the department and an insurance carrier, but the provisions of this section applicable to information received by ~~the unit~~ child support services shall apply to the data received pursuant to section 505.25 in lieu of any confidentiality, privacy, disclosure, use, or other provisions of an agreement between the department and an insurance carrier.

2. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the

department, the payment records of the collection services center maintained under section 252B.13A may be released, except when prohibited by federal law or regulation, only as follows:

a. Payment records of the collection services center may be released upon request for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, and as otherwise permitted under Tit. IV-D of the federal Social Security Act, as amended. A payment record shall not include address or location information.

b. The department may release details related to payment records or provide alternative formats for release of the information for the administration of a plan or program under Tit. IV-D of the federal Social Security Act, as amended, including as follows:

(1) ~~The unit Child support services~~ or the collection services center may provide detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Tit. IV-D of the federal Social Security Act, as amended, or to the court.

(2) For support orders entered in Iowa which are being enforced by ~~the unit child support services~~, ~~the unit child support services~~ may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is protected through confidentiality requirements established by law and has not otherwise been verified with ~~the unit child support services~~, the support obligor's court order docket or case number, the county in which the obligor's support order is filed, the collection services center case numbers, and the range within which the balance of the support obligor's delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but ~~the unit child support services~~ may send notice annually by mail to the current known address of any individual owing a support obligation which is being enforced by ~~the unit child support services~~. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent ~~the unit child support services~~ from proceeding in implementing this subparagraph.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of a child support agency if the child support agency has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and ~~the unit child support services~~ is enforcing the support obligation.

(4) Records relating to the administration, collection, and enforcement of surcharges pursuant to section 252B.23 which are recorded by ~~the unit child support services~~ or a collection entity shall be confidential records except that information, as necessary for support collection and enforcement, may be provided to other governmental agencies, the obligor or the resident parent, or a collection entity under contract with ~~the unit child support services~~ unless otherwise prohibited by the federal law. A collection entity under contract with ~~the unit child support services~~ shall use information obtained for the sole purpose of fulfilling the duties required under the contract, and shall disclose any records obtained by the collection entity to ~~the unit child support services~~ for use in support establishment and enforcement.

3. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to the confidentiality of records maintained by the department, information recorded by the department pursuant to this section or obtained by ~~the unit child support services~~ is confidential and, except when prohibited by federal law

or regulation, may be used or disclosed as provided in subsection 1, paragraphs “b” and “h”, and subsection 2, and as follows:

a. The attorney general may utilize the information to secure, modify, or enforce a support obligation of an individual.

b. This subsection shall not permit or require the release of information, except to the extent provided in this section.

c. ~~The unit~~ Child support services may release or disclose information as necessary to provide services under section 252B.5, as provided by chapter 252G, as provided by Tit. IV-D of the federal Social Security Act, as amended, or as required by federal law.

d. ~~The unit~~ Child support services may release information under section 252B.9A to meet the requirements of Tit. IV-D of the federal Social Security Act for parent locator services.

e. Information may be released if directly connected with any of the following:

(1) The administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) Reporting to an appropriate agency or official of any such plan or program, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child’s health or welfare is threatened.

f. Information may be released to courts having jurisdiction in support proceedings. If a court issues an order, which is not entered under section 252B.9A, directing ~~the unit child support services~~ to disclose confidential information, ~~the unit child support services~~ may file a motion to quash pursuant to this chapter, Tit. IV-D of the federal Social Security Act, or other applicable law.

g. ~~The child~~ Child support recovery unit services may release information for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, specified under subsection 2 or this subsection, to the extent the release of information does not interfere with ~~the unit child support services~~ meeting its own obligations under Tit. IV-D of the federal Social Security Act, as amended, and subject to requirements prescribed by the federal office of child support enforcement of the United States department of health and human services.

h. For purposes of this subsection, “party” means an absent parent, obligor, resident parent, or other necessary party.

i. If ~~the unit child support services~~ receives notification under this paragraph, ~~the unit child support services~~ shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, ~~the unit child support services~~ shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1) ~~The unit~~ Child support services receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2) ~~The unit~~ Child support services receives and, through automation, matches notification from the department of public safety or ~~the unit child support services~~ receives notification from a court of this or another state, that a court has issued a protective order or no-contact order against a party with respect to another party or child.

(3) ~~The unit~~ Child support services receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4) ~~The unit~~ Child support services receives a copy, regular on its face, of a notarized affidavit or a pleading, which was signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state,

alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, ordered the identifying information of a party or child be disclosed.

(5) ~~The unit~~ Child support services receives and, through automation, matches notification from ~~the division of child and family services~~ of the department, or ~~the unit~~ child support services receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6) ~~The unit~~ Child support services receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7) ~~The unit~~ Child support services receives notification that an individual is a certified program participant as provided in chapter 9E.

(8) ~~The unit~~ Child support services receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, certification, or founded allegation referred to in subparagraphs (1) through (7) of this paragraph.

j. ~~The unit~~ Child support services may provide information regarding delinquent obligors as provided in 42 U.S.C. §666(a)(7) to a consumer reporting agency if all the following apply:

(1) The agency provides ~~the unit~~ child support services with satisfactory evidence that it is a consumer reporting agency as defined in 15 U.S.C. §1681a(f) and meets all the following requirements:

(a) Compiles and maintains files on consumers on a nationwide basis as provided in 15 U.S.C. §1681a(p).

(b) Participates jointly with other nationwide consumer reporting agencies in providing annual free credit reports to consumers upon request through a centralized source as required by the federal trade commission in 16 C.F.R. §610.2.

(2) The agency has entered into an agreement with ~~the unit~~ child support services regarding receipt and use of the information.

4. Nothing in this chapter, chapter 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other comparable chapter or law shall preclude ~~the unit~~ child support services from exchanging any information, notice, document, or certification with any government or private entity, if the exchange is not otherwise prohibited by law, through mutually agreed upon electronic data transfer rather than through other means.

Sec. 856. Section 252B.9A, Code 2023, is amended to read as follows:

252B.9A Disclosure of confidential information — authorized person — court.

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. §653, may submit a written request to ~~the unit~~ child support services for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations, including any attestation and any payment to the federal office of child support enforcement of the United States department of health and human services required by federal law or regulation, and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. §653, including that the requester would use the confidential information only for purposes permitted in that section.

2. Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, ~~the unit~~ child support services shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. §653.

a. If ~~the unit~~ child support services locates the specified confidential information, ~~the unit~~ child support services shall disclose the information to the extent permitted under federal law, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) ~~The unit~~ Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph “i”, and has not removed that notification.

(3) ~~The unit~~ Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph “i”, within twenty days of sending a notice of the request to the subject of the request by regular mail.

b. If ~~the unit~~ child support services locates the specified confidential information, but ~~the unit~~ child support services is prohibited from disclosing confidential information under paragraph “a”, ~~the unit~~ child support services shall deny the request and notify the requester of the denial in writing. Upon receipt of a written notice from ~~the unit~~ child support services denying the request, the requester may file a petition in district court for an order directing ~~the unit~~ child support services to release the requested information to the court as provided in subsection 3.

3. A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct ~~the unit~~ child support services to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release specified confidential information to the petitioner.

a. The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

(1) To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

(2) To make or enforce a child custody or visitation determination or order.

(3) To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

b. Upon the filing of a petition, the court shall enter an order directing ~~the unit~~ child support services to release to the court within thirty days specified confidential information which ~~the unit~~ child support services would be permitted to release under 42 U.S.C. §653 and 42 U.S.C. §663, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) ~~The unit~~ Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph “i”, and has not removed that notification.

(3) ~~The unit~~ Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph “i”, within twenty days of sending notice of the order to the subject of the request by regular mail. ~~The unit~~ Child support services shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

c. Upon receipt of the order, ~~the unit~~ child support services shall comply as follows:

(1) If ~~the unit~~ child support services has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph “b” applies, ~~the unit~~ child support services shall file the confidential information with the court along with a statement that ~~the unit~~ child support services has not received any notice that the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph “b” apply. ~~The unit~~ Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for ~~the unit~~ child support services to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

(2) If ~~the unit~~ child support services has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph “b” applies, ~~the unit~~ child support services shall file with the court a statement that the domestic violence, child abuse, or disclosure risk indicator provision of paragraph “b” applies, along with any information ~~the unit~~ child support services has received related to the domestic violence, child abuse, or disclosure risk indicator. ~~The unit~~ Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for ~~the unit~~ child

support services to comply. Upon receipt by the court of information from ~~the unit child support services~~ under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by ~~the unit child support services~~ or by a child support agency, any information provided by the petitioner, and any other relevant evidence. ~~The unit Child support services or unit's a child support services'~~ attorney does not represent any individual person in this proceeding.

(a) If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify ~~the unit child support services~~ to notify the federal parent locator service of a disclosure risk indicator.

(b) If the court does not find that disclosure of specified confidential information to any other person could be harmful to the nonrequesting party or child, the court shall notify ~~the unit child support services~~ to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform ~~the unit child support services~~ to remove the disclosure risk indicator.

(3) If ~~the unit child support services~~ does not have the specified confidential information and cannot obtain the information from the federal parent locator service, ~~the unit child support services~~ shall comply with the order by notifying the court of the lack of information.

4. The confidential information which may be released by ~~the unit child support services~~ to a party under subsection 2, or by ~~the unit child support services~~ to the court under subsection 3, shall be limited by the federal Social Security Act and other applicable federal law, and ~~the unit child support services~~ may use the sworn statement filed pursuant to subsection 1 or 3 in applying federal law. Any information filed with the court by ~~the unit child support services~~, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5. When making a request for confidential information under this section, a party or petitioner shall indicate the specific information requested.

6. For purposes of this section, "party" means party as defined in section 252B.9, subsection 3.

7. ~~The unit Child support services~~ may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

Sec. 857. Section 252B.11, Code 2023, is amended to read as follows:

252B.11 Recovery of costs of collection services.

~~The unit Child support services~~ may initiate necessary civil proceedings to recover ~~the unit's child support services'~~ costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. ~~The unit Child support services~~ may seek a lump sum recovery of ~~the unit's child support services'~~ costs or may seek to recover ~~the unit's child support services'~~ costs through periodic payments which are in addition to periodic support payments. If ~~the unit's child support services'~~ costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. The costs collected pursuant to this section shall be retained by the department for use by ~~the unit child support services~~. The director or a designee shall keep an accurate record of funds so retained.

Sec. 858. Section 252B.13A, Code 2023, is amended to read as follows:

252B.13A Collection services center.

1. The department shall establish within ~~the unit child support services~~ a collection services center for the receipt and disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders by section 252B.14. For purposes of this section, support

payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.23.

2. a. The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. §654b, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial branch shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following:

- (1) Coordination with the state case registry created in section 252B.24.
- (2) The receipt and disbursement of income withholding payments for orders not receiving services from ~~the unit~~ child support services pursuant to section 252B.14, subsection 4.
- (3) The transmission of information, orders, and documents, and access to information.
- (4) Furnishing, upon request, timely information on the current status of support payments as provided in 42 U.S.C. §654b(b)(4), in a manner consistent with state law.
- (5) The notification of payors of income to direct income withholding payments to the collection services center as provided in section 252B.14, subsection 4.

Sec. 859. Section 252B.14, subsections 2 and 5, Code 2023, are amended to read as follows:

2. For support orders being enforced by ~~the child support recovery unit services~~, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but ~~the unit~~ child support services is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by ~~the unit~~ child support services, the parties to that order are not considered to be receiving services under this chapter.

Sec. 860. Section 252B.15, subsection 1, Code 2023, is amended to read as follows:

1. The collection services center shall notify the clerk of the district court of any order for which ~~the child support recovery unit services~~ is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

Sec. 861. Section 252B.16, Code 2023, is amended to read as follows:

252B.16 Transfer of support order processing responsibilities — ongoing procedures.

1. For a support order being processed by the clerk of the district court, upon notification that ~~the unit~~ child support services is providing enforcement services related to the order, the clerk of the district court shall immediately transfer the responsibility for the disbursement of support payments received pursuant to the order to the collection services center.

2. The department shall adopt rules pursuant to chapter 17A to ensure that the affected parties are notified that the support payment disbursement responsibilities have been transferred to the collection services center from the clerk of the district court. The rules shall include a provision requiring that a notice shall be sent by regular mail to the last known addresses of the obligee and the obligor. The issuance of notice to the obligor is the equivalent of a court order requiring the obligor to direct payment to the collection services center for disbursement.

3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if ~~the child support recovery unit services~~ is no longer providing enforcement services, unless redirected by court order.

However, the responsibility for receiving and disbursing income withholding payments shall not be redirected to a clerk of the district court.

4. As provided in sections 252K.307 and 252K.319, ~~the unit child support services~~ may issue and file with the clerk of the district court, a notice redirecting support payments to a comparable government entity responsible for the processing and disbursement of support payments in another state. ~~The unit Child support services~~ shall send a copy of the notice by regular mail to the last known addresses of the obligor and obligee and, where applicable, shall notify the payor of income to make payments as specified in the notice. The issuance and filing of the notice is the equivalent of a court order redirecting support.

Sec. 862. Section 252B.17A, Code 2023, is amended to read as follows:

252B.17A Imaging or photographic copies — originals destroyed.

1. If ~~the unit child support services~~, in the regular course of business or activity, has recorded or received any memorandum, writing, entry, print, document, representation, or combination thereof, of any act, transaction, occurrence, event, or communication from any source, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original, the original may be destroyed. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original recording, copy, or reproduction is in existence and available for inspection. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original.

2. The electronically imaged, copied, or otherwise reproduced record or document maintained or received by ~~the unit child support services~~, when certified over the signature of a designated employee of ~~the unit child support services~~, shall be considered to be satisfactorily identified. Certified documents are deemed to have been imaged or copied or otherwise reproduced accurately and unaltered in the regular course of business, and such documents are admissible in any judicial or administrative proceeding as evidence. Additional proof of the official character of the person certifying the record or authenticity of the person's signature shall not be required. Whenever ~~the unit child support services~~ or an employee of ~~the unit child support services~~ is served with a summons, subpoena, subpoena duces tecum, or order directing production of such records, ~~the unit child support services~~ or the employee may comply by transmitting a copy of the record certified as described above to the district court.

Sec. 863. Section 252B.20, Code 2023, is amended to read as follows:

252B.20 Suspension of support — request by mutual consent.

1. If ~~the unit child support services~~ is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of ~~the unit child support services~~ in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs "a" and "b", have consented to suspension of the support order or obligation, and have submitted the affidavit to the unit child support services.

d. No prior request for suspension has been filed with the unit child support services under this section and no prior request for suspension has been served by the unit child support services under section 252B.20A during the two-year period preceding the request.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, the unit child support services shall review the application and affidavit to determine that the necessary criteria have been met. The unit Child support services shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, the unit child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

5. During the six-month period the unit child support services may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to the unit child support services by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. If a condition under subsection 5 exists, the unit child support services may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, the unit child support services shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, the unit child support services shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

7. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and the unit child support services.

8. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph “a”, the date the notices were served on both parents pursuant to subsection 7.

b. For reinstatements initiated under subsection 5, paragraph “b”, the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

9. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

10. This section shall not limit the rights of the parents or ~~the unit child support services~~ to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

11. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

12. Nothing in this section shall prohibit or limit ~~the unit child support services~~ or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review or for a cost-of-living alteration under chapter 252H, subchapter IV, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

14. As used in this section, unless the context otherwise requires, “step change” means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

15. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon agreement of the parents, ~~the unit child support services~~ may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested ~~the unit child support services~~ to provide services under this chapter. The parents and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to ~~the unit child support services~~. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to ~~the unit child support services~~ by either parent or the caretaker, ~~the unit child support services~~ may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

16. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 864. Section 252B.20A, Code 2023, is amended to read as follows:

252B.20A Suspension of support — request by one party.

1. If ~~the unit child support services~~ is providing child support enforcement services pursuant to this chapter, the obligor who is ordered to pay support for the dependent child pursuant to chapter 252A, 252C, or 252F, may request the assistance of ~~the unit child support services~~ in suspending the obligation for support if all of the following conditions exist:

a. The child is currently residing with the obligor and has been for more than sixty consecutive days. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. There is no order in effect regarding legal custody, physical care, visitation, or other parenting time for the child.

c. It is reasonably expected that the basis for suspension under this section will continue for not less than six months.

d. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the obligor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

e. The obligor has signed a notarized affidavit, provided by ~~the unit~~ child support services, attesting to the existence of the conditions under paragraphs “a” through “d”, has requested suspension of the support order or obligation, and has submitted the affidavit to ~~the unit~~ child support services.

f. No prior request for suspension has been served under this section, and no prior request for suspension has been filed with ~~the unit~~ child support services pursuant to section 252B.20, during the two-year period preceding the request.

g. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, ~~the unit~~ child support services shall review the application and affidavit to determine that the criteria have been met. ~~The unit~~ Child support services shall then do one of the following:

a. If ~~the unit~~ child support services determines the criteria have not been met, deny the request and notify the obligor in writing that the application is being denied, providing reasons for the denial and notifying the obligor of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If ~~the unit~~ child support services determines the criteria have been met, serve a copy of the notice and supporting documents on the obligee by any means provided in section 252B.26. The notice to the obligee shall include all of the following:

(1) Information sufficient to identify the parties and the support order affected.

(2) An explanation of the procedure for suspension and reinstatement of support under this section.

(3) An explanation of the rights and responsibilities of the obligee, including the applicable procedural time frames.

(4) A statement that within twenty days of service, the obligee must submit a signed and notarized response to ~~the unit~~ child support services objecting to at least one of the assertions in subsection 1, paragraphs “a” through “d”. The statement shall inform the obligee that if, within twenty days of service, the obligee fails to submit a response as specified in this subparagraph, notwithstanding rules of civil procedure 1.972(2) and 1.972(3), ~~the unit~~ child support services will prepare and submit an order as provided in subsection 3, paragraph “b”.

3. No sooner than thirty days after service on the obligee under subsection 2, paragraph “b”, ~~the unit~~ child support services shall do one of the following:

a. If the obligee submits a signed and notarized objection to any assertion in subsection 1, paragraphs “a” through “d”, deny the request and notify the parties in writing that the application is denied, providing reasons for the denial, and notifying the parties of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the obligee does not timely submit a signed and notarized objection to ~~the unit~~ child support services, prepare an order which shall be submitted, along with supporting documents, to a judge of a district court for approval, suspending the accruing support obligation. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, ~~the unit~~ child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

4. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

5. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

6. During the six-month period, ~~the unit~~ child support services may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to ~~the unit~~ child support services by either party or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

7. If a condition under subsection 6 exists, ~~the unit~~ child support services may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, ~~the unit~~ child support services shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, ~~the unit~~ child support services shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

8. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon the parties. Within ten days following the date of service, a party may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to the parties and ~~the unit~~ child support services.

9. a. The reinstatement is effective as follows:

(1) For reinstatements initiated under subsection 6, paragraph "a", the date the notices were served on the parties pursuant to subsection 8.

(2) For reinstatements initiated under subsection 6, paragraph "b", the date the child began receiving public assistance benefits during the suspension of the obligation.

b. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the suspension was made under false pretenses.

10. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 5, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

11. Legal representation of ~~the unit~~ child support services shall be provided pursuant to section 252B.7, subsection 4.

12. This section shall not limit the rights of a party or ~~the unit~~ child support services to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

13. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

14. Nothing in this section shall prohibit or limit ~~the unit~~ child support services or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

15. For the purposes of chapter 252H regarding the criteria for a review under subchapter II of that chapter or for a cost-of-living alteration under subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

16. As used in this section, unless the context otherwise requires, "step change" means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

17. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon request by the obligor, ~~the unit child support services~~ may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested ~~the unit child support services~~ to provide services under this chapter. The obligor and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to ~~the unit child support services~~. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to ~~the unit child support services~~ by either party or the caretaker, ~~the unit child support services~~ may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

18. The department may adopt all necessary and proper rules to administer and interpret this section.

Sec. 865. Section 252B.21, Code 2023, is amended to read as follows:

252B.21 Administrative seek employment orders.

1. For any support order being enforced by ~~the unit child support services~~, ~~the unit child support services~~ may enter an ex parte order requiring the obligor to seek employment if employment of the obligor cannot be verified and if the obligor has failed to make support payments. Advance notice is not required prior to entering the ex parte order. The order shall be served upon the obligor by regular mail, with proof of service completed as provided in rule of civil procedure 1.442. ~~The unit Child support services~~ shall file a copy of the order with the clerk of the district court.

2. The order to seek employment shall contain directives, including all of the following:

a. That the obligor seek employment within a determinate amount of time.

b. That the obligor file with ~~the unit child support services~~ on a weekly basis a report of at least five new attempts to find employment or of having found employment. The report shall include the names, addresses, and the telephone numbers of any employers or businesses with whom the obligor attempted to seek employment and the name of the individual contact to whom the obligor made application for employment or to whom an inquiry was directed.

c. That failure to comply with the notice is evidence of a willful failure to pay support under section 598.23A.

d. That the obligor shall provide ~~the child support recovery unit services~~ with verification of any reason for noncompliance with the order.

e. The duration of the order, not to exceed three months.

3. The department may establish additional criteria or requirements relating to seek employment orders by rule as necessary to implement this section.

Sec. 866. Section 252B.22, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The child Child support recovery unit services~~ created in this chapter shall establish a task force to assist in the development and implementation of all of the following:

Sec. 867. Section 252B.23, Code 2023, is amended to read as follows:

252B.23 Surcharge.

1. A surcharge shall be due and payable by the obligor on a support arrearage identified as difficult to collect and referred by ~~the unit child support services~~ on or after January 1, 1998, to a collection entity under contract with ~~the unit child support services~~ or other state entity. The amount of the surcharge shall be a percent of the amount of the support arrearage referred to the collection entity and shall be specified in the contract with the collection entity. For the purpose of this chapter, a "collection entity" includes but is not limited to a state agency, including the central collection unit of the department of revenue, or a private collection agency. Use of a collection entity is in addition to any other legal means by which support payments may be collected. ~~The unit Child support services~~ shall continue to use other enforcement actions, as appropriate.

2. a. Notice that a surcharge may be assessed on a support arrearage referred to a collection entity pursuant to this section shall be provided to an obligor in accordance with one of the following as applicable:

(1) In the order establishing or modifying the support obligation. ~~The unit Child support services~~ or the district court shall include notice in any new or modified support order issued on or after July 1, 1997.

(2) Through notice sent by ~~the unit child support services~~ by regular mail to the last known address of the support obligor.

b. The notice shall also advise that any appropriate information may be provided to a collection entity for purposes of administering and enforcing the surcharge.

3. Arrearages submitted for referral and surcharge pursuant to this section shall meet all of the following criteria:

a. The arrearages owed shall be based on a court or administrative order which establishes the support obligation.

b. The arrearage is due for a case in which ~~the unit child support services~~ is providing services pursuant to this chapter and one for which the arrearage has been identified as difficult to collect by ~~the unit child support services~~.

c. The obligor was provided notice pursuant to subsection 2 at least fifteen days prior to sending the notice of referral pursuant to subsection 4.

4. ~~The unit Child support services~~ shall send notice of referral to the obligor by regular mail to the obligor's last known address, with proof of service completed according to rule of civil procedure 1.442, at least thirty days prior to the date the arrearage is referred to the collection entity. The notice shall inform the obligor of all of the following:

a. The arrearage will be referred to a collection entity.

b. Upon referral, a surcharge is due and payable by the obligor.

c. The amount of the surcharge.

d. That the obligor may avoid referral by paying the amount of the arrearage to the collection services center within twenty days of the date of notice of referral.

e. That the obligor may contest the referral by submitting a written request for review of the ~~unit child support services~~. The request shall be received by ~~the unit child support services~~ within twenty days of the date of the notice of referral.

f. The right to contest the referral is limited to a mistake of fact, which includes a mistake in the identity of the obligor, a mistake as to fulfillment of the requirements for referral under this subsection, or a mistake in the amount of the arrearages.

g. ~~The unit Child support services~~ shall issue a written decision following a requested review.

h. Following the issuance of a written decision by ~~the unit child support services~~ denying that a mistake of fact exists, the obligor may request a hearing to challenge the surcharge by sending a written request for a hearing to ~~the office of the unit which issued the decision child support services~~. The request shall be received by ~~the office of the unit which issued the decision child support services~~ within ten days of ~~the unit's child support services'~~ written decision. The only grounds for a hearing shall be mistake of fact. Following receipt of the written request, ~~the unit which receives the request child support services~~ shall certify the matter for hearing in the district court in the county in which the underlying support order is filed.

i. The address of the collection services center for payment of the arrearages.

5. If the obligor pays the amount of arrearage within twenty days of the date of the notice of referral, referral of the arrearage to a collection entity shall not be made.

6. If the obligor requests a review or court hearing pursuant to this section, referral of the arrearages shall be stayed pending the decision of ~~the unit child support services~~ or the court.

7. Actions of ~~the unit child support services~~ under this section shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court. However, the department shall establish, by rule pursuant to chapter 17A, an internal process to provide an additional review by the ~~administrator of the child support recovery unit~~ director or the administrator's director's designee.

8. If an obligor does not pay the amount of the arrearage, does not contest the referral, or if following ~~the unit's child support services'~~ review and any court hearing ~~the unit child support services~~ or ~~the court does not find a mistake of fact~~, the arrearages shall be referred to a collection entity. Following the review or hearing, if ~~the unit child support services~~ or the court finds a mistake in the amount of the arrearage, the arrearages shall be referred to the collection entity in the appropriate arrearage amount. For arrearages referred to a collection entity, the obligor shall pay a surcharge equal to a percent of the amount of the support arrearage due as of the date of the referral. The surcharge is in addition to the arrearages and any other fees or charges owed, and shall be enforced by the collection entity as provided under section 252B.5. Upon referral to the collection entity, the surcharge is an automatic judgment against the obligor.

9. The director or the director's designee may file a notice of the surcharge with the clerk of the district court in the county in which the underlying support order is filed. Upon filing, the clerk shall enter the amount of the surcharge on the lien index and judgment docket.

10. Following referral of a support arrearage to a collection entity, the surcharge shall be due and owing and enforceable by a collection entity or ~~the unit child support services~~ notwithstanding satisfaction of the support obligation or whether the collection entity is enforcing a support arrearage. However, ~~the unit child support services~~ may waive payment of all or a portion of the surcharge if waiver will facilitate the collection of the support arrearage.

11. All surcharge payments shall be received and disbursed by the collection services center. The surcharge payments received by the collection services center shall be considered repayment receipts as defined in section 8.2 and shall be used to pay the costs of any contracts with a collection entity.

12. *a.* A payment received by the collection services center which meets all the following conditions shall be allocated as specified in paragraph "b":

- (1) The payment is for a case in which arrearages have been referred to a collection entity.
- (2) A surcharge is assessed on the arrearages.
- (3) The payment is collected under the provisions of the contract with the collection entity.

b. A payment meeting all of the conditions in paragraph "a" shall be allocated between support and costs and fees, and the surcharge according to the following formula:

(1) The payment shall be divided by the sum of one hundred percent plus the percent specified in the contract.

(2) The quotient shall be the amount allocated to the support arrearage and other fees and costs.

(3) The difference between the dividend and the quotient shall be the amount allocated to the surcharge.

13. Any computer or software programs developed and any records used in relation to a contract with a collection entity remain the property of the department.

Sec. 868. Section 252B.24, Code 2023, is amended to read as follows:

252B.24 State case registry.

1. ~~Beginning October 1, 1998, the unit~~ Child support services shall operate a state case registry to the extent determined by applicable time frames and other provisions of 42 U.S.C. §654a(e) and this section. ~~The unit~~ Child support services and the judicial branch shall enter into a cooperative agreement for the establishment and operation of the registry by ~~the unit child support services~~. The state case registry shall include records with respect to all of the following:

a. Unless prohibited by federal law, each case for which services are provided under this chapter.

b. Each order for support, as defined in section 252D.16 or 598.1, which meets at least one of the following criteria:

(1) The support order is established or modified in this state on or after October 1, 1998.

(2) The income of the obligor is subject to income withholding under chapter 252D, including any support order for which the district court enters an ex parte order under chapter 252D on or after October 1, 1998.

2. The clerk of the district court shall provide ~~the unit child support services~~ with any information, orders, or documents requested by ~~the unit child support services~~ to establish or operate the state case registry, which are specified in the agreement described in subsection 1, within the time frames specified in that agreement. The agreement shall include but is not limited to provisions to provide for all of the following:

a. Provision to ~~the unit child support services~~ of information, orders, and documents necessary for ~~the unit child support services~~ to meet requirements described in 42 U.S.C. §654a(e) and this section.

b. Provision to ~~the unit child support services~~ of information filed with the clerk of the district court by a party under section 598.22B, and the social security number of a child filed with the clerk of the district court under section 602.6111.

c. Use of automation, as appropriate, to meet the requirements described in 42 U.S.C. §654a(e) and this section.

3. The records of the state case registry are confidential records pursuant to chapter 22 and may only be disclosed or used as provided in section 252B.9.

Sec. 869. Section 252B.25, Code 2023, is amended to read as follows:

252B.25 Contempt — combining actions.

Notwithstanding any provision of law to the contrary, if an obligor has been ordered to provide support in more than one order, ~~the unit child support services~~ may bring a single action for contempt to enforce the multiple orders. However, if the obligor objects to the consolidation of the actions regarding multiple orders into a single action for contempt, and the court determines that severance of the single action into multiple actions is in the interest of justice, ~~the unit child support services~~ shall bring multiple actions for contempt to enforce the multiple orders. If the single action is brought and the obligor does not object, ~~the unit child support services~~ shall file the action in the district court of a county where the obligor resides, or if the obligor does not reside in the state, in the district court of the county where at least one of the support orders was entered or registered. For the purposes of this section, the district court where ~~the unit child support services~~ files the action shall have jurisdiction and authority over all other support orders for the obligor entered or registered by a court of this state and affected under this section. In such case, ~~the unit child support services~~ shall also file a document with the clerk of court in each county affected specifying the county where the action under this section was filed and the disposition of the action.

Sec. 870. Section 252B.26, Code 2023, is amended to read as follows:

252B.26 Service of process.

Notwithstanding any provision of law to the contrary, ~~the unit child support services~~ may serve a petition, notice, or rule to show cause under this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or as follows:

1. ~~The unit Child support services~~ may serve a petition, notice, or rule to show cause by certified mail. Return acknowledgment is required to prove service by certified mail, rules of civil procedure 1.303(5) and 1.308(5) shall not apply, and the return acknowledgment shall be filed with the clerk of court.

2. ~~The unit Child support services~~ may serve a notice of intent under chapter 252H, or a notice of decision under section 252H.14A, upon any party or parent who is receiving family investment program assistance for the parent or child by sending the notice by regular mail to the address maintained by the department. Rules of civil procedure 1.303(5) and 1.308(5) shall not apply and ~~the unit child support services~~ shall file proof of service as provided in chapter 252H. If the notice is determined to be undeliverable, ~~the unit child support services~~ shall serve the notice as otherwise provided in this section or by personal service.

Sec. 871. Section 252B.27, Code 2023, is amended to read as follows:

252B.27 Use of funding for additional positions.

1. The director, within the limitations of the amount appropriated for ~~the unit child support services~~, or moneys transferred for this purpose from the family investment program account created in section 239B.11, may establish new positions and add employees to ~~the unit child support services~~ if the director determines that both the current and additional employees

together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level for the fiscal year.

2. a. The director may establish new positions and add state employees to ~~the unit child support services~~ or contract for delivery of services if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support ~~recovery services~~ incentives exceeds the cost of the positions or contract, the positions or contract are necessary to ensure continued federal funding of ~~the unit child support services~~, or the new positions or contract can reasonably be expected to recover at least twice the amount of money necessary to pay the salaries and support for the new positions or the contract will generate at least two hundred percent of the cost of the contract.

b. Employees in full-time positions that transition from county government to state government employment under this subsection are exempt from testing, selection, and appointment provisions of chapter 8A, subchapter IV, and from the provisions of collective bargaining agreements relating to the filling of vacant positions.

Sec. 872. Section 252C.1, Code 2023, is amended to read as follows:

252C.1 Definitions.

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

~~1. "Administrator" means the administrator of the child support recovery unit of the department of human services, or the administrator's designee.~~

2. 1. "Caretaker" means a parent, relative, guardian, or another person who is responsible for paying foster care costs pursuant to chapter 234 or whose needs are included in an assistance payment made pursuant to chapter 239B.

2. "Child support services" means child support services created in section 252B.2.

3. "Court order" means a judgment or order requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

4. "Department" means the department of health and human services.

5. "Dependent child" means a person who meets the eligibility criteria established in chapter 234 or 239B and whose support is required by chapter 234, 239B, 252A, 252F, 598, or 600B.

6. "Director" means the director of health and human services.

~~6. 7. "Medical support" means medical support as defined in section 252E.1.~~

~~7. 8. "Public assistance" means foster care costs paid by the department pursuant to chapter 234 or assistance provided pursuant to chapter 239B.~~

~~8. 9. "Responsible person" means a parent, relative, guardian, or another person legally liable for the support of a child or a child's caretaker.~~

Sec. 873. Section 252C.2, Code 2023, is amended to read as follows:

252C.2 Assignment — creation of support debt — subrogation.

1. If public assistance is provided by the department to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all right in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker up to the amount of public assistance paid for or on behalf of the child or caretaker. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section. For family investment program assistance, section 239B.6 shall apply.

2. The payment of public assistance to or for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department by the responsible person in an amount equal to the public assistance payment, except that the support debt is limited to the amount of a support obligation established by court order or by the ~~administrator department~~. The ~~administrator department~~ may establish a support debt as to amounts accrued and accruing pursuant to section 598.21B. However, when

establishing a support obligation against a responsible person, no debt shall be created for the period during which the responsible person is a recipient on the person's own behalf of public assistance for the benefit of the dependent child or the dependent child's caretaker, if any of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support would otherwise be sought is living in the same residence as the parents.

b. The child is living with the parent from whom support would otherwise be sought.

3. The provision of child support collection or paternity determination services under chapter 252B to an individual, even though the individual is ineligible for public assistance, creates a support debt due and owing to the individual or the individual's child or ward by the responsible person in the amount of a support obligation established by court order or by the administrator department. The administrator department may establish a support debt in favor of the individual or the individual's child or ward and against the responsible person, both as to amounts accrued and accruing, pursuant to section 598.21B.

4. The payment of medical assistance pursuant to chapter 249A for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department. The administrator department may establish an order for medical support.

5. The department is subrogated to the rights of a dependent child or a dependent child's caretaker to bring a court action or to execute an administrative remedy for the collection of support. The administrator department may petition an appropriate court for modification of a court order on the same grounds as a party to the court order can petition the court for modification.

Sec. 874. Section 252C.3, Code 2023, is amended to read as follows:

252C.3 Notice of support debt — failure to respond — hearing — order.

1. The administrator department may issue a notice stating the intent to secure an order for either medical support as provided in chapter 252E or payment of an accrued or accruing support debt due and owed to the department or an individual under section 252C.2, or both. The notice shall be served upon the responsible person in accordance with the rules of civil procedure. The notice shall include all of the following:

a. A statement that the support obligation will be set pursuant to the child support guidelines established pursuant to section 598.21B, and the criteria established pursuant to section 252B.7A, and that the responsible person is required to provide medical support in accordance with chapter 252E.

b. The name of a public assistance recipient and the name of the dependent child or caretaker for whom the public assistance is paid.

c. (1) A statement that if the responsible person desires to discuss the amount of support that a responsible person should be required to pay, the responsible person may, within ten days after being served, contact ~~the office of the child support recovery unit which sent the notice services~~ and request a negotiation conference.

(2) A statement that if a negotiation conference is requested, then the responsible person shall have ten days from the date set for the negotiation conference or thirty days from the date of service of the original notice, whichever is later, to send a request for a hearing to ~~the office of the child support recovery unit which issued the notice services~~.

(3) A statement that after the holding of the negotiation conference, the administrator department may issue a new notice and finding of financial responsibility for child support or medical support, or both, to be sent to the responsible person by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney.

(4) A statement that if the administrator department issues a new notice and finding of financial responsibility for child support or medical support, or both, then the responsible person shall have thirty days from the date of issuance of the new notice to send a request for a hearing to ~~the office of the child support recovery unit which issued the notice services~~. If the administrator department does not issue a new notice and finding of financial responsibility for child support or medical support, or both, the responsible party shall have ten days from the date of issuance of the conference report to send a request for a hearing to ~~the office of the child support recovery unit which issued the conference report services~~.

d. A statement that if the responsible person objects to all or any part of the notice or finding of financial responsibility for child support or medical support, or both, and a negotiation conference is not requested, the responsible person shall, within thirty days of the date of service send to ~~the office of the child support recovery unit which issued the notice~~ services a written response setting forth any objections and requesting a hearing.

e. A statement that if a timely written request for a hearing is received by ~~the office of the child support recovery unit which issued the notice~~ services, the responsible person shall have the right to a hearing to be held in district court; and that if no timely written response is received, the administrator department may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

f. A statement that, as soon as the order is entered, the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

g. A statement that the responsible person shall notify the administrator department of any change of address, employment, or medical coverage as required by chapter 252E.

h. A statement that if the responsible person has any questions, the responsible person should telephone or visit ~~an office of the child support recovery unit~~ services or consult an attorney.

i. Such other information as the administrator department finds appropriate.

2. The time limitations for requesting a hearing in subsection 1 may be extended by the administrator department.

3. If a timely written response setting forth objections and requesting a hearing is received by ~~the appropriate office of the child support recovery unit~~ services, a hearing shall be held in district court.

4. If timely written response and request for hearing is not received by ~~the appropriate office of the child support recovery unit~~ services, the administrator department may enter an order in accordance with the notice, and shall specify all of the following:

a. The amount of monthly support to be paid, with directions as to the manner of payment.

b. The amount of the support debt accrued and accruing in favor of the department.

c. The name of the custodial parent or agency having custody of the dependent child and the name and birth date of the dependent child for whom support is to be paid.

d. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

e. The medical support required pursuant to chapter 598 and rules adopted pursuant to chapter 252E.

5. The responsible person shall be sent a copy of the order by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney. The order is final, and action by the administrator department to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of approval of the order by the court pursuant to section 252C.5.

Sec. 875. Section 252C.4, Code 2023, is amended to read as follows:

252C.4 Certification to court — hearing — default.

1. A responsible person or ~~the child support recovery unit~~ services may request a hearing regarding a determination of support. If a timely written request for a hearing is received, the administrator department shall certify the matter to the district court as follows:

a. If the child or children reside in Iowa, and ~~the unit~~ child support services is seeking an accruing obligation, in the county in which the dependent child or children reside.

b. If the child or children received public assistance in Iowa, and ~~the unit~~ child support services is seeking only an accrued obligation, in the county in which the dependent child or children last received public assistance.

c. If the action is the result of a request from another state or foreign country to establish support by a responsible person located in Iowa, in the county in which the responsible person resides.

2. The certification shall include true copies of the notice and finding of financial responsibility or notice of the support debt accrued and accruing, the return of service, the

written objections and request for hearing, and true copies of any administrative orders previously entered.

3. The court shall set the matter for hearing and notify the parties of the time and place of hearing.

4. The court shall establish the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

5. If a party fails to appear at the hearing, upon a showing of proper notice to that party, the court shall find that party in default and enter an appropriate order.

6. Actions initiated by the ~~administrator~~ department under this chapter are not subject to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

7. If a responsible person contests an action initiated under this chapter by denying paternity, the following shall apply, as necessary:

a. (1) If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252F, or an order by the courts of this state, or by operation of law when the mother and established father are or were married to each other, the provisions of section 600B.41A are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome pursuant to section 600B.41A, and that the responsible person has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

b. If the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 876. Section 252C.5, Code 2023, is amended to read as follows:

252C.5 Filing and docketing of financial responsibility order — order effective as district court decree.

1. A true copy of any order entered by the ~~administrator~~ department pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the manner established pursuant to section 252C.4, subsection 1.

2. The ~~administrator's~~ department's order shall be presented, ex parte, to the district court for review and approval. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all the force, effect, and attributes of a docketed order or decree of the district court.

3. Upon filing, the clerk shall enter the order in the judgment docket.

4. If the responsible party appeals the order approved by the court under this section, and the court on appeal establishes an amount of support which is less than the amount of support established under the approved order, the court, in the order issued on appeal, shall reconcile the amounts due and shall provide that any amount which represents the unpaid difference between the amount under the approved order and the amount under the order of the court on appeal is satisfied.

Sec. 877. Section 252C.6, Code 2023, is amended to read as follows:

252C.6 Interest on support debts.

Interest accrues on support debts at the rate provided in section 535.3 for court judgments. The ~~administrator~~ department may collect the accrued interest but is not required to maintain interest balance accounts. ~~The department~~ Child support services may waive payment of the interest if the waiver will facilitate the collection of the support debt.

Sec. 878. Section 252C.8, Code 2023, is amended to read as follows:

252C.8 Temporary restraining order or bond.

If the ~~administrator~~ department reasonably believes that the responsible person is not a resident of this state, is about to move from this state, or is concealing the responsible person's whereabouts, or that the responsible person has removed or is about to remove, secrete, waste, or otherwise dispose of property which could be made subject to collection procedures to satisfy the support debt, the ~~administrator~~ department may petition the district court for a temporary restraining order barring the removal, secretion, waste, or disposal. However, if the responsible person furnishes a bond satisfactory to the court, the temporary restraining order shall be vacated.

Sec. 879. Section 252C.12, Code 2023, is amended to read as follows:

252C.12 Waiver of time limitations by responsible person.

1. A responsible person may waive the time limitations established in section 252C.3.
2. Upon receipt of a signed statement from each responsible person waiving the time limitations established in section 252C.3, the ~~administrator~~ department may proceed to enter an order for support and the court may approve the order, whether or not the time limitations have expired.
3. If a responsible person waives the time limitations established in section 252C.3 and an order for support is entered under this chapter, the signed statement of the responsible person waiving the time limitations shall be filed with the order for support.

Sec. 880. Section 252D.1, Code 2023, is amended to read as follows:

252D.1 Delinquent support payments.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, as certified to ~~the child support recovery unit established in section 252B.2~~ services, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, and become delinquent in an amount equal to the payment for one month, ~~the child support recovery unit services~~ may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. All income withholding payments shall be paid to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

Sec. 881. Section 252D.8, Code 2023, is amended to read as follows:

252D.8 Persons subject to immediate income withholding.

1. In a support order issued or modified on or after November 1, 1990, for which services are being provided by ~~the child support recovery unit services~~, and in any support orders issued or modified after January 1, 1994, for which services are not provided by ~~the child support recovery unit services~~, the income of a support obligor is subject to withholding, on the effective date of the order, regardless of whether support payments by the obligor are in arrears. If services are being provided pursuant to chapter 252B, ~~the child support recovery unit services~~ may enter an ex parte order for an immediate withholding of income. The district court may enter an ex parte order for immediate income withholding for cases in which ~~the child support recovery unit services~~ is not providing services. The income of the obligor is subject to immediate withholding unless one of the following occurs:

- a. One of the parties demonstrates and the court or ~~child support recovery unit services~~ finds there is good cause not to require immediate withholding. A finding of good cause shall be based on, at a minimum, written findings and conclusions by the court or administrative

authority as to why implementing immediate withholding would not be in the best interests of the child. In cases involving modifications, the findings shall also include proof of timely payment of previously ordered support.

b. A written agreement is reached between both parties which provides for an alternative arrangement. If the support payments have been assigned to the department of ~~human services~~ pursuant to chapter 234 or 239B, or a comparable statute of another jurisdiction, the department shall be considered a party to the support order, and a written agreement pursuant to this section to waive immediate withholding is void unless approved by the child support ~~recovery unit~~ services. Any agreement existing at the time an assignment of support is made pursuant to chapter 234 or 239B or pursuant to a comparable statute of another jurisdiction shall not prevent the child support ~~recovery unit~~ services from implementing immediate withholding.

2. For an order not requiring immediate withholding, income of an obligor is subject to immediate withholding, without regard to whether there is an arrearage, on the earliest of the following:

a. The date the obligor requests that the withholding begin.

b. The date the custodial parent or party to the proceeding requests that the withholding begin, if the request is approved by the district court or, in cases in which services are being provided pursuant to chapter 252B, if the child support ~~recovery unit~~ services approves the request.

Sec. 882. Section 252D.16, Code 2023, is amended to read as follows:

252D.16 Definitions.

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

1. *“Child support services”* means the same as child supported ⁶ services created in section 252B.2.

2. *“Department”* means the department of health and human services.

~~1.~~ 3. *“Income”* means all of the following:

a. Any periodic form of payment due an individual, regardless of source, including but not limited to wages, salaries, commissions, bonuses, workers’ compensation, disability payments, payments pursuant to a pension or retirement program, and interest.

b. A sole payment or lump sum as provided in section 252D.18C, including but not limited to payment from an estate including inheritance, or payment for personal injury or property damage.

c. Irregular income as defined in section 252D.18B.

2. 4. *“Payor of income”* or *“payor”* means and includes, but is not limited to, an obligor’s employer, trustee, the state of Iowa and all governmental subdivisions and agencies and any other person from whom an obligor receives income.

3. 5. *“Support”* or *“support payments”* means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of another state or foreign country. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

Sec. 883. Section 252D.16A, Code 2023, is amended to read as follows:

252D.16A Income withholding order — child support ~~recovery unit~~ services.

If support payments are ordered under this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, and if income withholding relative to such support

⁶ See chapter 119, §23 herein

payments is allowed under this chapter, the child support ~~recovery unit~~ services may enter an ex parte order notifying the person whose income is to be withheld of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and requiring the payment of such sums to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. ~~The child~~ Child support ~~recovery unit~~ services shall include the amount of any delinquency and the amount to be withheld in the notice provided to the obligor pursuant to section 252D.17A. Notice of income withholding shall be provided to the obligor and to the payor of income pursuant to sections 252D.17 and 252D.17A.

Sec. 884. Section 252D.17, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The district court shall provide notice by sending a copy of the order for income withholding or a notice of the order for income withholding to the obligor and the obligor's payor of income by regular mail, with proof of service completed according to rule of civil procedure 1.442. ~~The child~~ Child support ~~recovery unit~~ services shall provide notice of the income withholding order by sending a notice of the order to the obligor's payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 1.442. ~~The child~~ Child support ~~recovery unit's~~ services' notice of the order may be sent to the payor of income on the same date that the order is sent to the clerk of court for filing. In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the notice of the order shall be in a standard format as prescribed by ~~the unit~~ child support services and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

Sec. 885. Section 252D.17, subsection 1, paragraphs g and i, Code 2023, are amended to read as follows:

g. The withholding is binding on the payor until further notice by the court or ~~the child support recovery unit services~~.

i. The payor shall promptly notify the court or ~~the child support recovery unit services~~ when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

Sec. 886. Section 252D.17A, Code 2023, is amended to read as follows:

252D.17A Notice to obligor of implementation of income withholding order.

~~The child~~ Child support ~~recovery unit~~ services or the district court shall send a notice of the income withholding order to the obligor at the time the notice is sent to the payor of income.

Sec. 887. Section 252D.18, Code 2023, is amended to read as follows:

252D.18 Modification or termination of withholding.

1. The court or ~~the child support recovery unit services~~ may, by ex parte order, modify a previously entered income withholding order if the court or ~~the unit~~ child support services determines any of the following:

a. There has been a change in the amount of the current support obligation.

b. The amount required to be withheld under the income withholding order is in error.

c. Any past due support debt has been paid in full. Should a delinquency later accrue, the withholding order may be modified to secure payment toward the delinquency.

d. There has been a change in the rules adopted by the department pursuant to chapter 17A regarding the amount of income to be withheld to pay a delinquency.

2. ~~The child~~ Child support ~~recovery unit~~ services may modify an amount specified in an income withholding order or notice of income withholding by providing notice to the payor of income and the obligor pursuant to sections 252D.17 and 252D.17A.

3. The court or ~~the child support recovery unit services~~ may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order. ~~The unit~~ Child support services may, by ex parte

order, terminate an income withholding order when the ~~unit~~ child support services will no longer be providing services under chapter 252B, or when another state or foreign country will be providing services under Tit. IV-D of the federal Social Security Act or a comparable law in a foreign country.

4. In no case shall payment of overdue support be the sole basis for termination of withholding.

Sec. 888. Section 252D.18A, subsections 1 and 4, Code 2023, are amended to read as follows:

1. The total of all amounts withheld shall not exceed the amounts specified in 15 U.S.C. §1673(b). For orders or notices issued by ~~the~~ child support recovery unit services, the limit for the amount to be withheld shall be specified in the order or notice.

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17. If payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified only if the payor is directed to do so by ~~the~~ child support recovery unit services.

Sec. 889. Section 252D.18B, Code 2023, is amended to read as follows:

252D.18B Irregular income.

When payment of income is irregular, and an order for immediate or mandatory income withholding has been entered by ~~the~~ child support recovery unit services or the district court, the income payor shall withhold income equal to the total that would have been withheld had there been regular monthly income. The amounts withheld shall not exceed the amounts specified in 15 U.S.C. §1673(b). For the purposes of this section, an income source is irregular when there are periods in excess of one month during which the income payor makes no payment to the obligor and the periods are not the result of termination or suspension of employment.

Sec. 890. Section 252D.18C, Code 2023, is amended to read as follows:

252D.18C Withholding from lump sum payments.

~~The~~ Child support ~~recovery unit~~ services or the district court may enter an ex parte order for income withholding when the obligor is paid by a lump sum income source. When a sole payment is made or payment occurs at two-month or greater intervals, the withholding order may include all current and delinquent support due through the current month, but shall not exceed the amounts specified in 15 U.S.C. §1673(b).

Sec. 891. Section 252D.19A, subsection 2, Code 2023, is amended to read as follows:

2. If ~~the~~ unit child support services takes an enforcement action during a calendar year against an obligor and the obligor is not delinquent or in arrears solely due to the applicability of this section to the obligor, upon discovering the circumstances, ~~the~~ unit child support services shall promptly discontinue the enforcement action.

Sec. 892. Section 252D.20, Code 2023, is amended to read as follows:

252D.20 Administration of income withholding procedures.

~~The~~ Child support ~~recovery unit~~ services is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Tit. IV-D of the federal Social Security Act. The collection services center is designated as the entity for administering income withholding for cases which are not subject to Tit. IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Tit. IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or ~~the~~ child support recovery unit services is enforcing an order of another state or foreign country through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

Sec. 893. Section 252D.22, Code 2023, is amended to read as follows:

252D.22 Rules.

The department shall adopt the administrative rules necessary to implement the provisions of this chapter as they pertain to the operations of ~~the child support recovery unit~~ services.

Sec. 894. Section 252D.23, Code 2023, is amended to read as follows:

252D.23 Filing of withholding order — order effective as district court order.

An income withholding order entered by ~~the child support recovery unit~~ services pursuant to this chapter shall be filed with the clerk of the district court. In lieu of any signature on the order which may otherwise be required by law or rule, the order shall have affixed the name and address of ~~the appropriate child support office~~ services. For the purposes of demonstrating compliance by the payor of income, the copy of the withholding order or the notice of the order received, whether or not the copy of the order is file-stamped, shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against a payor of income for noncompliance. However, any information contained in the income withholding order or the notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 895. Section 252E.1, Code 2023, is amended to read as follows:

252E.1 Definitions.

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

1. “Accessible” means any of the following, unless otherwise provided in the support order:
 - a. The health benefit plan does not have service area limitations or provides an option not subject to service area limitations.
 - b. The health benefit plan has service area limitations and the dependent lives within thirty miles or thirty minutes of a network primary care provider.
2. “Basic coverage” means health care coverage that at a minimum provides coverage for emergency care, inpatient and outpatient hospital care, physician services whether provided within or outside a hospital setting, and laboratory and x-ray services.
3. “Cash medical support” means a monetary amount that a parent is ordered to pay to the obligee in lieu of that parent providing health care coverage, which amount is five percent of the gross income of the parent ordered to pay the monetary amount or, if the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the amount, the amount determined by the standard specified by the child support guidelines. “Cash medical support” is an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to section 598.21B.
4. “Child” means a person for whom child or medical support may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other chapter of the Code or pursuant to a comparable statute of another state or foreign country.
5. “Child support services” means child support services created in section 252B.1.⁷
- ~~5.~~ 6. “Department” means the department of health and human services, which includes but is not limited to ~~the child support recovery unit~~ services, or any comparable support enforcement agency of another state.
- ~~6.~~ 7. “Dependent” means a child, or an obligee for whom a court may order health care coverage pursuant to section 252E.3.
- ~~7.~~ 8. “Enroll” means to be eligible for and covered by a health benefit plan.
- ~~8.~~ 9. “Health benefit plan” means any policy or contract of insurance, indemnity, subscription, or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation or organization, any public coverage, or any self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include but are not limited to hospital, surgical, major medical

⁷ See chapter 119, §24 herein

insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

9. ~~10.~~ *“Health care coverage”* or *“coverage”* means providing and paying for the medical needs of a dependent through a health benefit plan.

~~10.~~ ~~11.~~ *“Insurer”* means any entity, including a health service corporation, health maintenance organization, or any similar corporation or organization, or an employer offering self-insurance, that provides a health benefit plan, but does not include an entity that provides public coverage.

11. ~~12.~~ *“Medical support”* means either the provision of health care coverage or the payment of cash medical support. *“Medical support”* is not alimony.

~~12.~~ ~~13.~~ *“National medical support notice”* means a notice as prescribed under 42 U.S.C. §666(a)(19) or a substantially similar notice, that is issued and forwarded by the department in accordance with section 252E.4 to enforce the health care coverage provisions of a support order. The national medical support notice is not applicable to a provider of public coverage.

~~13.~~ ~~14.~~ *“Obligee”* means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

14. ~~15.~~ *“Obligor”* means a parent or another natural person legally responsible for the support of a dependent.

~~15.~~ ~~16.~~ *“Order”* means a support order entered pursuant to chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other support chapter, or pursuant to a comparable statute of another state or foreign country, or an ex parte order entered pursuant to section 252E.4. *“Order”* also includes a notice of such an order issued by the department.

~~16.~~ ~~17.~~ *“Plan administrator”* means the employer or sponsor that offers the health benefit plan or the person to whom the duty of plan administrator is delegated by the employer or sponsor offering the health benefit plan, by written agreement of the parties. *“Plan administrator”* does not include a provider of public coverage.

17. ~~18.~~ *“Primary care provider”* means a physician who provides primary care who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist; an advanced registered nurse practitioner; or a physician assistant.

~~18.~~ ~~19.~~ *“Public coverage”* means health care benefits provided by any form of federal or state medical assistance, including but not limited to benefits provided under chapter 249A or 514I, or under comparable laws of another state, foreign country, or Indian nation or tribe.

~~19.~~ *“Unit”* or *“child support recovery unit”* means unit as defined in section 252B.1.

Sec. 896. Section 252E.1A, subsection 1, Code 2023, is amended to read as follows:

1. This section shall apply to all initial or modified orders for support entered under chapter 234, 252A, 252C, 252F, 252H, 598, 600B, or any other applicable chapter. If an action to establish or modify an order for support is initiated by the child support recovery unit services, section 252E.1B shall also apply.

Sec. 897. Section 252E.1B, Code 2023, is amended to read as follows:

252E.1B Establishing and modifying orders for medical support — actions initiated by child support recovery unit services.

1. If the child support recovery unit services is initiating an action to establish or modify support, this section shall apply in addition to the provisions of section 252E.1A.

2. The unit Child support services shall apply the following order of priority when the unit child support services enters or seeks an order for medical support:

a. If the custodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, the unit child support services shall enter or seek an order for the custodial parent to provide coverage.

b. If the noncustodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, the unit child support services shall enter or seek an order for the noncustodial parent to provide coverage.

c. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the custodial parent, ~~the unit child support services~~ shall enter or seek an order for the custodial parent to provide coverage.

d. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the noncustodial parent, ~~the unit child support services~~ shall enter or seek an order for the noncustodial parent to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent, and the custodial parent has public coverage for the child, ~~the unit child support services~~ shall enter or seek an order for the custodial parent to provide health care coverage and shall enter or seek an order for the noncustodial parent to pay cash medical support. However, if any of the circumstances described in section 252E.1A, subsection 4, paragraph “a”, “b”, or “c” is met, ~~the unit child support services~~ shall enter or seek an order as specified by the applicable paragraph.

3. Notwithstanding subsection 2, if there is an order for joint physical care for the child and the parties subject to the support order, ~~the unit child support services~~ shall apply the following order of priority when ~~the unit child support services~~ enters or seeks an order for medical support:

a. If only one parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, ~~the unit child support services~~ shall enter or seek an order for that parent to provide coverage.

b. If both parents are currently providing coverage for the child under a health benefit plan other than public coverage, and both plans are available as described in section 252E.1A, subsection 3, ~~the unit child support services~~ shall enter or seek an order for both parents to provide coverage.

c. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to one parent, ~~the unit child support services~~ shall enter or seek an order for that parent to provide coverage.

d. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to both parents, ~~the unit child support services~~ shall enter or seek an order for both parents to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent and one parent has public coverage for the child, ~~the unit child support services~~ shall enter or seek an order for that parent to provide health care coverage.

4. ~~The child Child support recovery unit services~~ or the court shall not order any modification to an existing medical support order in a proceeding conducted solely pursuant to chapter 252H, subchapter IV.

Sec. 898. Section 252E.2, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order except that, to the extent provided in the order, the name and mailing address of ~~an official of~~ the department may be substituted for the mailing address of the child.

Sec. 899. Section 252E.2A, Code 2023, is amended to read as follows:

252E.2A Satisfaction of medical support order.

This section shall apply if ~~the child support recovery unit services~~ is providing services under chapter 252B.

1. Notwithstanding any law to the contrary and without a court order, a medical support order for a child shall be deemed satisfied with regard to the department, the child, the obligor, and the obligee for the period during which all of the following conditions are met:

a. The order is issued under any applicable chapter of the Code.

b. ~~The unit~~ Child support services is notified that the conditions of paragraph “c” are met and the parent ordered to provide medical support submits a written statement to ~~the unit~~ child support services that the requirements of paragraph “c” are met.

c. The parent ordered to provide medical support meets at least one of the following conditions:

(1) The parent is an inmate of an institution under the control of the department of corrections or a comparable institution in another state.

(2) The parent’s monthly child support obligation under the guidelines established pursuant to section 598.21B is the minimum obligation amount.

(3) The parent is a recipient of assistance under chapter 239B or 249A, or under comparable laws of another state.

(4) The parent is residing with any child for whom the parent is legally responsible and that child is a recipient of assistance under chapter 239B, 249A, or 514I, or under comparable laws of another state. For purposes of this subparagraph, “legally responsible” means the parent has a legal obligation to the child as specified in Iowa court rule 9.7 of the child support guidelines.

d. ~~The unit~~ Child support services files a notice of satisfaction with the clerk of the district court. The effective date of the satisfaction shall be stated in the notice and the effective date shall be no later than forty-five days after ~~the unit~~ child support services issues the notice of satisfaction.

2. If a medical support order is satisfied under subsection 1, the satisfaction shall continue until all of the following apply:

a. ~~The unit~~ Child support services is notified that none of the conditions specified in subsection 1, paragraph “c”, still applies.

b. ~~The unit~~ Child support services files a satisfaction termination notice that the requirements for a satisfaction under this section no longer apply. The effective date shall be stated in the satisfaction termination notice and the effective date shall be no later than forty-five days after ~~the unit~~ child support services issues the satisfaction termination notice.

3. ~~The unit~~ Child support services shall mail a copy of the notice of satisfaction and the satisfaction termination notice to the last known address of the obligor and obligee.

4. The department of ~~human services~~ may match data for enrollees of the ~~hawk-i~~ Hawki program created pursuant to chapter 514I with data of ~~the unit~~ child support services to assist ~~the unit~~ child support services in implementing this section.

5. An order, decree, or judgment entered or pending on or before July 1, 2009, that provides for the support of a child may be satisfied as provided in this section.

Sec. 900. Section 252E.4, subsection 1, Code 2023, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan other than public coverage, the district court or the department may enter an ex parte order directing an employer to take all actions necessary to enroll an obligor’s dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to chapter 252D. ~~The child~~ Child support recovery unit services, where appropriate, shall issue a national medical support notice to an employer within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with a noncustodial parent in the case being enforced by ~~the unit~~ child support services, or upon receipt of other employment information for such parent. The department may amend the information in the ex parte order or may amend or terminate the national medical support notice regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2, or to correct a mistake of fact.

Sec. 901. Section 252E.5, subsection 8, paragraph g, subparagraph (3), Code 2023, is amended to read as follows:

(3) If the obligor is not enrolled in a health benefit plan or is not enrolled in a health benefit plan that offers dependent coverage, if more than one plan with dependent coverage is offered

by the employer, and if the notice is issued by ~~the child support recovery unit~~ services, all of the following shall apply:

(a) If only one of the plans is accessible to the dependent, that plan shall be selected. If none of the plans with dependent coverage is accessible to the dependent, ~~the unit~~ child support services shall amend or terminate the notice.

(b) If more than one of the plans is accessible to the dependent, the plan selected shall be the plan that provides basic coverage for which the employee's share of the premium is lowest.

(c) If more than one of the plans is accessible to the dependent but none of the accessible plans provides basic coverage, the plan selected shall be a plan that is accessible and for which the employee's share of the premium is lowest.

(d) If the employee's share of the premiums is the same under all plans described in subparagraph (b) or (c), ~~the unit~~ child support services shall attempt to consult with the obligee when selecting the plan. If the obligee does not respond within ten days of ~~the unit's~~ child support services' attempt, ~~the unit~~ child support services shall select a plan which shall be the plan's default option, if any, or the plan with the lowest deductibles and copayment requirements.

Sec. 902. Section 252E.5, subsection 8, paragraph h, subparagraph (2), Code 2023, is amended to read as follows:

(2) If the dependent is or is to be enrolled, notify the obligor, the obligee, and the child and furnish the obligee with necessary information. Provide ~~the child support recovery unit~~ services with the type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services.

Sec. 903. Section 252E.6A, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An obligor may move to quash the order to the employer under section 252E.4 by following the same procedures and alleging a mistake of a fact as provided in section 252D.31 or as provided in subsection 2. If ~~the unit~~ child support services is enforcing an income withholding order and a medical support order simultaneously, any challenge to the income withholding order and medical support enforcement shall be filed and heard simultaneously.

3. The employer shall comply with the requirements of this chapter until the employer receives notice that a motion to quash has been granted, or that ~~the unit~~ child support services has amended or terminated the national medical support notice.

Sec. 904. Section 252F.1, Code 2023, is amended to read as follows:

252F.1 Definitions.

As used in this chapter unless the context otherwise requires:

~~1. "Administrator" means the administrator of the child support recovery unit of the department of human services or the administrator's designee.~~

~~2.~~ 1. "Child" means a person who is less than age eighteen or a person who is age eighteen but less than age nineteen and is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching age nineteen.

~~2.~~ 2. "Child support services" means the same as child support services created in section 252B.2.

~~3.~~ 3. "Department" means the department of health and human services.

~~4.~~ 4. "Director" means the director of health and human services.

~~3.~~ 5. "Mother" means a mother of the child for whom paternity is being established.

~~4.~~ 6. "Party" means a putative father or a mother, as named in an action.

~~5.~~ 7. "Paternity is at issue" means any of the following conditions:

a. A child was not born or conceived within marriage.

b. A child was born or conceived within marriage but a court has declared that the child is not the issue of the marriage.

~~6.~~ 8. "Paternity test" means and includes any form of blood, tissue, or genetic testing administered to determine the biological father of a child.

7. 9. "Putative father" means a person alleged to be the biological father of a child.
8. ~~"Unit" means the child support recovery unit created in section 252B.2.~~

Sec. 905. Section 252F.2, Code 2023, is amended to read as follows:

252F.2 Jurisdiction.

1. In any case in which ~~the unit~~ child support services is providing services pursuant to chapter 252B and paternity is at issue, proceedings may be initiated by ~~the unit~~ child support services pursuant to this chapter for the sole purpose of establishing paternity and any accrued or accruing child support or medical support obligations. Proceedings under this chapter are in addition to other means of establishing paternity or support. Issues in addition to establishment of paternity or support obligations shall not be addressed in proceedings initiated under this chapter.

2. An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

Sec. 906. Section 252F.3, Code 2023, is amended to read as follows:

252F.3 Notice of alleged paternity and support debt — conference — request for hearing.

1. ~~The unit~~ Child support services may prepare a notice of alleged paternity and support debt to be served on a party if the mother of the child or a government official with knowledge of the circumstances of possible paternity relying on government records provides a written statement to the department of ~~human services~~ certifying in accordance with section 622.1 that the putative father is or may be the biological father of the child or children involved. The notice shall be accompanied by a copy of the statement and served on the putative father in accordance with rule of civil procedure 1.305. Service upon the mother shall not constitute valid service upon the putative father. The notice shall include or be accompanied by all of the following:

a. The name of the recipient of services under chapter 252B and the name and birth date of the child or children involved.

b. A statement that the putative father has been named as the biological father of the child or children named.

c. A statement that if paternity is established, the amount of the putative father's monthly support obligation and the amount of the support debt accrued and accruing will be established in accordance with the guidelines established in section 598.21B, and the criteria established pursuant to section 252B.7A.

d. A statement that if paternity is established, a party has a duty to provide accrued and accruing medical support to the child or children in accordance with chapter 252E.

e. A written explanation of the procedures for determining the child support obligation and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

f. (1) The right of a party to request a conference with ~~the unit~~ child support services to discuss paternity establishment and the amount of support that a party may be required to provide, within ten days of the date of service of the original notice or, if paternity is contested and paternity testing is conducted, within ten days of the date the paternity test results are issued or mailed to a party by ~~the unit~~ child support services.

(2) A statement that if a conference is requested, a party shall have one of the following time frames, whichever is the latest, to send a written request for a court hearing on the issue of support to ~~the unit~~ child support services:

(a) Ten days from the date set for the conference.

(b) Twenty days from the date of service of the original notice.

(c) If paternity was contested and paternity testing was conducted, and a party does not deny paternity after the testing or challenge the paternity test results, twenty days from the date paternity test results are issued or mailed by ~~the unit~~ child support services to the party.

(3) A statement that after the holding of the conference, ~~the unit~~ child support services shall issue a new notice of alleged paternity and finding of financial responsibility for child support or medical support, or both, to be provided in person to each party or sent to each party by regular mail addressed to the party's last known address or, if applicable, to the last known address of the party's attorney.

(4) A statement that if ~~the unit~~ child support services issues a new notice of alleged paternity and finding of financial responsibility for child support or medical support, or both, a party shall have one of the following time frames, whichever is the latest, to send a written request for a court hearing on the issue of support to ~~the unit~~ child support services:

(a) Ten days from the date of issuance of the new notice.

(b) Twenty days from the date of service of the original notice.

(c) If paternity was contested and paternity testing conducted, and a party does not deny paternity after the testing or challenge the paternity test results, twenty days from the date the paternity test results are issued or mailed to the party by ~~the unit~~ child support services.

g. A statement that if a conference is not requested, and a party does not deny paternity or challenge the results of any paternity testing conducted but objects to the finding of financial responsibility or the amount of child support or medical support, or both, the party shall send a written request for a court hearing on the issue of support to ~~the unit~~ child support services within twenty days of the date of service of the original notice, or, if paternity was contested and paternity testing conducted, and a party does not deny paternity after the testing or challenge the paternity test results, within twenty days from the date the paternity test results are issued or mailed to the party by ~~the unit~~ child support services, whichever is later.

h. A statement that if a timely written request for a hearing on the issue of support is received by ~~the unit~~ child support services, the party shall have the right to a hearing to be held in district court and that if no timely written request is received and paternity is not contested, the ~~administrator~~ department shall enter an order establishing the putative father as the father of the child or children and establishing child support or medical support, or both, in accordance with the notice of alleged paternity and support debt.

i. A written explanation of the rights and responsibilities associated with the establishment of paternity.

j. A written explanation of a party's right to deny paternity, the procedures for denying paternity, and the consequences of the denial.

k. A statement that if a party contests paternity, the party shall have twenty days from the date of service of the original notice to submit a written denial of paternity to ~~the unit~~ child support services.

l. A statement that if paternity is contested, ~~the unit~~ child support services shall, at the request of the party contesting paternity or on its own initiative, enter an administrative order requiring the putative father, mother, and child or children involved, to submit to paternity testing.

m. A statement that if paternity tests are conducted, ~~the unit~~ child support services shall provide a copy of the test results to each party in person or send a copy to each party by regular mail, addressed to the party's last known address, or, if applicable, to the last known address of the party's attorney.

n. A statement setting forth the time frames for contesting paternity after paternity tests are conducted.

o. Other information as ~~the unit~~ child support services finds appropriate.

2. The time limitations established for the notice provisions under subsection 1 are binding unless otherwise specified in this chapter or waived pursuant to section 252F.8.

3. a. If notice is served on a party, ~~the unit~~ child support services shall file a true copy of the notice and the original return of service with the appropriate clerk of the district court as follows:

(1) In the county in which the child or children reside if the action is for purposes of establishing paternity and future child or medical support, or both.

(2) In the county in which the child or children involved last received public assistance benefits in the state, if the action is for purposes of establishing paternity and child or medical support, or both, only for prior periods of time when the child or children received public assistance, and no ongoing child or medical support obligation is to be established by this action.

(3) If the action is the result of a request from another state or foreign country to establish paternity of a putative father located in Iowa, in the county in which the putative father resides.

b. All subsequent documents filed or court hearings held related to the action shall be in the district court in the county in which notice was filed pursuant to this subsection. The clerk shall file and docket the action.

4. A party or ~~the child support recovery unit~~ services may request a court hearing regarding establishment of paternity or a determination of support, or both.

a. Upon receipt of a timely written response requesting a hearing or on its own initiative, ~~the unit child support services~~ shall certify the matter for hearing in the district court in the county where the original notice of alleged paternity and support debt is filed, in accordance with section 252F.5.

b. If paternity establishment was contested and paternity tests conducted, a court hearing on the issue of paternity shall be held no earlier than thirty days from the date paternity test results are issued to all parties by ~~the unit child support services~~, unless the parties mutually agree to waive the time frame pursuant to section 252F.8.

c. Any objection to the results of paternity tests shall be filed no later than twenty days after the date paternity test results are issued or mailed to each party by ~~the unit child support services~~. Any objection to paternity test results filed by a party more than twenty days after the date paternity tests are issued or mailed to the party by ~~the unit child support services~~ shall not be accepted or considered by the court.

5. If a timely written response and request for a court hearing is not received by ~~the unit child support services~~ and a party does not deny paternity, the ~~administrator~~ department shall enter an order in accordance with section 252F.4.

6. a. If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to ~~the unit child support services~~. Upon receipt of a written challenge of paternity establishment, or upon initiation by ~~the unit child support services~~, the ~~administrator~~ department shall enter ex parte administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing, except that if the mother and child or children previously submitted blood or genetic specimens in a prior action to establish paternity against a different putative father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action. Either the mother or putative father may contest paternity under this chapter.

b. The orders shall be filed with the clerk of the district court in the county where the notice was filed and have the same force and effect as a court order for paternity testing.

c. ~~The unit Child support services~~ shall issue copies of the respective administrative orders for paternity testing to the mother and putative father in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each.

d. If a paternity test is ordered under this section, the ~~administrator~~ department shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

e. The party contesting paternity shall be provided one opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. ~~The child Child support recovery unit~~ services shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from another state or foreign country, ~~the unit child support services~~ shall issue a copy of the results to the initiating agency in that jurisdiction.

g. Verified documentation of the chain of custody of the blood or genetic specimens is competent evidence to establish the chain of custody. The testimony of the appointed expert is not required. A verified expert's report of test results which indicate a statistical probability of paternity is sufficient authenticity of the expert's conclusion.

h. A verified expert's report shall be admitted as evidence to establish administrative paternity, and, if a court hearing is scheduled to resolve the issue of paternity, shall be admitted as evidence and is admissible at trial.

i. If the verified expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity.

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by ~~the unit child support services~~. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the lapse of the twenty-day time frame shall not be accepted or admissible by ~~the unit child support services~~ or the court.

(2) A copy of the notice challenging the presumption of paternity shall be provided to any other party in person, or by mailing the notice to the last known address of each party, or if applicable, to the last known address of each party's attorney.

(3) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

(4) The presumption of paternity may be rebutted only by clear and convincing evidence.

j. If the verified expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, the ~~administrator~~ department shall order a subsequent administrative paternity test or certify the case to the district court for resolution in accordance with the procedures and time frames specified in paragraph "i" and section 252F.5.

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the ~~administrator~~ department, upon the request of a party and advance payment by the contestant or upon the ~~unit's own~~ initiative of child support services, shall order that an additional test be performed by the same laboratory or an independent laboratory. If the party requesting additional testing does not advance payment, the ~~administrator~~ department shall certify the case to the district court in accordance with paragraph "i" and section 252F.5.

l. When a subsequent paternity test is conducted, the time frames in this chapter associated with paternity tests shall apply to the most recently completed test.

m. If the paternity test results exclude the putative father as a potential biological father of the child or children, and additional tests are not requested by either party or conducted on the ~~unit's~~ initiative of child support services, or if additional tests exclude the putative father as a potential biological father, ~~the unit child support services~~ shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court, and shall provide a copy of the notice to each party in person, or by regular mail sent to each party's last known address, or if applicable, the last known address of the party's attorney.

n. Except as provided in paragraph "k", ~~the unit child support services~~ shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, ~~the unit child support services~~ shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

Sec. 907. Section 252F.4, Code 2023, is amended to read as follows:

252F.4 Entry of order.

1. If each party fails to respond to the initial notice within twenty days after the date of service of the notice or fails to appear at a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties, declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation

pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the party contesting paternity fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the test results are not timely challenged, and if each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

5. The ~~administrator~~ department shall establish a support obligation under this section based upon the best information available to ~~the unit~~ child support services and pursuant to section 252B.7A.

6. The order shall contain all of the following:

- a. A declaration of paternity.
- b. The amount of monthly support to be paid, with direction as to the manner of payment.
- c. The amount of accrued support.
- d. The name of the custodial parent or caretaker.
- e. The name and birth date of the child or children to whom the order applies.
- f. A statement that property of a party ordered to provide support is subject to income withholding, liens, garnishment, tax offset, and other collection actions.
- g. The medical support required pursuant to chapter 598 and chapter 252E.
- h. A statement that a party who is ordered to provide support is required to inform ~~the child support recovery unit~~ services, on a continuing basis, of the name and address of the party's current employer, whether the party has access to health insurance coverage as required in the order, and if so, the health insurance policy information.
- i. If paternity was contested by the putative father, the amount of any judgment assessed to the father for costs of paternity tests conducted pursuant to this chapter.
- j. Statements as required pursuant to section 598.22B.

7. If paternity is not contested but a party does wish to challenge the issues of child or medical support, the ~~administrator~~ department shall enter an order establishing paternity and reserving the issues of child or medical support for determination by the district court.

Sec. 908. Section 252F.5, Code 2023, is amended to read as follows:

252F.5 Certification to district court.

1. Actions initiated under this chapter are not subject to contested case proceedings or further review pursuant to chapter 17A.

2. An action under this chapter may be certified to the district court if a party timely contests paternity establishment or paternity test results, or if a party requests a court hearing on the issues of child or medical support, or both, or upon the initiation of ~~the unit~~ child support services as provided in this chapter. Review by the district court shall be an original hearing before the court.

3. In any action brought under this chapter, the action shall not be certified to the district court in a contested paternity action unless all of the following have occurred:

- a. Paternity testing has been completed.
- b. The results of the paternity test have been issued to all parties.
- c. A timely written objection to paternity establishment or paternity test results has been received from a party, or a timely written request for a court hearing on the issue of support has been received from a party by ~~the unit~~ child support services, or ~~the unit~~ child support services has requested a court hearing on ~~the unit's~~ child support services' own initiative.

4. A matter shall be certified to the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 3.

5. The court shall set the matter for hearing and notify the parties of the time of and place for hearing.

6. If the court determines that the putative father is the legal father, the court shall establish the amount of the accrued and accruing child support pursuant to the guidelines established under section 598.21B, and shall establish medical support pursuant to chapter 252E.

7. If the putative father or another party contesting paternity fails to appear at the hearing, upon a showing that proper notice has been provided to the party, the court shall find the party in default and enter an appropriate order establishing paternity and support.

Sec. 909. Section 252F.6, Code 2023, is amended to read as follows:

252F.6 Filing with the district court.

Following issuance of an order by the ~~administrator~~ department, the order shall be presented to an appropriate district court judge for review and approval. Unless a defect appears on the face of the order, the district court shall approve the order. Upon approval by the district court judge, the order shall be filed in the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 3. Upon filing, the order has the same force and effect as a district court order.

Sec. 910. Section 252F.7, Code 2023, is amended to read as follows:

252F.7 Report to state registrar of vital records statistics.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the ~~bureau of~~ state registrar of vital records statistics in the manner provided in section 600B.36.

Sec. 911. Section 252F.8, Code 2023, is amended to read as follows:

252F.8 Waiver of time limitations.

1. A putative father or other party may waive the time limitations established in this chapter.

2. If a party does not contest paternity or wish to request a conference or court hearing on the issue of support, upon receipt of a signed statement from the putative father and any other party that may contest establishment of paternity, waiving the time limitations, the ~~administrator~~ department shall enter an order establishing paternity and support and the court may approve the order, notwithstanding the expiration of the period of the time limitations if paternity is established.

3. If a putative father or other party waives the time limitations and an order establishing paternity or determining support, or both, is entered under this chapter, the signed statement of the putative father and other party waiving the time limitations shall be filed with the order.

Sec. 912. Section 252G.1, Code 2023, is amended to read as follows:

252G.1 Definitions.

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

1. "Business day" means a day on which state offices are open for regular business.
2. "Child support services" means child support services created in section 252B.2.
- ~~2.~~ 3. "Compensation" means payment owed by the payor of income for:
 - a. Labor or services rendered by an employee or contractor to the payor of income.
 - b. Benefits including, but not limited to, vacation, holiday, and sick leave, and severance payments which are due an employee under an agreement with the employer or under a policy of the employer.

3. 4. “Contractor” means a natural person who is eighteen years of age or older, who performs labor in this state to whom a payor of income makes payments which are not subject to withholding and for whom the payor of income is required by the internal revenue service to complete a 1099-MISC form.

4. 5. “Date of hire” means either of the following:

- a. The first day for which an employee is owed compensation by the payor of income.
- b. The first day that a contractor performs labor or services for the payor of income.

5. 6. “Days” means calendar days.

6. 7. “Department” means the department of health and human services.

7. 8. “Dependent” includes a spouse or child or any other person who is in need of and entitled to support from a person who is declared to be legally liable for the support of that dependent.

8. 9. “Employee” means a natural person who performs labor in this state and is employed by an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee’s compensation.

9. 10. “Employer” means a person doing business in this state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee’s compensation. “Employer” includes any governmental entity and any labor organization.

10. 11. “Labor organization” means any organization of any kind, or any agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

11. 12. “Natural person” means an individual and not a corporation, government, business trust, estate, partnership, proprietorship, or other legal entity, however organized.

12. 13. “Payor of income” includes both an employer and a person engaged in a trade or business in this state who engages a contractor for compensation.

13. 14. “Registry” means the central employee registry created in section 252G.2.

14. 15. “Rehire” means the first day for which an employee is owed compensation by the payor of income following a termination of employment lasting a minimum of six consecutive weeks. Termination of employment does not include temporary separations from employment such as unpaid medical leave, an unpaid leave of absence, or a temporary layoff.

15. “Unit” means the child support recovery unit created in section 252B.2.

Sec. 913. Section 252G.2, Code 2023, is amended to read as follows:

252G.2 Establishment of central employee registry.

By January 1, 1994, the unit Child support services shall establish a centralized employee registry database for the purpose of receiving and maintaining information on newly hired or rehired employees from employers. ~~The unit Child support services~~ shall establish the database and the department may adopt rules in conjunction with the department of revenue and the department of workforce development to identify appropriate uses of the registry and to implement this chapter, including implementation through the entering of agreements pursuant to chapter 28E.

Sec. 914. Section 252G.3, subsection 3, paragraphs b and d, Code 2023, are amended to read as follows:

b. By submitting electronic media in a format approved by ~~the unit~~ child support services in advance.

d. By any other means authorized by ~~the unit~~ child support services in advance if the means will result in timely reporting.

Sec. 915. Section 252G.4, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~Beginning January 1, 1994, a~~ A payor of income to whom section 252G.3 is inapplicable, who enters into an agreement for the performance of services with a contractor, shall report the contractor to the registry. Payors of income shall report contractors performing labor

under an agreement within fifteen days of the date on which all of the following conditions are met:

Sec. 916. Section 252G.4, subsection 3, Code 2023, is amended to read as follows:

3. A payor of income required to report under this section may report the information required under subsection 1 by any written means authorized by ~~the unit~~ child support services which results in timely reporting.

Sec. 917. Section 252G.5, subsection 1, Code 2023, is amended to read as follows:

1. ~~The unit Child support services for program~~ administration of the child support enforcement program, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

Sec. 918. Section 252G.7, Code 2023, is amended to read as follows:

252G.7 Data entry and transmitting centralized employee registry records to the national new hire registry.

~~The unit Child support services~~ shall enter new hire data into the centralized employee directory database within five business days of receipt from employers and shall transmit the records of the centralized employee registry to the national directory of new hires within three business days after the date information regarding a newly hired employee is entered into the centralized employee registry.

Sec. 919. Section 252G.8, Code 2023, is amended to read as follows:

252G.8 Income withholding requirements.

Within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with obligors in cases being enforced by ~~the unit child support services~~, ~~the unit child support services~~ shall transmit a notice to the employer or payor of income of the employee directing the employer or payor of income to withhold from the income of the employee in accordance with chapter 252D.

Sec. 920. Section 252H.1, Code 2023, is amended to read as follows:

252H.1 Purpose and intent.

This chapter is intended to provide a means for state compliance with Tit. IV-D of the federal Social Security Act, as amended, requiring states to provide procedures for the review and adjustment of support orders being enforced under Tit. IV-D of the federal Social Security Act, and also to provide an expedited modification process when review and adjustment procedures are not required, appropriate, or applicable. Actions under this chapter shall be initiated only by ~~the child support recovery unit services~~.

Sec. 921. Section 252H.2, Code 2023, is amended to read as follows:

252H.2 Definitions.

1. As used in this chapter, unless the context otherwise requires, *“administrator”*, *“caretaker”*, *“court order”*, *“department”*, *“dependent child”*, *“medical support”*, and *“responsible person”* mean the same as defined in section 252C.1.

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

a. *“Act”* means the federal Social Security Act.

b. *“Adjustment”* applies only to the child support provisions of a support order and means either of the following:

(1) A change in the amount of child support based upon an application of the child support guidelines established pursuant to section 598.21B.

(2) An addition of or change to provisions for medical support as provided in chapter 252E.

c. *“Child”* means a child as defined in section 252B.1.

d. *“Child support agency”* means any state, county, or local office or entity of another state that has the responsibility for providing child support enforcement services under Tit. IV-D of the Act.

e. *“Child support recovery unit”* or *“unit”* *“Child support services”* means the child support ~~recovery unit services~~ created pursuant to in section 252B.2.

f. “*Cost-of-living alteration*” means a change in an existing child support order which equals an amount which is the amount of the support obligation following application of the percentage change of the consumer price index for all urban consumers, United States city average, as published in the federal register by the federal department of labor, bureau of labor statistics.

g. “*Determination of controlling order*” means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. §1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of an order of another state or foreign country is not necessary for a court or the unit child support services to make a determination of controlling order.

h. “*Modification*” means either of the following:

- (1) A change, correction, or termination of an existing support order.
- (2) The establishment of a child or medical support obligation in a previously established order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support proceeding, in which such support was not previously established, or in which support was previously established and subsequently terminated prior to the emancipation of the children affected.

i. “*Parent*” means, for the purposes of requesting a review of a support order and for being entitled to notice under this chapter:

- (1) The individual ordered to pay support pursuant to the order.
- (2) An individual or entity entitled to receive current or future support payments pursuant to the order, or pursuant to a current assignment of support including but not limited to an agency of this or any other state that is currently providing public assistance benefits to the child for whom support is ordered and any child support agency. Service of notice of an action initiated under this chapter on an agency is not required, but the agency may be advised of the action by other means.

j. “*Public assistance*” means benefits received in this state or any other state, under Tit. IV-A (temporary assistance to needy families), IV-E (foster care), or XIX (Medicaid) of the Act.

k. “*Review*” means an objective evaluation conducted through a proceeding before a court, administrative body, or an agency, of information necessary for the application of a state’s mandatory child support guidelines to determine:

- (1) The appropriate monetary amount of support.
- (2) Provisions for medical support.

l. “*State*” means “*state*” as defined in chapter 252K.

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

Sec. 922. Section 252H.3, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Nonsupport issues shall not be considered by ~~the unit child support services~~ or the court in any action resulting under this chapter.

3. Actions initiated by ~~the unit child support services~~ under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

Sec. 923. Section 252H.4, Code 2023, is amended to read as follows:

252H.4 Role of the child support recovery unit services.

1. ~~The unit Child support services~~ may administratively adjust or modify or may provide for an administrative cost-of-living alteration of a support order entered under chapter 234, 252A, 252C, 598, or 600B, or any other support chapter if ~~the unit child support services~~ is providing enforcement services pursuant to chapter 252B. ~~The unit Child support services~~ is not required to intervene to administratively adjust or modify or provide for an administrative cost-of-living alteration of a support order under this chapter.

2. ~~The unit Child support services~~ is a party to an action initiated pursuant to this chapter.

3. ~~The unit~~ Child support services shall conduct a review to determine whether an adjustment is appropriate or, upon the request of a parent or upon ~~the unit's~~ child support services' own initiative, determine whether a modification is appropriate.

4. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to establish the process for the review of requests for adjustment, the criteria and procedures for conducting a review and determining when an adjustment is appropriate, the procedure and criteria for a cost-of-living alteration, the criteria and procedure for a request for review pursuant to section 252H.18A, and other rules necessary to implement this chapter.

5. Legal representation of ~~the unit~~ child support services shall be provided pursuant to section 252B.7, subsection 4.

Sec. 924. Section 252H.5, Code 2023, is amended to read as follows:

252H.5 Fees and cost recovery for review — adjustment — modification.

1. Unless ~~the unit~~ child support services is already providing support enforcement service pursuant to chapter 252B, a parent ordered to provide support, who requests a review of a support order under subchapter II, shall file an application for services pursuant to section 252B.4.

2. A parent requesting a service shall pay the fee established for that service as established under this subsection. The fees established are not applicable to a parent who as a condition of eligibility for receiving public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. The following fees shall be paid for the following services:

a. A fee for conducting the review, to be paid at the time the request for review is submitted to ~~the unit~~ child support services. If the request for review is denied for any reason, the fee shall be refunded to the parent making the request. Any request submitted without full payment of the fee shall be denied.

b. A fee for a second review requested pursuant to section 252H.17, to be paid at the time the request for the second review is submitted to ~~the unit~~ child support services. Any request submitted without full payment of the fee shall be denied.

c. A fee for activities performed by ~~the unit~~ child support services in association with a court hearing requested pursuant to section 252H.8.

d. A fee for activities performed by ~~the unit~~ child support services in entering an administrative order to adjust support when neither parent requests a court hearing pursuant to section 252H.8. The fee shall be paid during the postreview waiting period under section 252H.17. If the fee is not paid in full during the postreview notice period, further action shall not be taken by ~~the unit~~ child support services to adjust the order unless the parent not requesting the adjustment pays the fee in full during the postreview waiting period, or unless the children affected by the order reviewed are currently receiving public assistance benefits and the proposed adjustment would result in either an increase in the amount of support or in provisions for medical support for the children.

e. A fee for conducting a conference requested pursuant to section 252H.20.

3. A parent who requests a review of a support order pursuant to section 252H.13, shall pay any service of process fees for service or attempted service of the notice required in section 252H.15. ~~The unit~~ Child support services shall not proceed to conduct a review pursuant to section 252H.16 until service of process fees have been paid in full. The service of process fee requirement of this subsection is not applicable to a parent who as a condition of eligibility for public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. Service of process fees charged by a person other than ~~the unit~~ child support services are distinct from any other fees and recovery of costs provided for in this section.

4. ~~The unit~~ Child support services shall, consistent with applicable federal law, recover administrative costs in excess of any fees collected pursuant to subsections 2 and 3 for providing services under this chapter and shall adopt rules providing for collection of fees for administrative costs.

5. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to establish procedures and criteria to determine the amount of any fees specified in this section and the administrative costs in excess of these fees.

Sec. 925. Section 252H.6, Code 2023, is amended to read as follows:

252H.6 Collection of information.

~~The unit~~ Child support services may request, obtain, and validate information concerning the financial circumstances of the parents of a child as necessary to determine the appropriate amount of support pursuant to the guidelines established in section 598.21B, including but not limited to those sources and procedures described in sections 252B.7A and 252B.9. The collection of information does not constitute a review conducted pursuant to section 252H.16.

Sec. 926. Section 252H.7, Code 2023, is amended to read as follows:

252H.7 Waiver of notice periods and time limitations.

1. A parent may waive the fifteen-day prereview waiting period provided for in section 252H.16.

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, ~~the unit~~ child support services may conduct a review of the support order prior to the expiration of the fifteen-day period provided in section 252H.16.

b. If the parents jointly waive the prereview waiting period and the order under review is subsequently adjusted, the signed statements of both parents waiving the waiting period shall be filed in the court record with the order adjusting the support obligation.

2. A parent may waive the postreview waiting period provided for in section 252H.8, subsection 2 or 7, for a court hearing or in section 252H.17 for requesting of a second review.

a. Upon receipt of signed requests from both parents subject to the order reviewed, waiving the postreview waiting period, ~~the unit~~ child support services may enter an administrative order adjusting the support order, if appropriate, prior to the expiration of the postreview waiting period.

b. If the parents jointly waive the postreview waiting period and an administrative order to adjust the support order is entered, the signed statements of both parents waiving the waiting period shall be filed in the court record with the administrative order adjusting the support obligation.

3. A parent may waive the time limitations established in section 252H.8, subsection 3, for requesting a court hearing, or in section 252H.20 for requesting a conference.

a. Upon receipt of signed requests from both parents who are subject to the order to be modified, waiving the time limitations, ~~the unit~~ child support services may proceed to enter an administrative modification order.

b. If the parents jointly waive the time limitations and an administrative modification order is entered under this chapter, the signed statements of both parents waiving the time limitations shall be filed in the court record with the administrative modification order.

Sec. 927. Section 252H.8, Code 2023, is amended to read as follows:

252H.8 Certification to court — hearing — default.

1. For actions initiated under section 252H.15, either parent or ~~the unit~~ child support services may request a court hearing within fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

2. For actions initiated under section 252H.14A, either parent or ~~the unit~~ child support services may request a court hearing within ten days of the issuance of the second notice of decision under section 252H.17.

3. For actions initiated under subchapter III, either parent or ~~the unit~~ child support services may request a court hearing within the latest of any of the following time periods:

a. Twenty days from the date of successful service of the notice of intent to modify required under section 252H.19.

b. Ten days from the date scheduled for a conference to discuss the modification action.

c. Ten days from the date of issuance of a second notice of a proposed modification action.

4. The time limitations for requesting a court hearing under this section may be extended by ~~the unit~~ child support services.

5. If a timely written request for a hearing is received by ~~the unit~~ child support services, a hearing shall be held in district court, and ~~the unit~~ child support services shall certify

the matter to the district court in the county in which the order subject to adjustment or modification is filed. The certification shall include the following, as applicable:

- a. Copies of the notice of intent to review or notice of intent to modify.
 - b. The return of service, proof of service, acceptance of service, or signed statement by the parent requesting review and adjustment or requesting modification, waiving service of the notice.
 - c. Copies of the notice of decision and any revised notice as provided in section 252H.16.
 - d. Copies of any written objections to and request for a second review or conference or hearing.
 - e. Copies of any second notice of decision issued pursuant to section 252H.17, or second notice of proposed modification action issued pursuant to section 252H.20.
 - f. Copies of any financial statements and supporting documentation provided by the parents including proof of a substantial change in circumstances for a request filed pursuant to section 252H.18A.
 - g. Copies of any computation worksheet prepared by ~~the unit~~ child support services to determine the amount of support calculated using the mandatory child support guidelines established under section 598.21B, and, if appropriate and the social security disability provisions of sections 598.22 and 598.22C apply, a determination of the amount of delinquent support due.
 - h. A certified copy of each order, issued by another state or foreign country, considered in determining the controlling order.
6. The court shall set the matter for hearing and notify the parties of the time and place of the hearing.
 7. For actions initiated under section 252H.15, a hearing shall not be held for at least sixteen days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the fifteen-day postreview period.
 8. Pursuant to section 252H.3, the district court shall review the matter as an original hearing before the court.
 9. Issues subject to review by the court in any hearing resulting from an action initiated under this chapter shall be limited to the issues identified in section 252H.3.
 10. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, one hearing on all of the affected support orders shall be held in the district court in the county where ~~the unit~~ child support services files the action. For the purposes of this subsection, the district court hearing the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.
 11. The court shall establish the amount of child support pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.
 12. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the court may find the party in default and enter an appropriate order.

Sec. 928. Section 252H.9, Code 2023, is amended to read as follows:

252H.9 Filing and docketing of administrative adjustment or modification order — order effective as district court order.

1. If timely request for a court hearing is not made pursuant to section 252H.8, ~~the unit~~ child support services shall prepare and present an administrative order for adjustment or modification, as applicable, for review and approval, ex parte, to the district court where the order to be adjusted or modified is filed. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, for the purposes of this subsection, the district court reviewing and approving the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.

2. For orders to which subchapter II or III is applicable, ~~the unit~~ child support services shall determine the appropriate amount of the child support obligation using the current child support guidelines established pursuant to section 598.21B and the criteria established pursuant to section 252B.7A and shall determine the provisions for medical support pursuant to chapter 252E.

3. The administrative order prepared by ~~the unit~~ child support services shall specify all of the following:

- a. The amount of support to be paid and the manner of payment.
- b. The name of the custodian of any child for whom support is to be paid.
- c. The name of the parent ordered to pay support.
- d. The name and birth date of any child for whom support is to be paid.
- e. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and other methods of execution.

f. Provisions for medical support.

g. If applicable, the order determined to be the controlling order.

h. If applicable, the amount of delinquent support due based upon the receipt of social security disability payments as provided in sections 598.22 and 598.22C.

4. Supporting documents as described in section 252H.8, subsection 5, may be presented to the court with the administrative order, as applicable.

5. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. A copy of the order shall be sent by regular mail within fourteen days after filing to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

8. The order is final, and action by ~~the unit~~ child support services to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of the entry of the order by the district court.

Sec. 929. Section 252H.10, subsection 2, Code 2023, is amended to read as follows:

2. The periodic due date established under a prior order for payment of child support shall not be changed in any order modified as a result of an action initiated under this chapter, unless ~~the child support recovery unit services~~ or the court determines that good cause exists to change the periodic due date. If ~~the unit~~ child support services or the court determines that good cause exists, ~~the unit~~ child support services or the court shall include the rationale for the change in the modified order and shall address the issue of reconciliation of any payments due or made under a prior order which would result in payment of the child support obligation under both the prior and the modified orders.

Sec. 930. Section 252H.11, Code 2023, is amended to read as follows:

252H.11 Concurrent actions.

This chapter does not prohibit or affect the ability or right of a parent or the parent's attorney to file a modification action at the parent's own initiative. If a modification action is filed by a parent concerning an order for which an action has been initiated but has not yet been completed by ~~the unit~~ child support services under this chapter, ~~the unit~~ child support services shall terminate any action initiated under this chapter, subject to the following:

1. The modification action filed by the parent must address the same issues as the action initiated under this chapter.

2. If the modification action filed by the parent is subsequently dismissed before being heard by the court, ~~the unit~~ child support services shall continue the action previously initiated under subchapter II or III, or initiate a new action as follows:

a. If ~~the unit~~ child support services previously initiated an action under subchapter II, and had not issued a notice of decision as required under section 252H.14A or 252H.16, ~~the unit~~ child support services shall proceed as follows:

(1) If notice of intent to review was served ninety days or less prior to the date the modification action filed by the parent is dismissed, ~~the unit~~ child support services shall complete the review and issue the notice of decision.

(2) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to review was served, ~~the unit child support services~~ shall serve or issue a new notice of intent to review and conduct the review.

(3) If ~~the unit child support services~~ initiated a review under section 252H.14A, ~~the unit child support services~~ may issue the notice of decision.

b. If ~~the unit child support services~~ previously initiated an action under subchapter II and had issued the notice of decision as required under section 252H.14A or 252H.16, ~~the unit child support services~~ shall proceed as follows:

(1) If the notice of decision was issued ninety days or less prior to the date the modification action filed by the parent is dismissed, ~~the unit child support services~~ shall request, obtain, and verify any new or different information concerning the financial circumstances of the parents and issue a revised notice of decision to each parent, or if applicable, to the parent's attorney.

(2) If the modification action filed by the parent is dismissed more than ninety days after the date of issuance of the notice of decision, ~~the unit child support services~~ shall serve or issue a new notice of intent to review pursuant to section 252H.15 and conduct a review pursuant to section 252H.16, or conduct a review and serve a new notice of decision under section 252H.14A.

c. If ~~the unit child support services~~ previously initiated an action under subchapter III, ~~the unit child support services~~ shall proceed as follows:

(1) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to modify was served, ~~the unit child support services~~ shall serve a new notice of intent to modify pursuant to section 252H.19.

(2) If the modification action filed by the parent is dismissed ninety days or less after the original notice of intent to modify was served, ~~the unit child support services~~ shall complete the original modification action initiated by ~~the unit child support services~~ under this subchapter.

(3) Each parent shall be allowed at least twenty days from the date the administrative modification action is reinstated to request a court hearing as provided for in section 252H.8.

3. If an action initiated under this chapter is terminated as the result of a concurrent modification action filed by one of the parents or the parent's attorney, ~~the unit child support services~~ shall advise each parent, or if applicable, the parent's attorney, in writing, that the action has been terminated and the provisions of subsection 2 of this section for continuing or initiating a new action under this chapter. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

4. If an action initiated under this chapter by ~~the unit child support services~~ is terminated as the result of a concurrent action filed by one of the parents and is subsequently reinstated because the modification action filed by the parent is dismissed, ~~the unit child support services~~ shall advise each parent, or if applicable, each parent's attorney, in writing, that ~~the unit child support services~~ is continuing the prior administrative adjustment or modification action. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

Sec. 931. Section 252H.12, subsection 3, Code 2023, is amended to read as follows:

3. ~~The unit Child support services~~ is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

Sec. 932. Section 252H.13, Code 2023, is amended to read as follows:

252H.13 Right to request review.

A parent shall have the right to request the review of a support order for which ~~the unit child support services~~ is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B including by objecting to a cost-of-living alteration pursuant to section 252H.24, subsections 1 and 2.

Sec. 933. Section 252H.14, Code 2023, is amended to read as follows:

252H.14 Reviews initiated by the child support recovery unit services.

1. ~~The unit~~ Child support services may periodically initiate a review of support orders meeting the conditions in section 252H.12 in accordance with the following:

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The support order does not already include provisions for medical support.

c. The review is otherwise necessary to comply with the Act.

2. ~~The unit~~ Child support services may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

3. ~~The unit~~ Child support services shall adopt rules establishing criteria to determine the appropriateness of initiating a review.

4. ~~The unit~~ Child support services shall initiate reviews under this section in accordance with the Act.

Sec. 934. Section 252H.14A, Code 2023, is amended to read as follows:

252H.14A Reviews initiated by the child support recovery unit services — abbreviated method.

1. Notwithstanding section 252H.15, ~~the unit~~ child support services may use procedures under this section to review a support order if all the following apply:

a. One of the following applies:

(1) The right to ongoing child support is assigned to the state of Iowa due to the receipt of family investment program assistance, and a review of the support order is required under section 7302 of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171.

(2) A parent requests a review, provides ~~the unit~~ child support services with financial information as part of that request, and the order meets the criteria for review under this subchapter.

b. ~~The unit~~ Child support services has access to information concerning the financial circumstances of each parent and one of the following applies:

(1) The parent is a recipient of family investment program assistance, medical assistance, or ~~food~~ supplemental nutrition assistance program assistance from the department.

(2) The parent's income is from supplemental security income paid pursuant to 42 U.S.C. §1381a.

(3) The parent is a recipient of disability benefits under the Act because of the parent's disability.

(4) The parent is an inmate of an institution under the control of the department of corrections.

(5) ~~The unit~~ Child support services has access to information described in section 252B.7A, subsection 1, paragraph "c".

2. If the conditions of subsection 1 are met, ~~the unit~~ child support services may conduct a review and determine whether an adjustment is appropriate using information accessible by ~~the unit~~ child support services without issuing a notice under section 252H.15 or requesting additional information from the parent.

3. Upon completion of the review, ~~the unit~~ child support services shall issue a notice of decision to each parent, or if applicable, to each parent's attorney. The notice shall be served in accordance with the rules of civil procedure or as provided in section 252B.26, except that a parent requesting a review pursuant to section 252H.13 shall waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

4. All of the following shall be included in the notice of decision:

a. The legal basis and purpose of the action, including an explanation of the procedures for determining child support, the criteria for determining the appropriateness of an adjustment, and a statement that ~~the unit~~ child support services used the child support guidelines established pursuant to section 598.21B and the provisions for medical support pursuant to chapter 252E.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the legal rights and responsibilities of the affected parties, including time frames in which the parties must act.

d. A statement indicating whether ~~the unit~~ child support services finds that an adjustment is appropriate and the basis for the determination.

e. Procedures for contesting the action, including that if a parent requests a second review both parents will be requested to submit financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

f. Other information as appropriate.

5. Section 252H.16, subsection 5, regarding a revised notice of decision shall apply to a notice of decision issued under this section.

6. Each parent shall have the right to challenge the notice of decision issued under this section by requesting a second review by ~~the unit~~ child support services as provided in section 252H.17. If there is no new or different information to consider for the second review, ~~the unit~~ child support services shall issue a second notice of decision based on prior information. Each parent shall have the right to challenge the second notice of decision by requesting a court hearing as provided in section 252H.8.

Sec. 935. Section 252H.15, subsection 1, Code 2023, is amended to read as follows:

1. Unless an action is initiated under section 252H.14A, prior to conducting a review of a support order, ~~the unit~~ child support services shall issue a notice of intent to review and adjust to each parent, or if applicable, to each parent's attorney. However, notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

Sec. 936. Section 252H.15, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

Sec. 937. Section 252H.15, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Criteria for determining appropriateness of an adjustment and a statement that ~~the unit~~ child support services will use the child support guidelines established pursuant to section 598.21B and the provisions for medical support pursuant to chapter 252E to adjust the order.

Sec. 938. Section 252H.16, Code 2023, is amended to read as follows:

252H.16 Conducting the review — notice of decision.

1. For actions initiated under section 252H.15, ~~the unit~~ child support services shall conduct the review and determine whether an adjustment is appropriate. As necessary, ~~the unit~~ child support services shall make a determination of the controlling order or the amount of delinquent support due based upon the receipt of social security disability payments as provided in sections 598.22 and 598.22C.

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least fifteen days from the date both parents were successfully served with the notice required in section 252H.15.

3. Upon completion of the review, ~~the unit~~ child support services shall issue a notice of decision by regular mail to the last known address of each parent, or if applicable, each parent's attorney.

4. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. A statement indicating whether ~~the unit~~ child support services finds that an adjustment is appropriate and the basis for the determination.

c. Other information, as appropriate.

5. A revised notice of decision shall be issued when ~~the unit~~ child support services receives or becomes aware of new or different information affecting the results of the review after the notice of decision has been issued and before the entry of an administrative order adjusting the support order, when new or different information is not received in conjunction with a request for a second review, or subsequent to a request for a court hearing. If a revised notice of decision is issued, the time frames for requesting a second review or court hearing shall apply from the date of issuance of the revised notice.

Sec. 939. Section 252H.17, Code 2023, is amended to read as follows:

252H.17 Challenging the notice of decision — second review — notice.

1. Each parent shall have the right to challenge the notice of decision issued under section 252H.14A or 252H.16, by requesting a second review by ~~the unit~~ child support services.

2. A challenge shall be submitted, in writing, to ~~the local child support office that issued the notice of decision services~~, within thirty days of service of the notice of decision under section 252H.14A or within ten days of the issuance of the notice of decision under section 252H.16.

3. A parent challenging the notice of decision shall submit any new or different information, not previously considered by ~~the unit~~ child support services in conducting the review, with the challenge and request for second review.

4. A parent challenging the notice of decision shall submit any required fees with the challenge. Any request submitted without full payment of the required fee shall be denied.

5. If a timely challenge along with any necessary fee is received, ~~the unit~~ child support services shall issue by regular mail to the last known address of each parent, or if applicable, to each parent's attorney, a notice that a second review will be conducted. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. A statement of purpose of the second review.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. A statement of the information that is eligible for consideration at the second review.

d. The procedures and time frames in conducting and completing a second review, including a statement that only one second review shall be conducted as the result of a challenge received from either or both parents.

e. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

f. Other information, as appropriate.

6. ~~The unit~~ Child support services shall conduct a second review, utilizing any new or additional information provided or available since issuance of the notice of decision under section 252H.14A or under section 252H.16, to determine whether an adjustment is appropriate.

7. Upon completion of the review, ~~the unit~~ child support services shall issue a second notice of decision by regular mail to the last known address of each parent, or if applicable, to each parent's attorney. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. ~~The unit's~~ Child support services' finding resulting from the second review indicating whether ~~the unit~~ child support services finds that an adjustment is appropriate, the basis for the determination, and the impact on the first review.

c. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

d. Other information, as appropriate.

8. If the determination resulting from the first review is revised or reversed by the second review, the following shall be issued to each parent along with the second notice of decision and the amount of any proposed adjustment:

a. Any updated or revised financial statements provided by either parent.

b. A computation prepared by ~~the local child support office issuing the notice services~~, demonstrating how the amount of support due under the child support guidelines was

calculated, and a comparison of the newly computed amount with the current support obligation amount.

Sec. 940. Section 252H.18, subsection 2, Code 2023, is amended to read as follows:

2. ~~The unit~~ Child support services is providing services pursuant to chapter 252B.

Sec. 941. Section 252H.18A, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If a support order is not eligible for review and adjustment because the support order is outside of the minimum time frames specified by rule of the department, a parent may request a review and administrative modification by submitting all of the following to ~~the unit~~ child support services:

Sec. 942. Section 252H.18A, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of the request and all documentation required in subsection 1, ~~the unit~~ child support services shall review the request and documentation and if appropriate shall issue a notice of intent to modify as provided in section 252H.19.

Sec. 943. Section 252H.19, subsection 1, Code 2023, is amended to read as follows:

1. ~~The unit~~ Child support services shall issue a notice of intent to modify to each parent. Notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

Sec. 944. Section 252H.19, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting modification shall, at the time of the request, waive the right to personal service of the notice in writing and accept service by regular mail. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

Sec. 945. Section 252H.20, Code 2023, is amended to read as follows:

252H.20 Conference — second notice and finding of financial responsibility.

1. Each parent shall have the right to request a conference with ~~the office of the unit that issued the notice of intent to modify~~ child support services. The request may be made in person, in writing, or by telephone, and shall be made within ten days of the date of successful service of the notice of intent to modify.

2. A parent requesting a conference shall submit any required fee no later than the date of the scheduled conference. A conference shall not be held unless the required fee is paid in full.

3. Upon a request and full payment of any required fee, ~~the office of the unit that issued the notice of intent to modify~~ child support services shall schedule a conference with the parent and advise the parent of the date, time, place, and procedural aspects of the conference. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to specify the manner in which a conference is conducted and the purpose of the conference.

4. Following the conference, ~~the office of the unit that conducted the review~~ child support services shall issue a second notice of proposed modification and finding of financial responsibility to the parent requesting the conference. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. If ~~the unit~~ child support services will continue or terminate the action.

c. Procedures for contesting the action and the applicable time frames for actions by the parents.

d. Other information, as appropriate.

Sec. 946. Section 252H.21, subsection 2, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) Increase or decrease the amount of the child support order calculated in subparagraph (1) for each subsequent year by applying the appropriate consumer price index for each subsequent year to the result of the calculation for the previous year. The final year in the calculation shall be the year immediately preceding the year ~~the unit~~ child support services received the completed request for the cost-of-living alteration.

Sec. 947. Section 252H.22, subsection 3, Code 2023, is amended to read as follows:

3. ~~The unit~~ Child support services is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

Sec. 948. Section 252H.23, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A parent may request a cost-of-living alteration by submitting all of the following to the ~~unit~~ child support services:

Sec. 949. Section 252H.24, Code 2023, is amended to read as follows:

252H.24 Role of the child support ~~recovery unit~~ services — filing and docketing of cost-of-living alteration order — order effective as district court order.

1. Upon receipt of a request and required documentation for a cost-of-living alteration, the ~~unit~~ child support services shall issue a notice of the amount of cost-of-living alteration by regular mail to the last known address of each parent, or, if applicable, each parent's attorney. The notice shall include all of the following:

a. A statement that either parent may contest the cost-of-living alteration within thirty days of the date of the notice by making a request for a review of a support order as provided in section 252H.13, and if either parent does not make a request for a review within thirty days, the ~~unit~~ child support services shall prepare an administrative order as provided in subsection 4.

b. A statement that the parent may waive the thirty-day notice waiting period provided for in this section.

2. Upon timely receipt of a request and required documentation for a review of a support order as provided in subsection 1 from either parent, the ~~unit~~ child support services shall terminate the cost-of-living alteration process and apply the provisions of subchapters I and II of this chapter relating to review and adjustment.

3. Upon receipt of signed requests from both parents subject to the support order, waiving the notice waiting period, the ~~unit~~ child support services may prepare an administrative order pursuant to subsection 4 altering the support obligation.

4. If timely request for a review pursuant to section 252H.13 is not made, and if the thirty-day notice waiting period has expired, or if both parents have waived the notice waiting period, the ~~unit~~ child support services shall prepare and present an administrative order for a cost-of-living alteration, ex parte, to the district court where the order to be altered is filed.

5. Unless defects appear on the face of the administrative order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. If the parents jointly waive the thirty-day notice waiting period, the signed statements of both parents waiving the notice period shall be filed in the court record with the administrative order altering the support obligation.

8. ~~The unit~~ Child support services shall send a copy of the order by regular mail to each parent's last known address, or, if applicable, to the last known address of the parent's attorney.

9. An administrative order approved by the district court is final, and action by the ~~unit~~ child support services to enforce and collect upon the order may be taken from the date of the entry of the order by the district court.

Sec. 950. Section 252I.1, Code 2023, is amended to read as follows:

252I.1 Definitions.

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

1. “*Account*” means “account” as defined in section 524.103, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. “*Account*” also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts and “account” as defined in 42 U.S.C. §666(a)(17). However, “*account*” does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

2. “*Bank*” means “bank”, “insured bank”, and “state bank” as defined in section 524.103.

3. “*Child support services*” means child support services created in section 252B.2.

~~3.~~ 4. “*Court order*” means “support order” as defined in section 252J.1.

4. 5. “*Credit union*” means “credit union” as defined in section 533.102.

5. 6. “*Financial institution*” means “financial institution” as defined in 42 U.S.C. §669A(d)(1). “*Financial institution*” also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

6. 7. “*Obligor*” means a person who has been ordered by a court or administrative authority to pay support.

7. 8. “*Support*” or “*support payments*” means “support” or “support payments” as defined in section 252D.16.

8. “*Unit*” or “*child support recovery unit*” means ~~the child support recovery unit created in section 252B.2.~~

9. “*Working days*” means only Monday, Tuesday, Wednesday, Thursday, and Friday, but excluding the holidays specified in section 1C.2, subsection 1.

Sec. 951. Section 252I.2, Code 2023, is amended to read as follows:

252I.2 Purpose and use.

1. Notwithstanding other statutory provisions which provide for the execution, attachment, or levy against accounts, ~~the unit~~ child support services may utilize the process established in this chapter to collect delinquent support payments provided that any exemptions or exceptions which specifically apply to enforcement of support obligations pursuant to other statutory provisions also apply to this chapter.

2. An obligor is subject to the provisions of this chapter if the obligor’s support obligation is being enforced by ~~the child support recovery unit services~~, and if the support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, as certified to ~~the child support recovery unit services~~, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the support payment for one month.

3. Any amount forwarded by a financial institution under this chapter shall not exceed the amounts specified in 15 U.S.C. §1673(b) and shall not exceed the delinquent or accrued amount of support owed by the obligor.

Sec. 952. Section 252I.3, Code 2023, is amended to read as follows:

252I.3 Initial notice to obligor.

~~The unit~~ Child support services or the district court may include language in any new or modified support order issued on or after July 1, 1994, notifying the obligor that the obligor is subject to the provisions of this chapter. However, this chapter is sufficient notice for implementation of administrative levy provisions without further notice of the provisions of this chapter.

Sec. 953. Section 252I.4, Code 2023, is amended to read as follows:

252I.4 Verification of accounts and immunity from liability.

1. ~~The unit~~ Child support services may contact a financial institution to obtain verification of the account number, the names and social security numbers listed for the account, and the account balance of any account held by an obligor. Contact with a financial institution may be by telephone or by written communication. The financial institution may require positive

voice recognition and may require the telephone number of the authorized person from the unit child support services before releasing an obligor's account information by telephone.

2. The unit Child support services and financial institutions doing business in Iowa shall enter into agreements to develop and operate a data match system, using automated data exchanges to the maximum extent feasible. The data match system shall allow a means by which each financial institution shall provide to the unit child support services for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the institution and who owes past-due support, as identified by the unit child support services by name and social security number or other taxpayer identification number. The unit Child support services shall work with representatives of financial institutions to develop a system to assist nonautomated financial institutions in complying with the provisions of this section.

3. The unit Child support services may pay a reasonable fee to a financial institution for conducting the data match required in subsection 2, not to exceed the lower of either one hundred fifty dollars for each quarterly data match or the actual costs incurred by the financial institution for each quarterly data match. However, the unit child support services may also adopt rules pursuant to chapter 17A to specify a fee amount for each quarterly data match based upon the estimated state share of funds collected under this chapter, which, when adopted, shall be applied in lieu of the one hundred fifty dollar fee under this subsection. In addition, the unit child support services may pay a reasonable fee to a financial institution for automation programming development performed in order to conduct the data match required in subsection 2, not to exceed the lower of either five hundred dollars or the actual costs incurred by the financial institution. The unit Child support services may use the state share of funds collected under this chapter to pay the fees to financial institutions under this subsection. For state fiscal years beginning July 1, 1999, and July 1, 2000, the unit child support services may use up to one hundred percent of the state share of such funds. For state fiscal years beginning on or after July 1, 2001, the unit child support services may use up to fifty percent of the state share of such funds. Notwithstanding any other provision of law to the contrary, a financial institution shall have until a date provided in the agreement in subsection 2 to submit its claim for a fee under this subsection. If the unit child support services does not have sufficient funds available under this subsection for payment of fees under this subsection for conducting data matches or for automation program development performed in the fiscal year beginning July 1, 1999, the cost may be carried forward to the fiscal year beginning July 1, 2000. The unit Child support services may also use funds from an amount assessed a child support agency of another state, as defined in section 252H.2, to conduct a data match requested by that child support agency as provided in 42 U.S.C. §666(a)(14) to pay fees to financial institutions under this subsection.

4. a. A financial institution is immune from any liability in any action or proceeding, whether civil or criminal, for any of the following:

(1) The disclosure of any information by a financial institution to the unit child support services pursuant to this chapter or the rules or procedures adopted by the unit child support services to implement this chapter, including disclosure of information relating to an obligor who maintains an account with the financial institution or disclosure of information relating to any other person who maintains an account with the financial institution that is provided for the purpose of complying with the data match requirements of this section and with the agreement entered into between the financial institution and the unit child support services pursuant to subsection 2.

(2) Any encumbrance or surrender of any assets held by a financial institution in response to a notice of lien or levy issued by the unit child support services.

(3) Any action or omission in connection with good faith efforts to comply with this chapter or any rules or procedures that are adopted by the unit child support services to implement this chapter.

(4) The disclosure, use, or misuse by the unit child support services or by any other person of information provided or assets delivered to the unit child support services by a financial institution.

b. For the purposes of this section, “*financial institution*” includes officers, directors, employees, contractors, and agents of the financial institution.

5. The financial institution or ~~the unit child support services~~ is not liable for the cost of any early withdrawal penalty of an obligor’s certificate of deposit.

Sec. 954. Section 252I.5, subsections 1 and 2, Code 2023, are amended to read as follows:

1. If an obligor is subject to this chapter under section 252I.2, ~~the unit child support services~~ may initiate an administrative action to levy against the accounts of the obligor.

2. ~~The unit Child support services~~ may send a notice to the financial institution with which the account is placed, directing that the financial institution forward all or a portion of the moneys in the obligor’s account or accounts to the collection services center established pursuant to chapter 252B. The notice shall be sent by regular mail, with proof of service completed according to rule of civil procedure 1.442.

Sec. 955. Section 252I.5, subsection 3, paragraph g, Code 2023, is amended to read as follows:

g. A telephone number, ~~and address, and contact name of the~~ for child support recovery unit contact initiating the action services.

Sec. 956. Section 252I.6, Code 2023, is amended to read as follows:

252I.6 Administrative levy — notice to support obligor.

1. ~~The unit Child support services~~ may administratively initiate an action to seize accounts of an obligor who is subject to this chapter under section 252I.2.

2. ~~The unit Child support services~~ shall notify an obligor subject to this chapter, and any other party known to have an interest in the account, of the action. The notice shall contain all of the following:

a. The name of the obligor.

b. A statement that the obligor is believed to have one or more accounts at the financial institution.

c. A statement that pursuant to the provisions of this chapter, the obligor’s accounts are subject to seizure and the financial institution is authorized and required to forward moneys to the collection services center.

d. The maximum amount to be forwarded by the financial institution, which shall not exceed the delinquent or accrued amount of support owed by the obligor.

e. The prescribed time frames within which the financial institution must comply.

f. A statement that any challenge to the action shall be in writing and shall be received by ~~the child support recovery unit services~~ within ten days of the date of the notice to the obligor.

g. The address of the collection services center and the collection services center account number.

h. A telephone number, ~~and address, and contact name for the~~ child support recovery unit contact initiating the action services.

3. ~~The unit Child support services~~ shall forward the notice to the obligor by regular mail within two working days of sending the notice to the financial institution pursuant to section 252I.5. Proof of service shall be completed according to rule of civil procedure 1.442.

Sec. 957. Section 252I.7, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Immediately encumber funds in all accounts in which the obligor has an interest to the extent of the debt indicated in the notice from ~~the unit child support services~~.

2. No sooner than fifteen days, and no later than twenty days from the date the financial institution receives the notice under section 252I.5, unless notified by ~~the unit child support services~~ of a challenge by the obligor or an account holder of interest, the financial institution shall forward the moneys encumbered to the collection services center with the obligor’s name and social security number, collection services center account number, and any other information required in the notice.

Sec. 958. Section 252I.8, Code 2023, is amended to read as follows:

252I.8 Challenges to action.

1. Challenges under this chapter may be initiated only by an obligor or by an account holder of interest. Actions initiated by ~~the unit child support services~~ under this chapter are not subject to chapter 17A, and resulting court hearings following certification shall be an original hearing before the district court.

2. The person challenging the action shall submit a written challenge to ~~the person identified as the contact for the unit in the notice~~ child support services, within ten working days of the date of the notice.

3. ~~The unit~~ Child support services shall, upon receipt of a written challenge, review the facts of the case with the challenging party. Only a mistake of fact, including but not limited to, a mistake in the identity of the obligor or a mistake in the amount of delinquent support due shall be considered as a reason to dismiss or modify the proceeding.

4. If ~~the unit child support services~~ determines that a mistake of fact has occurred ~~the unit, child support services~~ shall proceed as follows:

a. If a mistake in identity has occurred or the obligor is not delinquent in an amount equal to the payment for one month, ~~the unit child support services~~ shall notify the financial institution that the administrative levy has been released. ~~The unit~~ Child support services shall provide a copy of the notice to the support obligor by regular mail.

b. If the obligor is delinquent, but the amount of the delinquency is less than the amount indicated in the notice, ~~the unit child support services~~ shall notify the financial institution of the revised amount with a copy of the notice and issue a copy to the obligor or forward a copy to the obligor by regular mail. Upon written receipt of instructions from ~~the unit child support services~~, the financial institution shall release the funds in excess of the revised amount to the obligor and the moneys in the amount of the debt shall be processed according to section 2521.7.

5. If ~~the unit child support services~~ finds no mistake of fact, ~~the unit child support services~~ shall provide a notice to that effect to the challenging party by regular mail. Upon written request of the challenging party, ~~the unit child support services~~ shall request a hearing before the district court in the county in which the underlying support order is filed.

a. The financial institution shall encumber moneys if ~~the child support recovery unit services~~ notifies the financial institution to do so.

b. The clerk of the district court shall schedule a hearing upon the request by ~~the unit child support services~~ for a time not later than ten calendar days after the filing of the request for hearing. The clerk shall mail copies of the request for hearing and the order scheduling the hearing to ~~the unit child support services~~ and to all account holders of interest.

c. If the court finds that there is a mistake of identity or that the obligor does not owe the delinquent support, ~~the unit child support services~~ shall notify the financial institution that the administrative levy has been released.

d. If the court finds that the obligor has an interest in the account, and the amount of support due was incorrectly overstated, ~~the unit child support services~~ shall notify the financial institution to release the excess moneys to the obligor and remit the remaining moneys in the amount of the debt to the collection services center for disbursement to the appropriate recipient.

e. If the court finds that the obligor has an interest in the account, and the amount of support due is correct, the financial institution shall forward the moneys to the collection services center for disbursement to the appropriate recipient.

f. If the obligor or any other party known to have an interest in the account fails to appear at the hearing, the court may find the challenging party in default, shall ratify the administrative levy, if valid upon its face, and shall enter an order directing the financial institution to release the moneys to ~~the unit child support services~~.

g. Issues related to visitation, custody, or other provisions not related to levies against accounts are not grounds for a hearing under this chapter.

h. Support orders shall not be modified under a challenge pursuant to this section.

i. Any findings in the challenge of an administrative levy related to the amount of the accruing or accrued support obligation do not modify the underlying support order.

j. An order entered under this chapter for a levy against an account of a support obligor has priority over a levy for a purpose other than the support of the dependents in the court order being enforced.

6. The support obligor may withdraw the request for challenge by submitting a written withdrawal to the person identified as the contact for ~~the unit~~ child support services in the notice or ~~the unit~~ child support services may withdraw the administrative levy at any time prior to the court hearing and provide notice of the withdrawal to the obligor and any account holder of interest and to the financial institution, by regular mail.

7. If the financial institution has forwarded moneys to the collection services center and has deducted a fee from the moneys of the account, or if any additional fees or costs are levied against the account, and all funds are subsequently refunded to the account due to a mistake of fact or ruling of the court, ~~the child support recovery unit~~ services shall reimburse the account for any fees assessed by the financial institution. If the mistake of fact is a mistake in the amount of support due and any portion of the moneys is retained as support payments, however, ~~the unit~~ child support services is not required to reimburse the account for any fees or costs levied against the account. Additionally, for the purposes of reimbursement to the account for any fees or costs, each certificate of deposit is considered a separate account.

Sec. 959. Section 252J.1, Code 2023, is amended to read as follows:

252J.1 Definitions.

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

1. "*Certificate of noncompliance*" means a document provided by ~~the~~ child support recovery unit services certifying that the named individual is not in compliance with any of the following:

a. A support order.

b. A written agreement for payment of support entered into by ~~the unit~~ child support services and the obligor.

c. A subpoena or warrant relating to a paternity or support proceeding.

2. "*Child support services*" means child support services created in section 252B.2.

3. "*Department*" means the department of health and human services.

~~2.~~ 4. "*Individual*" means a parent, an obligor, or a putative father in a paternity or support proceeding.

~~3.~~ 5. "*License*" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an individual by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, industry, or recreation or to operate or register a motor vehicle. "*License*" includes licenses for hunting, fishing, boating, or other recreational activity.

4. 6. "*Licensee*" means an individual to whom a license has been issued, or who is seeking the issuance of a license.

~~5.~~ 7. "*Licensing authority*" means a county treasurer, county recorder or designated deputy, the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an individual to register or operate a motor vehicle or to engage in a business, occupation, profession, recreation, or industry.

6. 8. "*Obligor*" means a natural person as defined in section 252G.1 who has been ordered by a court or administrative authority to pay support.

7. 9. "*Subpoena or warrant*" means a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by ~~the unit~~ child support services or a child support agency as defined in section 252H.2.

8. 10. "*Support*" means support or support payments as defined in section 252D.16, whether established through court or administrative order.

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

10. "*Unit*" means ~~the child support recovery unit created in section 252B.2.~~

11. 12. "*Withdrawal of a certificate of noncompliance*" means a document provided by ~~the unit~~ child support services certifying that the certificate of noncompliance is withdrawn

and that the licensing authority may proceed with issuance, reinstatement, or renewal of an individual's license.

Sec. 960. Section 252J.2, Code 2023, is amended to read as follows:

252J.2 Purpose and use.

1. Notwithstanding other statutory provisions to the contrary, and if an individual has not been cited for contempt and enjoined from engaging in the activity governed by a license pursuant to section 598.23A, ~~the unit~~ child support services may utilize the process established in this chapter to collect support.

2. For cases in which services are provided by ~~the unit~~ child support services all of the following apply:

a. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by ~~the unit~~ child support services, if the support payments required by a support order to be paid to the clerk of the district court or the collection services center pursuant to section 598.22 are not paid and become delinquent in an amount equal to the support payment for three months, and if the obligor's situation meets other criteria specified under rules adopted by the department pursuant to chapter 17A. The criteria specified by rule shall include consideration of the length of time since the obligor's last support payment and the total amount of support owed by the obligor.

b. An individual is subject to the provisions of this chapter if the individual has failed, after receiving appropriate notice, to comply with a subpoena or warrant.

3. Actions initiated by ~~the unit~~ child support services under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court.

4. Notwithstanding chapter 22, all of the following apply:

a. Information obtained by ~~the unit~~ child support services under this chapter shall be used solely for the purposes of this chapter or chapter 252B.

b. Information obtained by a licensing authority shall be used solely for the purposes of this chapter.

Sec. 961. Section 252J.3, Code 2023, is amended to read as follows:

252J.3 Notice to individual of potential sanction of license.

~~The unit~~ Child support services shall proceed in accordance with this chapter only if ~~the unit~~ child support services sends a notice to the individual by regular mail to the last known address of the individual. The notice shall include all of the following:

1. The address and telephone number of ~~the unit~~ child support services and ~~the unit~~ the child support services' case number.

2. A statement that the obligor is not in compliance with a support order or the individual has not complied with a subpoena or warrant.

3. A statement that the individual may request a conference with ~~the unit~~ child support services to contest the action.

4. A statement that if, within twenty days of mailing of the notice to the individual, the individual fails to contact ~~the unit~~ child support services to schedule a conference, ~~the unit~~ child support services shall issue a certificate of noncompliance, bearing the individual's name, social security number and ~~unit~~ the child support services' case number, to any appropriate licensing authority, certifying that the obligor is not in compliance with a support order or an individual has not complied with a subpoena or warrant.

5. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by ~~the unit~~ child support services within twenty days of mailing of the notice to the individual.

6. The names of the licensing authorities to which ~~the unit~~ child support services intends to issue a certificate of noncompliance.

7. A statement that if ~~the unit~~ child support services issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the individual's license, unless ~~the unit~~ child support services provides the licensing authority with a withdrawal of a certificate of noncompliance.

Sec. 962. Section 252J.4, Code 2023, is amended to read as follows:

252J.4 Conference.

1. The individual may schedule a conference with ~~the unit~~ child support services following mailing of the notice pursuant to section 252J.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a licensing authority, to challenge ~~the unit's~~ child support services' actions under this chapter.

2. The request for a conference shall be made to ~~the unit~~ child support services, in writing, and, if requested after mailing of the notice pursuant to section 252J.3, shall be received by ~~the unit~~ child support services within twenty days following mailing of the notice.

3. ~~The unit~~ Child support services shall notify the individual of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by ~~the unit~~ child support services, unless the individual and ~~the unit~~ child support services agree to an earlier date which may be the same date the individual requests the conference. If the individual fails to appear at the conference, ~~the unit~~ child support services shall issue a certificate of noncompliance.

4. Following the conference, ~~the unit~~ child support services shall issue a certificate of noncompliance unless any of the following applies:

a. ~~The unit~~ Child support services finds a mistake in the identity of the individual.

b. ~~The unit~~ Child support services finds a mistake in determining that the amount of delinquent support is equal to or greater than three months.

c. The obligor enters a written agreement with ~~the unit~~ child support services to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support due.

d. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department pursuant to chapter 17A.

e. ~~The unit~~ Child support services finds a mistake in determining the compliance of the individual with a subpoena or warrant.

f. The individual complies with a subpoena or warrant.

5. ~~The unit~~ Child support services shall grant the individual a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with ~~the unit~~ child support services to comply with a support order or if the individual complies with a subpoena or warrant.

6. If the individual does not timely request a conference or does not comply with a subpoena or warrant or if the obligor does not pay the total amount of delinquent support owed within twenty days of mailing of the notice pursuant to section 252J.3, ~~the unit~~ child support services shall issue a certificate of noncompliance.

Sec. 963. Section 252J.5, Code 2023, is amended to read as follows:

252J.5 Written agreement.

1. If an obligor is subject to this chapter as established in section 252J.2, subsection 2, paragraph "a", the obligor and ~~the unit~~ child support services may enter into a written agreement for payment of support and compliance which takes into consideration the obligor's ability to pay and other criteria established by rule of the department. The written agreement shall include all of the following:

a. The method, amount, and dates of support payments by the obligor.

b. A statement that upon breach of the written agreement by the obligor, ~~the unit~~ child support services shall issue a certificate of noncompliance to any appropriate licensing authority.

2. A written agreement entered into pursuant to this section does not preclude any other remedy provided by law and shall not modify or affect an existing support order.

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written agreement with ~~the unit~~ child support services, ~~the unit~~ child support services shall issue a withdrawal of the certificate of noncompliance to any appropriate licensing authority and shall forward a copy of the withdrawal by regular mail to the obligor.

Sec. 964. Section 252J.6, Code 2023, is amended to read as follows:

252J.6 Decision of ~~the unit~~ child support services.

1. If an obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant pursuant to section 252J.2, ~~the unit child support services~~ mails a notice to the individual pursuant to section 252J.3, and the individual requests a conference pursuant to section 252J.4, ~~the unit child support services~~ shall issue a written decision if any of the following conditions exists:

a. The individual fails to appear at a scheduled conference under section 252J.4.

b. A conference is held under section 252J.4.

c. The obligor fails to comply with a written agreement entered into by the obligor and ~~the unit child support services~~ under section 252J.5.

2. ~~The unit~~ Child support services shall send a copy of the written decision to the individual by regular mail at the individual's most recent address of record. If the decision is made to issue a certificate of noncompliance or to withdraw the certificate of noncompliance, a copy of the certificate of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from ~~the unit child support services~~.

c. That in order to obtain a withdrawal of a certificate of noncompliance from ~~the unit child support services~~, the obligor shall enter into a written agreement with ~~the unit child support services~~, comply with an existing written agreement with ~~the unit child support services~~, or pay the total amount of delinquent support owed or the individual shall comply with a subpoena or warrant.

d. That if ~~the unit child support services~~ issues a written decision which includes a certificate of noncompliance, that all of the following apply:

(1) The individual may request a hearing as provided in section 252J.9, before the district court as follows:

(a) If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing a written application to the court challenging the issuance of the certificate of noncompliance by ~~the unit child support services~~ and sending a copy of the application to ~~the unit child support services~~ within the time period specified in section 252J.9.

(b) If the action is a result of section 252J.2, subsection 2, paragraph "b", and the individual is not an obligor, in the county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in another state or foreign country.

(2) The individual may retain an attorney at the individual's own expense to represent the individual at the hearing.

(3) The scope of review of the district court shall be limited to demonstration of a mistake of fact related to the delinquency of the obligor or the compliance of the individual with a subpoena or warrant.

3. If ~~the unit child support services~~ issues a certificate of noncompliance, ~~the unit child support services~~ shall only issue a withdrawal of the certificate of noncompliance if any of the following applies:

a. ~~The unit~~ Child support services or the court finds a mistake in the identity of the individual.

b. ~~The unit~~ Child support services finds a mistake in determining compliance with a subpoena or warrant.

c. ~~The unit~~ Child support services or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than three months.

d. The obligor enters a written agreement with ~~the unit~~ child support services to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support owed.

e. The individual complies with the subpoena or warrant.

f. Issuance of a withdrawal of the certificate of noncompliance is appropriate under other criteria in accordance with rules adopted by the department pursuant to chapter 17A.

Sec. 965. Section 252J.7, subsection 1, Code 2023, is amended to read as follows:

1. If the individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or ~~the unit~~ child support services issues a written decision under section 252J.6 which states that the individual is not in compliance, ~~the unit~~ child support services shall issue a certificate of noncompliance to any appropriate licensing authority.

Sec. 966. Section 252J.8, subsection 2, Code 2023, is amended to read as follows:

2. In addition to other grounds for suspension, revocation, or denial of issuance or renewal of a license, a licensing authority shall include in rules adopted by the licensing authority as grounds for suspension, revocation, or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from ~~the unit~~ child support services.

Sec. 967. Section 252J.8, subsection 4, paragraph c, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of an individual's license due to the receipt of a certificate of noncompliance from ~~the unit~~ child support services.

(2) The individual must contact ~~the unit~~ child support services to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

(3) Unless ~~the unit~~ child support services furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the individual's license will be revoked, suspended, or denied.

Sec. 968. Section 252J.8, subsection 5, Code 2023, is amended to read as follows:

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from ~~the unit~~ child support services, the licensing authority shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements established by the licensing authority.

Sec. 969. Section 252J.9, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Following the issuance of a written decision by ~~the unit~~ child support services under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the individual by a licensing authority pursuant to section 252J.8, an individual may seek review of the decision and request a hearing before the district court as follows:

Sec. 970. Section 252J.9, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to ~~the unit by regular mail~~ child support services.

Sec. 971. Section 252J.9, subsections 2 and 6, Code 2023, are amended to read as follows:

2. An application shall be filed to seek review of the decision by ~~the unit~~ child support services or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the individual and ~~the unit~~ child support services and shall also mail a copy of the order to the licensing authority, if applicable. ~~The unit~~ Child support services shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing

authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

6. If the court finds that ~~the unit~~ child support services was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, ~~the unit~~ child support services shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

Sec. 972. Section 252K.103, Code 2023, is amended to read as follows:

252K.103 State tribunal and support enforcement agency.

1. ~~The child~~ Child support recovery unit services when ~~the unit~~ child support services establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.

2. ~~The child~~ Child support recovery unit services created in section 252B.2 is the support enforcement agency of this state.

Sec. 973. Section 252K.201, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. The individual asserted parentage of a child in the declaration of paternity registry maintained in this state by the ~~Iowa~~ department of ~~public health and human services~~ pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.

Sec. 974. Section 252K.310, subsection 1, Code 2023, is amended to read as follows:

1. ~~The child~~ Child support recovery unit services is the state information agency under this chapter.

Sec. 975. Section 252K.319, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, ~~the child support recovery unit services~~ or a tribunal of this state shall:

Sec. 976. Section 252K.703, Code 2023, is amended to read as follows:

252K.703 Relationship of child support recovery unit services to United States central authority.

~~The child~~ Child support recovery unit services of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 977. Section 252K.704, Code 2023, is amended to read as follows:

252K.704 Initiation by child support recovery unit services of support proceeding under convention.

1. In a support proceeding under this article, ~~the child support recovery unit services~~ of this state shall:

a. Transmit and receive applications.

b. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

2. The following support proceedings are available to an obligee under the convention:

a. Recognition or recognition and enforcement of a foreign support order.

b. Enforcement of a support order issued or recognized in this state.

c. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

d. Establishment of a support order if recognition of a foreign support order is refused under section 252K.708, subsection 2, paragraph "b", "d", or "i".

e. Modification of a support order of a tribunal of this state.

f. Modification of a support order of a tribunal of another state or a foreign country.

3. The following support proceedings are available under the convention to an obligor against which there is an existing support order:

- a. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state.
- b. Modification of a support order of a tribunal of this state.
- c. Modification of a support order of a tribunal of another state or a foreign country.
4. A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

Sec. 978. Section 252K.705, subsection 4, Code 2023, is amended to read as follows:

4. A petitioner filing a direct request is not entitled to assistance from ~~the child support recovery unit services~~.

Sec. 979. Section 252K.708, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. ~~The child~~ Child support ~~recovery unit services~~ shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 252K.704.

Sec. 980. Section 256.1, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Educational supervision over the elementary and secondary schools under the control of ~~an administrator of a division of the department of~~ health and human services.

Sec. 981. Section 256.9, subsection 15, Code 2023, is amended to read as follows:

15. Provide the same educational supervision for the schools maintained by the director of health and human services as is provided for the public schools of the state and make recommendations to the director of health and human services for the improvement of the educational program in those institutions.

Sec. 982. Section 256.9, subsection 31, paragraph b, Code 2023, is amended to read as follows:

b. Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the state child care advisory committee established pursuant to section 135.173A, the department of health and human services, the state board of regents center for early developmental education, the area education agencies, the department of human development and family studies in the college of human sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

Sec. 983. Section 256.9, subsection 46, paragraph a, Code 2023, is amended to read as follows:

a. Develop and make available to school districts, examples of age-appropriate and research-based materials and lists of resources which parents may use to teach their children to recognize unwanted physical and verbal sexual advances, to not make unwanted physical and verbal sexual advances, to effectively reject unwanted sexual advances, that it is wrong to take advantage of or exploit another person, about the dangers of sexual exploitation by means of the internet including specific strategies to help students protect themselves and their personally identifiable information from such exploitation, and about counseling, medical, and legal resources available to survivors of sexual abuse and sexual assault, including resources for escaping violent relationships. The materials and resources shall cover verbal, physical, and visual sexual harassment, including nonconsensual sexual advances, and nonconsensual physical sexual contact. In developing the materials and resource list, the director shall consult with entities that shall include but not be limited to the departments of health and human services, ~~public health~~, and public safety, education stakeholders, and parent-teacher organizations. School districts shall provide

age-appropriate and research-based materials and a list of available community and internet-based resources to parents at registration and shall also include the age-appropriate and research-based materials and resource list in the student handbook. School districts are encouraged to work with their communities to provide voluntary parent education sessions to provide parents with the skills and appropriate strategies to teach their children as described in this subsection. School districts shall incorporate the age-appropriate and research-based materials into relevant curricula and shall reinforce the importance of preventive measures when reasonable with parents and students.

Sec. 984. Section 256.9, subsection 50, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Convene, in collaboration with the department of public health and human services, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

Sec. 985. Section 256.11, subsection 5, paragraph j, subparagraph (1), Code 2023, is amended to read as follows:

(1) One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; age-appropriate and research-based human growth and development; substance abuse use disorder and nonuse; emotional and social health; health resources; and prevention and control of disease, including age-appropriate and research-based information regarding sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome.

Sec. 986. Section 256.16, subsection 1, paragraphs b and l, Code 2023, are amended to read as follows:

b. Include in the professional education program, preparation that contributes to the education of students with disabilities and students who are gifted and talented, preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, strategies that address difficult and violent student behavior and improve academic engagement and achievement, and preparation in classroom management addressing high-risk behaviors including but not limited to behaviors related to substance abuse use disorder. Preparation required under this paragraph must be successfully completed before graduation from the practitioner preparation program.

l. If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, pre-student teaching experiences, field experiences, practicums, clinicals, or internships, enter into a written contract with any school district, accredited nonpublic school, preschool registered or licensed by the department of health and human services, or area education agency in Iowa, to provide for such work under terms and conditions as agreed upon by the contracting parties. The terms and conditions of a written contract entered into with a preschool pursuant to this paragraph shall require that a student teacher be under the direct

supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool. Students actually teaching or engaged in preservice licensure activities in a school district under the terms of such a contract are entitled to the same protection under section 670.8 as is afforded by that section to officers and employees of the school district, during the time such students are so assigned.

Sec. 987. Section 256.35A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. In addition, representatives of the department of education, the division of vocational rehabilitation of the department of ~~education~~ workforce development, ~~the department of public health~~, the department of health and human services, the Iowa developmental disabilities council, the division of insurance of the department of commerce, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

Sec. 988. Section 256.39, subsection 5, Code 2023, is amended to read as follows:

5. In developing career pathways program efforts, each consortium shall make every effort to cooperate with the juvenile courts, the economic development authority, the department of workforce development, the department of health and human services, and the new Iowa schools development corporation.

Sec. 989. Section 256.46, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. The child is a participant in a substance ~~abuse~~ use disorder or mental health program.

Sec. 990. Section 256A.2, Code 2023, is amended to read as follows:

256A.2 Child development coordinating council established.

1. A child development coordinating council is established to promote the provision of child development services to at-risk three-year-old and four-year-old children. The council shall consist of the following members:

~~a. The administrator of the division of adult, children and family services of the department of human services or the administrator's designee.~~

~~b. a.~~ The director of the department of education or the director's designee.

~~c. b.~~ The director of health and human services or the director's designee.

~~d. The director of the department of public health or the director's designee.~~

~~e. c.~~ An early childhood specialist of an area education agency selected by the area education agency administrators.

~~f. d.~~ The dean of the college of human sciences at Iowa state university of science and technology or the dean's designee.

~~g. e.~~ The dean of the college of education from the university of northern Iowa or the dean's designee.

~~h. f.~~ The professor and head of the department of pediatrics at the university of Iowa or the professor's designee.

~~i. g.~~ A resident of this state who is a parent of a child who is or has been served by a federal head start program.

2. Staff assistance for the council shall be provided by the department of education. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph "a".

Sec. 991. Section 256B.2, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of health and human services shall provide residential or detention facilities and the area education

agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

Sec. 992. Section 256B.3, subsection 9, Code 2023, is amended to read as follows:

9. To cooperate with existing agencies such as the department of health and human services, ~~the Iowa department of public health~~, the Iowa school for the deaf, the Iowa braille and sight saving school, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 993. Section 256B.5, Code 2023, is amended to read as follows:

256B.5 Information available upon request by bureau.

The Iowa department of public health and human services shall furnish to the state bureau of special education upon request information obtained from birth certificates relative to the name, address, and disability of any case of developmental disability. The state child health specialty clinics of the university of Iowa shall upon request furnish to the state bureau of special education the name, address, and disability of all children of their register.

Sec. 994. Section 256B.10, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department of education shall work with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health and human services for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the state school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

Sec. 995. Section 256B.10, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of education, in consultation with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health and human services, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

Sec. 996. Section 256B.10, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The department of education shall work with the early hearing detection and intervention program in the Iowa department of public health and human services, the state school for the deaf, and the area education agencies when developing the guidelines. The department of education, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

Sec. 997. Section 256B.10, subsection 5, paragraph d, subparagraph (5), Code 2023, is amended to read as follows:

(5) Reach out to parents of children identified through the early hearing detection and intervention program in the Iowa department of public health and human services and share information about the family support mentoring program services available to such parents.

Sec. 998. Section 256B.10, subsection 5, paragraph e, Code 2023, is amended to read as follows:

e. The department of education shall coordinate family support mentoring activities with the early hearing detection and intervention program in the Iowa department of public health and human services, the state school for the deaf, the area education agencies, and nonprofit organizations that provide family support mentoring to parents with deaf or hard-of-hearing children.

Sec. 999. Section 256B.15, subsections 7, 9, and 10, Code 2023, are amended to read as follows:

7. The area education agencies shall transfer to the department of health and human services an amount equal to the nonfederal share of the payments to be received from the medical assistance program pursuant to chapter 249A. The nonfederal share amount shall be transferred to the medical assistance account prior to claims payment. This requirement does not apply to medical assistance reimbursement for services provided by an area education agency under part C of the federal Individuals With Disabilities Education Act. Funds received under this section shall not be considered or included as part of the area education agencies' budgets when calculating funds that are to be received by area education agencies during a fiscal year.

9. The department of education and the department of health and human services shall adopt rules to implement this section.

10. The department of health and human services shall offer assistance to the area education agencies in the identification of children eligible for reimbursement for services under this section.

Sec. 1000. Section 256I.1, Code 2023, is amended to read as follows:

256I.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. "Department" means the department of ~~management~~ health and human services.
2. "Desired results" means the set of desired results for improving the quality of life in this state for young children and their families identified in section 256I.2.
3. "Early care", "early care services", or "early care system" means the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from zero through age five. "Early care", "early care services", or "early care system" includes but is not limited to public and private efforts and formal and informal settings.
4. "Early childhood Iowa area" means a geographic area designated in accordance with this chapter.
5. "Early childhood Iowa area board" or "area board" means the board for an early childhood Iowa area created in accordance with this chapter.
6. "Early childhood Iowa program" or "program" means the early childhood Iowa program established in section 256I.5.
- ~~6.~~ 7. "Early childhood Iowa state board" or "state board" means the early childhood Iowa state board created in section 256I.3.

Sec. 1001. Section 256I.3, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The board shall consist of ~~twenty-one~~ nineteen voting members with fifteen citizen members and ~~six~~ four state agency members. The ~~six~~ state agency members shall be the directors or their designees of the following agencies: economic development authority, education, ~~human rights~~, health and human services, ~~public health~~, and workforce development. The designees of state agency directors shall be selected on an annual basis. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

Sec. 1002. Section 256I.4, subsection 15, Code 2023, is amended to read as follows:

15. Work with the early childhood Iowa ~~office~~ program in building public-private partnerships for promoting the collaborative early care, education, health, and human services system.

Sec. 1003. Section 256I.5, subsection 2, Code 2023, is amended to read as follows:

2. An early childhood Iowa office program is established in the department to provide leadership for facilitation, communication, and coordination for the early childhood Iowa initiative activities and funding and for improvement of the early care, education, health, and human services systems. An administrator for the early childhood Iowa office program shall be appointed by the director of the department. Other staff may also be designated, subject to appropriation made for this purpose.

Sec. 1004. Section 256I.5, subsection 4, Code 2023, is amended to read as follows:

4. The office program shall work with the state and area boards to provide leadership for comprehensive system development. The office program shall also do all of the following:

a. Enter into memoranda of agreement with the departments of education, ~~human rights, human services, public health,~~ and workforce development and the economic development authority to formalize the commitments of the respective departments and the authority to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

b. Work with private businesses, foundations, and nonprofit organizations to develop sustained funding.

c. Maintain the internet site in accordance with section 256I.10.

d. Propose any needed revisions to administrative rules based on stakeholder input.

e. Provide technical support to the state and area boards and to the early childhood Iowa areas through staffing services made available through the state agencies that serve on the state board.

f. Develop, collect, disseminate, and provide guidance for common performance measures for the programs receiving funding under the auspices of the area boards.

g. If a disagreement arises within an early childhood Iowa area regarding the interests represented on the area's board, board decisions, or other disputes that cannot be locally resolved, upon request, provide state or regional technical assistance as deemed appropriate by the office program to assist the area in resolving the disagreement.

Sec. 1005. Section 256I.11, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A school ready children grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account are appropriated to and shall be distributed by the department of education⁸ in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law.

Sec. 1006. Section 256I.11, subsection 4, paragraphs a, b, and c, Code 2023, are amended to read as follows:

a. An early childhood programs grant account is created in the fund under the authority of the director of the department of ~~human services~~. Moneys credited to the account are appropriated to and shall be distributed by the department of ~~human services~~ in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law. The criteria shall include but are not limited to a requirement that an early childhood Iowa area must be designated by the state board in order to be eligible to receive an early childhood programs grant.

b. An early childhood Iowa area receiving funding from the early childhood programs grant account shall comply with any federal reporting requirements associated with the use of that funding and other results and reporting requirements established by the state board. The department of ~~human services~~ shall provide technical assistance in identifying and meeting the federal requirements. The availability of funding provided from the account is subject to changes in federal requirements and amendments to Iowa law.

⁸ See chapter 112, §53 herein

c. The moneys distributed from the early childhood programs grant account shall be used by early childhood Iowa areas for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be used with a primary emphasis on low-income families and children from zero to age five. Moneys shall be provided in a flexible manner and shall be used to implement strategies identified by the early childhood Iowa area to achieve such purposes. The department of ~~human services~~ may use a portion of the funding appropriated to the department under this subsection for provision of technical assistance and other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

Sec. 1007. Section 256I.11, subsection 5, Code 2023, is amended to read as follows:

5. A first years first account is created in the fund under the authority of the department of ~~management~~. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department to be used for the early childhood-related purposes for which the moneys were received.

Sec. 1008. Section 256I.12, subsections 6 and 7, Code 2023, are amended to read as follows:

6. *Steering committee.* The early childhood stakeholders alliance shall operate with a steering committee to organize, manage, and coordinate the activities of the alliance and its component groups. The steering committee may act on behalf of the alliance as necessary. The steering committee membership shall consist of the co-chairpersons of the alliance's component groups, the administrator of the early childhood Iowa ~~office program~~, and other leaders designated by the alliance.

7. *Component groups.* The early childhood stakeholders alliance shall maintain component groups to address the key components of the Iowa early childhood system. Each component group shall have one private and one public agency co-chairperson. The alliance may change the component groups as deemed necessary by the alliance. ~~Initially, there shall be a component group for each of the following:~~ The component groups shall implement the strategic plan created pursuant to section 256I.4.

~~a. Governance planning and administration.~~

~~b. Professional development.~~

~~c. Public engagement.~~

~~d. Quality services and programs.~~

~~e. Resources and funding.~~

~~f. Results accountability.~~

Sec. 1009. Section 256I.13, subsection 1, Code 2023, is amended to read as follows:

1. In order to implement the legislative intent stated in sections 135.106 and 256I.9, that priority for family support program funding be given to programs using evidence-based or promising models for family support, it is the intent of the general assembly that ~~by July 1, 2016,~~ ninety percent of state funds expended for family support programs shall be used for evidence-based or promising program models. The remaining ten percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

Sec. 1010. Section 256I.13, subsection 3, paragraphs b and e, Code 2023, are amended to read as follows:

b. The data on families served that is collected by the family support programs funded through the early childhood Iowa initiative shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served. The state board shall adopt performance benchmarks for the family support programs and ~~shall revise the Iowa family support credential to incorporate the performance benchmarks on or before January 1, 2014.~~

e. The state board shall develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting

a child or with newborn and infant children through age five in all communities in the state by July 1, 2015.

Sec. 1011. Section 257.11, subsection 4, paragraph e, subparagraphs (2) and (3), Code 2023, are amended to read as follows:

(2) The pupil is not in a court-ordered placement under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

(3) The pupil is not in the state training school pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

Sec. 1012. Section 257.41, subsection 4, paragraphs b and c, Code 2023, are amended to read as follows:

b. The student is not in a court-ordered placement under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

c. The student is not in the state training school pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

Sec. 1013. Section 260C.40, Code 2023, is amended to read as follows:

260C.40 Prohibition of controlled substances.

Each community college shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the community college or in conjunction with activities sponsored by a community college. Each community college shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the community college shall provide substance ~~abuse~~ use disorder prevention programs for students and employees.

Sec. 1014. Section 261.2, subsection 6, Code 2023, is amended to read as follows:

6. Develop and implement, in cooperation with the department of health and 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.

Sec. 1015. Section 261.9, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Adopts a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the institution or in conjunction with activities sponsored by the institution. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, an institution shall provide substance ~~abuse~~ use disorder prevention programs for students and employees.

Sec. 1016. Section 261.71, subsection 3, Code 2023, is amended to read as follows:

3. For purposes of this section “graduate student” means a student who has completed at least ninety semester hours, or the trimester or quarter equivalent, of postsecondary course work at a public higher education institution or at an accredited private institution, as defined under section 261.9. “Underserved area” means a geographical area included on the Iowa governor’s health practitioner shortage area list, which is compiled by the ~~center for rural health and primary care of the Iowa~~ department of public health and human services. The commission shall adopt rules, consistent with rules used for students enrolled in higher education institutions under the control of the state board of regents, for purposes of determining Iowa residency status of graduate students under this section. The commission shall also adopt rules which provide standards, guidelines, and procedures for the receipt, processing, and administration of student applications and loans under this section.

Sec. 1017. Section 261.87, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. “*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 health and 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 health and human services.

(3) 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 health and 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 health and human services.

Sec. 1018. Section 262.9A, Code 2023, is amended to read as follows:

262.9A Prohibition of controlled substances.

The state board of regents shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by an institution or in conjunction with activities sponsored by an institution governed by the board. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the institutions shall provide substance ~~abuse~~ use disorder prevention programs for students and employees.

Sec. 1019. Section 262.70, Code 2023, is amended to read as follows:

262.70 Education, prevention, and research programs in mental health and disability services.

~~The division of mental health and disability services of the~~ department of health and human services may contract with the board of regents or any institution under the board’s jurisdiction to establish and maintain programs of education, prevention, and research in the fields of mental health, intellectual disability, developmental disabilities, and brain injury. The board may delegate responsibility for these programs to the state psychiatric hospital, the university hospital, or any other appropriate entity under the board’s jurisdiction.

Sec. 1020. Section 262.71, Code 2023, is amended to read as follows:

262.71 Center for early development education.

The board of regents shall develop a center for early development education at one of the regents institutions specified in section 262.7, subsections 1 through 3. The center’s programs shall be conducted in a laboratory school setting to serve as a model for early childhood education. The programs shall include, but not be limited to, programs designed to accommodate the needs of at-risk children. The teacher education programs at all three state universities shall cooperate in developing the center and its programs. The center’s programs shall take a holistic approach and the center shall, in developing its programs, consult with representatives from each of the following agencies, institutions, or groups:

1. The university of northern Iowa.
2. Iowa state university.

3. The university of Iowa.
4. ~~The division of child and family services of the department of human services.~~
5. ~~The department of public health.~~
6. 4. The department of health and human services.
7. 5. An early childhood development specialist from an area education agency.
8. 6. A parent of a child in a head start program.
9. 7. The department of education.
10. 8. The child development coordinating council.

Sec. 1021. Section 262.78, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The center shall cooperate with the ~~center for rural health and primary care, established under department of health and human services pursuant to section 135.107,~~ the center for health effects of environmental contamination established pursuant to section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

3. The president of the university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center's purpose. The director shall coordinate the agricultural health and safety programs of the center. The director shall regularly meet and consult with the ~~center for rural health and primary care~~ department of health and human services pursuant to section 135.107. The director shall provide the board of regents with relevant information regarding the center.

Sec. 1022. Section 263.8, subsection 2, Code 2023, is amended to read as follows:

2. In addition to its regular work, the state hygienic laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which may be required by the Iowa department of ~~public health and human services~~ and the department shall adopt rules pursuant to chapter 17A ~~therefor~~ for the examinations and investigations. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

Sec. 1023. Section 263.10, Code 2023, is amended to read as follows:

263.10 Persons admitted.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the public or accredited nonpublic schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of ~~a director of a division of the department of health and human services~~ who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director of health and human services.

Sec. 1024. Section 263.17, subsection 2, paragraph a, subparagraph (10), Code 2023, is amended to read as follows:

- (10) The Iowa department of ~~public health and human services~~.

Sec. 1025. Section 263.17, subsection 7, Code 2023, is amended to read as follows:

7. The center shall cooperate with the ~~center for rural health and primary care, established under department of health and human services pursuant to section 135.107,~~ the center for agricultural safety and health established under section 262.78, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

Sec. 1026. Section 263.21, Code 2023, is amended to read as follows:

263.21 Transfer of patients from state institutions.

The director of the department of health and human services, in respect to institutions under the director's control, ~~the administrator of any of the divisions of the department, in respect to the institutions under the administrator's control,~~ the director of the department of corrections, in respect to the institutions under the department's control, and the state board of regents, in respect to the Iowa braille and sight saving school and the Iowa school for the deaf, may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of health and human services, the department of corrections, and the state board of regents shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 1027. Section 263B.7, Code 2023, is amended to read as follows:

263B.7 Ancient remains.

The state archaeologist has the primary responsibility for investigating, preserving, and reinterring discoveries of ancient human remains. For the purposes of this section, ancient human remains are those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the Iowa department of public health and human services a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

Sec. 1028. Section 272C.1, subsection 6, paragraph ad, Code 2023, is amended to read as follows:

ad. The director of public health and human services in certifying emergency medical care providers and emergency medical care services pursuant to chapter 147A.

Sec. 1029. Section 272C.3, subsection 1, paragraph k, Code 2023, is amended to read as follows:

k. Establish a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of ~~alcohol or drug abuse~~ substance use disorder, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee. Members of the committee shall receive actual expenses for the performance of their duties and shall be eligible to receive per diem compensation pursuant to section 7E.6. The board shall adopt rules for the establishment and administration of the committee, including but not limited to establishment of the criteria for eligibility for referral to the committee and the grounds for disciplinary action for noncompliance with committee decisions. Information in the possession of the board or the licensee review committee, under this paragraph, shall be subject to the confidentiality requirements of section 272C.6. Referral of a licensee by the board to a licensee review committee shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates section 272C.10 or the rules of the board while under review by the licensee review committee shall be referred to the board for appropriate action.

Sec. 1030. Section 272C.6, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. The department of agriculture and land stewardship, the department of ~~commerce insurance and financial services~~, the department of inspections, appeals, and licensing, and the Iowa department of public health and human services shall each adopt rules pursuant to chapter 17A which provide for the allocation of fees and costs collected pursuant to this section to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered repayment receipts as defined in section 8.2.

Sec. 1031. Section 279.49, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The board of directors of a school corporation may operate or contract for the operation of a program to provide child care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall be licensed by the department of health and human services under chapter 237A as a child care center unless the program is exempt from licensure under chapter 237A. Notwithstanding requirements of the department of health and human services regarding space allocated to child care centers licensed under chapter 237A, a program operated or contracted by a board which is located on school grounds may define alternative spaces, in policy and procedures, appropriate to meet the needs of children in the program if the primary space is required for another use.

3. The facilities housing a program operated under this section shall comply with standards adopted by the state fire marshal for school buildings under chapter 100. In addition, if a program involves children who are younger than school age, the facilities housing those children shall meet the fire safety standards which would apply to that age of child in a child care facility licensed by the department of health and human services.

Sec. 1032. Section 279.50, subsection 8, Code 2023, is amended to read as follows:

8. The department of education shall identify and disseminate information about early intervention programs for students who are at the greatest risk of suffering from the problem of dropping out of school, ~~substance abuse~~ use disorder, adolescent pregnancy, or suicide.

Sec. 1033. Section 279.60, subsection 2, Code 2023, is amended to read as follows:

2. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district on whether the student attended preschool. Each school district shall report the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The early childhood Iowa ~~office~~ program in the department of ~~management~~ health and human services shall have access to the raw data. The department of education shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa state board, and the early childhood Iowa area boards.

Sec. 1034. Section 279.76, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. “*Emergent care situation*” means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a student or others in the event immediate medical attention is not provided. “*Emergent care situation*” includes the need to screen a student or others for symptoms or exposures during an outbreak or public health event of concern as designated by the department of public health and human services.

Sec. 1035. Section 280.13C, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The department of public health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to develop training materials and courses regarding concussions and brain injuries, including training regarding evaluation, prevention, symptoms, risks, and long-term effects of concussions and brain injuries. Each coach or contest official shall complete such training at least every two years.

Sec. 1036. Section 280.13C, subsection 4, Code 2023, is amended to read as follows:

4. *Guidelines and information sheet.*

a. The department of public health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention of the United States department of health and human services and other pertinent information to inform and educate coaches,

students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

b. For school years beginning on or after July 1, 2018, each school district and nonpublic school shall provide to the parent or guardian of each student in grades seven through twelve a concussion and brain injury information sheet, as provided by the department of public health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union. The student and the student's parent or guardian shall sign and return a copy of the concussion and brain injury information sheet to the student's school prior to the student's participation in any extracurricular interscholastic activity.

Sec. 1037. Section 280.13C, subsection 6, paragraph a, Code 2023, is amended to read as follows:

a. The department of public health and human services, in cooperation with the Iowa high school athletic association and the Iowa girls high school athletic union, shall develop a return-to-play protocol based on peer-reviewed scientific evidence consistent with the guidelines of the centers for disease control and prevention of the United States department of health and human services, for a student's return to participation in any extracurricular interscholastic activity after showing signs, symptoms, or behaviors consistent with a concussion or brain injury. The department of public health and human services shall adopt the return-to-play protocol by rule pursuant to chapter 17A. The board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall adopt such protocol by July 1, 2019.

Sec. 1038. Section 280.16, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. "Bronchodilator" means a bronchodilator as recommended by the department of public health and human services for treatment of a student's respiratory distress, asthma, or other airway constricting disease.

Sec. 1039. Section 280.16, subsection 7, Code 2023, is amended to read as follows:

7. The Iowa braille and sight saving school, the Iowa school for the deaf, and the institutions under the control of the department of health and human services as provided in section 218.1 are exempt from the provisions of this section.

Sec. 1040. Section 280.17, subsection 1, Code 2023, is amended to read as follows:

1. The board of directors of a school district and the authorities in charge of a nonpublic school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of education in consultation with the department of health and human services, and adopted by the department of education pursuant to chapter 17A, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", subparagraph (1), (3), or (5), alleged to have been committed by an employee or agent of the public or nonpublic school.

Sec. 1041. Section 280.25, subsection 1, Code 2023, is amended to read as follows:

1. The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. These agencies include, but are not limited to, juvenile court services, the department of health and human services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released.

Sec. 1042. Section 280.29, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Enter into a memorandum of understanding with the department of health and human services regarding the exchange of information as appropriate to facilitate the enrollment transition of children adjudicated under chapter 232 or receiving foster care services from one school to another school.

Sec. 1043. Section 280.32, subsections 3 and 6, Code 2023, are amended to read as follows:

3. Radon testing pursuant to this section conducted on and after July 1, 2022, shall be conducted by a person certified to conduct such testing pursuant to section 136B.1 or by district employees that have completed a school radon testing training program approved by the department of education and the department of public health and human services. District employees that have completed training shall not perform testing services in locations other than the employee's employing district. The department of public health and human services shall maintain and make available to school districts a list of such approved school radon testing training programs. Testing shall be based on recognized national standards that outline school radon testing practices.

6. In consultation with appropriate stakeholders and the department of education, the department of public health and human services shall adopt rules to administer this section.

Sec. 1044. Section 280A.1, subsection 3, Code 2023, is amended to read as follows:

3. "*Behavioral health screening*" or "*screening*" means a screening and assessment performed using a universal behavioral health screening and assessment tool, approved for use by the department of education in consultation with the department of public health and human services, to identify factors that place children at higher risk for behavioral health conditions, to determine appropriate treatment or intervention, and to identify the need for referral for appropriate services.

Sec. 1045. Section 282.18, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse use disorder or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve or who is a prekindergarten student enrolled in a special education program at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 5 or 6, as applicable, until the start of the first full year of enrollment of the child.

Sec. 1046. Section 282.18, subsection 9, paragraph a, subparagraph (8), Code 2023, is amended to read as follows:

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause. For purposes of this subparagraph, "*good cause*" means a change in a child's residence due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse use disorder or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender

of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256E.10 or 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, or the rejection of a current whole grade sharing agreement, or reorganization plan.

Sec. 1047. Section 282.19, Code 2023, is amended to read as follows:

282.19 Child living in substance ~~abuse~~ use disorder or foster care placement.

1. A child who is living in a facility that provides residential treatment as “*facility*” is defined in section 125.2, which is located in a school district other than the school district in which the child resided before entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child’s placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph “*b*”, or for students who require special education shall be paid as provided in section 282.31, subsection 2 or 3.

Sec. 1048. Section 282.27, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The child is not placed by the department of health and human services or a court in a day program treatment program in such psychiatric unit or institution.

Sec. 1049. Section 282.27, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The child is not placed by the department of health and human services or a court in a day program treatment program in such psychiatric unit or institution.

Sec. 1050. Section 282.33, subsection 1, Code 2023, is amended to read as follows:

1. A child who resides in an institution for children under the jurisdiction of the director of health and human services referred to in section 218.1, subsection 3, 4, or 5, ~~or 6~~, and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The institution in which the child resides shall submit a proposed program and budget based on the average daily attendance of the children residing in the institution to the department of education and the department of health and human services by January 1 for the next succeeding school year. The department of education shall review and approve or modify the proposed program and budget and shall notify the department of administrative services of its action by February 1. The department of administrative services shall pay the approved budget amount to the department of health and human services in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of administrative services, taking into consideration the relative budget and cash position of the state’s resources. The department of administrative services shall pay the approved budget amount for the department of health and human services from the moneys appropriated under section 257.16 and the department of health and human services shall distribute the payment to the institution. The institution shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines adopted pursuant to section 256.7, subsection 10, and shall notify the department of administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of administrative services to the department of health and human services and any differences added to or subtracted from the October payment

made under this subsection for the next school year. Any amount paid by the department of administrative services shall be deducted monthly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

Sec. 1051. Section 283A.2, subsection 3, Code 2023, is amended to read as follows:

3. Each school district that operates or provides for a school breakfast or lunch program shall provide for the forwarding of information from the applications for the school breakfast or lunch program, for which federal funding is provided, to identify children for enrollment in the medical assistance program pursuant to chapter 249A or the healthy and well kids in Iowa program pursuant to chapter 514I to the department of health and human services.

Sec. 1052. Section 285.1, subsection 1, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of health and human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 1053. Section 303.3C, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department of cultural affairs shall establish and administer an Iowa great places program for purposes of combining resources of state government in an effort to showcase the unique and authentic qualities of communities, regions, neighborhoods, and districts that make such places exceptional places to work and live. The department of cultural affairs shall provide administrative assistance to the Iowa great places board. The department of cultural affairs shall coordinate the efforts of the Iowa great places board with the efforts of state agencies participating in the program which shall include, but not be limited to, ~~the economic development authority~~, the Iowa finance authority, the department of health and human rights services, the department of natural resources, the state department of transportation, and the department of workforce development.

Sec. 1054. Section 307.24, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. For department of health and human services facility roads, six and one-half percent.

Sec. 1055. Section 321.1, subsection 8, paragraph g, Code 2023, is amended to read as follows:

g. If authorized to transport patients or clients by the director of ~~the department of health and human services~~ or the director's designee, an employee of the department of health and human services is not a chauffeur when transporting the patients or clients in an automobile.

Sec. 1056. Section 321.19, subsection 1, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health and human services, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 1057. Section 321.34, subsection 11A, paragraphs b and c, Code 2023, are amended to read as follows:

b. Love our kids plates shall be designed by the department in cooperation with the Iowa department of public health and human services.

c. The special fee for letter-number designated love our kids plates is thirty-five dollars. The fee for personalized love our kids plates is twenty-five dollars, which shall be paid in addition to the special love our kids fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa department of public health and human services the amount of the special fees collected in the previous month for the love our kids plates. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

Sec. 1058. Section 321.34, subsection 23, paragraph c, Code 2023, is amended to read as follows:

c. The special fee for letter-number designated breast cancer awareness plates is thirty-five dollars. The fee for personalized breast cancer awareness plates is twenty-five dollars, which shall be paid in addition to the special breast cancer awareness fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa department of public health and human services the amount of the special fees collected in the previous month for the breast cancer awareness plates and such funds are appropriated to the Iowa department of public health and human services. The Iowa department of public health and human services shall distribute one hundred percent of the funds received monthly in the form of grants to support breast cancer screenings for both men and women who meet eligibility requirements like those established by the Susan G. Komen foundation. In the awarding of grants, the Iowa department of public health and human services shall give first consideration to affiliates of the Susan G. Komen foundation and similar nonprofit organizations providing for breast cancer screenings at no cost in Iowa. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

Sec. 1059. Section 321.178, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) A minimum of four hours of instruction concerning substance abuse use disorder and distracted driving.

Sec. 1060. Section 321.178A, subsection 3, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) Instruction concerning substance abuse use disorder and distracted driving.

Sec. 1061. Section 321.215, subsection 1, paragraph a, subparagraph (4), Code 2023, is amended to read as follows:

(4) The person's substance abuse use disorder treatment.

Sec. 1062. Section 321.231B, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. An emergency medical care provider, as defined in section 147A.1, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of public health and human services.

Sec. 1063. Section 321.423, subsection 7, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

On a vehicle authorized by the director of public health and human services when all of the following apply:

Sec. 1064. Section 321.423, subsection 7, paragraph a, subparagraph (2), subparagraph division (b), Code 2023, is amended to read as follows:

(b) The request for authorization is made by the member on forms provided by the Iowa department of public health and human services.

Sec. 1065. Section 321.423, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. The Iowa department of public health and human services shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

Sec. 1066. Section 321.451, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of public health and human services, and provided proof of financial liability coverage or risk pool coverage.

Sec. 1067. Section 321J.2, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Assignment to substance abuse use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse use disorder prevention program pursuant to section 321J.24.

Sec. 1068. Section 321J.2, subsection 4, paragraph d, Code 2023, is amended to read as follows:

d. Assignment to substance abuse use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse use disorder prevention program pursuant to section 321J.24.

Sec. 1069. Section 321J.2, subsection 5, paragraph d, Code 2023, is amended to read as follows:

d. Assignment to substance abuse use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse use disorder prevention program pursuant to section 321J.24.

Sec. 1070. Section 321J.2, subsection 7, paragraphs a and b, Code 2023, are amended to read as follows:

a. All persons convicted of an offense under subsection 2 shall be ordered, at the person's expense, to undergo, prior to sentencing, a substance abuse use disorder evaluation. The court shall order the person to follow the recommendations proposed in the substance abuse use disorder evaluation as provided in section 321J.3.

b. Where the program is available and is appropriate for the convicted person, a person convicted of an offense under subsection 2 shall be ordered to participate in a reality education substance abuse use disorder prevention program as provided in section 321J.24.

Sec. 1071. Section 321J.3, Code 2023, is amended to read as follows:

321J.3 Substance abuse use disorder evaluation or treatment — rules.

1. a. In addition to orders issued pursuant to section 321J.2, subsections 3, 4, and 5, and section 321J.17, the court shall order any defendant convicted under section 321J.2 to follow the recommendations proposed in the substance abuse use disorder evaluation for appropriate substance abuse use disorder treatment for the defendant. Court-ordered substance abuse use disorder treatment is subject to the periodic reporting requirements of section 125.86.

b. If a defendant is committed by the court to a substance abuse use disorder treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence.

c. The court may prescribe the length of time for the evaluation and treatment or it may request that the community college or other approved provider conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse use alcohol or drugs.

d. Upon successfully completing a course for drinking drivers or an ordered substance abuse use disorder treatment program, a court may place the person on probation for six months and as a condition of probation, the person shall attend a program providing posttreatment services relating to substance abuse use disorder as approved by the court.

e. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

f. A defendant who fails to carry out the order of the court shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

g. In addition to any other condition of probation, the person shall attend a program providing substance abuse use disorder prevention services or posttreatment services related to substance abuse use disorder as ordered by the court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

2. a. Upon a second or subsequent offense in violation of section 321J.2, the court upon hearing may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital, institution, or community correctional facility in Iowa providing such treatment. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence.

b. The court may prescribe the length of time for the evaluation and treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from the person's addiction, dependency, or tendency to chronically abuse use alcohol or drugs.

c. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

3. The state department of transportation, in cooperation with the judicial branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance abuse use disorder evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial branch in sentencing persons to substance abuse use disorder evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department of transportation meet the licensure standards of the department of public health and human services for substance abuse use disorder treatment programs under chapter 125. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department of transportation shall be entitled to treatment information contained in reports to the department of transportation, notwithstanding any

provision of chapter 125 that would restrict department access to treatment information and records.

Sec. 1072. Section 321J.17, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The court or department may request that the community college or substance ~~abuse~~ use disorder treatment providers licensed under chapter 125 or other approved provider conducting the course for drinking drivers that the person is ordered to attend immediately report to the court or department that the person has successfully completed the course for drinking drivers. The court or department may request that the treatment program which the person attends periodically report on the defendant's attendance and participation in the program, as well as the status of treatment or rehabilitation.

Sec. 1073. Section 321J.22, subsections 2, 4, and 5, Code 2023, are amended to read as follows:

2. a. The course provided according to this section shall be offered on a regular basis at each community college as defined in section 260C.2, or by substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, or may be offered at a state correctional facility listed in section 904.102. However, a community college shall not be required to offer the course if a substance ~~abuse~~ use disorder treatment program licensed under chapter 125 offers the course within the merged area served by the community college.

b. Enrollment in the courses is not limited to persons ordered to enroll, attend, and successfully complete the course required under sections 321J.2 and 321J.17, subsection 2. However, any person under age eighteen who is required to attend the courses for violation of section 321J.2 or 321J.17 must attend a course offered by a substance ~~abuse~~ use disorder treatment program licensed under chapter 125.

c. The course required by this section shall be:

(1) Taught by a community college under the supervision of the department of education or by a substance ~~abuse~~ use disorder treatment program licensed under chapter 125, and may be offered at a state correctional facility.

(2) Approved by the department of education, in consultation with the community colleges, substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, the department of ~~public~~ health and human services, and the department of corrections.

d. The department of education may approve a provider of a course for drinking drivers offered outside this state upon proof to the department's satisfaction that the course is comparable to those offered by community colleges, substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, and state correctional facilities as provided in this section. The department shall comply with the requirements of subsection 5 regarding such approved providers.

e. The department of education shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials for courses offered both by community colleges and by substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, or for classes offered at a state correctional facility, and for administrative expenses incurred by the department of education in implementing subsection 5 on behalf of in-state and out-of-state offenders.

f. A person shall not be denied enrollment in a course by reason of the person's indigency.

4. The department of education, substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, and state correctional facilities shall prepare for their respective courses a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

5. The department of education, substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, and state correctional facilities shall maintain enrollment, attendance, successful and unsuccessful completion data for their respective courses on the persons ordered to enroll, attend, and successfully complete a course for drinking drivers. This data

shall be forwarded to the court by the department of education, substance ~~abuse~~ use disorder treatment programs licensed under chapter 125, and the department of corrections.

Sec. 1074. Section 321J.23, subsection 5, Code 2023, is amended to read as follows:

5. The reality education substance ~~abuse~~ use disorder prevention program provides guidelines for the operation of an intensive program to discourage recidivism.

Sec. 1075. Section 321J.24, subsection 1, paragraphs b and c, Code 2023, are amended to read as follows:

b. “Participant” means a person who is ordered by the court to participate in the reality education substance ~~abuse~~ use disorder prevention program.

c. “Program” means the reality education substance ~~abuse~~ use disorder prevention program.

Sec. 1076. Section 321J.24, subsection 2, Code 2023, is amended to read as follows:

2. A reality education substance ~~abuse~~ use disorder prevention program is established in those judicial districts where the chief judge of the judicial district authorizes participation in the program. Upon a conviction or adjudication for a violation of section 321J.2, or the entry of a deferred judgment concerning a violation of section 321J.2, the court or juvenile court may order participation in the reality education substance ~~abuse~~ use disorder prevention program as a term and condition of probation or disposition in addition to any other term or condition of probation or disposition required or authorized by law. The court or juvenile court shall require the defendant or delinquent child to abstain from consuming any controlled substance, alcoholic liquor, wine, or beer while participating in the program.

Sec. 1077. Section 321J.24, subsection 5, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) A facility for the treatment of persons with ~~substance-related disorders~~ a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 1078. Section 321J.25, Code 2023, is amended to read as follows:

321J.25 Youthful offender substance ~~abuse~~ use disorder awareness program.

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

a. “Participant” means a person whose driver’s license or operating privilege has been revoked for a violation of section 321J.2A.

b. “Program” means a substance ~~abuse~~ use disorder awareness program provided under a contract entered into between the provider and the Iowa department of ~~public health~~ and human services under chapter 125.

c. “Program coordinator” means a person assigned the duty to coordinate a participant’s activities in a program by the program provider.

2. A substance ~~abuse~~ use disorder awareness program is established in each of the regions established by the director of ~~public health and human services~~ pursuant to section 125.12. The program shall consist of an insight class and a substance ~~abuse~~ use disorder evaluation, which shall be attended by the participant, to discuss issues related to the potential consequences of substance ~~abuse~~ use disorder. The parent or parents of the participant shall also be encouraged to participate in the program. The program provider shall consult with the participant or the parents of the participant in the program to determine the timing and appropriate level of participation for the participant and any participation by the participant’s parents. The program may also include a supervised educational tour by the participant to any or all of the following:

a. A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician.

b. A facility for the treatment of persons with ~~substance-related disorders~~ a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

c. If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner.

3. If the program includes a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant.

4. Upon the revocation of the driver's license or operating privileges of a person who is fourteen years of age or older for a violation of section 321J.2A, if the person has had no previous revocations under either section 321J.2 or section 321J.2A, a person may participate in the substance ~~abuse~~ use disorder awareness program. The state department of transportation shall notify a potential program participant of the possibility and potential benefits of attending a program and shall notify a potential program participant of the availability of programs which exist in the area in which the person resides. The state department of transportation shall consult with the Iowa department of ~~public health and~~ human services to determine what programs are available in various areas of the state.

5. Program providers and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage.

6. The program provider shall determine fees to be paid by participants in the program. The program fees shall be paid on a sliding scale, based upon the ability of a participant and a participant's family to pay the fees, and shall not exceed one hundred dollars per participant. The program provider shall use the fees to pay all costs associated with the program.

Sec. 1079. Section 324A.1, subsection 6, Code 2023, is amended to read as follows:

6. "*Transportation*" means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, between one geographic point and another geographic point. "*Transportation*" does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions.

Sec. 1080. Section 324A.4, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall biennially prepare a report to be submitted to the general assembly and the governor prior to December 15 of even-numbered years. The report shall recommend methods to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department of health and human services, ~~the department on aging~~, and the officers and agents of the other affected state and local government units shall provide input as requested by the department.

Sec. 1081. Section 324A.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of health and human services, ~~department on aging~~, and the officers and agents of other state and local governmental units shall assist the department in carrying out section 324A.4, subsections 1 and 2, insofar as the functions of these respective officers and departments are concerned with the health, welfare and safety of any recipient of transportation services.

Sec. 1082. Section 331.304, subsection 9, Code 2023, is amended to read as follows:

9. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, lands, or manufactured home community or mobile home park upon or in which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state council on health and human services or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 1083. Section 331.321, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The members of the ~~service-area~~ advisory board in accordance with section 217.43.

Sec. 1084. Section 331.323, subsection 1, paragraph a, subparagraph (9), Code 2023, is amended to read as follows:

(9) Executive officer of the ~~service-area~~ advisory board in accordance with section 217.43.

Sec. 1085. Section 331.382, subsections 3 and 6, Code 2023, are amended to read as follows:

3. The power to legislate in regard to chemical substance ~~abuse~~ use is subject to section 125.40.

6. The power to operate juvenile detention and shelter care homes is subject to approval of the homes by the director of ~~the department of~~ health and human services or the director's designee, as provided in section 232.142.

Sec. 1086. Section 331.388, Code 2023, is amended to read as follows:

331.388 Definitions.

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

1. "*Children's behavioral health services*" means the same as defined in section 225C.2.
2. "*Department*" means the department of health and human services.
3. "*Director*" means the director of health and human services.
- ~~3.~~ 4. "*Disability services*" means the same as defined in section 225C.2.
4. 5. "*Population*" means, as of July 1 of the fiscal year preceding the fiscal year in which the population figure is applied, the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the United States census bureau, whichever is most recent.
5. 6. "*Regional administrator*" means the administrative office, organization, or entity formed by agreement of the counties participating in a region to function on behalf of those counties in accordance with this part.
6. 7. "*Serious emotional disturbance*" means the same as defined in section 225C.2.
7. 8. "*State board*" means the children's system state board created in section 225C.51.
8. 9. "*State commission*" means the mental health and disability services commission created in section 225C.5.

Sec. 1087. Section 331.389, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Local access to mental health and disability services shall be provided by a regional service system comprised of mental health and disability services regions approved by the director of ~~the department~~. It is the intent of the general assembly that the residents of this state should have access to needed mental health and disability services regardless of the location of their residence.

2. The director of ~~human services~~ shall approve a region meeting the requirements of subsection 3.

Sec. 1088. Section 331.390, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The membership of the governing board shall not include employees of the department of ~~human services~~ or a nonelected employee of a county.

Sec. 1089. Section 331.391, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. Each region shall certify to the department of ~~human services~~ on or before December 1, 2021, and each December 1 thereafter, the amount of the region's cash flow amount in the combined account at the conclusion of the most recently completed fiscal year.

Sec. 1090. Section 331.393, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each region shall submit to the department an annual service and budget plan approved by the region's governing board and subject to approval by the director of ~~human services~~. Provisions for approval by the director of ~~human services~~ approval of the annual service and budget plan, and any amendments to the plan, and other requirements shall be specified in rule adopted by the state commission. The provisions addressed in the annual plan shall include but are not limited to all of the following:

Sec. 1091. Section 331.393, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The region shall have in effect a policies and procedures manual for the regional service system. The manual shall be approved by the region's governing board and is subject to approval by the director of ~~human services~~. An approved manual shall remain in effect subject to amendment. An amendment to the manual shall be submitted to the department at least forty-five days prior to the date of implementation of the amendment. Prior to implementation of an amendment to the manual, the amendment must be approved by the director of ~~human services~~ in consultation with the state commission. The manual shall include but is not limited to all of the following:

Sec. 1092. Section 331.393, subsections 5 and 8, Code 2023, are amended to read as follows:

5. The provisions of a regional service system management plan shall include measures to address the needs of persons who have two or more co-occurring mental health, intellectual or other developmental disability, brain injury, or ~~substance-related disorders~~ substance use disorders and individuals with specialized needs. Implementation of measures to meet the needs of persons with a developmental disability other than intellectual disability, brain injury, or ~~substance-related disorders~~ a substance use disorder is contingent upon identification of a funding source to meet those needs and implementation of provisions to engage the entity under contract with the state to provide services to address ~~substance-related disorders~~ substance use disorders within the regional service system.

8. If a region determines that the region cannot provide services for the fiscal year in accordance with the regional plan and remain in compliance with applicable budgeting requirements, the region may implement a waiting list for the services. The procedures for establishing and applying a waiting list shall be specified in the regional plan. If a region implements a waiting list for services, the region shall notify the department of ~~human services~~. The department shall maintain on the department's internet site an up-to-date listing of the regions that have implemented a waiting list and the services affected by each waiting list.

Sec. 1093. Section 331.394, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. "*County of residence*" means the county in this state in which, at the time a person applies for or receives services, the person is living and has established an ongoing presence with the declared, good faith intention of living in the county for a permanent or indefinite period of time. The county of residence of a person who is a homeless person is the county where the homeless person usually sleeps. A person maintains residency in the county or state in which

the person last resided while the person is present in another county or this state receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or ~~substance-related~~ substance use disorder treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, or a residential care facility, or for the purpose of attending a college or university.

Sec. 1094. Section 331.394, subsection 3, Code 2023, is amended to read as follows:

3. If a service authorization or other services-related decision made by a regional administrator concerning a person varies from the type and amount of service identified to be necessary for the person in a clinical determination made by a mental health professional and the mental health professional believes that failure to provide the type and amount of service identified could cause an immediate danger to the person's health or safety, the person may request an expedited review of the regional administrator's decision to be made by the department of ~~human services~~. An expedited review held in accordance with this subsection is subject to the following procedures:

a. The request for the expedited review shall be filed within five business days of receiving the notice of decision by the regional administrator. The request must be in writing, plainly state the request for an expedited review in the caption and body of the request, and be supported by written documentation from the mental health professional who made the clinical determination stating how the notice of decision on services could cause an immediate danger to the person's health or safety.

b. The expedited review shall be performed by a designee of the director who is a mental health professional, ~~who is either the administrator of the division of mental health and disability services of the department of human services or the administrator's designee. If the administrator is not a mental health professional, the expedited review shall be performed by a designee of the administrator who is a mental health professional~~ and is free of any conflict of interest to perform the expedited review. The expedited review shall be performed within two business days of the time the request is filed. If the reviewer determines the information submitted in connection with the request is inadequate to perform the review, the reviewer shall request the submission of additional information and the review shall be performed within two business days of the time that adequate information is submitted. The regional administrator and the person, with the assistance of the mental health professional who made the clinical determination, shall each provide a brief statement of facts, conclusions, and reasons for the decision made. Supporting clinical information shall also be attached. All information related to the proceedings and any related filings shall be considered to be mental health information subject to chapter 228.

c. The ~~administrator or~~ director's designee shall issue an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the order, to justify the decision made concerning the expedited review. If the decision concurs with the contention that there is an immediate danger to the person's health or safety, the order shall identify the type and amount of service which shall be provided for the person. The ~~administrator or~~ director's designee shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when issued.

d. The decision of the ~~administrator or~~ director's designee shall be considered a final agency action and is subject to judicial review in accordance with section 17A.19. The record for judicial review consists of any documents regarding the matter that were considered or prepared by the ~~administrator or~~ director's designee. The ~~administrator or~~ director's designee shall maintain these documents as the official record of the decision. If the matter is appealed to the district court, the record shall be filed as confidential.

Sec. 1095. Section 331.396, subsection 1, paragraphs c and d, Code 2023, are amended to read as follows:

c. The person has had at any time during the preceding twelve-month period a mental health, behavioral, or emotional disorder or, in the opinion of a mental health professional, may now have such a diagnosable disorder. The diagnosis shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, text revision, published by the American psychiatric association, and shall

not include the manual's "V" codes identifying conditions other than a disease or injury. The diagnosis shall also not include ~~substance-related~~ substance use disorders, dementia, antisocial personality, or developmental disabilities, unless co-occurring with another diagnosable mental illness.

d. The person's eligibility for individualized services shall be determined in accordance with the standardized functional assessment methodology approved for mental health services by the director ~~of human services~~ in consultation with the state commission.

Sec. 1096. Section 331.396, subsection 2, paragraph e, Code 2023, is amended to read as follows:

e. The person's eligibility for individualized services shall be determined in accordance with the standardized functional assessment methodology approved for intellectual disability and developmental disability services by the director ~~of human services~~.

Sec. 1097. Section 331.396, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. The person's eligibility for individualized services shall be determined in accordance with a standardized functional assessment methodology approved for this purpose by the director ~~of human services~~.

Sec. 1098. Section 331.397, subsection 2, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) Subject to the available appropriations, the director ~~of human services~~ shall ensure the core service domains listed in subsections 4 and 5 are covered services for the medical assistance program under chapter 249A to the greatest extent allowable under federal regulations. The medical assistance program shall reimburse Medicaid enrolled providers for Medicaid covered services under subsections 4 and 5 when the services are medically necessary, the Medicaid enrolled provider submits an appropriate claim for such services, and no other third-party payer is responsible for reimbursement of such services. Within funds available, the region shall pay for such services for eligible persons when payment through the medical assistance program or another third-party payment is not available, unless the person is on a waiting list for such payment or it has been determined that the person does not meet the eligibility criteria for any such service.

Sec. 1099. Section 331.397, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Pursuant to recommendations made by the director ~~of human services~~, the state commission shall adopt rules as required by section 225C.6 to define the services included in the core service domains listed in this section. The rules shall provide service definitions, service provider standards, service access standards, and service implementation dates, and shall provide consistency, to the extent possible, with similar service definitions under the medical assistance program.

Sec. 1100. Section 331.397A, subsection 2, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) Subject to the available appropriations, the director ~~of human services~~ shall ensure the behavioral health core service domains listed in subsection 4 are covered services for the medical assistance program under chapter 249A to the greatest extent allowable under federal regulations. The medical assistance program shall reimburse Medicaid enrolled providers for Medicaid covered services under subsection 4 when the services are medically necessary, the Medicaid enrolled provider submits an appropriate claim for such services, and no other third-party payor is responsible for reimbursement of such services. Within the funds available, the region shall pay for such services for eligible children when payment through the medical assistance program or another third-party payment is not available, unless the child is on a waiting list for such payment or it has been determined that the child does not meet the eligibility criteria for any such service.

Sec. 1101. Section 331.397A, subsection 3, Code 2023, is amended to read as follows:

3. Pursuant to recommendations made by the state board, the department of ~~human services~~ shall adopt rules to define the services included in the core domains listed in this section. The rules shall provide service definitions, service provider standards, service access standards, and service implementation dates, and shall provide consistency, to the extent possible, with similar service definitions under the medical assistance program.

Sec. 1102. Section 331.398, subsection 1, Code 2023, is amended to read as follows:

1. The financing of a ~~regional~~ mental health and disability services ~~regional~~ service system is limited to a fixed budget amount. The fixed budget amount shall be the amount identified in a regional service system management plan and budget for the fiscal year.

Sec. 1103. Section 331.402, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Enter into an agreement with the state department of health and human services for assistance in accordance with section 249A.12.

Sec. 1104. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The costs of inpatient or outpatient substance ~~abuse~~ use disorder admission, commitment, transportation, care, and treatment at any of the following:

Sec. 1105. Section 331.756, subsections 26 and 39, Code 2023, are amended to read as follows:

26. At the request of the director of public health and human services, commence legal action to enjoin the unlawful use of radiation-emitting equipment as provided in section 136C.5.

39. Appear on behalf of the ~~administrator of the division of mental health and disability services~~ director of the department of health and human services in support of an application to transfer a person with mental illness who becomes incorrigible and dangerous from a state ~~hospital for persons with mental illness~~ mental health institute to the Iowa medical and classification center as provided in section 226.30.

Sec. 1106. Section 331.910, Code 2023, is amended to read as follows:

331.910 Interstate contracts for mental health and ~~substance-related~~ substance use disorder treatment.

1. *Purpose.* The purpose of this section is to enable appropriate care and treatment to be provided to a person with a ~~substance-related~~ substance use disorder or a mental illness, across state lines from the person's state of residence, in qualified hospitals, centers, and facilities.

2. *Definitions.* For the purposes of this section:

a. "*Bordering state*" means Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin.

b. "*Receiving agency*" means a public or private hospital, mental health center, substance ~~abuse~~ use disorder treatment and rehabilitation facility, or detoxification center, which provides substance ~~abuse~~ use disorder or mental health care and treatment to a person from a state other than the state in which a hospital, center, or facility is located.

c. "*Receiving state*" means the state in which a receiving agency is located.

d. "*Region*" means a mental health and disability services region formed in accordance with section 331.389.

e. "*Sending agency*" means a state or regional agency located in a state which sends a person to a receiving state for substance ~~abuse~~ use disorder or mental health care and treatment under this section.

f. "*Sending state*" means the state in which a sending agency is located.

3. *Voluntary civil commitments.*

a. A region may contract with a receiving agency in a bordering state to secure substance ~~abuse~~ use disorder or mental health care and treatment under this subsection for persons

who receive substance ~~abuse~~ use disorder or mental health care and treatment pursuant to section 125.33, 125.91, 229.2, or 229.22 through a region.

b. This subsection shall not apply to a person who is any of the following:

- (1) Serving a criminal sentence.
- (2) On probation or parole.
- (3) The subject of a presentence investigation.

c. A region may contract with a sending agency in a bordering state to provide care and treatment under this subsection for residents of the bordering state in approved substance ~~abuse~~ use disorder and mental health care and treatment hospitals, centers, and facilities in this state, except that care and treatment shall not be provided for residents of the bordering state who are involved in criminal proceedings substantially similar to the involvement described in paragraph “b”.

4. *Involuntary civil commitments.*

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75, 125.91, 229.6, or 229.22 may be civilly committed and treated in another state pursuant to a contract under this subsection.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75, 125.91, 229.6, or 229.22 may be civilly committed and treated in this state pursuant to a contract under this subsection.

c. A law enforcement officer acting under the authority of a sending state may transport a person to a receiving agency that provides substance ~~abuse~~ use disorder or mental health care and treatment pursuant to a contract under this subsection and may transport the person back to the sending state under the laws of the sending state.

d. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for a person covered by a contract under this subsection to the extent that the court orders relate to civil commitment for substance ~~abuse~~ use disorder or mental health care and treatment. Such care and treatment may include care and treatment for co-occurring ~~substance-related~~ substance use and mental health disorders. Such court orders are not subject to legal challenge in the courts of the receiving state.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this subsection shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a ~~substance-related~~ substance use disorder.

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~~ substance use disorder. A person shall not be sent to a receiving state pursuant to a contract under this subsection until the receiving state has enacted a law recognizing the validity and applicability of this subsection.

g. If a person receiving care and treatment pursuant to a contract under this subsection escapes from the receiving agency and the person at the time of the escape is subject to involuntary civil commitment under the laws of the sending state, the receiving agency shall use all reasonable means to recapture the escapee. The receiving agency shall immediately report the escape of the person to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

h. Responsibility for payment for the cost of care and treatment under this subsection shall remain with the sending agency.

5. A contract entered into under this section shall, at a minimum, meet all of the following requirements:

a. Describe the care and treatment to be provided.

b. Establish responsibility for the costs of the care and treatment, except as otherwise provided in subsection 4.

c. Establish responsibility for the costs of transporting individuals receiving care and treatment under this section.

d. Specify the duration of the contract.

e. Specify the means of terminating the contract.

f. Identify the goals to be accomplished by the placement of a person under this section.

6. This section shall apply to all of the following:

a. Detoxification services that are unrelated to substance ~~abuse~~ use disorder or mental health care and treatment regardless of whether the care and treatment are provided on a voluntary or involuntary basis.

b. Substance ~~abuse~~ use disorder and mental health care and treatment contracts that include emergency care and treatment provided to a resident of this state in a bordering state.

Sec. 1107. Section 347.7, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of ~~public health and human services~~ public health and human services shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with this subsection prior to the authorization of any new levy or a change in the use of a levy. The notice shall describe the new levy or the change in the use of the levy, indicate the date and location of the hearing, and shall be published at least once each week for two consecutive weeks in a newspaper having general circulation in the county. The hearing shall not take place prior to two weeks after the second publication.

Sec. 1108. Section 347.16, subsection 2, Code 2023, is amended to read as follows:

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who fulfills the residency requirements under section 47.4, subsection 1, paragraph “d”, Code 1993, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the general assistance director or the office of the department of health and human services in that county, subject to guidelines the board may adopt in conformity with applicable statutes.

Sec. 1109. Section 347B.14, Code 2023, is amended to read as follows:

347B.14 Effect of approval of plans.

When plans for construction or modification of a county care facility have been properly approved by the Iowa department of ~~public health and human services~~ public health and human services or other appropriate state agency, the facility constructed in accord with the plans so approved shall not for a period of at least ten years from completion of the construction or modification be considered deficient or ineligible for licensing by reason of failure to meet any regulation or standard established subsequent to approval of the construction and modification plans, unless a clear and present danger exists that would adversely affect the residents of the facility.

Sec. 1110. Section 351.40, Code 2023, is amended to read as follows:

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the Iowa department of ~~public health and human services~~ public health and human services. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

Sec. 1111. Section 356.37, Code 2023, is amended to read as follows:

356.37 Confinement and detention report — design proposals.

The ~~division of subunit of the department of health and human services responsible for criminal and juvenile justice planning of the department of human rights~~, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa peace officers association, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to this chapter and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance ~~abuse~~ use disorder service needs, and the compliance status under section 356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the ~~administrator of the division of criminal and juvenile justice planning~~ director of health and human services. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

Sec. 1112. Section 356.48, subsection 1, Code 2023, is amended to read as follows:

1. A person confined to a jail or in the custody of a peace officer, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in section 141A.2. The bodily specimen to be taken shall be determined by the attending physician of the jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory ~~at the state university at Iowa City~~ or some other laboratory approved by the Iowa department of public health and human services. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, the sheriff, person in charge of the jail, or any potentially infected person may file an application with the district court for an order compelling the person that may have caused an infection to submit to the withdrawal and, if infected, to receive available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the sheriff, person in charge of the jail, or any other potentially infected person.

Sec. 1113. Section 358.24, subsection 3, Code 2023, is amended to read as follows:

3. A sanitary district adjoining a border of the state and owning and operating a sewage disposal plant, may contract with the governing body of any legal entity in an adjacent area in another state, to process the sewage from the area. The contract shall be subject to approval of the Iowa department of public health and human services.

Sec. 1114. Section 364.3, subsection 5, Code 2023, is amended to read as follows:

5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, lands, or manufactured home community or mobile home park upon or in which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless a similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state council on health and human services or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 1115. Section 403A.23, Code 2023, is amended to read as follows:

403A.23 Eligibility of persons receiving public assistance.

Any statute to the contrary notwithstanding, no person otherwise eligible to be a tenant in a municipal housing project, shall be declared ineligible ~~therefor~~ or denied occupancy ~~therein in the municipal housing project~~ merely because the person is receiving in some form public assistance ~~such as including but not limited to federal supplemental security income or state supplementary payments, assistance as defined by section 249.1, or welfare assistance, unemployment compensation, or social security payments, etc.~~

Sec. 1116. Section 411.6, subsection 16, paragraph c, Code 2023, is amended to read as follows:

c. A member eligible to commence receiving a disability benefit on or after July 1, 2000, may be ineligible to receive a disability retirement benefit if the system determines that the member's alcoholism or drug addiction was a contributing factor material to the determination of the member's disability. Upon a determination that the member's alcoholism or drug addiction was a contributing factor in the member's disability, the system shall direct the member to undergo substance ~~abuse~~ use disorder treatment that the medical board determines is appropriate to treat the member's alcoholism or drug addiction. After the end of a twenty-four-month period following the member's first month of entitlement to a disability benefit, the system shall reevaluate the member's disability. If the system determines that the member failed to comply with the treatment program prescribed by this paragraph and that the member would not be disabled but for the member's alcoholism or drug addiction, the member's entitlement to a disability benefit under this chapter shall terminate effective the first day of the first month following the month the member is notified of the system's determination.

Sec. 1117. Section 421.17, subsections 20 and 21, Code 2023, are amended to read as follows:

20. To cooperate with ~~the child support recovery unit services~~ created in chapter 252B to establish and maintain a process to implement the provisions of section 252B.5, subsection 9. The department of revenue shall forward to individuals meeting the criteria under section 252B.5, subsection 9, paragraph "a", a notice by first class mail that the individual is obligated to file a state estimated tax form and to remit a separate child support payment.

a. Individuals notified shall submit a state estimated tax form on a quarterly basis.

b. The individual shall pay monthly, the lesser of the total delinquency or one hundred fifty percent of the current or most recent monthly obligation.

c. The individual shall remit the payment to the department of revenue separate from any tax liability payments, identify the payment as a support payment, and make the payment payable to the collection services center. The department shall forward all payments received pursuant to this section to the collection services center established pursuant to chapter 252B, for processing and disbursement. The department of revenue may establish a process for ~~the child support recovery unit services~~ or the collection services center to directly receive the payments. For purposes of crediting the support payments pursuant to sections 252B.14 and 598.22, payments received by the department of revenue and forwarded to the collection services center shall be credited as if received directly by the collection services center.

d. The notice shall provide that, as an alternative to the provisions of paragraph "b", the individual may contact ~~the child support recovery unit services~~ to formalize a repayment plan and obtain an exemption from the quarterly filing requirement when payments are made pursuant to the repayment plan or to contest the balance due listed in the notice.

e. The department of revenue, in cooperation with ~~the child support recovery unit services~~, may adopt rules, if necessary, to implement this subsection.

21. To provide information contained in state individual tax returns to ~~the child support recovery unit services~~ for the purposes of establishment or enforcement of support obligations. The department of revenue and ~~child support recovery unit services~~ may exchange information in a manual or automated fashion. The department of revenue, in cooperation with ~~the child support recovery unit services~~, may adopt rules, if necessary, to implement this subsection.

Sec. 1118. Section 422.7, subsection 42, paragraph a, subparagraph (6), Code 2023, is amended to read as follows:

(6) Subtract to the extent included the amount of a recruitment and retention bonus, not to exceed one thousand dollars, received by a child care worker through the recruitment and retention bonus program administered by the department of health and human services.

Sec. 1119. Section 422.12A, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. “*Adoption*” means the permanent placement in this state of a child by the department of health and human services, by 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.

Sec. 1120. Section 422.12A, subsection 5, Code 2023, is amended to read as follows:

5. The department of revenue and the department of health and human services shall each adopt rules to jointly administer this section.

Sec. 1121. Section 422.12K, subsection 3, Code 2023, is amended to read as follows:

3. The department of health and human services may authorize payment of moneys from the child abuse prevention program fund in accordance with section 235A.2.

Sec. 1122. Section 422D.6, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Nondisposable essential ambulance equipment, as defined by rule by the Iowa department of public health and human services.

Sec. 1123. Section 423.3, subsection 18, paragraphs b, c, d, and g, Code 2023, are amended to read as follows:

b. Residential facilities licensed by the department of health and human services pursuant to chapter 237, other than those maintained by individuals as defined in section 237.1, subsection 7.

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the council on quality and leadership and adult day care services approved for reimbursement by the state department of health and human services.

d. Community mental health centers accredited by the department of health and human services pursuant to chapter 225C.

g. Substance ~~abuse~~ use disorder treatment or prevention programs that receive block grant funding from the Iowa department of public health and human services.

Sec. 1124. Section 423.3, subsection 18, paragraph f, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Home and community-based services providers certified to offer Medicaid waiver services by the department of health and human services that are any of the following:

Sec. 1125. Section 423.3, subsections 31 and 58, Code 2023, are amended to read as follows:

31. a. The sales price of tangible personal property or specified digital products sold to and of services furnished to a tribal government ~~as defined in section 216A.161~~, or the sales price of tangible personal property or specified digital products sold to and of services furnished, and used for public purposes sold to a tax-certifying or tax-levying body of the state or a governmental subdivision of the state, including the following: regional transit systems, as defined in section 324A.1; the state board of regents; department of health and human services; state department of transportation; any municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility; and all divisions, boards, commissions, agencies, or instrumentalities of state, federal, county, municipal, or tribal government which have no earnings going to the benefit of an equity investor or stockholder, except any of the following:

a. (1) The sales price of tangible personal property or specified digital products sold to, or of services furnished, and used by or in connection with the operation of any municipally owned public utility engaged in selling gas, electricity, heat, pay television service, or communication service to the general public.

b. (2) The sales price of furnishing of sewage services to a county or municipality on behalf of nonresidential commercial operations.

e. (3) The furnishing of solid waste collection and disposal service to a county or municipality on behalf of nonresidential commercial operations located within the county or municipality.

b. For the purposes of this subsection, "tribal government" means the governing body of a federally recognized Indian tribe.

58. The sales price from the sale of items purchased with ~~coupons, food stamps, electronic benefits transfer cards~~ a supplemental nutrition assistance program benefit transfer instrument as defined in section 234.13, or other ~~methods~~ method of payment authorized by the United States department of agriculture, and issued under the federal Food Stamp Act of 1977, 7 U.S.C. §2011 et seq. or under the federal supplemental nutritional assistance program established in 7 U.S.C. §2013.

Sec. 1126. Section 423.4, subsection 1, paragraph a, subparagraphs (4) and (9), Code 2023, are amended to read as follows:

(4) A tax-certifying or tax-levying body or governmental subdivision of the state, including the state board of regents, state the department of health and human services, and the state department of transportation.

(9) A tribal government ~~as defined in section 216A.161~~, and any instrumentalities of the tribal government which do not have earnings going to the benefit of an equity investor or stockholder. For the purposes of this subparagraph, "tribal government" means the governing body of a federally recognized Indian tribe.

Sec. 1127. Section 425.2, subsection 3, Code 2023, is amended to read as follows:

3. In case the owner of the homestead is in active service in the armed forces of this state or of the United States, or is sixty-five years of age or older, or is disabled, the statement and designation may be signed and delivered by any member of the owner's family, by the owner's guardian or conservator, or by any other person who may represent the owner under power of attorney. If the owner of the homestead is married, the spouse may sign and deliver the statement and designation. The director of health and human services or the director's designee may make application for the benefits of this subchapter as the agent for and on behalf of persons receiving assistance under chapter 249.

Sec. 1128. Section 425.16, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The reimbursement of rent constituting property taxes paid under this subchapter shall be administered by the department of health and human services as provided in this subchapter.

Sec. 1129. Section 425.17, subsection 3, Code 2023, is amended to read as follows:

3. "Gross rent" means rental paid at arm's length for the right of occupancy of a homestead or manufactured or mobile home, including rent for space occupied by a manufactured or mobile home not to exceed one acre. If the department of health and human services determines that the landlord and tenant have not dealt with each other at arm's length, and the department of health and human services is satisfied that the gross rent charged was excessive, the department of health and human services shall adjust the gross rent to a reasonable amount as determined by the department of health and human services.

Sec. 1130. Section 425.18, Code 2023, is amended to read as follows:

425.18 Right to file a claim.

The right to file a claim for reimbursement or credit under this subchapter may be exercised by the claimant or on behalf of a claimant by the claimant's legal guardian, spouse, or attorney, or by the executor or administrator of the claimant's estate. If a claimant

dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the reimbursement may be paid to another member of the household as determined by the department of health and human services. If the claimant was the only member of the household, the reimbursement may be paid to the claimant's executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 1131. Section 425.19, Code 2023, is amended to read as follows:

425.19 Claim and credit or reimbursement.

Subject to the limitations provided in this subchapter, a claimant may annually claim a credit for property taxes due during the fiscal year next following the base year or claim a reimbursement for rent constituting property taxes paid in the base year. The amount of the credit for property taxes due for a homestead shall be paid on June 15 of each year from the elderly and disabled property tax credit fund under section 425.39, subsection 1, by the director of revenue to the county treasurer who shall credit the money received against the amount of the property taxes due and payable on the homestead of the claimant and the amount of the reimbursement for rent constituting property taxes paid shall be paid by the director of health and human services to the claimant from the reimbursement fund under section 425.39, subsection 2, on or before December 31 of each year.

Sec. 1132. Section 425.20, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is filed with and in the possession of the department of health and human services on or before June 1 of the year following the base year.

3. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue or the director of health and human services, as applicable, good cause exists and the claimant requests an extension, the director of health and human services may extend the time for filing a claim for reimbursement and the director of revenue may extend the time for filing a claim for credit. However, any further time granted shall not extend beyond December 31 of the year following the year in which the claim was required to be filed. Claims filed as a result of this subsection shall be filed with the director of health and human services or the director of revenue, as applicable, who shall provide for the reimbursement of the claim to the claimant.

Sec. 1133. Section 425.25, subsection 2, Code 2023, is amended to read as follows:

2. The director of health and human services shall make available suitable forms with instructions for claimants of the reimbursement for rent constituting property taxes paid. The claim shall be in a form as the director of health and human services may prescribe. The director of revenue shall devise a reimbursement table with amounts rounded to the nearest even whole dollar and provide such table to the director of health and human services. Reimbursements in the amount of less than one dollar shall not be paid.

Sec. 1134. Section 425.26, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Every claimant for reimbursement of rent constituting property taxes paid shall give the department of health and human services, in support of the claim, reasonable proof of:

Sec. 1135. Section 425.26, subsection 3, Code 2023, is amended to read as follows:

3. The department of revenue or the department of health and human services may require any additional proof necessary to support a claim.

Sec. 1136. Section 425.27, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The department of health and human services is responsible for the audit of claims for reimbursement for rent constituting property taxes paid under this subchapter.

Sec. 1137. Section 425.27, subsection 3, Code 2023, is amended to read as follows:

3. If on the audit of a claim for reimbursement for rent constituting property taxes paid under this subchapter, the department of health and human services determines the amount of the claim to have been incorrectly calculated or that the claim is not allowable, the department of health and human services shall recalculate the claim and notify the claimant of the recalculation or denial and the reasons for it. The recalculation of the claim shall be final unless appealed to the director of health and human services within thirty days from the date of notice of recalculation or denial. The director of health and human services shall grant a hearing, and upon hearing determine the correct claim, if any, and notify the claimant of the decision by mail. The department of health and human services shall not adjust a claim after three years from October 31 of the year in which the claim was filed. If the claim for reimbursement has been paid, the amount may be recovered by the department of health and human services. The decision of the director of health and human services shall be final unless appealed as provided in section 425.31.

Sec. 1138. Section 425.27, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. For the purpose of administering the reimbursement for rent constituting property taxes paid, including the duties of the director of health and human services and the department of health and human services under this subchapter, the director of health and human services shall have the same powers as those described in section 422.70.

Sec. 1139. Section 425.28, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. A claimant for reimbursement of rent constituting property taxes paid shall expressly waive any right to confidentiality relating to all income tax information obtainable by the department of health and human services.

3. For the effective administration of this subchapter, the department of revenue and the department of health and human services shall share information obtained by each department from claimants under this subchapter.

4. In addition to the sharing of information under subsection 3, the department of health and human services may release information pertaining to a person's eligibility or claim for or receipt of rent reimbursement to an employee of the department of inspections and appeals in the employee's official conduct of an audit or investigation.

Sec. 1140. Section 425.29, subsection 3, Code 2023, is amended to read as follows:

3. In the case of a claim for reimbursement disallowed by the department of health and human services, the department of health and human services may impose penalties described in section 421.27. The department of health and human services shall send a notice of disallowance of the claim.

Sec. 1141. Section 425.31, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. Judicial review of the actions of the director of health and human services or the department of health and human services under this subchapter may be sought in accordance with the terms of chapter 17A and the rules of the department of health and human services.

3. For cause and upon a showing by the director of revenue or the director of health and human services, as applicable, that collection of the amount in dispute is in doubt, the court may order the petitioner to file with the clerk a bond for the use of the respondent, with sureties approved by the clerk, equal to the amount appealed from, conditioned that the petitioner shall perform the orders of the court.

4. An appeal may be taken by the claimant or the director of revenue or the director of health and human services, as applicable, to the supreme court of this state irrespective of the amount involved.

Sec. 1142. Section 425.33, subsection 1, Code 2023, is amended to read as follows:

1. If upon petition by a claimant the department of health and human services determines that a landlord has increased the claimant's rent primarily because the claimant is eligible

for reimbursement under this subchapter, the department of health and human services shall request the landlord by mail to reduce the rent appropriately.

Sec. 1143. Section 425.33, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In determining whether a landlord has increased a claimant's rent primarily because the claimant is eligible for reimbursement under this subchapter, the department of health and human services shall consider the following factors:

Sec. 1144. Section 425.33, subsection 3, Code 2023, is amended to read as follows:

3. If the landlord fails to comply with the request of the department of health and human services within fifteen days after the request is mailed, the department of health and human services shall order the rent reduced by an appropriate amount.

Sec. 1145. Section 425.34, subsection 1, Code 2023, is amended to read as follows:

1. If the department of health and human services orders a landlord to reduce rent to a claimant, then upon the request of the landlord the department of health and human services shall hold a prompt hearing of the matter, to be conducted in accordance with the rules of the department. The department of health and human services shall give notice of the decision by mail to the claimant and to the landlord.

Sec. 1146. Section 425.37, Code 2023, is amended to read as follows:

425.37 Rules.

The director of revenue and the director of health and human services shall each adopt rules in accordance with chapter 17A for the interpretation and proper administration of this subchapter and each department's applicable powers and duties under this subchapter, including rules to prevent and disallow duplication of benefits and to prevent any unreasonable hardship or advantage to any person.

Sec. 1147. Section 425.39, subsection 2, Code 2023, is amended to read as follows:

2. The elderly and disabled rent reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of health and human services to be credited to the elderly and disabled rent reimbursement fund, from funds not otherwise appropriated, an amount sufficient to implement this subchapter for reimbursement for rent constituting property taxes paid for claimants described in section 425.17, subsection 2, paragraph "a", subparagraph (1).

Sec. 1148. Section 425.40, Code 2023, is amended to read as follows:

425.40 Low-income fund created.

1. A low-income tax credit and reimbursement fund is created. Within the low-income tax credit and reimbursement fund, a rent reimbursement account is created under the control of the department of health and human services and a tax credit account is created under the control of the department of revenue. Amounts appropriated to the fund shall first be credited to the rent reimbursement account.

2. a. The director of health and human services shall use amounts credited to the rent reimbursement account for a fiscal year to pay all claims for reimbursement of rent constituting property taxes paid for claimants described in section 425.17, subsection 2, paragraph "a", subparagraph (2). If the amount appropriated for purposes of this section for a fiscal year and credited to the rent reimbursement account is insufficient to pay all claims in full, the director of health and human services shall pay all such claims on a pro rata basis.

b. If the amount appropriated for purposes of this section for a fiscal year and credited to the rent reimbursement account exceeds the amount necessary to pay in full all reimbursement claims for the fiscal year, the department of health and human services shall transfer such excess amount to the department of revenue for deposit in the tax credit account. The department of revenue shall use any amounts credited to the tax credit account for a fiscal year to pay to the counties all claims for credit for property taxes due for the fiscal year, or if such amount is insufficient, to pay to the counties all such claims on a pro rata basis.

3. In order for the director of revenue or the director of health and human services to carry out the requirements of subsection 2, notwithstanding any provision to the contrary in this subchapter, claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director of revenue is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 1149. Section 426B.1, Code 2023, is amended to read as follows:

426B.1 Appropriations — property tax relief fund.

1. A property tax relief fund is created in the state treasury under the authority of the department of health and human services. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state for payment of state obligations. The moneys in the fund are not subject to the provisions of section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this chapter. Moneys in the fund may be used for cash flow purposes, provided that any moneys so allocated are returned to the fund by the end of each fiscal year. However, the fund shall be considered a special account for the purposes of section 8.53, relating to elimination of any GAAP deficit. For the purposes of this chapter, unless the context otherwise requires, “*property tax relief fund*” means the property tax relief fund created in this section.

2. Moneys shall be distributed from the property tax relief fund to the mental health and disability services regional service system for mental health and ~~disabilities~~ disability services, in accordance with the appropriations made to the fund and other statutory requirements.

Sec. 1150. Section 426B.2, Code 2023, is amended to read as follows:

426B.2 Property tax relief fund payments.

The director of health and human services shall draw warrants on the property tax relief fund, payable to the regional administrator in the amount due to a mental health and disability services region in accordance with statutory requirements, and mail the warrants to the regional administrator in July and January of each year.

Sec. 1151. Section 426B.4, Code 2023, is amended to read as follows:

426B.4 Rules.

The mental health and disability services commission shall consult with regional administrators and the director of health and human services in prescribing forms and adopting rules pursuant to chapter 17A to administer this chapter.

Sec. 1152. Section 427.9, Code 2023, is amended to read as follows:

427.9 Suspension of taxes, assessments, and rates or charges, including interest, fees, and costs.

If a person is a recipient of federal supplementary security income or state supplementary assistance, as defined in section 249.1, or is a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of health and human services for the person’s care, the person shall be deemed to be unable to contribute to the public revenue. The director of health and human services shall notify a person receiving such assistance of the tax suspension provision and shall provide the person with evidence to present to the appropriate county board of supervisors which shows the person’s eligibility for tax suspension on parcels owned, possessed, or upon which the person is paying taxes as a purchaser under contract. The board of supervisors so notified, without the filing of a petition and statement as specified in section 427.8, shall order the county treasurer to suspend the collection of all the taxes, special assessments, and rates or charges, including interest, fees, and costs, assessed against the parcels and remaining unpaid by the person or contractually payable by the person, for such time as the person remains the owner or contractually prospective owner of the parcels, and during the period the person receives assistance as described in this section. The county board of supervisors shall annually send to the department of health and human services the names and social security numbers of

persons receiving a tax suspension pursuant to this section. The department shall verify the continued eligibility for tax suspension of each name on the list and shall return the list to the board of supervisors. The director of health and human services shall advise the person that the person may apply for an additional property tax credit pursuant to sections 425.16 through 425.37 which shall be credited against the amount of the taxes suspended.

Sec. 1153. Section 432.13, Code 2023, is amended to read as follows:

432.13 Premium tax exemption — ~~hawk-i Hawki~~ program — state employee benefits.

1. Premiums collected by participating insurers under chapter 514I are exempt from premium tax.

2. Premiums received for benefits acquired on behalf of state employees by the department of administrative services pursuant to section 8A.402, subsection 1, and by the state board of regents pursuant to chapter 262, are exempt from premium tax.

Sec. 1154. Section 453A.13, subsection 2, paragraph c, Code 2023, 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 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 and human services by the last day of each quarter of a state fiscal year.

Sec. 1155. Section 453A.35A, subsection 2, Code 2023, is amended to read as follows:

2. Moneys in the fund shall be used only for purposes related to health care, substance ~~abuse use disorder~~ treatment and prevention, and tobacco use prevention, cessation, and control.

Sec. 1156. Section 453A.47A, subsection 6, Code 2023, is amended to read as follows:

6. *Issuance.* Cities may issue retail permits to retailers located within their respective limits. County boards of supervisors 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 to the alcoholic beverages division of the department of commerce within thirty days of issuance of a permit. 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 and human services by the last day of each quarter of a state fiscal year.

Sec. 1157. Section 455B.190A, subsection 3, paragraph b, subparagraph (5), Code 2023, is amended to read as follows:

(5) The director of public health and human services or the director's designee.

Sec. 1158. Section 455B.335A, subsection 1, Code 2023, is amended to read as follows:

1. The director shall require that a person who operates or proposes to operate a waste incinerator which provides for the incineration of pathological radioactive materials conduct dispersion modeling, under the direction of the ~~Iowa~~ department of public health and human services, for radiological isotopes to measure the emission levels of alpha and gamma rays. The director shall allow a three-month period during which time the operator or person proposing operation of such an incinerator shall conduct the required dispersion modeling. In order to initiate or continue such incineration, the results of the modeling shall provide that the existing incinerator meets or the proposed incinerator will meet the emission standards established by the United States environmental protection agency for a selected isotope.

Sec. 1159. Section 455B.427, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. A summary of serious health problems in the immediate vicinity of the site and health problems deemed by the director in cooperation with the ~~Iowa~~ department of public health and human services to be related to conditions at the site.

Sec. 1160. Section 455B.427, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In developing and maintaining the annual report, the director shall assess the relative priority of the need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes or hazardous substances at the sites. In making assessments of relative priority, the director, in cooperation with the Iowa department of ~~public health~~ public health and human services on matters relating to public health, shall place every site in one of the following classifications:

Sec. 1161. Section 455B.427, subsection 5, Code 2023, is amended to read as follows:

5. The director shall work with the Iowa department of ~~public health~~ public health and human services when assessing the effects of a hazardous waste or hazardous substance disposal site on human health.

Sec. 1162. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph division (a), subparagraph subdivision (i), Code 2023, is amended to read as follows:

(i) Eight thousand dollars shall be transferred to the Iowa department of ~~public health~~ public health and human services for departmental duties required under ~~section sections 135.11, subsections 18 and 19, and section 139A.21.~~

Sec. 1163. Section 455E.11, subsection 2, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Nine thousand dollars of the account is appropriated to the Iowa department of ~~public health~~ public health and human services for carrying out the departmental duties under ~~section sections 135.11, subsections 18 and 19, and section 139A.21.~~

Sec. 1164. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subparagraph division (b), unnumbered paragraph 1, Code 2023, is amended to read as follows:

Two percent is appropriated annually to the department and, except for administrative expenses, is transferred to the Iowa department of ~~public health~~ public health and human services for the purpose of administering grants to counties and conducting oversight of county-based programs for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns. Not more than thirty-five percent of the moneys is appropriated annually for grants to counties for the purpose of conducting programs of private rural water supply testing, private rural water supply well sealing, the proper closure of private rural abandoned wells and cisterns, or any combination thereof. An amount agreed to by the department of natural resources and the Iowa department of ~~public health~~ public health and human services shall be retained by the department of natural resources for administrative expenses.

Sec. 1165. Section 455E.11, subsection 2, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

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

Sec. 1166. Section 455E.11, subsection 2, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) One thousand dollars is appropriated annually to the Iowa department of public health and human services to carry out departmental duties under ~~section~~ sections 135.11, ~~subsections 18 and 19~~, and ~~section~~ 139A.21.

Sec. 1167. Section 462A.14, subsection 2, paragraph a, subparagraph (4), Code 2023, is amended to read as follows:

(4) Assignment to substance ~~abuse~~ use disorder evaluation and treatment, pursuant to subsection 12, and a course for drinking drivers.

Sec. 1168. Section 462A.14, subsection 2, paragraph b, subparagraph (4), Code 2023, is amended to read as follows:

(4) Assignment to substance ~~abuse~~ use disorder evaluation and treatment, pursuant to subsections 12 and 13, and a course for drinking drivers.

Sec. 1169. Section 462A.14, subsection 2, paragraph c, subparagraph (4), Code 2023, is amended to read as follows:

(4) Assignment to substance ~~abuse~~ use disorder evaluation and treatment, pursuant to subsections 12 and 13, and a course for drinking drivers.

Sec. 1170. Section 462A.14, subsection 2, paragraphs d and e, Code 2023, are amended to read as follows:

d. A class “D” felony for any offense under this section resulting in serious injury to persons other than the defendant, if the court determines that the person who committed the offense caused the serious injury, and shall be imprisoned for a determinate sentence of not more than five years but not less than thirty days, or committed to the custody of the director of the department of corrections, and assessed a fine of not less than two thousand five hundred dollars nor more than seven thousand five hundred dollars. A person convicted of a felony offense may be committed to the custody of the director of the department of corrections, who shall assign the person to a facility pursuant to section 904.513. The court shall also order that the person not operate a motorboat or sailboat for one year in addition to any other period of time the defendant would have been ordered not to operate if no injury had occurred in connection with the violation. The court shall also assign the defendant to substance ~~abuse~~ use disorder evaluation and treatment pursuant to subsections 12 and 13, and a course for drinking drivers.

e. A class “B” felony for any offense under this section resulting in the death of persons other than the defendant, if the court determines that the person who committed the offense caused the death, and shall be imprisoned for a determinate sentence of not more than twenty-five years, or committed to the custody of the director of the department of corrections. A person convicted of a felony offense may be committed to the custody of the director of the department of corrections, who shall assign the person to a facility pursuant to section 904.513. The court shall also order that the person not operate a motorboat or sailboat for six years. The court shall also assign the defendant to substance ~~abuse~~ use disorder evaluation and treatment pursuant to subsections 12 and 13, and a course for drinking drivers.

Sec. 1171. Section 462A.14, subsection 12, Code 2023, is amended to read as follows:

12. a. All substance ~~abuse~~ use disorder evaluations required under this section shall be completed at the defendant’s expense.

b. In addition to assignment to substance ~~abuse~~ use disorder evaluation and treatment under this section, the court shall order any defendant convicted under this section to follow the recommendations proposed in the substance ~~abuse~~ use disorder evaluation for appropriate substance ~~abuse~~ use disorder treatment for the defendant. Court-ordered substance ~~abuse~~ use disorder treatment is subject to the periodic reporting requirements of section 125.86.

c. If a defendant is committed by the court to a substance ~~abuse~~ use disorder treatment facility, the administrator of the facility shall report to the court when it is determined

that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence.

d. The court may prescribe the length of time for the evaluation and treatment or the court may request that the community college or licensed substance ~~abuse~~ use disorder program conducting the course for drinking drivers which the defendant is ordered to attend or the treatment program to which the defendant is committed immediately report to the court when the defendant has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the defendant's addiction, dependency, or tendency to chronically ~~abuse~~ use alcohol or drugs.

e. Upon successfully completing a course for drinking drivers or an ordered substance ~~abuse~~ use disorder treatment program, a court may place the defendant on probation for six months and as a condition of probation, the defendant shall attend a program providing posttreatment services relating to substance ~~abuse~~ use disorder as approved by the court.

f. A defendant committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

g. A defendant who fails to carry out the order of the court shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

h. In addition to any other condition of probation, the defendant shall attend a program providing substance ~~abuse~~ use disorder prevention services or posttreatment services related to substance ~~abuse~~ use disorder as ordered by the court. The defendant shall report to the defendant's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

Sec. 1172. Section 466B.3, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. The director of ~~the department of public health and human services~~ and human services or the director's designee.

Sec. 1173. Section 470.5, Code 2023, is amended to read as follows:

470.5 Exceptions.

This chapter does not apply to buildings used on January 1, 1980, by the division of adult corrections of the department of health and human services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by the historical division of the department of cultural affairs.

Sec. 1174. Section 476.20, subsection 2, Code 2023, is amended to read as follows:

2. The board shall establish rules requiring a regulated public utility furnishing gas or electricity to include in the utility's notice of pending disconnection of service a written statement advising the customer that the customer may be eligible to participate in the low income home energy assistance program or weatherization assistance program administered by the ~~division of community action agencies of the department of~~ health and human rights services. The written statement shall list the address and telephone number of the local agency which is administering the customer's low income home energy assistance program and the weatherization assistance program. The written statement shall also state that the customer is advised to contact the public utility to settle any of the customer's complaints with the public utility, but if a complaint is not settled to the customer's satisfaction, the customer may file the complaint with the board. The written statement shall include the address and phone number of the board. If the notice of pending disconnection of service applies to a residence, the written statement shall advise that the disconnection does not apply from November 1 through April 1 for a resident who is a "head of household", as defined in section 422.4, and who has been certified to the public utility by the local agency

which is administering the low income home energy assistance program and weatherization assistance program as being eligible for either the low income home energy assistance program or weatherization assistance program, and that if such a resident resides within the serviced residence, the customer should promptly have the qualifying resident notify the local agency which is administering the low income home energy assistance program and weatherization assistance program. The board shall establish rules requiring that the written notice contain additional information as it deems necessary and appropriate.

Sec. 1175. Section 476.51, subsection 5, Code 2023, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the ~~division of community action agencies of the~~ department of health and human rights services. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the department of commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 1176. Section 476.66, subsection 6, Code 2023, is amended to read as follows:

6. The rules established by the utilities board shall require an annual report to be filed for each fund. The utilities board shall compile an annual statewide report of the fund results. The ~~division of community action agencies of the~~ department of health and human rights services shall prepare an annual report of the unmet need for energy assistance and weatherization. Both reports shall be submitted to the appropriations committees of the general assembly on the first day of the following session.

Sec. 1177. Section 477C.5, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. One representative from the office of deaf services of the department of health and human rights services.

Sec. 1178. Section 478.29, subsection 1, Code 2023, is amended to read as follows:

1. 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 chief operating officer 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 health and human rights services for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 1179. Section 479.31, subsection 1, Code 2023, 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 in accordance with 49 C.F.R. §190.223. Each day that the violation continues shall constitute a separate offense. Civil penalties collected pursuant to this section shall be forwarded by the chief operating officer 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 health and human rights services for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 1180. Section 479B.21, subsection 1, Code 2023, 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 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 forwarded by the chief operating officer 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 health and human rights services~~ for purposes of the low income home energy assistance program and the weatherization assistance program.

Sec. 1181. Section 483A.24, subsections 7 and 15, Code 2023, are amended to read as follows:

7. A license shall not be required of minor pupils of the Iowa braille and sight saving school, Iowa school for the deaf, or of minor residents of other state institutions under the control of ~~an administrator of a division of the department of health and human services~~. In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a resident of the state of Iowa shall not be required to have a license to hunt or fish in this state. The military person shall carry the person's leave papers and a copy of the person's current earnings statement showing a deduction for Iowa income taxes while hunting or fishing. In lieu of carrying the person's earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. A license shall not be required of residents of county care facilities or any person who is receiving supplementary assistance under chapter 249.

15. The department may issue a permit, subject to conditions established by the department, which authorizes patients of a substance ~~abuse~~ use disorder facility, residents of health care facilities licensed under chapter 135C, tenants of elder group homes licensed under chapter 231B, tenants of assisted living program facilities licensed under chapter 231C, participants who attend adult day services programs licensed under chapter 231D, participants in services funded under a federal home and community-based services waiver implemented under the medical assistance program as defined in chapter 249A, and persons cared for in juvenile shelter care homes as provided for in chapter 232 to fish without a license as a supervised group. A person supervising a group pursuant to this subsection may fish with the group pursuant to the permit and is not required to obtain a fishing license.

Sec. 1182. Section 505.16, subsection 2, Code 2023, is amended to read as follows:

2. The insurance commissioner shall approve rules for carrying out this section including rules relating to the preparation of information to be provided before and after a test and the protection of confidentiality of personal and medical records of insurance applicants and policyholders. The rules shall require a person engaged in the business of insurance who receives results of a positive human immunodeficiency virus test of an insurance applicant or policyholder to report those results to a physician or alternative testing site of the applicant's or policyholder's choice, or if the applicant or policyholder does not choose a physician or alternative testing site to receive the results, to the Iowa department of ~~public health and~~ human services.

Sec. 1183. Section 505.25, Code 2023, is amended to read as follows:

505.25 Information provided to medical assistance program, ~~hawk-i Hawki~~ program, and child support ~~recovery unit~~ services.

A carrier, as defined in section 514C.13, shall enter into a health insurance data match program with the department of health and human services for the sole purpose of comparing the names of the carrier's insureds with the names of recipients of the medical assistance program under chapter 249A, individuals under the purview of ~~the child support recovery unit services~~ pursuant to chapter 252B, or enrollees of the ~~hawk-i Hawki~~ program under chapter 514I.

Sec. 1184. Section 505.34, Code 2023, is amended to read as follows:

505.34 Medical assistance and ~~hawk-i Hawki~~ programs — applicability of subtitle.

1. The medical assistance program under chapter 249A and the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter 514I shall not be subject to this subtitle unless otherwise provided by law.

2. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A, or the healthy and well kids in the Iowa (~~hawk-i~~) (Hawki) program under chapter 514I, shall not be subject to this subtitle unless otherwise provided by law.

Sec. 1185. Section 508C.5, subsection 13, paragraph f, Code 2023, is amended to read as follows:

f. An entity whose only business in this state is operating as a managed care organization. For purposes of this paragraph, “*managed care organization*” means an entity that is under contract with the Iowa department of health and human services to provide services to Medicaid recipients and that also meets the definition of “*health maintenance organization*” in section 514B.1.

Sec. 1186. Section 509.1, subsection 7, Code 2023, is amended to read as follows:

7. A policy issued to the department of health and human services, which shall be deemed the policyholder, to insure eligible persons for medical assistance, or for both mandatory medical assistance and optional medical assistance, as defined by chapter 249A as hereafter amended.

Sec. 1187. Section 509.3A, subsection 12, Code 2023, is amended to read as follows:

12. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1188. Section 510B.1, subsections 9 and 22, Code 2023, are amended to read as follows:

9. “*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, or a plan established pursuant to chapter 509A for public employees. “*Health carrier*” does not include any of the following:

a. The department of health and human services.

b. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter 514I.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

d. A plan offered or maintained by a multiple employer welfare arrangement established under chapter 513D before January 1, 2022.

22. “*Third-party payor*” means any entity other than a covered person or a health care provider that is responsible for any amount of reimbursement for a prescription drug benefit. “*Third-party payor*” includes health carriers and other entities that provide a plan of health insurance or health care benefits. “*Third-party payor*” does not include any of the following:

a. The department of health and human services.

b. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter 514I.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

Sec. 1189. Section 513B.2, subsection 8, paragraph l, Code 2023, is amended to read as follows:

l. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1190. Section 513C.3, subsection 12, paragraph d, Code 2023, is amended to read as follows:

d. Loss of eligibility for the ~~hawk-i~~ Hawki program authorized in chapter 514I.

Sec. 1191. Section 514.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. “*Subscriber*” means an individual who enters into a contract for health care services with a corporation subject to this chapter and includes a person eligible for mandatory medical assistance or optional medical assistance as defined under chapter 249A, with respect to whom the department of health and human services has entered into a contract with a firm operating under this chapter.

Sec. 1192. Section 514A.3B, subsection 3, paragraph l, Code 2023, is amended to read as follows:

l. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1193. Section 514B.3, subsection 1, paragraph m, Code 2023, is amended to read as follows:

m. A description of the procedures and programs to be implemented to meet the requirements for quality of health care as determined by the director of public health and human services under section 514B.4.

Sec. 1194. Section 514B.3, subsection 3, Code 2023, is amended to read as follows:

3. Upon receipt of an application for a certificate of authority, the commissioner shall immediately transmit copies of the application and accompanying documents to the director of public health and human services and the affected regional health planning council, as authorized by Pub. L. No. 89-749, 42 U.S.C. §246(b)2b, for their nonbinding consultation and advice.

Sec. 1195. Section 514B.4A, Code 2023, is amended to read as follows:

514B.4A Direct provision of health care services.

1. An application for a certificate of authority to provide health care services, directly, shall be forwarded by the commissioner to the director of public health and human services for review, comment, and recommendation, with respect to the health care services to be provided directly, to assure that the applicant has demonstrated the willingness and potential ability to provide the health care services through adequate personnel and facilities.

2. Rules proposed by the commissioner for adoption for the direct provision of health care services by a health maintenance organization, shall be forwarded by the commissioner to the director of public health and human services for review, comment, and recommendation, prior to submission to the administrative rules coordinator pursuant to section 17A.4.

3. The director of public health and human services shall respond to the commissioner, with respect to an application or proposed rule, with any comments or recommendations within thirty days of the forwarding of the application or proposed rules to the director of public health and human services.

Sec. 1196. Section 514B.32, subsection 5, Code 2023, is amended to read as follows:

5. The provisions of this chapter shall be applicable to a managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A, or the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter 514I, only with respect to licensure and solvency standards as evidenced by the managed care organization obtaining and maintaining a certificate of authority, and maintaining compliance with the solvency standards set forth in this chapter.

Sec. 1197. Section 514B.33, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. For purposes of this section, “*limited service organization*” means an organization providing dental care services, vision care services, mental health services, substance ~~abuse~~ use disorder services, pharmaceutical services, podiatric care services, or such other services as may be determined by the commissioner.

Sec. 1198. Section 514C.9, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Enroll a child who is eligible for coverage under the applicable terms and conditions of the health benefit plan and the standard enrollment guidelines of the insurer, without regard to any time of enrollment restriction, under dependent coverage upon application by the obligee or other legal custodian of the child or by the department of health and human services in the event an obligor required by a court order or administrative order fails to apply for coverage for the child.

Sec. 1199. Section 514C.9, subsection 4, Code 2023, is amended to read as follows:

4. A group health plan shall establish reasonable procedures to determine whether a child is covered under a qualified medical child support order issued pursuant to chapter 252E. The procedures shall be in writing, provide for prompt notice of each person specified in the medical child support order as eligible to receive benefits under the group health plan upon receipt by the plan of the medical child support order, and allow an obligee or other legal custodian of the child under chapter 252E to designate a representative for receipt of copies of notices in regard to the medical child support order that are sent to the obligee or other legal custodian of the child and the department of health and human services' child support recovery unit services.

Sec. 1200. Section 514C.18, subsection 1, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The diabetes self-management training and education program is certified by the ~~Iowa~~ department of ~~public health and human services~~. The department shall consult with the American diabetes association, Iowa affiliate, in developing the standards for certification of diabetes education programs that cover at least ten hours of initial outpatient diabetes self-management training within a continuous twelve-month period and up to two hours of follow-up training for each subsequent year for each individual diagnosed by a physician or physician assistant with any type of diabetes mellitus.

Sec. 1201. Section 514C.27, Code 2023, is amended to read as follows:

514C.27 Mental illness and substance ~~abuse~~ use disorder treatment coverage for veterans.

1. 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, shall provide coverage benefits to an insured who is a veteran for treatment of mental illness and substance ~~abuse~~ use disorder if either of the following is satisfied:

a. The policy or contract is issued 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. The policy or contract is issued to a small employer as defined in section 513B.2, and such policy or contract provides coverage benefits for the treatment of mental illness and substance ~~abuse~~ use disorder.

2. Notwithstanding the uniformity of treatment requirements of section 514C.6, a plan established pursuant to chapter 509A for public employees shall provide coverage benefits to an insured who is a veteran for treatment of mental illness and substance ~~abuse~~ use disorder as defined in subsection 3.

3. For purposes of this section:

a. "Mental illness" means mental disorders as defined by the commissioner by rule.

b. "Substance ~~abuse~~ use disorder" means a pattern of pathological use of alcohol or a drug that causes impairment in social or occupational functioning, or that produces physiological dependency evidenced by physical tolerance or by physical symptoms when the alcohol or drug is withdrawn.

c. "Veteran" means the same as defined in section 35.1.

4. The commissioner, by rule, shall define “*mental illness*” consistent with definitions provided in the most recent edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders, as the definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.

5. 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.

6. A carrier 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.

7. a. A group policy or contract or plan covered under this section shall not impose an aggregate annual or lifetime limit on mental illness or substance ~~abuse~~ use disorder coverage benefits unless the policy or contract or plan imposes an aggregate annual or lifetime limit on substantially all medical and surgical coverage benefits.

b. A group policy or contract or plan covered under this section that imposes an aggregate annual or lifetime limit on substantially all medical and surgical coverage benefits shall not impose an aggregate annual or lifetime limit on mental illness or substance ~~abuse~~ use disorder coverage benefits which is less than the aggregate annual or lifetime limit imposed on substantially all medical and surgical coverage benefits.

8. A group policy or contract or plan covered under this section shall at a minimum allow for thirty inpatient days and fifty-two outpatient visits annually. The policy or contract or plan may also include deductibles, coinsurance, or copayments, provided the amounts and extent of such deductibles, coinsurance, or copayments applicable to other medical or surgical services coverage under the policy or contract or plan are the same. It is not a violation of this section if the policy or contract or plan excludes entirely from coverage benefits for the cost of providing the following:

- a. Care that is substantially custodial in nature.
- b. Services and supplies that are not medically necessary or clinically appropriate.
- c. Experimental treatments.

9. This section applies to third-party payment provider policies or contracts and plans established pursuant to chapter 509A delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011.

Sec. 1202. Section 514E.1, subsection 6, paragraph k, Code 2023, is amended to read as follows:

- k. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1203. Section 514F.7, subsection 1, paragraph h, Code 2023, is amended to read as follows:

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*” 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 health and human services to provide services to Medicaid recipients.

Sec. 1204. Section 514F.8, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. “*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*” does not include the department of health and human services, or a managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter 514I.

Sec. 1205. Section 514H.2, subsection 2, Code 2023, is amended to read as follows:

2. The insurance division of the department of commerce shall administer the program in cooperation with the ~~division responsible for medical services within the~~ department of health and human services. Each agency shall take all necessary actions, including filing an appropriate medical assistance state plan amendment to the state Medicaid plan to take full advantage of the benefits and features of the Deficit Reduction Act of 2005.

Sec. 1206. Section 514H.5, subsection 2, Code 2023, is amended to read as follows:

2. When the ~~division responsible for medical services within the~~ department of health and human services determines whether an individual is eligible for medical assistance under chapter 249A, the ~~division~~ department shall make an asset disregard adjustment for any individual who meets the requirements of section 514H.3. The asset disregard shall be available after benefits of the qualified long-term care insurance policy have been applied to the cost of qualified long-term care services as required under this chapter.

Sec. 1207. Section 514H.7, subsection 3, Code 2023, is amended to read as follows:

3. The insurance division, in cooperation with the department of health and human services, shall adopt rules to provide an asset disregard to individuals who are covered by a long-term care insurance policy prior to November 17, 2005, consistent with the Iowa long-term care asset disregard incentive program.

Sec. 1208. Section 514H.8, Code 2023, is amended to read as follows:

514H.8 Reciprocal agreements to extend asset disregard.

The ~~division responsible for medical services within the~~ department of health and human services may enter into reciprocal agreements with other states to extend the asset disregard under section 514H.5 to Iowa residents who had purchased or were covered by qualified long-term care insurance policies in other states.

Sec. 1209. Section 514H.9, Code 2023, is amended to read as follows:

514H.9 Rules.

The insurance division of the department of commerce in cooperation with the department of health and human services shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 1210. Section 514I.1, subsections 2 and 4, Code 2023, are amended to read as follows:

2. It is the intent of the general assembly that the program be implemented and administered in compliance with Tit. XXI of the federal Social Security Act. If, as a condition of receiving federal funds for the program, federal law requires implementation and administration of the program in a manner not provided in this chapter, during a period when the general assembly is not in session, the department, with the approval of the ~~hawk-i~~ Hawki board, shall proceed to implement and administer those provisions, subject to review by the next regular session of the general assembly.

4. It is the intent of the general assembly that the ~~hawk-i~~ Hawki program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health

insurance providers and to facilitate the transition of families to private sector health insurance coverage.

Sec. 1211. Section 514I.2, Code 2023, is amended to read as follows:

514I.2 Definitions.

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

1. “*Benchmark benefit package*” means any of the following:
 - a. The standard blue cross/blue shield preferred provider option service benefit plan, described in and offered under 5 U.S.C. §8903(1).
 - b. A health benefits coverage plan that is offered and generally available to state employees in this state.
 - c. The plan of a health maintenance organization as defined in 42 U.S.C. §300e, with the largest insured commercial, nonmedical assistance enrollment of covered lives in the state.
2. “*Cost sharing*” means the payment of a premium or copayment as provided for by Tit. XXI of the federal Social Security Act and section 514I.10.
3. “*Department*” means the department of health and human services.
4. “*Director*” means the director of health and human services.
5. “*Eligible child*” means an individual who meets the criteria for participation in the program under section 514I.8.
6. “*Hawk-i Hawki board*” or “*board*” means the entity which adopts rules and establishes policy for, and directs the department regarding, the hawk-i Hawki program.
7. “*Hawk-i Hawki program*” or “*program*” means the healthy and well kids in Iowa program created in this chapter to provide health insurance coverage to eligible children.
8. “*Health insurance coverage*” means health insurance coverage as defined in 42 U.S.C. §300gg-91.
9. “*Participating insurer*” means any of the following:
 - a. An entity licensed by the division of insurance of the department of commerce to provide health insurance in Iowa that has contracted with the department to provide health insurance coverage to eligible children under this chapter.
 - b. A managed care organization acting pursuant to a contract with the department of human services to administer the hawk-i Hawki program.
10. “*Qualified child health plan*” or “*plan*” means health insurance coverage provided by a participating insurer under this chapter.

Sec. 1212. Section 514I.3, Code 2023, is amended to read as follows:

514I.3 Hawk-i Hawki program — established.

1. The hawk-i Hawki program, a statewide program designed to improve the health of children and to provide health insurance coverage to eligible children on a regional basis which complies with Tit. XXI of the federal Social Security Act, is established and shall be implemented January 1, 1999.
2. Health insurance coverage under the program shall be provided by participating insurers and through qualified child health plans.
3. The department of ~~human services~~ is designated to receive the state and federal funds appropriated or provided for the program, and to submit and maintain the state plan for the program, which is approved by the centers for Medicare and Medicaid services of the United States department of health and human services.
4. Nothing in this chapter shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for participation in the program based upon eligibility consistent with the requirements of this chapter. Any state obligation to provide services pursuant to this chapter is limited to the extent of the funds appropriated or provided for this chapter.
5. Participating insurers under this chapter are not subject to the requirements of chapters 513B and 513C.
6. Health care coverage provided under this chapter in accordance with Tit. XXI of the federal Social Security Act shall be recognized as prior creditable coverage for the purposes of private individual and group health insurance coverage.

Sec. 1213. Section 514I.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director, with the approval of the ~~hawk-i~~ Hawki board, shall implement this chapter. The director shall do all of the following:

Sec. 1214. Section 514I.5, Code 2023, is amended to read as follows:

514I.5 ~~Hawk-i~~ Hawki board.

1. A ~~hawk-i~~ Hawki board for the ~~hawk-i~~ Hawki program is established. The board shall meet not less than six and not more than twelve times annually, for the purposes of establishing policy for, directing the department on, and adopting rules for the program. The board shall consist of seven voting members and four ex officio, nonvoting members, including all of the following:

- a. The commissioner of insurance, or the commissioner's designee.
- b. The director of the department of education, or the director's designee.
- c. The director of ~~public~~ public health and human services, or the director's designee.
- d. Four public members appointed by the governor and subject to confirmation by the senate. The public members shall be members of the general public who have experience, knowledge, or expertise in the subject matter embraced within this chapter.
- e. Two members of the senate and two members of the house of representatives, serving as ex officio, nonvoting members. The legislative members of the board shall be appointed one each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives. Legislative members shall receive compensation pursuant to section 2.12.

2. Members appointed by the governor shall serve two-year staggered terms as designated by the governor, and legislative members of the board shall serve two-year terms. The filling of positions reserved for the public representatives, vacancies, membership terms, payment of compensation and expenses, and removal of the members are governed by chapter 69. Members of the board are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties. Public members of the board are also eligible to receive compensation as provided in section 7E.6. A majority of the voting members constitutes a quorum and the affirmative vote of a majority of the voting members is necessary for any substantive action to be taken by the board. The members shall select a chairperson on an annual basis from among the membership of the board.

3. The board shall approve any contract entered into pursuant to this chapter. All contracts entered into pursuant to this chapter shall be made available to the public.

4. The department of ~~human services~~ shall act as support staff to the board.

5. The board may receive and accept grants, loans, or advances of funds from any person and may receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of the program.

6. The ~~hawk-i~~ Hawki board shall do all of the following:

a. Define, in consultation with the department, the regions of the state for which plans are offered in a manner as to ensure access to services for all children participating in the program.

b. Approve the benefit package design, review the benefit package design on a periodic basis, and make necessary changes in the benefit design to reflect the results of the periodic reviews.

c. Develop, with the assistance of the department, an outreach plan, and provide for periodic assessment of the effectiveness of the outreach plan. The plan shall provide outreach to families of children likely to be eligible for assistance under the program, to inform them of the availability of and to assist the families in enrolling children in the program. The outreach efforts may include, but are not limited to, solicitation of cooperation from programs, agencies, and other persons who are likely to have contact with eligible children, including but not limited to those associated with the educational system, and the development of community plans for outreach and marketing. Other state agencies shall

assist the department in data collection related to outreach efforts to potentially eligible children and their families.

d. In consultation with the clinical advisory committee, assess the initial health status of children participating in the program, establish a baseline for comparison purposes, and develop appropriate indicators to measure the subsequent health status of children participating in the program.

e. Review, in consultation with the department, and take necessary steps to improve interaction between the program and other public and private programs which provide services to the population of eligible children.

f. By January 1, annually, prepare, with the assistance of the department, and submit a report to the governor, the general assembly, and the council on health and human services, concerning the board's activities, findings, and recommendations.

g. Solicit input from the public regarding the program and related issues and services.

h. Establish and consult with a clinical advisory committee to make recommendations to the board regarding the clinical aspects of the ~~hawk-i~~ Hawki program.

i. Prescribe the elements to be included in a health improvement program plan required to be developed by a participating insurer. The elements shall include but are not limited to health maintenance and prevention and health risk assessment.

j. Establish an advisory committee to make recommendations to the board and to the general assembly by January 1 annually concerning the provision of health insurance coverage to children with special health care needs. The committee shall include individuals with experience in, knowledge of, or expertise in this area. The recommendations shall address, but are not limited to, all of the following:

(1) The definition of the target population of children with special health care needs for the purposes of determining eligibility under the program.

(2) Eligibility options for and assessment of children with special health care needs for eligibility.

(3) Benefit options for children with special health care needs.

(4) Options for enrollment of children with special health care needs in and disenrollment of children with special health care needs from qualified child health plans utilizing a capitated fee form of payment.

(5) The appropriateness and quality of care for children with special health care needs.

(6) The coordination of health services provided for children with special health care needs under the program with services provided by other publicly funded programs.

k. Develop options and recommendations to allow children eligible for the ~~hawk-i~~ Hawki program to participate in qualified employer-sponsored health plans through a premium assistance program. The options and recommendations shall ensure reasonable alignment between the benefits and costs of the ~~hawk-i~~ Hawki program and the employer-sponsored health plans consistent with federal law. In addition, the board shall implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, for the ~~hawk-i~~ Hawki program.

7. The ~~hawk-i~~ Hawki board, in consultation with the department of ~~human services~~, shall adopt rules which address, but are not limited to addressing, all of the following:

a. Implementation and administration of the program.

b. Qualifying standards for selecting participating insurers for the program.

c. The benefits to be included in a qualified child health plan which are those included in a benchmark or benchmark equivalent plan and which comply with Tit. XXI of the federal Social Security Act. Benefits covered shall include but are not limited to all of the following:

(1) Inpatient hospital services including medical, surgical, intensive care unit, mental health, and substance ~~abuse~~ use disorder services.

(2) Nursing care services including skilled nursing facility services.

(3) Outpatient hospital services including emergency room, surgery, lab, and x-ray services and other services.

(4) Physician services, including surgical and medical, and including office visits, newborn care, well-baby and well-child care, immunizations, urgent care, specialist care, allergy testing and treatment, mental health visits, and substance ~~abuse~~ use disorder visits.

(5) Ambulance services.

- (6) Physical therapy.
 - (7) Speech therapy.
 - (8) Durable medical equipment.
 - (9) Home health care.
 - (10) Hospice services.
 - (11) Prescription drugs.
 - (12) Dental services including preventive services.
 - (13) Medically necessary hearing services.
 - (14) Vision services including corrective lenses.
 - (15) Translation and interpreter services as specified pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.
 - (16) Chiropractic services.
 - (17) Occupational therapy.
- d. Presumptive eligibility criteria for the program. Beginning January 1, 2010, presumptive eligibility shall be provided for eligible children.
- e. The amount of any cost sharing under the program which shall be assessed based on family income and which complies with federal law.
- f. The reasons for disenrollment including, but not limited to, nonpayment of premiums, eligibility for medical assistance or other insurance coverage, admission to a public institution, relocation from the area, and change in income.
- g. Conflict of interest provisions applicable to participating insurers and between public members of the board and participating insurers.
- h. Penalties for breach of contract or other violations of requirements or provisions under the program.
- i. A mechanism for participating insurers to report any rebates received to the department.
- j. The data to be maintained by the department including data to be collected for the purposes of quality assurance reports.
- k. The use of provider guidelines in assessing the well-being of children, which may include the use of the bright futures for infants, children, and adolescents program as developed by the federal maternal and child health bureau and the American academy of pediatrics guidelines for well-child care.
8. a. The ~~hawk-i~~ Hawki board may provide approval to the director to contract with participating insurers to provide dental-only services. In determining whether to provide such approval to the director, the board shall take into consideration the impact on the overall program of single source contracting for dental services.
- b. The ~~hawk-i~~ Hawki board may provide approval to the director to contract with participating insurers to provide the supplemental dental-only coverage to otherwise eligible children who have private health care coverage as specified in the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3.
9. The ~~hawk-i~~ Hawki board shall monitor the capacity of Medicaid managed care organizations acting pursuant to a contract with the department to administer the ~~hawk-i~~ Hawki program to specifically and appropriately address the unique needs of children and children's health delivery.

Sec. 1215. Section 514I.8, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child may participate in the ~~hawk-i~~ Hawki program if the child meets all of the following criteria:

Sec. 1216. Section 514I.8A, Code 2023, is amended to read as follows:

514I.8A ~~hawk-i~~ Hawki — all income-eligible children.

The department shall provide coverage to individuals under nineteen years of age who meet the income eligibility requirements for the ~~hawk-i~~ Hawki program and for whom federal financial participation is or becomes available for the cost of such coverage.

Sec. 1217. Section 514I.9, subsection 1, Code 2023, is amended to read as follows:

1. The ~~hawk-i~~ Hawki board shall review the benefits package annually and shall determine additions to or deletions from the benefits package offered. The ~~hawk-i~~ Hawki board shall submit the recommendations to the general assembly for any amendment to the benefits package.

Sec. 1218. Section 514I.11, Code 2023, is amended to read as follows:

514I.11 ~~Hawk-i~~ Hawki trust fund.

1. A ~~hawk-i~~ Hawki trust fund is created in the state treasury under the authority of the department of ~~human services~~, in which all appropriations and other revenues of the program such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

2. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter and except as provided in subsection 4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

3. Moneys in the fund are appropriated to the department and shall be used to offset any program costs.

4. The department may transfer moneys appropriated from the fund to be used for the purpose of expanding health care coverage to children under the medical assistance program.

5. The department shall provide periodic updates to the general assembly regarding expenditures from the fund.

Sec. 1219. Section 523A.301, Code 2023, is amended to read as follows:

523A.301 Definition.

As used in sections 523A.302 and 523A.303, “*director*” means the director of health and human services.

Sec. 1220. Section 523A.303, subsection 2, paragraph e, Code 2023, is amended to read as follows:

e. A notice in substantially the following form complies with this subsection:

TO: THE DIRECTOR OF HEALTH AND HUMAN SERVICES
FROM: (SELLER’S NAME, CURRENT ADDRESS, AND
TELEPHONE NUMBER)

You are hereby notified that (name of deceased), who had an irrevocable burial trust fund, has died, that final payment for cemetery merchandise, funeral merchandise, and funeral services has been made, and that (remaining amount) remains in the irrevocable burial trust fund.

The above-named seller must receive a written response regarding any claim by the director within sixty days after the mailing of this notice to the director.

If the above-named seller does not receive a written response regarding a claim by the director within sixty days after the mailing of this notice, the seller may dispose of the remaining funds in accordance with section 523A.303, Code of Iowa.

Sec. 1221. Section 523A.303, subsection 3, Code 2023, is amended to read as follows:

3. Upon receipt of the seller’s written notice, the director shall determine if a debt is due the department of health and human services pursuant to section 249A.53. If the director determines that a debt is owing, the director shall provide a written response to the seller within sixty days after the mailing of the seller’s notice. If the director does not respond with a claim within the sixty-day period, any claim made by the director shall not be enforceable against the seller, the trust, or a trustee.

Sec. 1222. Section 523I.214, Code 2023, is amended to read as follows:

523I.214 Violations of law — referrals to the Iowa department of public health and human services.

If the commissioner discovers a violation of a provision of this chapter or any other state law or rule concerning the disposal or transportation of human remains, the commissioner shall forward all evidence in the possession of the commissioner concerning such a violation to the Iowa department of public health and human services for such proceedings as the Iowa department of public health and human services deems appropriate.

Sec. 1223. Section 523I.701, subsection 6, Code 2023, is amended to read as follows:

6. The lawn crypt shall be installed in compliance with any applicable law or rule adopted by the Iowa department of public health and human services.

Sec. 1224. Section 541A.1, Code 2023, is amended to read as follows:

541A.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. "Account holder" means an individual who is the owner of an individual development account.

~~2. "Administrator" means the division of community action agencies of the department of human rights.~~

~~3.~~ 2. "Charitable contributor" means a nonprofit association described in section 501(c)(3) of the Internal Revenue Code which makes a deposit to an individual development account and which is exempt from taxation under section 501(a) of the Internal Revenue Code.

3. "Commission" means the commission on community action agencies created in section 216A.92A.

4. "Department" means the department of health and human services.

5. "Director" means the director of health and human services.

4. 6. "Federal poverty level" means the first poverty income guidelines published in the calendar year by the United States department of health and human services.

5. 7. "Financial institution" means a financial institution approved by the administrator director as an investment mechanism for individual development accounts.

~~6.~~ 8. "Household income" means the annual household income of an account holder or prospective account holder, as determined in accordance with rules adopted by the administrator director.

7. 9. "Individual contributor" means an individual who makes a deposit to an individual development account and is not the account holder or a charitable contributor.

8. 10. "Individual development account" means either of the following:

a. A financial instrument that is certified to have the characteristics described in section 541A.2 by the operating organization.

b. A financial instrument that is certified by the operating organization to have the characteristics described in and funded by a federal individual development account program under which federal and state funding contributed to match account holder deposits is deposited by an operating organization in accordance with federal law and regulations, and which includes but is not limited to any of the programs implemented under the following federal laws:

(1) The federal Personal Responsibility and Work Opportunity Act of 1996, 42 U.S.C. §604(h).

(2) The federal Assets for Independence Act, Pub. L. No. 105-285, Tit. IV.

~~9.~~ 11. "Operating organization" means an agency selected by the administrator department for involvement in operating individual development accounts directed to a specific target population.

~~10.~~ 12. "Source of principal" means any of the sources of a deposit to an individual development account under section 541A.2, subsection 2.

Sec. 1225. Section 541A.2, subsection 7, Code 2023, is amended to read as follows:

7. Subject to obtaining any necessary federal waivers, the department of human services shall not consider moneys in an individual development account and any earnings on the

moneys in determining the eligibility or need of an individual for benefits or assistance or the amount of benefits or assistance under the family investment program under chapter 239B, the promoting independence and self-sufficiency through employment job opportunities and basic skills program, or any other program administered by the department of ~~human services~~.

Sec. 1226. Section 541A.3, Code 2023, is amended to read as follows:

541A.3 Individual development accounts — state savings match and tax provisions.

All of the following state savings match and tax provisions shall apply to an individual development account:

1. a. Payment by the state of a state savings match on amounts of up to two thousand dollars that an account holder deposits in the account holder's account.

b. Moneys transferred to an individual development account from another individual development account and a state savings match received by the account holder in accordance with this section shall not be considered an account holder deposit for purposes of determining a state savings match.

c. Payment of a state savings match either shall be made directly to the account holder or to an operating organization's central reserve account for later distribution to the account holder in the most appropriate manner as determined by the ~~administrator~~ department.

d. Subject to the limitation in paragraph "a", the state savings match shall be equal to one hundred percent of the amount deposited by the account holder. However, the ~~administrator~~ department may limit, reduce, delay, or otherwise revise state savings match payment provisions as necessary to restrict the payments to the funding available.

2. Income earned by an individual development account is not subject to state tax, in accordance with the provisions of section 422.7, subsection 17.

3. Amounts transferred between individual development accounts are not subject to state tax.

4. The ~~administrator~~ department shall coordinate the filing of claims for a state savings match authorized under subsection 1, between account holders and operating organizations. Claims approved by the ~~administrator~~ department may be paid to each account holder, for an aggregate amount for distribution to the holders of the accounts in a particular financial institution, or to an operating organization's central reserve account for later distribution to the account holders depending on the efficiency for issuing the state savings match payments. Claims shall be initially filed with the ~~administrator~~ department on or before a date established by the ~~administrator~~ department. Claims approved by the ~~administrator~~ department shall be paid from the individual development account state savings match fund.

Sec. 1227. Section 541A.5, Code 2023, is amended to read as follows:

541A.5 Rules.

1. The ~~commission on community action agencies created in section 216A.92A~~, in consultation with the department of administrative services, shall adopt administrative rules to administer this chapter.

2. a. The rules adopted by the commission shall include but are not limited to provision for transfer of an individual development account to a different financial institution than originally approved by the ~~administrator~~ department, if the different financial institution has an agreement with the account's operating organization.

b. The rules for determining household income may provide categorical eligibility for prospective account holders who are enrolled in programs with income eligibility restrictions that are equal to or less than the maximum household income allowed for payment of a state match under section 541A.3.

c. Subject to the availability of funding, the commission may adopt rules implementing an individual development account program for refugees. Rules shall identify purposes authorized for withdrawals to meet the special needs of refugee families.

3. The ~~administrator~~ department shall utilize a request for proposals process for selection of operating organizations and approval of financial institutions.

Sec. 1228. Section 541A.6, Code 2023, is amended to read as follows:

541A.6 Compliance with federal requirements.

The commission ~~on community action agencies~~ shall adopt rules for compliance with federal individual development account requirements under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, §103, as codified in 42 U.S.C. §604(h), under the federal Assets for Independence Act, Pub. L. No. 105-285, Tit. IV, or with any other federal individual development account program requirements for drawing federal funding. Any rules adopted under this section shall not apply the federal individual development account program requirements to an operating organization which does not utilize federal funding for the accounts with which it is connected or to an account holder who does not receive temporary assistance for needy families block grant or other federal funding.

Sec. 1229. Section 541A.7, Code 2023, is amended to read as follows:

541A.7 Individual development account state match fund.

1. An individual development account state match fund is created in the state treasury under the authority of the ~~administrator~~ department. Notwithstanding section 8.33, moneys appropriated to the fund shall not revert to any other fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. Moneys available in the fund for a fiscal year are appropriated to the ~~administrator~~ department to be used to provide the state match for account holder deposits in accordance with section 541A.3. At least eighty-five percent of the amount appropriated shall be used for state match payments and the remainder may be used for the administrative costs of the operating organization. Administrative costs include but are not limited to accounting services, curriculum costs for financial education or asset-specific training, and costs for technical assistance contractors.

Sec. 1230. Section 589.26, Code 2023, is amended to read as follows:

589.26 Land transfers by the department of health and human services legalized.

Every deed, release or other instrument in writing purporting to transfer any interest in land held or claimed by the department of health and human services or a predecessor agency, which is signed by a departmental official, and which was filed of record more than ten years earlier, in the office of the auditor or recorder or clerk of the district court of any county is legalized and shall be good and valid in law and in equity as fully as if the record expressly showed that it in all respects complied with and was fully authorized as provided in any statute pertaining to such instrument, any other provision of law to the contrary notwithstanding.

Sec. 1231. Section 595.4, subsection 1, Code 2023, is amended to read as follows:

1. Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar which application either may be mailed to the parties at their request or may be signed by them at the office of the county registrar in the county in which the license is to be issued. The application shall include the social security number of each applicant and shall set forth at least one affidavit of some competent and disinterested person stating the facts as to age and qualification of the parties. Upon the filing of the application for a license to marry, the county registrar shall file the application in a record kept for that purpose and shall take all necessary steps to ensure the confidentiality of the social security number of each applicant. All information included on an application may be provided as mutually agreed upon by the ~~division of records and state registrar of vital statistics and the child support recovery unit~~ services, including by automated exchange.

Sec. 1232. Section 598.7, subsection 1, Code 2023, is amended to read as follows:

1. The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action. Mediation performed under this section shall comply with the provisions of chapter 679C. The provisions of this section shall not apply if the action involves a child support or medical support obligation enforced by ~~the child support recovery unit~~ services. The provisions of this section shall not apply to actions which involve elder abuse pursuant to

chapter 235F or domestic abuse pursuant to chapter 236. The provisions of this section shall not affect a judicial district's or court's authority to order settlement conferences pursuant to rules of civil procedure. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j".

Sec. 1233. Section 598.21B, subsection 1, paragraphs c and d, Code 2023, are amended to read as follows:

c. It is the intent of the general assembly that, to the extent possible within the requirements of federal law, the court and the child support ~~recovery-unit~~ services consider the individual facts of each judgment or case in the application of the guidelines and determine the support obligation accordingly. It is also the intent of the general assembly that in the supreme court's review of the guidelines, the supreme court shall do both of the following:

(1) Emphasize the ability of a court to apply the guidelines in a just and appropriate manner based upon the individual facts of a judgment or case.

(2) In determining monthly child support payments, consider other children for whom either parent is legally responsible for support and other child support obligations actually paid by either party pursuant to a court or administrative order.

d. The guidelines prescribed by the supreme court shall be used by the department of health and human services in determining child support payments under sections 252C.2 and 252C.4. A variation from the guidelines shall not be considered by the department without a record or written finding, based on stated reasons, that the guidelines would be unjust or inappropriate as determined under criteria prescribed by the supreme court.

Sec. 1234. Section 598.21B, subsection 2, paragraph e, Code 2023, is amended to read as follows:

e. *Special circumstances justifying variation from guidelines.* Unless the special circumstances of the case justify a deviation, the court or the child support ~~recovery-unit~~ services shall establish a monthly child support payment in accordance with the guidelines for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

(1) The parent is attending a school or program described as follows or has been identified as one of the following:

(a) The parent is in full-time attendance at an accredited school and is pursuing a course of study leading to a high school diploma.

(b) The parent is attending an instructional program leading to a high school equivalency diploma.

(c) The parent is attending a career and technical education program approved pursuant to chapter 258.

(d) The parent has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 256B.2.

(2) The parent provides proof of compliance with the requirements of subparagraph (1) to the child support ~~recovery-unit~~ services, if the ~~unit~~ child support services is providing services under chapter 252B, or if the ~~unit~~ child support services is not providing services pursuant to chapter 252B, to the court as the court may direct. Failure to provide proof of compliance under this subparagraph or proof of compliance under section 598.21G is grounds for modification of the support order using the uniform child support guidelines and imputing an income to the parent equal to a forty-hour workweek at the state minimum wage, unless the parent's education, experience, or actual earnings justify a higher income.

Sec. 1235. Section 598.21C, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. This basis for modification is applicable to petitions filed on or after July 1, 1992, notwithstanding whether the guidelines prescribed by section 598.21B were used in establishing the current amount of support. Upon application for a modification of an order for child support for which services are being received pursuant to chapter 252B, the court shall set the amount of child support based upon the most current child support guidelines

established pursuant to section 598.21B, including provisions for medical support pursuant to chapter 252E. ~~The child~~ Child support ~~recovery unit services~~ shall, in submitting an application for modification, adjustment, or alteration of an order for support, employ additional criteria and procedures as provided in chapter 252H and as established by rule.

Sec. 1236. Section 598.21C, subsections 3, 5, and 7, Code 2023, are amended to read as follows:

3. *Applicable law.* Unless otherwise provided pursuant to 28 U.S.C. §1738B, a modification of a support order entered under chapter 234, 252A, 252C, 600B, this chapter, or any other support chapter or proceeding between parties to the order is void unless the modification is approved by the court, after proper notice and opportunity to be heard is given to all parties to the order, and entered as an order of the court. If support payments have been assigned to the department of health and human services pursuant to section 234.39, 239B.6, or 252E.11, or if services are being provided pursuant to chapter 252B, the department is a party to the support order. Modifications of orders pertaining to child custody shall be made pursuant to chapter 598B. If the petition for a modification of an order pertaining to child custody asks either for joint custody or that joint custody be modified to an award of sole custody, the modification, if any, shall be made pursuant to section 598.41.

5. *Retroactivity of modification.* Judgments for child support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from three months after the date the notice of the pending petition for modification is served on the opposing party. The three-month limitation applies to a modification action pending on or after July 1, 1997. The prohibition of retroactive modification does not bar the child support ~~recovery unit services~~ from obtaining orders for accrued support for previous time periods. Any retroactive modification which increases the amount of child support or any order for accrued support under this subsection shall include a periodic payment plan. A retroactive modification shall not be regarded as a delinquency unless there are subsequent failures to make payments in accordance with the periodic payment plan.

7. *Modification by child support ~~recovery unit services~~.* Notwithstanding any other provision of law to the contrary, when an application for modification or adjustment of support is submitted by the child support ~~recovery unit services~~, the sole issues which may be considered by the court in that action are the application of the guidelines in establishing the amount of support pursuant to section 598.21B, and provision for medical support under chapter 252E. When an application for a cost-of-living alteration of support is submitted by the child support ~~recovery unit services~~ pursuant to section 252H.24, the sole issue which may be considered by the court in the action is the application of the cost-of-living alteration in establishing the amount of child support. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 1237. Section 598.21G, Code 2023, is amended to read as follows:

598.21G Minor parent — parenting classes.

In any order or judgment entered under this chapter or chapter 234, 252A, 252C, 252F, or 600B, or under any other chapter which provides for temporary or permanent support payments, if the parent ordered to pay support is less than eighteen years of age, one of the following shall apply:

1. If the child support ~~recovery unit services~~ is providing services pursuant to chapter 252B, the court, or the ~~administrator as defined in section 252C.1,~~ department of health and human services shall order the parent ordered to pay support to attend parenting classes which are approved by the department of health and human services.

2. If the child support ~~recovery unit services~~ is not providing services pursuant to chapter 252B, the court may order the parent ordered to pay support to attend parenting classes which are approved by the court.

Sec. 1238. Section 598.22A, subsection 4, Code 2023, is amended to read as follows:

4. Payment of accrued support debt due the department of health and human services shall be credited pursuant to section 252B.3, subsection 5.

Sec. 1239. Section 598.22B, Code 2023, is amended to read as follows:

598.22B Information required in order or judgment.

This section applies to all initial or modified orders for paternity or support entered under this chapter, chapter 234, 252A, 252C, 252F, 252H, 252K, or 600B, or under any other chapter, and any subsequent order to enforce such support orders.

1. All such orders or judgments shall direct each party to file with the clerk of court or ~~the child support recovery unit services~~, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, electronic mail address, telephone number, driver's license number, and name, address, and telephone number of the party's employer. The order shall also include a provision that the information filed will be disclosed and used pursuant to this section. The party shall file the information with the clerk of court, or, if all support payments are to be directed to the collection services center as provided in section 252B.14, subsection 2, and section 252B.16, with ~~the child support recovery unit services~~.

2. All such orders or judgments shall include a statement that in any subsequent child support action initiated by ~~the child support recovery unit services~~ or between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, ~~the unit child support services~~ or the court shall deem due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the clerk of court or ~~unit child support services~~ pursuant to subsection 1.

3. a. Information filed pursuant to subsection 1 shall not be a public record.

b. Information filed with the clerk of court pursuant to subsection 1 shall be available to ~~the child support recovery unit services~~, upon request. Beginning October 1, 1998, information filed with the clerk of court pursuant to subsection 1 shall be provided by the clerk of court to ~~the child support recovery unit services~~ pursuant to section 252B.24.

c. Information filed with the clerk of court shall be available, upon request, to a party unless the party filing the information also files an affidavit alleging the party has reason to believe that release of the information may result in physical or emotional harm to the affiant or child. However, even if an affidavit has been filed, any information provided by the clerk of court to ~~the child support recovery unit services~~ shall be disclosed by ~~the unit child support services~~ as provided in section 252B.9.

d. Information provided to ~~the unit child support services~~ shall only be disclosed as provided in section 252B.9.

Sec. 1240. Section 598.23A, subsection 2, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The contemnor shall keep a record of and provide the following information to the court at the court's request, or to ~~the child support recovery unit established pursuant to chapter 252B services created in section 252B.2~~, at the ~~unit's~~ request of child support services, when ~~the unit child support services~~ is providing enforcement services pursuant to chapter 252B:

Sec. 1241. Section 598.23A, subsection 2, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) The court order under this paragraph shall be vacated only after verification is provided to the court that the contemnor has satisfied all accrued obligations owing and that the contemnor has satisfied all terms established by the court and when the person entitled to receive support payments, or ~~the child support recovery unit services~~ when ~~the unit child support services~~ is providing enforcement services pursuant to chapter 252B, has been provided ten days' notice and an opportunity to object.

Sec. 1242. Section 598.26, subsection 1, Code 2023, is amended to read as follows:

1. Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, its officers, and ~~the child support recovery unit services~~ of the department

of health and human services pursuant to section 252B.9. However, the payment records of a temporary support order maintained by the clerk of the district court are public records and may be released upon request. Payment records shall not include address or location information. No other person shall permit a copy of any of the testimony, or pleading, or the substance of any testimony or pleading, to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

Sec. 1243. Section 598.34, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

Sec. 1244. Section 598.34, subsection 3, Code 2023, is amended to read as follows:

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by the child support ~~recovery unit~~ services pursuant to chapter 252B. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 1245. Section 600.2, Code 2023, is amended to read as follows:

600.2 Definitions.

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~~" Adoption service provider, adult, agency, biological parent, certified adoption investigator, child, court, custodian, department, guardian, guardian ad litem, juvenile court, minor, parent, parent-child relationship, stepparent, and termination of parental rights mean the same as defined in section 600A.2.

2. "Investigator" means a natural person who is certified or 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. 1246. Section 600.7A, Code 2023, is amended to read as follows:

600.7A Adoption services provided by or through the department of ~~human services~~ — selection of adoptive parent criteria.

The department of ~~human services~~ shall adopt rules which provide that if adoption services are provided by or through the department, notwithstanding any other selection of adoptive parent criteria, the overriding criterion shall be a preference for placing a child in a stable home environment as expeditiously as possible.

Sec. 1247. Section 600.8, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. If the person making the investigation does not approve a prospective adoption petitioner under paragraph "a" of this subsection, the person investigated may appeal the disapproval as a contested case to the director of health and human services. Judicial review of any adverse decision by the director may be sought pursuant to chapter 17A.

Sec. 1248. Section 600.16A, subsection 5, Code 2023, is amended to read as follows:

5. Notwithstanding subsection 2, a termination of parental rights order issued pursuant to this chapter, section 600A.9, or any other chapter shall be disclosed to the child support ~~recovery unit~~ services, upon request, without court order.

Sec. 1249. Section 600.16B, Code 2023, is amended to read as follows:

600.16B Fees.

The supreme court shall prescribe and the department of ~~human services~~ shall adopt rules, to defray the actual cost of the provision of information or the opening of records pursuant to section 600.16 or 600.16A.

Sec. 1250. Section 600.17, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~human services~~ shall, within the limits of funds appropriated to the department of ~~human services~~ and any gifts or grants received by the department for this purpose, provide financial assistance to any person who adopts a child with physical or mental disabilities or an older or otherwise hard-to-place child, if the adoptive parent has the capability of providing a suitable home for the child but the need for special services or the costs of maintenance are beyond the economic resources of the adoptive parent.

Sec. 1251. Section 600.17, subsection 3, Code 2023, is amended to read as follows:

3. The department of ~~human services~~ shall make adoption presubsidy and adoption subsidy payments to adoptive parents at the beginning of the month for the current month.

Sec. 1252. Section 600.18, Code 2023, is amended to read as follows:

600.18 Determination of assistance.

1. Any prospective adoptive parent desiring financial assistance shall state this fact in the petition for adoption. The department of ~~human services~~ shall investigate the person petitioning for adoption and the child and shall file with the juvenile court or court a statement of whether the department will provide assistance as provided in section 600.17, this section, and sections 600.19 through 600.22, the estimated amount, extent, and duration of assistance, and any other information the juvenile court or court may order.

2. If the department of ~~human services~~ is unable to determine that an insurance policy will cover the costs of special services, it shall proceed as if no policy existed, for the purpose of determining eligibility to receive assistance. The department shall, to the amount of financial assistance given, be subrogated to the rights of the adoptive parent in the insurance contract.

Sec. 1253. Section 600.22, Code 2023, is amended to read as follows:

600.22 Rules.

The department of ~~human services~~ shall adopt rules in accordance with the provisions of chapter 17A, which are necessary for the administration of sections 600.17 through 600.21 and 600.23.

Sec. 1254. Section 600.23, subsection 1, Code 2023, is amended to read as follows:

1. *Purpose.* The department of ~~human services~~ may enter into interstate agreements with state agencies of other states for the protection of children on behalf of whom adoption subsidy is being provided by the department of ~~human services~~ and to provide procedures for interstate children's adoption assistance payments, including medical payments.

Sec. 1255. Section 600.23, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. The ~~Iowa~~ department of ~~human services~~ may enter into interstate agreements with state agencies of other states for the provision of medical services to adoptive families who participate in the subsidized adoption or adoption assistance program.

b. The ~~Iowa~~ department of ~~human services~~ may develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in this section. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

Sec. 1256. Section 600.23, subsection 4, paragraphs a, b, and c, Code 2023, are amended to read as follows:

a. A child with special needs residing in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance card from this state upon the filing of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Iowa department of ~~human services~~, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

b. The Iowa department of ~~human services~~ shall consider the holder of a medical assistance card pursuant to this section as any other holder of a medical assistance card under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

c. The Iowa department of ~~human services~~ shall provide coverage and benefits for a child who is in another state and who is covered by an adoption subsidy agreement made prior to July 1, 1987, by the Iowa department of ~~human services~~ for the coverage or benefits, if any, not provided by the residence state. The adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed for such expense. However, reimbursement shall not be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Such regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

Sec. 1257. Section 600A.2, subsections 5 and 9, Code 2023, are amended to read as follows:

5. “*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.

9. “*Department*” means the state department of health and human services ~~or its subdivisions~~.

Sec. 1258. Section 600A.4, subsection 2, paragraph d, subparagraph (2), Code 2023, is amended to read as follows:

(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. 1259. Section 600A.8, subsection 8, paragraph a, Code 2023, is amended to read as follows:

a. The parent has been determined to be a person with a substance-related substance use disorder as defined in section 125.2 and the parent has committed a second or subsequent domestic abuse assault pursuant to section 708.2A.

Sec. 1260. Section 600B.38, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child’s caretaker, there is an assignment by

operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker, not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

- a. For family investment program assistance, section 239B.6 shall apply.
- b. For foster care services, section 234.39 shall apply.
- c. For medical assistance, section 252E.11 shall apply.

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by the child support ~~recovery unit~~ services. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 1261. Section 600B.41A, subsection 3, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) If enforcement services are being provided by the child support ~~recovery unit~~ services pursuant to chapter 252B, notice shall also be served on the child support ~~recovery unit~~ services.

Sec. 1262. Section 600B.41A, subsection 11, Code 2023, is amended to read as follows:

11. Participation of the child support ~~recovery unit~~ services created in section 252B.2 in an action brought under this section shall be limited as follows:

a. ~~The unit~~ Child support services shall only participate in actions if services are being provided by the ~~unit~~ child support services pursuant to chapter 252B.

b. When services are being provided by the ~~unit~~ child support services under chapter 252B, the ~~unit~~ child support services may enter an administrative order for blood and genetic tests pursuant to chapter 252F.

c. ~~The unit~~ Child support services is not responsible for or required to provide for or assist in obtaining blood or genetic tests in any case in which services are not being provided by the ~~unit~~ child support services.

d. ~~The unit~~ Child support services is not responsible for the costs of blood or genetic testing conducted pursuant to an action brought under this section.

e. Pursuant to section 252B.7, subsection 4, an attorney employed by the ~~unit~~ child support services represents the state in any action under this section. ~~The unit's~~ Child support services' attorney is not the legal representative of the mother, the established father, or the child in any action brought under this section.

Sec. 1263. Section 600C.1, subsection 3, paragraph c, subparagraph (2), subparagraph division (f), Code 2023, is amended to read as follows:

(f) ~~Drug abuse~~ Substance use disorder.

Sec. 1264. Section 602.4201, subsection 3, paragraph h, Code 2023, is amended to read as follows:

h. Involuntary commitment or treatment of persons with ~~substance-related disorders a~~ substance use disorder.

Sec. 1265. Section 602.6111, subsection 2, Code 2023, is amended to read as follows:

2. Any party, except the child support ~~recovery unit~~ services, filing a petition, complaint, answer, appearance, first motion, or any document with the clerk of the district court to establish or modify an order for child support under chapter 236, 252A, 252K, 598, or 600B shall provide the clerk of the district court with the date of birth and social security number of the child.

Sec. 1266. Section 602.6405, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Magistrates shall forward copies of citations issued for violations of section 453A.2, subsection 2, and of their dispositions to the clerk of the district court. The clerk of the district

court shall maintain records of citations issued and the dispositions of citations, and shall forward a copy of the records to the Iowa department of ~~public health~~ and human services.

Sec. 1267. Section 602.8102, subsections 33, 43, and 47, Code 2023, are amended to read as follows:

33. Furnish to the Iowa department of public health and human services a certified copy of a judgment relating to the suspension or revocation of a professional license.

43. Submit to the director of ~~the division of child and family services of the department of health and human services~~ a duplicate of the findings of the court related to adoptions as provided in section 235.3, subsection 7.

47. Record support payments made pursuant to an order entered under chapter 252A, 252F, 598, or 600B, or under a comparable statute of another state or foreign country as defined in chapter 252K, and through setoff of a state or federal income tax refund or rebate, as if the payments were received and disbursed by the clerk; forward support payments received under section 252A.6 to the department of health and human services and furnish copies of orders and decrees awarding support to parties receiving ~~welfare~~ public assistance as provided in section 252A.13.

Sec. 1268. Section 602.8103, subsection 4, paragraph j, Code 2023, is amended to read as follows:

j. Court reporters' notes and certified transcripts of those notes in mental health hearings under section 229.12 and substance ~~abuse~~ use disorder hearings under section 125.82, ninety days after the respondent has been discharged from involuntary custody.

Sec. 1269. Section 613.17, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A person or entity that owns, manages, or is otherwise responsible for the premises on which an automated external defibrillator is located if the person or entity maintains the automated external defibrillator in a condition for immediate and effective use at all times, subject to standards developed by the department of ~~public health~~ and human services by rule.

Sec. 1270. Section 622.10, subsection 6, paragraph a, Code 2023, is amended to read as follows:

a. The fee charged for the cost of producing the requested records or images shall be based upon the actual cost of production. If the written request and accompanying patient's waiver, if required, authorizes the release of all of the patient's records for the requested time period, including records relating to the patient's mental health, substance ~~abuse~~ use disorder, and acquired immune deficiency syndrome-related conditions, the amount charged shall not exceed the rates established by the workers' compensation commissioner for copies of records in workers' compensation cases. If requested, the provider shall include an affidavit certifying that the records or images produced are true and accurate copies of the originals for an additional fee not to exceed ten dollars.

Sec. 1271. Section 622A.7, Code 2023, is amended to read as follows:

622A.7 Rules.

The supreme court, after consultation with the department of health and human rights services and other appropriate departments, shall adopt rules governing the qualifications and compensation of interpreters or translators appearing in legal proceedings under this chapter. However, an administrative agency which is subject to chapter 17A may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters or translators appearing in proceedings before that agency.

Sec. 1272. Section 622B.1, subsection 2, Code 2023, is amended to read as follows:

2. The supreme court, after consultation with the department of health and human rights services, shall adopt rules governing the qualifications and compensation of sign language interpreters appearing in a legal proceeding or before an administrative agency under this chapter. However, an administrative agency which is subject to chapter 17A may adopt rules

differing from those of the supreme court governing the qualifications and compensation of sign language interpreters appearing in proceedings before that agency.

Sec. 1273. Section 622B.4, Code 2023, is amended to read as follows:

622B.4 List.

The office of deaf services of the department of health and human rights services shall prepare and continually update a listing of qualified and available sign language interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for deaf and hard-of-hearing persons as furnished by the department of health and human rights services. The office of deaf services of the department of health and human services shall maintain a list of sign language interpreters which shall be made available to a court, administrative agency, or interested parties to an action using the services of a sign language interpreter.

Sec. 1274. Section 626.29, Code 2023, is amended to read as follows:

626.29 Distress warrant by director of revenue, director of inspections and appeals, or director of workforce development.

In the service of a distress warrant issued by the director of revenue for the collection of taxes administered by or debts to be collected by the department of revenue, in the service of a distress warrant issued by the director of inspections and appeals for the collection of overpayment debts owed to the department of health and human services, or in the service of a distress warrant issued by the director of the department of workforce development for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Sec. 1275. Section 633.231, Code 2023, is amended to read as follows:

633.231 Notice in intestate estates — medical assistance claims.

1. Upon opening administration of an intestate estate, the administrator shall, in accordance with section 633.410, provide by electronic transmission on a form approved by the department of health and human services to the entity designated by the department of health and human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk or to provide electronic notification to the administrator that the department has no claim within six months from the date of sending this notice, or thereafter be forever barred.

2. The notice shall be in substantially the following form:

In the District Court of Iowa
in and for County.
In the Estate of Probate No.
....., Deceased

NOTICE OF OPENING
ADMINISTRATION OF
ESTATE, OF APPOINTMENT OF
ADMINISTRATOR, AND
NOTICE TO CREDITOR

To the Department of Health and Human Services Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), an intestate estate was opened in the above-named court and that was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is The name of the spouse is The birthdate of the spouse is and the spouse's social security number is, and that the spouse of the deceased is alive as of the date

of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of ...-...-..., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.53, subsection 2, paragraph “a”, subparagraph (1), and is now collectible from this estate pursuant to section 249A.53, subsection 2, paragraph “b”.

Notice is hereby given that if the department of health and human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the administrator with notification stating the department does not have a claim within six months from the date of sending this notice.

Dated this day of (month), (year)

.....
Administrator of the estate
.....
Address

.....
Attorney for the administrator
.....
Address

Sec. 1276. Section 633.304A, Code 2023, is amended to read as follows:

633.304A Notice of probate of will — medical assistance claims.

1. On admission of a will to probate, the executor shall, in accordance with section 633.410, provide by electronic transmission on a form approved by the department of health and human services to the entity designated by the department of health and human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk or to provide electronic notification to the executor that the department has no claim within six months of sending this notice, or thereafter be forever barred.

2. The notice shall be in substantially the following form:

In the District Court of Iowa
in and for County.

Probate No.
In the Estate of
....., Deceased
NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF
EXECUTOR, AND
NOTICE TO CREDITORS

To the Department of Health and Human Services, Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of(month),(year), the last will and testament of, deceased, bearing date of the day of (month), (year) was admitted to probate in the above-named court and that was appointed executor of the estate.

You are further notified that the birthdate of the deceased is and the deceased’s social security number is ...-...-.... The name of the spouse is The birthdate of the spouse

is and the spouse’s social security number is ...-...-..., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of ...-...-..., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.53, subsection 2, paragraph “a”, subparagraph (1), and is now collectible from this estate pursuant to section 249A.53, subsection 2, paragraph “b”.

Notice is hereby given that if the department of health and human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the executor with notification that the department does not have a claim within six months from the date of sending this notice.

Dated this day of (month), (year)

.....
Executor of estate

.....
Address

.....
Attorney for executor

.....
Address

Sec. 1277. Section 633.336, Code 2023, is amended to read as follows:

633.336 Damages for wrongful death.

When a wrongful act produces death, damages recovered as a result of the wrongful act shall be disposed of as personal property belonging to the estate of the deceased; however, if the damages include damages for loss of services and support of a deceased spouse, parent, or child, the damages shall be apportioned by the court among the surviving spouse, children, and parents of the decedent in a manner as the court may deem equitable consistent with the loss of services and support sustained by the surviving spouse, children, and parents respectively. Any recovery by a parent for the death of a child shall be subordinate to the recovery, if any, of the spouse or a child of the decedent. If the decedent leaves a spouse, child, or parent, damages for wrongful death shall not be subject to debts and charges of the decedent’s estate, except for amounts to be paid to the department of health and human services for payments made for medical assistance pursuant to chapter 249A, paid on behalf of the decedent from the time of the injury which gives rise to the decedent’s death up until the date of the decedent’s death.

Sec. 1278. Section 633.356, subsection 3, paragraph a, subparagraph (9), Code 2023, is amended to read as follows:

(9) That no debt is owed to the department of health and human services for reimbursement of Medicaid benefits; or if debt is owed, that the debt will be paid to the extent of funds received pursuant to the affidavit.

Sec. 1279. Section 633.356, subsection 8, paragraph b, Code 2023, is amended to read as follows:

b. When the department of health and human services is entitled to money or property of a decedent pursuant to section 249A.53, subsection 2, and no affidavit has been presented

by a successor as defined in subsection 2, paragraph “a” or “b”, within ninety days of the date of the decedent’s death, the funds in the account or other property, up to the amount of the claim of the department, shall be paid to the department upon presentation by the department or an entity designated by the department of an affidavit to the holder of the decedent’s property. Such affidavit shall include the information specified in subsection 3, except that the department may submit proof of payment of funeral expenses as verification of the decedent’s death instead of a certified copy of the decedent’s death certificate. The amount of the department’s claim shall also be included in the affidavit, which shall entitle the department to receive the funds as a successor. The department shall issue a refund within sixty days to any claimant with a superior priority pursuant to section 633.425, if notice of such claim is given to the department, or to the entity designated by the department to receive notice, within one year of the department’s receipt of funds. This paragraph shall apply to funds or property of the decedent transferred to the custody of the treasurer of state as unclaimed property pursuant to chapter 556.

Sec. 1280. Section 633.410, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding subsection 1, claims for debts created under section 249A.53, subsection 2, relating to the recovery of medical assistance payments shall be barred under this section unless filed with the clerk within six months after sending notice by electronic transmission, on the form prescribed in section 633.231 for intestate estates or on the form prescribed in section 633.304A for testate estates, to the entity designated by the department of health and human services to receive notice.

Sec. 1281. Section 633.564, subsection 3, Code 2023, is amended to read as follows:

3. The judicial branch, in conjunction with the department of public safety, the department of health and human services, and the state chief information officer, shall establish procedures for electronic access to the single contact repository established pursuant to section 135C.33 necessary to conduct background checks requested under subsection 1.

Sec. 1282. Section 633.641, subsection 4, Code 2023, is amended to read as follows:

4. The conservator shall report to the department of health and human services the protected person’s assets and income, if the protected person is receiving medical assistance under chapter 249A. Such reports shall be made upon establishment of a conservatorship for an individual applying for or receiving medical assistance, upon application for benefits on behalf of the protected person, upon annual or semiannual review of continued medical assistance eligibility, when any significant change in the protected person’s assets or income occurs, or as otherwise requested by the department of health and human services. Written reports shall be provided to the department of health and human services office for the county in which the protected person resides or the office in which the protected person’s medical assistance is administered.

Sec. 1283. Section 633B.120, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. The person makes, or has actual knowledge that another person has made, a report to the department of health and human services stating a good-faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

Sec. 1284. Section 633C.1, Code 2023, is amended to read as follows:

633C.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. “*Available monthly income*” means in reference to a medical assistance income trust beneficiary, any income received directly by the beneficiary, not from the trust, that counts as income in determining eligibility for medical assistance and any amounts paid to or otherwise made available to the beneficiary by the trustee pursuant to section 633C.3, subsection 1, paragraph “b”, or section 633C.3, subsection 2, paragraph “b”.

2. “*Beneficiary*” means the original beneficiary of a medical assistance special needs trust or medical assistance income trust, whose assets funded the trust.

3. *“Department”* means the department of health and human services.

~~3.~~ 4. *“Institutionalized individual”* means an individual receiving nursing facility services, a level of care in any institution equivalent to nursing facility services, or home and community-based services under the medical assistance home and community-based services waiver program.

4. ~~5.~~ *“Maximum monthly medical assistance payment rate for services in an intermediate care facility for persons with an intellectual disability”* means the allowable rate established by the department of ~~human services~~ and as published in the Iowa administrative bulletin.

5. ~~6.~~ *“Medical assistance”* means medical assistance as defined in section 249A.2.

6. ~~7.~~ *“Medical assistance income trust”* means a trust or similar legal instrument or device that meets the criteria of 42 U.S.C. §1396p(d)(4)(B)(i)-(ii).

7. ~~8.~~ *“Medical assistance special needs trust”* means a trust or similar legal instrument or device that meets the criteria of 42 U.S.C. §1396p(d)(4)(A) or (C).

8. ~~9.~~ *“Statewide average charge for state mental health institute care”* means the statewide average charge for such care as calculated by the department of ~~human services~~ and as published in the Iowa administrative bulletin.

9. ~~10.~~ *“Statewide average charge for nursing facility services”* means the statewide average charge for such care, excluding charges by Medicare-certified, skilled nursing facilities, as calculated by the department of ~~human services~~ and as published in the Iowa administrative bulletin.

~~10.~~ 11. *“Statewide average charge to private-pay patients for psychiatric medical institutions for children care”* means the statewide average charge for such care as calculated by the department of ~~human services~~ and as published in the Iowa administrative bulletin.

~~11.~~ 12. *“Total monthly income”* means in reference to a medical assistance income trust beneficiary, income received directly by the beneficiary, not from the trust, that counts as income in determining eligibility for medical assistance, income of the beneficiary received by the trust that would otherwise count as income in determining the beneficiary’s eligibility for medical assistance, and income or earnings of the trust received by the trust.

Sec. 1285. Section 633C.5, Code 2023, is amended to read as follows:

633C.5 Cooperation.

1. The department of ~~human services~~ shall cooperate with the trustee of a medical assistance special needs trust or a medical assistance income trust in determining the appropriate disposition of the trust under sections 633C.2 and 633C.3.

2. The trustee of a medical assistance special needs trust or medical assistance income trust shall cooperate with the department of ~~human services~~ in supplying information regarding a trust established under this chapter.

Sec. 1286. Section 642.2, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding subsections 2, 3, 6, and 7, any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to chapter 556, and payments owed to the child support obligor through the Iowa public employees’ retirement system are subject to garnishment, attachment, execution, or assignment by ~~the child support recovery unit services~~ if the child support recovery unit services is providing enforcement services pursuant to chapter 252B. Any moneys that are determined payable by the treasurer pursuant to section 556.20, subsection 2, to the child support obligor shall be subject to setoff pursuant to section 8A.504, notwithstanding any administrative rule pertaining to ~~the child support recovery unit services~~ limiting the amount of the offset.

Sec. 1287. Section 669.2, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. *“Employee of the state”* includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians,

osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of health and human services or the Iowa department of corrections, and employees of the department of veterans affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, and persons supervising those inmates under and according to the terms of the chapter 28E agreement, are to be considered employees of the state. Members of the Iowa national guard performing duties in a requesting state pursuant to section 29C.21 are to be considered employees of the state solely for the purpose of claims arising out of those duties in the event that the requesting state's tort claims coverage does not extend to such members of the Iowa national guard or is less than that provided under Iowa law.

Sec. 1288. Section 674.3, Code 2023, is amended to read as follows:

674.3 Petition copy.

A copy of the petition shall be filed by the clerk of court with the ~~division for records and state registrar of vital statistics~~ of the Iowa department of public health and human services.

Sec. 1289. Section 674.7, Code 2023, is amended to read as follows:

674.7 Copy to Iowa department of public health and human services.

When the court grants a decree of change of name, the clerk of the court shall furnish the petitioner with a certified copy of the decree and mail an abstract of a decree requiring a name change to be reflected on a birth certificate to the state registrar of vital statistics of the Iowa department of public health and human services on a form provided by the state registrar.

Sec. 1290. Section 686D.2, subsection 11, paragraph e, Code 2023, is amended to read as follows:

e. Any state agency, including the department of public health and human services.

Sec. 1291. Section 691.5, Code 2023, is amended to read as follows:

691.5 State medical examiner.

The office and position of state medical examiner is established for administrative purposes within the Iowa department of public health and human services. Other state agencies shall cooperate with the state medical examiner in the use of state-owned facilities when appropriate for the performance of nonadministrative duties of the state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon, be licensed to practice medicine in the state of Iowa, and be board certified or eligible to be board certified in anatomic and forensic pathology by the American board of pathology. The state medical examiner shall be appointed by and serve at the pleasure of the director of public health and human services upon the advice of and in consultation with the director of public safety and the governor. The state medical examiner, in consultation with the director of public health and human services, shall be responsible for developing and administering the medical examiner's budget and for employment of medical examiner staff and assistants. The state medical examiner may be a faculty member of the university of Iowa college of medicine or the college of law at the university of Iowa, and any of the examiner's assistants or staff may be members of the faculty or staff of the university of Iowa college of medicine or the college of law at the university of Iowa.

Sec. 1292. Section 691.6, subsection 3, Code 2023, is amended to read as follows:

3. To adopt rules pursuant to chapter 17A and subject to the approval of the director of public health and human services.

Sec. 1293. Section 691.6, subsection 10, Code 2023, is amended by striking the subsection.

Sec. 1294. Section 691.6A, Code 2023, is amended to read as follows:

691.6A Deputy state medical examiner — creation and duties.

The position of deputy state medical examiner is created within the office of the state medical examiner. The deputy state medical examiner shall report to and be responsible to the state medical examiner. The deputy state medical examiner shall meet the qualification criteria established in section 691.5 for the state medical examiner and shall be subject to rules adopted by the state medical examiner as provided in section 691.6, subsection 3. The state medical examiner and the deputy state medical examiner shall function as a team, providing peer review as necessary, fulfilling each other's job responsibilities during times of absence, and working jointly to provide services and education to county medical examiners, law enforcement officials, hospital pathologists, and other individuals and entities. The deputy medical examiner may be, but is not required to be, a full-time salaried faculty member of the department of pathology of the university of Iowa college of medicine. If the medical examiner is a full-time salaried faculty member of the department of pathology of the university of Iowa college of medicine, the Iowa department of ~~public health and human services~~ and the state board of regents shall enter into a chapter 28E agreement to define the activities and functions of the deputy medical examiner, and to allocate deputy medical examiner costs, consistent with the requirements of this section.

Sec. 1295. Section 691.6B, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Advise the state medical examiner concerning the assurance of effective coordination of the functions and operations of the office of the state medical examiner with the needs and interests of the departments of public safety and ~~public health and human services~~.

Sec. 1296. Section 691.6B, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The director of ~~public health and human services~~ or the director's designee.

Sec. 1297. Section 691.7, Code 2023, is amended to read as follows:

691.7 Commissioner to accept federal or private grants.

The commissioner of public safety may accept federal or private funds or grants to aid in the establishment or operation of the state criminalistics laboratory, and the director of ~~public health and human services~~ or the state board of regents may accept federal or private funds or grants to aid in the establishment or operation of the position of state medical examiner.

Sec. 1298. Section 692.15, subsection 1, Code 2023, is amended to read as follows:

1. If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense or delinquent act has been committed in its jurisdiction, the law enforcement agency shall report information concerning the public offense or delinquent act to the department on a form to be furnished by the department not more than thirty-five days from the time the public offense or delinquent act first comes to the attention of the law enforcement agency. The reports shall be used to generate crime statistics. The department shall submit statistics to the governor, the general assembly, and the ~~division of subunit of the department of health and human services responsible for criminal and juvenile justice planning of the department of human rights~~ on a quarterly and yearly basis.

Sec. 1299. Section 707.6A, subsection 1D, Code 2023, is amended to read as follows:

1D. Where the program is available and appropriate for the defendant, the court shall also order the defendant to participate in a reality education substance ~~abuse~~ use disorder prevention program as provided in section 321J.24.

Sec. 1300. Section 708.3A, subsections 1, 2, 3, and 4, Code 2023, are amended to read as follows:

1. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian

employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter and with the intent to inflict a serious injury upon the peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, is guilty of a class “D” felony.

2. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class “D” felony.

3. A person who commits an assault, as defined in section 708.1, against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, and who causes bodily injury or mental illness, is guilty of an aggravated misdemeanor.

4. Any other assault, as defined in section 708.1, committed against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of the department of health and human services, employee of the department of revenue, national guard member engaged in national guard duty or state active duty, civilian employee of a law enforcement agency, civilian employee of a fire department, or fire fighter, is a serious misdemeanor.

Sec. 1301. Section 708.3A, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. “*Employee of the department of health and human services*” means a person who is an employee of an institution controlled by the director of health and human services that is listed in section 218.1, or who is an employee of the civil commitment unit for sex offenders operated by the department of health and human services. A person who commits an assault under this section against an employee of the department of health and human services at a department of health and human services institution or unit is presumed to know that the

person against whom the assault is committed is an employee of the department of health and human services.

Sec. 1302. Section 709.16, subsection 2, paragraph b, subparagraphs (2) and (5), Code 2023, are amended to read as follows:

(2) Institutions controlled by the department of health and human services listed in section 218.1.

(5) Facilities for the treatment of persons with ~~substance-related disorders~~ a substance use disorder as defined in section 125.2.

Sec. 1303. Section 710.8, subsection 3, Code 2023, is amended to read as follows:

3. A person shall not harbor a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian. However, the provisions of this subsection do not apply to a shelter care home which is licensed or approved by the department of health and human services.

Sec. 1304. Section 714G.8, subsection 5, Code 2023, is amended to read as follows:

5. The department of health and human services or its agents or assignees acting to investigate fraud under the medical assistance program.

Sec. 1305. Section 715A.11, subsection 5, Code 2023, is amended to read as follows:

5. A person who violates this section is guilty of a simple misdemeanor for a first offense and a serious misdemeanor for each subsequent offense. The court may require a substance ~~abuse~~ use disorder evaluation and treatment through a program licensed by the ~~Iowa~~ department of public health and human services in lieu of or in addition to other penalties. Any substance ~~abuse~~ use disorder evaluation required under this subsection shall be completed at the expense of the defendant.

Sec. 1306. Section 724.31, subsection 2, Code 2023, is amended to read as follows:

2. A person who is subject to the disabilities imposed by 18 U.S.C. §922(d)(4) and (g)(4) because of an order or judgment that occurred under the laws of this state may petition the court that issued the order or judgment or the court in the county where the person resides for relief from the disabilities imposed under 18 U.S.C. §922(d)(4) and (g)(4). A copy of the petition shall also be served on the director of health and human services and the county attorney at the county attorney's office of the county in which the original order occurred, and the director or the county attorney may appear, support, object to, and present evidence relevant to the relief sought by the petitioner.

Sec. 1307. Section 725.1, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If the person who sells or offers for sale the person's services as a partner in a sex act is under the age of eighteen, the county attorney may elect, in lieu of filing a petition alleging that the person has committed a delinquent act, to refer that person to the department of health and human services for the possible filing of a petition alleging that the person is a child in need of assistance.

Sec. 1308. Section 730.5, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. "Medical review officer" means a licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by an employer's drug or alcohol testing program, and who has knowledge of substance ~~abuse~~ use disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant biomedical information.

Sec. 1309. Section 730.5, subsection 3, Code 2023, is amended to read as follows:

3. *Testing optional.* This section does not require or create a legal duty on an employer to conduct drug or alcohol testing and the requirements of this section shall not be construed to encourage, discourage, restrict, limit, prohibit, or require such testing. In addition, an employer may implement and require drug or alcohol testing at some but not all of the work sites of the employer and the requirements of this section shall only apply to the employer and employees who are at the work sites where drug or alcohol testing pursuant to this section has been implemented. A cause of action shall not arise in favor of any person against an employer or agent of an employer based on the failure of the employer to establish a program or policy on ~~substance abuse~~ substance use disorder prevention or to implement any component of testing as permitted by this section.

Sec. 1310. Section 730.5, subsection 7, paragraph f, Code 2023, is amended to read as follows:

f. All confirmatory drug testing shall be conducted at a laboratory certified by the United States department of health and human services' substance abuse and mental health services administration or approved under rules adopted by the ~~Iowa~~ department of ~~public health and~~ human services.

Sec. 1311. Section 730.5, subsection 9, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) If an employer does not have an employee assistance program, the employer must maintain a resource file of alcohol and other ~~drug-abuse~~ substance use disorder programs certified by the ~~Iowa~~ department of ~~public health and~~ human services, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems. The employer shall provide all employees information about the existence of the resource file and a summary of the information contained within the resource file. The summary should contain, but need not be limited to, all information necessary to access the services listed in the resource file.

Sec. 1312. Section 730.5, subsection 9, paragraph g, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer pursuant to this section, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the preceding eighteen months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the employer's substance ~~abuse~~ use disorder prevention policy pursuant to this section, the written policy shall provide for the rehabilitation of the employee pursuant to subsection 10, paragraph "a", subparagraph (1), and the apportionment of the costs of rehabilitation as provided by this paragraph "g".

Sec. 1313. Section 730.5, subsection 9, paragraph h, Code 2023, is amended to read as follows:

h. In order to conduct drug or alcohol testing under this section, an employer shall require supervisory personnel of the employer involved with drug or alcohol testing under this section to attend a minimum of two hours of initial training and to attend, on an annual basis thereafter, a minimum of one hour of subsequent training. The training shall include, but is not limited to, information concerning the recognition of evidence of employee alcohol and other ~~drug-abuse~~ substance use disorder, the documentation and corroboration of employee alcohol and other ~~drug-abuse~~ substance use disorder, and the referral of employees ~~who abuse alcohol or other drugs with a substance use disorder~~ to the employee assistance program or to the resource file maintained by the employer pursuant to paragraph "c", subparagraph (2).

Sec. 1314. Section 730.5, subsection 11, paragraph d, Code 2023, is amended to read as follows:

d. Termination or suspension of any substance ~~abuse~~ use disorder prevention or testing program or policy.

Sec. 1315. Section 730.5, subsection 12, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) The employer discloses the test results to a person other than the employer, an authorized employee, agent, or representative of the employer, the tested employee or the tested applicant for employment, an authorized substance ~~abuse~~ use disorder treatment program or employee assistance program, or an authorized agent or representative of the tested employee or applicant.

Sec. 1316. Section 730.5, subsection 13, paragraph d, subparagraph (1), subparagraph division (e), Code 2023, is amended to read as follows:

(e) To a substance ~~abuse~~ use disorder evaluation or treatment facility or professional for the purpose of evaluation or treatment of the employee.

Sec. 1317. Section 730.5, subsection 16, Code 2023, is amended to read as follows:

16. *Reports.* A laboratory doing business for an employer who conducts drug or alcohol tests pursuant to this section shall file an annual report with the Iowa department of public health and human services by March 1 of each year concerning the number of drug or alcohol tests conducted on employees who work in this state pursuant to this section, and the number of positive and negative results of the tests, during the previous calendar year. In addition, the laboratory shall include in its annual report the specific basis for each test as authorized in subsection 8, the type of drug or drugs which were found in the positive drug tests, and all significant available demographic factors relating to the positive test pool.

Sec. 1318. Section 804.31, subsection 1, Code 2023, is amended to read as follows:

1. When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is deaf or hard-of-hearing, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a deaf or hard-of-hearing person as defined in section 622B.1. If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court under section 622B.1 unless the deaf or hard-of-hearing person knowingly, voluntarily, and intelligently waives the right to an interpreter in writing by executing a form prescribed by the department of health and human ~~rights~~ services and the Iowa county attorneys association. The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the deaf or hard-of-hearing person.

Sec. 1319. Section 811.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance ~~abuse~~ use disorder evaluation and follow any recommendations proposed in the evaluation for appropriate substance ~~abuse~~ use disorder treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance ~~abuse~~ use disorder evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 1320. Section 812.6, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A defendant who does not pose a danger to the public peace or safety, but is otherwise being held in custody, or who refuses to cooperate with treatment, shall be committed to the custody of the director of health and human services at a department of health and human services facility for treatment designed to restore the defendant to competency. The costs of the treatment pursuant to this paragraph shall be borne by the department of health and human services.

Sec. 1321. Section 901.3, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. Whether the defendant has a history of mental health issues or a substance abuse problems use disorder. If so, the investigator shall inquire into the treatment options available in both the community of the defendant and the correctional system.

Sec. 1322. Section 901.3, subsection 2, Code 2023, is amended to read as follows:

2. All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. The originating source of specific mental health or substance ~~abuse use disorder~~ information including the histories, treatment, and use of medications shall not be released to the presentence investigator unless the defendant authorizes the release of such information. If the defendant refuses to release the information, the presentence investigator may note the defendant's refusal to release mental health or substance ~~abuse use disorder~~ information in the presentence investigation report and rely upon other mental health or substance ~~abuse use disorder~~ information available to the presentence investigator. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to an inpatient or outpatient psychiatric facility for an evaluation of the defendant's personality and mental health. The results of any such examination or evaluation shall be included in the report of the investigator.

Sec. 1323. Section 901.4, Code 2023, is amended to read as follows:

901.4 Presentence investigation report confidential — access.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The defendant's attorney and the attorney for the state shall have access to the presentence investigation report at least three days prior to the date set for sentencing. The defendant's appellate attorney and the appellate attorney for the state shall have access to the presentence investigation report upon request and without the necessity of a court order. The report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, an employee of the department, if authorized by the director of the department, an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services, and an employee of the board of parole, if authorized by the chairperson or a member of the board of parole, shall have access to the presentence investigation report. Pursuant to section 904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance ~~abuse use disorder~~ or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Sec. 1324. Section 901.4A, Code 2023, is amended to read as follows:

901.4A Substance ~~abuse~~ use disorder evaluation.

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, the court may order the defendant to submit to and complete a substance ~~abuse~~ use disorder evaluation, if the court determines that there is reason to believe that the defendant regularly ~~abuses~~ uses alcohol or other controlled substances and may be in need of treatment. An order made pursuant to this section may be made in addition to any other sentence or order of the court.

Sec. 1325. Section 901.5, subsection 8, Code 2023, is amended to read as follows:

8. The court may order the defendant to complete any treatment indicated by a substance ~~abuse~~ use disorder evaluation ordered pursuant to section 901.4A or any other section.

Sec. 1326. Section 901B.1, subsection 1, paragraph c, subparagraph (5), Code 2023, is amended to read as follows:

(5) A substance ~~abuse~~ use disorder treatment facility as established and operated by the Iowa department of ~~public health and human services~~ or the department of corrections.

Sec. 1327. Section 901B.1, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the ~~division of subunit of the department of health and human services responsible for criminal and juvenile justice planning of the department of human rights~~.

Sec. 1328. Section 904.108, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for offenders with an intellectual disability. For the purposes of this paragraph, "*habilitative services and treatment*" means medical, mental health, social, educational, counseling, and other services which will assist a person with an intellectual disability to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are persons with an intellectual disability, as defined in section 4.1. Identification shall be made by a qualified professional in the area of intellectual disability. In assigning an offender with an intellectual disability, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of ~~health and human services~~ in providing habilitative services and treatment to offenders with mental illness or an intellectual disability. The director may enter into agreements with the department of ~~health and human services~~ to utilize mental health institutions and share staff and resources for purposes of providing habilitative services and treatment, as well as providing other special needs programming. Any agreement to utilize mental health institutions and to share staff and resources shall provide that the costs of the habilitative services and treatment shall be paid from state funds. Not later than twenty days prior to entering into any agreement to utilize mental health institution staff and resources, other than the use of a building or facility, for purposes of providing habilitative services and treatment, as well as other special needs programming, the directors of the departments of corrections and ~~health and human services~~ shall each notify the chairpersons and ranking members of the joint appropriations subcommittees that last handled the appropriation for their respective departments of the pending agreement. Use of a building or facility shall require approval of the general assembly if the general assembly is in session or, if the general assembly is not in session, the legislative council may grant temporary authority, which shall be subject to final approval of the general assembly during the next succeeding legislative session.

Sec. 1329. Section 904.108, subsection 5, Code 2023, is amended to read as follows:

5. The director may obtain assistance for the department for construction, facility planning, and project accomplishment with the department of administrative services and by contracting under chapter 28E for data processing with the department of health and human services or the department of administrative services.

Sec. 1330. Section 904.201, subsection 3, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) Residents transferred from an institution under the jurisdiction of the department of health and human services or the Iowa department of corrections.

Sec. 1331. Section 904.302, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director may appoint a farm operations administrator for institutions under the control of the departments of corrections and health and human services. If appointed, the farm operations administrator, subject to the direction of the director shall do all of the following:

Sec. 1332. Section 904.302, subsections 1, 3, and 8, Code 2023, are amended to read as follows:

1. Manage and supervise all farming and nursery operations at institutions, farms and gardens of the departments of corrections and health and human services.

3. Develop an annual operations plan for crop and livestock production and utilization that will provide work experience and contribute to developing vocational skills of the institutions' inmates and residents. The department of health and human services must approve the parts of the plan that affect farm operations on property of institutions having programs of the department of health and human services.

8. Pay property taxes levied against land leased by the department of corrections or department of health and human services as provided in section 427.1, subsection 1.

Sec. 1333. Section 904.503, Code 2023, is amended to read as follows:

904.503 Transfers — persons with mental illness.

1. a. The director may transfer at the expense of the department an inmate of one institution to another institution under the director's control if the director is satisfied that the transfer is in the best interests of the institutions or inmates.

b. The director may transfer at the expense of the department an inmate under the director's jurisdiction from any institution supervised by the director to another institution under the control of ~~an administrator of a division of the department~~ director of health and human services with the consent and approval of the ~~administrator~~ director of health and human services and may transfer an inmate to any other institution for mental or physical examination or treatment retaining jurisdiction over the inmate when so transferred.

c. If the juvenile court waives its jurisdiction over a child over thirteen and under eighteen years of age pursuant to section 232.45 so that the child may be prosecuted as an adult and if the child is convicted of a public offense in the district court and committed to the custody of the director under section 901.7, the director may request transfer of the child to the state training school under this section. If the ~~administrator of a division of the department~~ director of health and human services consents and approves the transfer, the child may be retained in temporary custody by the state training school until attaining the age of eighteen, at which time the child shall be returned to the custody of the director of the department of corrections to serve the remainder of the sentence imposed by the district court. If the child becomes a security risk or becomes a danger to other residents of the state training school at any time before reaching eighteen years of age, the ~~administrator of the division of the department~~ director of health and human services may immediately return the child to the custody of the director of the department of corrections to serve the remainder of the sentence.

2. When the director has cause to believe that an inmate in a state correctional institution is mentally ill, the Iowa department of corrections may cause the inmate to be transferred to the Iowa medical and classification center, or to another appropriate facility within the department, for examination, diagnosis, or treatment. The inmate shall be confined at that center or facility or a state ~~hospital for persons with mental illness~~ health institute until

the expiration of the inmate's sentence or until the inmate is pronounced in good mental health. If the inmate is pronounced in good mental health before the expiration of the inmate's sentence, the inmate shall be returned to the state correctional institution until the expiration of the inmate's sentence.

3. When the director has reason to believe that a prisoner in a state correctional institution, whose sentence has expired, is mentally ill, the director shall cause examination to be made of the prisoner by competent physicians who shall certify to the director whether the prisoner is in good mental health or mentally ill. The director may make further investigation and if satisfied that the prisoner is mentally ill, the director may cause the prisoner to be transferred to one of the hospitals for persons with mental illness, or may order the prisoner to be confined in the Iowa medical and classification center.

Sec. 1334. Section 904.513, subsection 1, paragraph b, subparagraphs (2) and (3), Code 2023, are amended to read as follows:

(2) Offenders convicted of violating chapter 321J, sentenced to the custody of the director, and awaiting placement in a community residential substance ~~abuse~~ use disorder treatment program for such offenders shall be placed in an institutional substance ~~abuse~~ use disorder program for such offenders within sixty days of admission to the institution or as soon as practical. When placing offenders convicted of violating chapter 321J in community residential substance ~~abuse~~ use disorder treatment programs for such offenders, the department shall give priority as appropriate to the placement of those offenders currently in institutional substance ~~abuse~~ use disorder programs for such offenders. The department shall work with each judicial district to enable such offenders to enter community residential substance ~~abuse~~ use disorder treatment programs at a level comparable to their prior institutional program participation.

(3) Assignment shall be for the purposes of risk management and substance ~~abuse~~ use disorder treatment and may include education or work programs when the offender is not participating in other program components.

Sec. 1335. Section 904.513, subsection 3, Code 2023, is amended to read as follows:

3. The department shall adopt rules for the implementation of this section. The rules shall include the requirement that the treatment programs established pursuant to this chapter meet the licensure standards of the department of ~~public health and human services~~ under chapter 125. The rules shall also include provisions for the funding of the program by means of self-contribution by the offenders, insurance reimbursement on behalf of offenders, or other forms of funding, program structure, criteria for the evaluation of offenders and programs, and all other issues the director shall deem appropriate.

Sec. 1336. Section 904.514, subsection 1, Code 2023, is amended to read as follows:

1. A person committed to an institution under the control of the department who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by the staff physician of the institution. The specimen taken shall be sent to the state hygienic laboratory ~~at the state university at Iowa City~~ or some other laboratory approved by the Iowa department of ~~public health and human services~~. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, application may be made by the superintendent of the institution to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the superintendent of the institution.

Sec. 1337. Section 904.706, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. As used in this section, "*department*" means the Iowa department of corrections and the Iowa department of health and human services.

4. The farm operations administrator appointed under section 904.302 shall perform the functions described under section 904.302 for agricultural operations on property of the Iowa department of health and human services.

5. The Iowa department of health and human services shall enter into an agreement under chapter 28D with the Iowa department of corrections to implement this section.

Sec. 1338. Section 904.809, subsection 5, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) An amount which the inmate may be legally obligated to pay for the support of the inmate's dependents, which shall be paid through the department of health and human services collection services center, and which shall include an amount for delinquent child support not to exceed fifty percent of net earnings.

Sec. 1339. Section 904.905, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of health and human services office or unit serving the county or city in which the dependents reside.

Sec. 1340. Section 905.12, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of health and human services office or unit serving the county in which the dependents reside. For the purpose of this paragraph, "legally obligated" means under a court order.

Sec. 1341. Section 905.15, subsection 2, Code 2023, is amended to read as follows:

2. A person under supervision of a district department, who assaults another person as defined in section 708.1, by biting, casting bodily fluids, or acting in a manner that results in the exchange of bodily fluids, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by a physician. The specimen taken shall be sent to the state hygienic laboratory ~~at the state university at Iowa City~~ or some other laboratory approved by the department of ~~public health and~~ human services. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, application may be made by the director to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the director.

Sec. 1342. Section 907.5, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The defendant's mental health and substance ~~abuse~~ use disorder history and treatment options available in the community and the correctional system.

Sec. 1343. Section 915.29, Code 2023, is amended to read as follows:

915.29 Notification of victim of juvenile by department of health and human services.

1. The department of health and human services shall notify a registered victim regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of health and human services, and placed at the state training school, of the following:

a. The date on which the juvenile is expected to be temporarily released from the custody of the department of health and human services, and whether the juvenile is expected to return to the community where the registered victim resides.

b. The juvenile's escape from custody.

c. The recommendation by the department to consider the juvenile for release or placement.

d. The date on which the juvenile is expected to be released from a facility pursuant to a plan of placement.

2. The notification required pursuant to this section may occur through the automated victim notification system referred to in section 915.10A to the extent such information is available for dissemination through the system.

Sec. 1344. Section 915.35, subsection 4, Code 2023, is amended to read as follows:

4. a. A child protection assistance team involving the county attorney, law enforcement personnel, and personnel of the department of health and human services shall be established for each county by the county attorney. However, by mutual agreement, two or more county attorneys may establish a single child protection assistance team to cover a multicounty area. A child protection assistance team, to the greatest extent possible, may be consulted in cases involving a forcible felony against a child who is less than age fourteen in which the suspected offender is the person responsible for the care of a child, as defined in section 232.68. A child protection assistance team may also be utilized in cases involving a violation of chapter 709 or 726 or other crime committed upon a victim as defined in subsection 1.

b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of health and human services for child abuse ~~investigations~~ assessments. A child protection assistance team may work cooperatively with the early childhood Iowa area board established under chapter 256I. The child protection assistance team shall work with the department of health and human services in accordance with section 232.71B, subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse assessments and for law enforcement agencies working jointly with the department at the local level in processes for child abuse assessments. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.

Sec. 1345. Section 915.37, subsection 2, Code 2023, is amended to read as follows:

2. References in this section to a guardian ad litem shall be interpreted to include references to a court appointed special advocate as defined in section 232.2, ~~subsection 10.~~

Sec. 1346. Section 915.40, subsection 5, Code 2023, is amended to read as follows:

5. “*Department*” means the Iowa department of public health and human services.

Sec. 1347. Section 915.45, subsection 1, Code 2023, is amended to read as follows:

1. In addition to any other information required to be released under chapter 229A, prior to the discharge of a person committed under chapter 229A, the director of health and human services shall give written notice of the person’s discharge to any living victim of the person’s activities or crime whose address is known to the director or, if the victim is deceased, to the victim’s family, if the family’s address is known. Failure to notify shall not be a reason for postponement of discharge. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee’s employment as a result of the failure to notify pursuant to this action.

Sec. 1348. Section 915.46, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The sexual assault forensic examiner program shall provide didactic and clinical training opportunities consistent with the sexual assault forensic examiner education guidelines established by the international association of forensic nurses, in collaboration with the Iowa department of public health and human services and the Iowa coalition against sexual assault, in sufficient numbers and geographical locations across the state to assist treatment facilities with training sexual assault examiners and sexual assault nurse examiners.

Sec. 1349. Section 915.46, subsections 5 and 6, Code 2023, are amended to read as follows:

5. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health and human services, and the Iowa coalition against sexual assault, shall create uniform materials that all treatment facilities and federally qualified health centers are required to provide to patients and non-offending parents or legal guardians, if applicable, regarding medical forensic examination procedures, laws regarding consent relating to medical forensic services, and the benefits and risks of evidence collection, including recommended time frames for evidence collection pursuant to evidence-based research. These materials shall be made available on the department of justice's internet site to all treatment facilities and federally qualified health centers.

6. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health and human services, and the Iowa coalition against sexual assault, shall create and update statewide sexual assault examiner and sexual assault nurse examiner protocols, shall provide technical assistance upon request to health care professionals, and shall provide expertise on best practices to health care professionals relating to sexual assault forensic examinations.

Sec. 1350. Section 915.46, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. Members of the advisory committee shall include staff members of the department of justice managing the sexual assault forensic examiner program; representatives from the department of public health and human services as determined by the director to be appropriate, the Iowa coalition against sexual assault, the board of nursing, and other constituencies as determined by the department of justice with an interest in sexual assault forensic examinations; and the hospital medical staff person involved with emergency services pursuant to section 915.82.

Sec. 1351. Section 915.83, subsection 4, Code 2023, is amended to read as follows:

4. Request from the department of health and human services, the department of workforce development and its division of workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

Sec. 1352. Section 915.84, subsections 4, 5, and 6, Code 2023, are amended to read as follows:

4. Notwithstanding subsection 3, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 8, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of health and human services and the employee verifies the report to the department.

5. When immediate or short-term medical services or mental health services are provided to a victim under section 915.35, the department of health and human services shall file the claim for compensation as provided in subsection 4 for the victim.

6. When immediate or short-term medical services to a victim are provided pursuant to section 915.35 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for compensation, unless the department of health and human services is required to file the claim under this section. The requirement to report the crime to the local police department or county sheriff department under subsection 3 does not apply to this subsection.

Sec. 1353. 2020 Iowa Acts, chapter 1064, section 16, subsection 1, paragraph d, subparagraph (1), is amended to read as follows:

(1) Any debt, which is assigned to the department of health and human services, or which is owed to the department of health and human services for unpaid premiums under section 249A.3, subsection 2, paragraph “a”, subparagraph (1), or which ~~the child support recovery unit services~~ is otherwise attempting to collect, or which ~~the foster care recovery unit services~~ of the department of health and human services is attempting to collect on behalf of a child receiving foster care provided by the department of health and human services.

Sec. 1354. 2022 Iowa Acts, chapter 1098, section 92, subsection 1, is amended by striking the subsection.

Sec. 1355. REPEAL. Chapter 136, Code 2023, is repealed.

Sec. 1356. REPEAL. 2022 Iowa Acts, chapter 1098, section 68, is repealed.

Sec. 1357. REPEAL. Sections 135.2, 135.3, 135.6, 135.7, 135.8, 135.9, 135.10, 216A.2, 217.7,⁹ 217.9, 217.10, 217.15, 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54, 222.6, 227.19, 231.22, and 234.2, Code 2023, are repealed.

Sec. 1358. CODE EDITOR DIRECTIVE. The Code editor is directed to do all of the following:

1. Make changes in the structure of any Code chapter including but not limited to chapter titles and subtitles to correspond with the changes made in this division of this Act in consultation with the department of health and human services.

2. Make changes in any Code sections amended or enacted by any other Act to correspond with the changes made in this division of this Act if there appears to be no doubt as to the proper method of making the changes and the changes would not be contrary to or inconsistent with the purposes of this division of this Act or any other Act.

3. Correct internal references in the Code and in enacted legislation as necessary due to the enactment of this division of this Act.

Sec. 1359. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this division of this Act amending 2020 Iowa Acts, chapter 1064.

DIVISION II DEPARTMENT OF ADMINISTRATIVE SERVICES

LIBRARY SERVICES

Sec. 1360. **NEW SECTION. 8A.204 State librarian.**

1. The director shall appoint the state librarian who shall administer the duties of the department as it relates to library services.

2. The state librarian shall do all of the following:

a. Organize, staff, and administer the department as it relates to library services so as to render the greatest benefit to libraries in the state.

b. Submit a biennial report to the governor on the activities and an evaluation of the department as it relates to library services and its programs and policies.

c. Control all library services-related property of the department. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of

⁹ See chapter 112, §54 herein

state and credited to the state library fund and shall be used for the purchase of books and other library materials. 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.

d. Perform other duties as assigned by the director or as imposed by law.

Sec. 1361. Section 256.1, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 1362. Section 256.7, subsection 17, Code 2023, is amended by striking the subsection.

Sec. 1363. Section 256.50, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1364. Section 256.51, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The division of library services is attached to the department of education for administrative purposes. The state librarian shall be responsible for the division's budgeting and related management functions in accordance with section 256.52, subsection 3. The division department, as it relates to library services, shall do all of the following:~~

Sec. 1365. Section 256.51, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Develop and approve, in consultation with the area education agency media centers and the commission, a biennial unified plan of service and service delivery for the ~~division of library services~~ department.

Sec. 1366. Section 256.51, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

Sec. 1367. Section 256.51, subsection 2, Code 2023, is amended to read as follows:

2. ~~The division department, as it relates to library services, may do all of the following:~~

a. Enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 256.70.

b. Receive and expend money for providing programs and services. ~~The division department~~ may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the ~~division department~~ as it relates to library services. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the ~~division department~~ as it relates to library services. ~~The division department shall report annually to the commission and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.~~

Sec. 1368. Section 256.52, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state commission of libraries consists of one member appointed by the supreme court, ~~the director of the department of education, or the director's designee,~~ and the following seven members who shall be appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19.

Sec. 1369. Section 256.52, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 1370. Section 256.52, subsection 4, Code 2023, is amended to read as follows:

4. The commission shall adopt rules under chapter 17A for carrying out the responsibilities of the ~~division~~ department as it relates to library services duties of the department.

Sec. 1371. Section 256.52, subsection 5, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

5. Advise the department and the state librarian concerning the library services duties of the department.

Sec. 1372. Section 256.53, Code 2023, is amended to read as follows:

256.53 State publications.

Upon issuance of a state publication in any format, a state agency shall provide the ~~division~~ department with an electronic version of the publication at no cost to the ~~division~~ department.

Sec. 1373. Section 256.54, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The law library shall be administered by a law librarian appointed by the state librarian subject to ~~chapter 8A~~, subchapter IV, who shall do all of the following:

Sec. 1374. Section 256.55, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A state data center is established in the ~~division~~ department. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

Sec. 1375. Section 256.55, subsection 3, Code 2023, is amended to read as follows:

3. Perform other duties imposed by law or prescribed by the ~~commission~~ department.

Sec. 1376. Section 256.57, Code 2023, is amended to read as follows:

256.57 Enrich Iowa program.

1. An enrich Iowa program is established in the ~~division~~ department to provide direct state assistance to public libraries, to support the open access and access plus programs, to provide public libraries with an incentive to improve library services that are in compliance with performance measures, and to reduce inequities among communities in the delivery of library services based on performance measures adopted by rule by the commission. The commission shall adopt rules governing the allocation of funds appropriated by the general assembly for purposes of this section to provide direct state assistance to eligible public libraries. A public library is eligible for funds under this ~~chapter~~ subchapter if it is in compliance with the commission's performance measures.

2. The amount of direct state assistance distributed to each eligible public library shall be based on the following:

a. The level of compliance by the eligible public library with the performance measures adopted by the commission as provided in this section.

b. The number of people residing within an eligible library's geographic service area for whom the library provides services.

c. The amount of other funding the eligible public library received in the previous fiscal year for providing services to rural residents and to contracting communities.

3. Moneys received by a public library pursuant to this section shall supplement, not supplant, any other funding received by the library.

4. For purposes of this section, "eligible public library" means a public library that meets all of the following requirements:

a. Submits to the ~~division~~ department all of the following:

(1) The report provided for under section 256.51, subsection 1, paragraph "h".

(2) An application and accreditation report, in a format approved by the ~~commission~~ department, that provides evidence of the library's compliance with at least one level of the standards established in accordance with section 256.51, subsection 1, paragraph "k".

(3) Any other application or report the ~~division~~ department deems necessary for the implementation of the enrich Iowa program.

b. Participates in the library resource and information sharing programs established by the state library.

c. Is a public library established by city ordinance or a library district as provided in chapter 336.

5. Each eligible public library shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section, and shall annually submit this listing to the ~~division~~ department.

6. By January 15, annually, the ~~division~~ department shall submit a program evaluation report to the general assembly and the governor detailing the uses and the impacts of funds allocated under this section.

7. A public library that receives funds in accordance with this section shall have an internet use policy in place, which may or may not include internet filtering. The library shall submit a report describing the library's internet use efforts to the ~~division~~ department.

8. A public library that receives funds in accordance with this section shall provide open access, the reciprocal borrowing program, as a service to its patrons, at a reimbursement rate determined by the state library.

9. Funds appropriated for purposes of this section shall not be used by the ~~division~~ department for administrative purposes.

Sec. 1377. Section 256.58, Code 2023, is amended to read as follows:

256.58 Library support network.

1. A library support network is established in the ~~division~~ department to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.

2. The organizational structure to deliver library support network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The ~~division~~ department shall determine which counties are served by each district office. The number of district offices established to provide services pursuant to this section shall be six.

Sec. 1378. Section 256.59, Code 2023, is amended to read as follows:

256.59 Specialized library services.

The specialized library services unit is established in the ~~division~~ department to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

Sec. 1379. Section 256.62, subsections 1, 3, and 4, Code 2023, are amended to read as follows:

1. The state librarian shall convene a library services advisory panel to advise and recommend to the ~~commission and the division~~ department evidence-based best practices, to assist the ~~commission and division~~ department to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the ~~commission~~ department and the state librarian at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

4. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses shall be paid from funds appropriated to the department ~~for purposes of the division~~.

Sec. 1380. Section 256.70, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division of library services of the department of education~~ is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

Sec. 1381. Section 256.71, Code 2023, is amended to read as follows:

256.71 Administrator.

The ~~administrator of the division of library services~~ state librarian shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and cooperate with the compact administrators of other party states.

Sec. 1382. CODE EDITOR DIRECTIVE — LIBRARY SERVICES.

1. The Code editor is directed to make the following transfers:
 - a. Section 256.50 to section 8A.201.
 - b. Section 256.51 to section 8A.202.
 - c. Section 256.52 to section 8A.203.
 - d. Section 256.53 to section 8A.205.
 - e. Section 256.54 to section 8A.206.
 - f. Section 256.55 to section 8A.207.
 - g. Section 256.56 to section 8A.208.
 - h. Section 256.57 to section 8A.209.
 - i. Section 256.58 to section 8A.210.
 - j. Section 256.59 to section 8A.211.
 - k. Section 256.62 to section 8A.221.
 - l. Section 256.69 to section 8A.222.
 - m. Section 256.70 to section 8A.231.
 - n. Section 256.71 to section 8A.232.
 - o. Section 256.72 to section 8A.233.
 - p. Section 256.73 to section 8A.234.
2. The Code editor is directed to rename subchapter II and designate parts in chapter 8A as follows:
 - a. Subchapter II shall be entitled “Library Services” and include sections 8A.201 through 8A.234.
 - b. Subchapter II, part 1, shall be entitled “General Provisions” and include sections 8A.201 through 8A.211.
 - c. Subchapter II, part 2, shall be entitled “Library Services Advisory Panel and Local Financial Support” and include sections 8A.221 through 8A.222.
 - d. Subchapter II, new part 3, shall be entitled “Library Compact” and include sections 8A.231 through 8A.234.
3. The Code editor may modify subchapter and part titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

STATE RECORDS AND ARCHIVES

Sec. 1383. Section 163.37, subsection 3, Code 2023, is amended to read as follows:

3. Such records shall be maintained for a length of time as required by and pursuant to chapter ~~305 8A~~, subchapter VI, and at the point of concentration and shall be made available for inspection by the department at reasonable times.

Sec. 1384. Section 305.1, Code 2023, is amended to read as follows:

305.1 Citation.

This ~~chapter~~ subchapter shall be known and may be cited as the “*State Archives and Records Act*”.

Sec. 1385. Section 305.2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 1386. Section 305.3, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1387. Section 305.3, subsection 8, Code 2023, is amended to read as follows:

8. The director of ~~the department of administrative services~~.

Sec. 1388. Section 305.7, Code 2023, is amended to read as follows:

305.7 Administration Commission administration.

The ~~department of cultural affairs~~, through the state archives and records program, is the primary agency responsible for providing administrative personnel and services for the commission.

Sec. 1389. Section 305.8, subsection 1, paragraphs e, f, and g, Code 2023, are amended to read as follows:

e. Adopt and maintain an interagency records manual containing the rules governing records management, as well as records series retention and disposition schedules, guidelines, and other information relating to implementation of this ~~chapter~~ subchapter.

f. Make recommendations, in consultation with the ~~department of administrative services~~, to the governor and the general assembly for the continued reduction of printed reports throughout state government in a manner that protects the public’s right to access such reports.

g. Provide advice, counsel, and services to the legislative, judicial, and executive branch agencies subject to this ~~chapter~~ subchapter on the care and management of state government records.

Sec. 1390. Section 305.8, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Examine records in the possession, constructive possession, or control of state agencies to carry out the purposes of this ~~chapter~~ subchapter.

Sec. 1391. Section 305.9, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~department of cultural affairs~~ shall do all of the following as it relates to state records and archives:

Sec. 1392. Section 305.9, subsection 1, paragraphs a and j, Code 2023, are amended to read as follows:

a. ~~Provide~~ Administer the state archives and records program and provide administrative support to the state records commission through the state archives and records program.

j. Provide advice, counsel, and services to the legislative, judicial, and executive branch agencies subject to this ~~chapter~~ subchapter on the care and management of state government records.

Sec. 1393. Section 305.9, subsection 1, paragraph 1, subparagraph (2), Code 2023, is amended to read as follows:

(2) Upon request, the state archivist shall make a certified copy of any record in the legal custody or in the physical custody of the state archivist, or a certified transcript of any record if reproduction is inappropriate because of legal or physical considerations. If a copy or transcript is properly authenticated, it has the same legal effect as though certified by the officer from whose office it was transferred or by the secretary of state. The ~~department of cultural affairs~~ shall establish reasonable fees for certified copies or certified transcripts of records in the legal custody or physical custody of the state archivist.

Sec. 1394. Section 305.9, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of cultural affairs may do any of the following as it relates to state records and archives:

Sec. 1395. Section 305.10, subsection 1, paragraphs d and j, Code 2023, are amended to read as follows:

d. Comply with requests from the state records commission or the state archives and records program to examine records in the possession, constructive possession, or control of the agency in order to carry out the purposes of this ~~chapter~~ subchapter.

j. Provide for compliance with this ~~chapter~~ subchapter and the rules adopted by the state records commission.

Sec. 1396. Section 305.14, Code 2023, is amended to read as follows:

305.14 Liability precluded.

No member of the commission or head of an agency shall be held liable for damages or loss, or civil or criminal liability, because of the destruction of public records pursuant to the provisions of this ~~chapter~~ subchapter or any other law authorizing their destruction.

Sec. 1397. Section 305.15, Code 2023, is amended to read as follows:

305.15 Exemptions — duties of state department of transportation and state board of regents.

The state department of transportation and the agencies and institutions under the control of the state board of regents are exempt from the state records manual and the provisions of this ~~chapter~~ subchapter. However, the state department of transportation and the state board of regents shall adopt rules pursuant to chapter 17A for their employees, agencies, and institutions that are consistent with the objectives of this ~~chapter~~ subchapter. The rules shall be approved by the state records commission.

Sec. 1398. Section 305.16, subsections 1 and 3, Code 2023, are amended to read as follows:

1. *Membership.* The board shall consist of nine members appointed by the governor for three-year staggered terms. Members shall be eligible for reappointment. The members shall have experience in a field of research or an activity that administers or makes extensive use of historical records. The majority of the members shall have professional qualifications and experience in the administration of government records, historical records, or archives. ~~The administrator of the historical division of the department of cultural affairs~~ director shall serve as an ex officio member of the board.

3. *Administration.* ~~The department of cultural affairs~~, through the state archives and records program, is the primary agency responsible for providing administrative personnel and services for the board.

Sec. 1399. CODE EDITOR DIRECTIVE — STATE RECORDS AND ARCHIVES.

1. The Code editor is directed to make the following transfers:

- a. Section 305.1 to section 8A.601.
- b. Section 305.2 to section 8A.602.
- c. Section 305.3 to section 8A.603.
- d. Section 305.4 to section 8A.604.
- e. Section 305.5 to section 8A.605.
- f. Section 305.6 to section 8A.606.
- g. Section 305.7 to section 8A.607.
- h. Section 305.8 to section 8A.608.
- i. Section 305.9 to section 8A.609.
- j. Section 305.10 to section 8A.610.
- k. Section 305.11 to section 8A.611.
- l. Section 305.12 to section 8A.612.
- m. Section 305.13 to section 8A.613.
- n. Section 305.14 to section 8A.614.

- o. Section 305.15 to section 8A.615.
- p. Section 305.16 to section 8A.616.
- 2. The Code editor is directed to create a new subchapter VI in chapter 8A as follows: Subchapter VI shall be entitled “State Records and Archives” and include sections 8A.601 through 8A.616.
- 3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

HISTORICAL RESOURCES

Sec. 1400. **NEW SECTION. 8A.702 Departmental duties — historical resources.**

The duties of the department as it relates to the historical resources of the state shall include all of the following:

- 1. Develop a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.
- 2. Administer and care for historical sites under the authority of the department, and maintain collections within these buildings.
 - a. Except for the state board of regents, a state agency which owns, manages, or administers a historical site must enter into an agreement with the department under chapter 28E to ensure the proper management, maintenance, and development of the site.
 - b. For the purposes of this section, “*historical site*” means any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.
- 3. Encourage and assist local, county, and state organizations and museums devoted to historical purposes.
- 4. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the department.
- 5. Implement tourism-related art and history projects as directed by the general assembly.
- 6. Encourage the use of volunteers throughout the department as it relates to the historical resources of the state, especially for purposes of restoring books and manuscripts.
- 7. Publish matters of historical value to the public.
- 8. Buy or receive by other means historical materials including but not limited to artifacts, art, books, manuscripts, and images. Such materials are not personal property under sections 8A.321 and 8A.324 and shall be received and cared for under the rules of the department. The department may sell or otherwise dispose of those materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.
- 9. Administer the historical resource development program established in section 8A.712.
- 10. Administer, preserve, and interpret the battle flag collection assembled by the state in consultation and coordination with the department of veterans affairs. A portion of the battle flag collection shall be on display at the state capitol and the state historical building at all times, unless on loan approved by the department.
- 11. Establish, maintain, and administer a digital collection of historical manuscripts, documents, records, reports, images, and artifacts and make the collection available to the public through an online research center.
- 12. Perform such duties as required under chapter 305B.

Sec. 1401. Section 218.22, Code 2023, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the administrator in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the administrator of the division of the department of human services in control of such institution, the director of the department of human services and to assistants and proper clerks authorized by such administrator or the administrator’s director. The administrator

of the division of such institution is authorized to permit the ~~division of library services of the department of education and the historical division of the department of cultural affairs administrative services~~ to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 1402. Section 303.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state historical society administrator~~ director may:

Sec. 1403. Section 303.5, subsection 1, Code 2023, is amended to read as follows:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the ~~division~~ department as it relates to the historical resources of the state.

Sec. 1404. Section 303.7, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

303.7 State historical society.

1. As used in this subchapter, “*state historical society*” means a membership organization of the department that is open to members of the general public who are interested in the history of the state.

2. The state historical society board of trustees shall recommend to the director rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. The members of the society shall not determine policy for the department as it relates to the historical resources of the state but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to this subchapter.

3. Unless designated otherwise, an application for membership in the state historical society, or a gift, bequest, devise, endowment, or grant to the state historical society or the department as it relates to the historical resources of the state shall be presumed to be to or in the department.

4. Notwithstanding section 633.63, the board may enter into agreements authorizing nonprofit foundations acting solely for the support of the state historical society or the department to administer the membership program of the state historical society and funds of the state historical society or the department as it relates to the historical resources of the state.

Sec. 1405. Section 303.8, subsection 1, paragraphs b and c, Code 2023, are amended to read as follows:

b. Make recommendations to the ~~division administrator~~ director on historically related matters.

c. Review and recommend to the director or the director’s designee policy decisions regarding the ~~division~~ department as it relates to the historical resources of the state.

Sec. 1406. Section 303.8, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 3. The department may:

a. By rule, establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department’s programs relating to the historical resources of the state.

b. Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

Sec. 1407. Section 303.9, subsections 1 and 3, Code 2023, are amended to read as follows:

1. All funds received by the department relating to the historical resources of the state, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society, funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, shall be credited to the account of the department and are appropriated to the department to be invested or used for programs and purposes under the authority of the department as it relates to the historical resources of the state. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the department under this section.

3. Notwithstanding section 633.63, the state historical society board of trustees may authorize nonprofit foundations acting solely for the support of the state historical society of Iowa department as it relates to the historical resources of the state to accept and administer trusts deemed by the board to be beneficial to the division's department's operations under this subchapter. The board and the foundation may act as trustees in such instances.

Sec. 1408. Section 303.9A, Code 2023, is amended to read as follows:

303.9A Iowa heritage fund.

1. An Iowa heritage fund is created in the state treasury to be administered by the state historical society department. The fund shall consist of all moneys allocated to the fund by the treasurer of state.

2. Moneys in the fund shall be used in accordance with the following:

a. Ninety percent shall be retained by the state historical society department and used to maintain and expand Iowa's history curriculum, to provide teacher training in Iowa history, and to support museum exhibits, historic sites, and adult education programs.

b. Five percent shall be retained by the state historical society department to be used for start-up costs for the one hundred seventy-fifth and two hundredth anniversaries of Iowa statehood.

c. Five percent shall be retained by the state historical society department to be used for the promotion of the sale of the Iowa heritage registration plate issued under section 321.34.

Sec. 1409. Section 303.10, Code 2023, is amended to read as follows:

303.10 Acceptance and use of money grants.

All federal grants to and the federal receipts of the agencies receiving funds under this chapter subchapter are appropriated for the purpose set forth in the federal grants or receipts.

Sec. 1410. Section 303.11, Code 2023, is amended to read as follows:

303.11 Gifts.

1. The division department may accept gifts and bequests which shall be used in accordance with the desires of the donor if expressed. Funds contained in an endowment fund for either the department of history and archives or the state historical society existing on July 1, 1974, remain an endowment of the division department. Gifts shall be accepted only on behalf of the division department, and gifts to a part, branch, or section of the division department are presumed to be gifts to the division department.

2. If publication of a book is financed by the endowment fund, this chapter subchapter does not prevent the return of moneys from sales of the book to the endowment fund.

Sec. 1411. Section 303.16, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The historical division department shall administer a program of grants and loans for historical resource development throughout the state, subject to funds for such grants and loans being made available through the appropriations process or otherwise provided by law.

2. The purpose of the historical resource development program is to preserve, conserve, interpret, and enhance historical resources that will encourage and support the economic and cultural health and development of the state and the communities in which the resources are located. For this purpose, the division department may make grants and loans as otherwise provided by law with funds as may be made available by applicable law.

Sec. 1412. Section 303.16, subsection 6, paragraphs b, f, and g, Code 2023, are amended to read as follows:

b. A portion of the applicant's operating expenses may be used as a cash match or in-kind match as specified by the ~~division's~~ department's rules.

f. Grants under this program may be given only after review and recommendation by the state historical society board of trustees. The ~~division~~ department may contract with lending institutions chartered in this state to act as agents for the administration of loans under the program, in which case, the lending institution may have the right of final approval of loans, subject to the ~~division's~~ department's administrative rules. If the ~~division~~ department does not contract with a lending institution, loans may be made only after review and recommendation by the state historical society board of trustees.

g. The ~~division~~ department shall not award grants or loans to be used for goods or services obtained outside the state, unless the proposed recipient demonstrates that it is neither feasible nor prudent to obtain the goods or services within the state.

Sec. 1413. Section 303.16, subsections 8 and 9, Code 2023, are amended to read as follows:

8. The ~~division~~ department may use ten percent of the annual appropriation allocation to the ~~division~~ historical resource grant and loan fund established in this section pursuant to section 455A.19, but in no event more than seventy-five thousand dollars, for administration of the grant and loan program.

9. a. (1) The ~~division~~ department may establish a historical resource grant and loan fund composed of any money appropriated by the general assembly for that purpose, funds allocated pursuant to section 455A.19, and of any other moneys available to and obtained or accepted by the ~~division~~ department from the federal government or private sources for placement in that fund. Each loan made under this section shall be for a period not to exceed ten years, shall bear interest at a rate determined by the state historical board, and shall be repayable to the revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants are eligible for not more than one hundred thousand dollars in loans outstanding at any time under this program. A single lending institution contracting with the ~~division~~ department pursuant to this section shall not hold more than five hundred thousand dollars worth of outstanding loans under the program.

(2) Any applicant, who is otherwise eligible, who receives a direct or indirect appropriation from the general assembly for a project or portion of a project is ineligible for a historical resources development grant for that same project during the fiscal year for which the appropriation is made. For purposes of this paragraph, "project" includes any related activities, including but not limited to construction, restoration, supplies, equipment, consulting, or other services.

b. The ~~division~~ department may:

(1) Contract and adopt administrative rules necessary to carry out the provisions of this section, but the ~~division~~ department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

(2) Authorize payment from the historical resource grant and loan fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

Sec. 1414. Section 303.16, subsection 10, paragraph b, Code 2023, is amended to read as follows:

b. A country schools historical resource preservation grant program is therefore established to be administered by the ~~historical~~ ~~division~~ department for the preservation of one-room and two-room buildings once used as country schools. In developing grant approval criteria, the ~~division~~ department shall place a priority on the educational uses planned for the country school building, which may include, but are not limited to, historical

interpretation and use as a teaching museum or as an operational classroom accessible to a school district or accredited nonpublic school for provisional instructional purposes.

Sec. 1415. Section 305B.5, Code 2023, is amended to read as follows:

305B.5 Notice of injury or loss.

A museum shall give a lender or claimant prompt notice of any known injury to or loss of property on loan on a form for notice of injury loss adopted by rule by the department of administrative services. ~~The department of cultural affairs shall adopt by rule a form for notice of injury or loss, no later than January 1, 1989, and shall distribute the rule and form to all identified museums in Iowa within sixty days after adoption of the rule.~~ The notice shall be mailed to the lender's or claimant's last known address in event of injury or loss of property on loan to the museum. Published notice of injury or loss of undocumented property shall not be required.

Sec. 1416. Section 305B.8, subsection 3, Code 2023, is amended to read as follows:

3. The department of ~~cultural affairs~~ administrative services shall adopt by rule a form for notice of intent to preserve an interest in property on loan to a museum. The form shall satisfy the requirements of subsection 1 and shall notify the claimant of the rights and procedures to preserve an interest in museum property. The form shall also facilitate recordkeeping and record retrieval by a museum. At a minimum the form shall provide a place for recording evidence of receipt of a notice by a museum, including the date of receipt, signature of the person receiving the notice, and the date on which a copy of the receipt is returned to the claimant.

Sec. 1417. Section 305B.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of ~~cultural affairs~~ administrative services may by rule determine the minimum form and substance of recordkeeping by museums with regard to museum property to implement this chapter.

Sec. 1418. Section 321.34, subsection 25, paragraph b, Code 2023, is amended to read as follows:

b. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The special plate fees collected by the director under subsection 12, paragraphs "a" and "c", from the issuance and annual validation of letter-number designated and personalized civil war sesquicentennial plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of ~~cultural affairs~~ administrative services the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of ~~cultural affairs~~ administrative services to be used for the Iowa battle flag project.

Sec. 1419. Section 423.3, subsection 34, Code 2023, is amended to read as follows:

34. The sales price from sales of mementos and other items relating to Iowa history and historic sites by the department of ~~cultural affairs~~ administrative services on the premises of property under its control and at the state capitol.

Sec. 1420. Section 427.16, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. A historical site as defined in section ~~303.2~~ 8A.702.

Sec. 1421. Section 455A.19, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. Five percent shall be allocated to the historical resource grant and loan fund established pursuant to section 303.16. The department of ~~cultural affairs~~ administrative services shall use the moneys allocated to this fund to implement historical resource development programs as provided under section 303.16.

Sec. 1422. Section 904.601, subsection 1, Code 2023, is amended to read as follows:

1. The director shall keep the following record of every person committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death. The director may permit the ~~division of library services of the department of education and the historical division of the department of cultural affairs~~ administrative services to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required by this paragraph.

Sec. 1423. 2012 Iowa Acts, chapter 1136, section 27, subsection 1, is amended to read as follows:

1. A battle flag restoration fund is created and established as a separate and distinct fund in the state treasury under the control of the department of ~~cultural affairs~~ administrative services. The moneys in the fund are appropriated to the department for purposes of continuing the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the battle flag restoration fund.

Sec. 1424. CODE EDITOR DIRECTIVE — HISTORICAL RESOURCES.

1. The Code editor is directed to make the following transfers:
 - a. Section 303.4 to section 8A.703.
 - b. Section 303.5 to section 8A.704.
 - c. Section 303.6 to section 8A.705.
 - d. Section 303.7 to section 8A.706.
 - e. Section 303.8 to section 8A.707.
 - f. Section 303.9 to section 8A.708.
 - g. Section 303.9A to section 8A.709.
 - h. Section 303.10 to section 8A.710.
 - i. Section 303.11 to section 8A.711.
 - j. Section 303.16 to section 8A.712.
2. The Code editor is directed to create a new subchapter VII in chapter 8A as follows: Subchapter VII shall be entitled "Historical Resources" and include sections 8A.702 through 8A.712.
3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

DIVISION III
DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING
ORGANIZATION — GENERAL PROVISIONS

Sec. 1425. Section 7E.5, subsection 1, paragraphs d and h, Code 2023, are amended to read as follows:

d. The department of inspections, ~~and appeals,~~ and licensing, created in section 10A.102, which has primary responsibility for licensing, administering the laws relating to employment safety, labor standards, and workers' compensation, and coordinating the conducting of various inspections, investigations, appeals, hearings, and audits.

h. The department of workforce development, created in section 84A.1, which has primary responsibility for administering the laws relating to unemployment compensation insurance, job placement and training, ~~employment safety, labor standards, workers' compensation,~~ and related matters.

Sec. 1426. Section 10A.101, subsections 2 and 3, Code 2023, are amended to read as follows:

2. “Department” means the department of inspections, and appeals, and licensing.
3. “Director” means the director of inspections, and appeals, and licensing.

Sec. 1427. Section 10A.102, Code 2023, is amended to read as follows:

10A.102 Department established.

The department of inspections, ~~and appeals, and licensing~~ is established. The director of the department shall be appointed by the governor to serve at the pleasure of the governor subject to confirmation by the senate no less frequently than every four years, whether or not there has been a new director appointed during that time. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

Sec. 1428. Section 10A.103, Code 2023, is amended to read as follows:

10A.103 Purpose of the department.

The department is created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, ~~and investigations, and licensing activities~~ related to the operations of the executive branch of state government, ~~and administering the laws relating to employment safety, labor standards, and workers’ compensation.~~

Sec. 1429. Section 10A.104, subsections 2 and 5, Code 2023, are amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, labor commissioner, workers’ compensation commissioner, director of the Iowa state civil rights commission, and members of the employment appeal board,~~and administrator of the child advocacy board created in section 237.16.~~ All persons appointed and employed in the department are covered by the provisions of chapter 8A, subchapter IV, but persons not appointed by the director are exempt from the merit system provisions of chapter 8A, subchapter IV.

5. ~~Adopt~~ Except for rules required or authorized by law to be adopted by another entity, adopt rules deemed necessary for the implementation and administration of this chapter in accordance with chapter 17A.

Sec. 1430. Section 10A.104, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 15. To adopt rules, in consultation with the state fire marshal, designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection or plan review is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review. The fees collected shall be deposited in the general fund of the state.¹⁰

NEW SUBSECTION. 16. Serve as the state building code commissioner pursuant to section 103A.4 and administer chapters 101, 101A, 101B, 103, 103A, 104A, 104B, and 105.

NEW SUBSECTION. 17. Establish, publish, and enforce rules not inconsistent with law for the enforcement of those provisions of Title IV, subtitle 2, the administration and supervision of which are imposed upon the department.

NEW SUBSECTION. 18. Enforce the law relative to “Health-related Professions”, Title IV, subtitle 3, excluding chapter 147A.

NEW SUBSECTION. 19. Regulate and supervise real estate appraisers under chapter 543D and real estate appraisal management companies under chapter 543E.

Sec. 1431. Section 10A.106, Code 2023, is amended to read as follows:

10A.106 Divisions of the department.

1. The department is comprised of the following divisions:
 - ~~α. Administrative~~ administrative hearings division.

¹⁰ See chapter 108, §30 herein

~~b. Investigations, labor services division.~~

~~e. Health facilities, workers' compensation division, and other divisions as appropriate.~~

2. The allocation of departmental duties to the divisions of the department in sections 10A.402, 10A.702, sections 10A.202, 10A.301, and 10A.801 does not prohibit the director from reallocating departmental duties within the department.

Sec. 1432. **NEW SECTION. 10A.109 Statutory board, commission, committee, or council — teleconference option.**

Any statutorily established board, commission, committee, or council established under the purview of the department relative to "Health-related Professions", Title IV, subtitle 3, excluding chapter 147A, shall provide for a teleconference option for board, commission, committee, or council members to participate in official meetings.

Sec. 1433. Section 10A.402, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall coordinate the ~~division's~~ department's conduct of various audits and investigations as provided by law including but not limited to the following:

Sec. 1434. Section 10A.403, Code 2023, is amended to read as follows:

10A.403 Investigators — peace officer status.

Investigators of the ~~division~~ department shall have the powers and authority of peace officers when acting within the scope of their responsibilities to conduct investigations as specified in section 10A.402, subsection 5. An investigator shall not carry a weapon to perform responsibilities as described in this section.

Sec. 1435. Section 10A.601, subsection 1, Code 2023, is amended to read as follows:

1. A full-time employment appeal board is created within the department of inspections, ~~and appeals, and licensing~~, to hear and decide contested cases under chapter 8A, subchapter IV, and chapters 80, 88, 91C, 96, and 97B.

Sec. 1436. Section 10A.702, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall coordinate the ~~division's~~ department's conduct of various inspections and investigations as otherwise provided by law including, but not limited to, all of the following:

Sec. 1437. Section 10A.702, subsection 2, Code 2023, is amended to read as follows:

2. Inspections and other licensing procedures relative to the hospice program, hospitals, and health care facilities. The ~~division~~ department is designated as the sole licensing authority for these programs and facilities.

Sec. 1438. Section 10A.801, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For purposes of this ~~article~~ subchapter, unless the context otherwise requires:

Sec. 1439. Section 10A.801, subsection 1, paragraph b, Code 2023, is amended to read as follows:

~~b. "Division" means the administrative hearings division of the department of inspections, and appeals, and licensing.~~

Sec. 1440. Section 84A.1, subsection 3, Code 2023, is amended to read as follows:

3. ~~a.~~ The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

~~b. The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.~~

Sec. 1441. Section 84A.5, subsections 4 and 5, Code 2023, are amended by striking the subsections.

Sec. 1442. REPEAL. Sections 10A.401 and 10A.701, Code 2023, are repealed.

Sec. 1443. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 135.61 to section 10A.711.
- b. Section 135.62 to section 10A.712.
- c. Section 135.63 to section 10A.713.
- d. Section 135.64 to section 10A.714.
- e. Section 135.65 to section 10A.715.
- f. Section 135.66 to section 10A.716.
- g. Section 135.67 to section 10A.717.
- h. Section 135.68 to section 10A.718.
- i. Section 135.69 to section 10A.719.
- j. Section 135.70 to section 10A.720.
- k. Section 135.71 to section 10A.721.
- l. Section 135.72 to section 10A.722.
- m. Section 135.73 to section 10A.723.
- n. Section 135.74 to section 10A.724.
- o. Section 135.75 to section 10A.725.
- p. Section 135.76 to section 10A.726.
- q. Section 135.78 to section 10A.727.
- r. Section 135.79 to section 10A.728.
- s. Section 135.83 to section 10A.729.

2. The Code editor is directed to rename and retitle article I of chapter 10A as follows:

Subchapter I GENERAL PROVISIONS

3. The Code editor is directed to rename and retitle article IV of chapter 10A as follows:

Subchapter IV INVESTIGATIONS

4. The Code editor is directed to rename article VI of chapter 10A as subchapter VI.

5. The Code editor is directed to rename and retitle article VII of chapter 10A and designate parts as follows:

a. Subchapter VII shall be entitled HEALTH FACILITIES and include sections 10A.702 through 10A.729.

b. Subchapter VII, part 1, shall be entitled GENERAL PROVISIONS and include section 10A.702.

c. Subchapter VII, part 2, shall be entitled HEALTH FACILITIES COUNCIL and include sections 10A.711 through 10A.729.

6. The Code editor is directed to rename article VIII of chapter 10A as subchapter VIII.

7. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

LABOR SERVICES

Sec. 1444. **NEW SECTION. 10A.200 Definitions.**

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

1. “*Commissioner*” means the labor commissioner appointed pursuant to section 10A.203, or the commissioner’s designee.

2. “*Division*” means the division of labor services of the department of inspections, appeals, and licensing.

Sec. 1445. **NEW SECTION. 10A.202 Labor services — responsibilities.**

1. The division is responsible for the administration of the laws of this state under chapters 88 and 89B and sections 85.67A and 85.68, and such other duties assigned to the division or commissioner. The executive head of the division is the commissioner, appointed pursuant to section 10A.203.

2. The department is responsible for the administration of the laws of this state under chapters 88A, 88B, 89, 89A, 90A, 91A, 91C, 91D, 91E, 92, and such other labor-services duties assigned to the department or director.

Sec. 1446. Section 73A.21, subsection 1, paragraphs a and b, Code 2023, are amended by striking the paragraphs.

Sec. 1447. Section 73A.21, subsections 5, 6, 8, and 9, Code 2023, are amended to read as follows:

5. The ~~commissioner~~ director and the ~~division~~ department shall administer and enforce this section, and the ~~commissioner~~ director shall adopt rules for the administration and enforcement of this section as ~~provided in section 91.6~~.

6. The ~~commissioner~~ director shall have the following powers and duties for the purposes of this section:

a. The ~~commissioner~~ director may hold hearings and investigate charges of violations of this section.

b. The ~~commissioner~~ director may, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The ~~commissioner~~ director shall only make such an entry in response to a written complaint.

c. The ~~commissioner~~ director shall develop a written complaint form applicable to this section and make it available in ~~division~~ department offices and on the ~~department of workforce development's~~ department's internet site.

d. The ~~commissioner~~ director may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section.

e. The ~~commissioner~~ director may investigate and ascertain the residency of a worker engaged in any public improvement in this state.

f. The ~~commissioner~~ director may administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing.

g. The ~~commissioner~~ director may employ qualified personnel as are necessary for the enforcement of this section. Such personnel shall be employed pursuant to the merit system provisions of chapter 8A, subchapter IV.

h. The ~~commissioner~~ director shall require a contractor or subcontractor to file, within ten days of receipt of a request, any records enumerated in subsection 7. If the contractor or subcontractor fails to provide the requested records within ten days, the ~~commissioner~~ director may direct, within fifteen days after the end of the ten-day period, the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to immediately withhold from payment to the contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records as required by this section has been satisfied.

8. Any person or entity that violates the provisions of this section is subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the ~~division~~ department, not to exceed five thousand dollars for each violation found in a second investigation by the ~~division~~ department, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the ~~division~~ department. Each violation of this section for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the ~~division~~ department shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations.

The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the ~~division~~ department.

9. A party seeking review of the ~~division's~~ department's determination pursuant to this section may file a written request for an informal conference. The request must be received by the ~~division~~ department within fifteen days after the date of issuance of the ~~division's~~ department's determination. During the conference, the party seeking review may present written or oral information and arguments as to why the ~~division's~~ department's determination should be amended or vacated. The ~~division~~ department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

Sec. 1448. Section 91.2, Code 2023, is amended to read as follows:

91.2 Appointment Labor commissioner — appointment.

The governor shall appoint, subject to confirmation by the senate, a labor commissioner who shall serve ~~for a period of six years beginning and ending as provided in section 69.19 at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.~~

Sec. 1449. Section 91.4, Code 2023, is amended to read as follows:

91.4 Duties and powers — labor services.

1. The duties of ~~said~~ the commissioner or director, as applicable, pursuant to this subchapter shall be as follows:

a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's or director's hands by virtue of the office, and deliver the same to the commissioner's or director's successor, except as otherwise provided.

b. To collect, assort, and systematize statistical details relating to programs of the division of labor services or department under this subchapter.

c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

~~e. 2. To~~ The commissioner shall serve as an ex officio member of the state fire service and emergency response council created in section 100B.1, or shall appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

~~2. 3. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services and department under this subchapter for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division or department and the disposition of the disputes or violations, and other matters pertaining to the division or department under this subchapter which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and 92, and 94A, and section sections 85.67A, and 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.~~

~~3. 4. The commissioner or director, as applicable, with the assistance of the office of the attorney general if requested by the commissioner or director, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's or director's jurisdiction under this subchapter.~~

~~4. 5. The division of labor services or department, as applicable, may sell documents printed by the division or department as it relates to this subchapter at cost according to rules established by the labor commissioner or director pursuant to chapter 17A. Receipts from the sale shall be deposited to the credit of the division department and may be used by the division for administrative expenses of the division and department under this subchapter.~~

5. ~~6.~~ Except as provided in chapter 91A, the commissioner or director, as applicable, may recover interest, court costs, and any attorney fees incurred in recovering any amounts due under this subchapter. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner or director under this subchapter shall be deposited in the general fund of the state. The commissioner ~~is~~ and director are exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

~~6.~~ 7. The commissioner or director may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division or department, as applicable, under this subchapter. The commissioner or director may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, or 91C, ~~or 94A~~ if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner or director.

Sec. 1450. Section 91.5, Code 2023, is amended to read as follows:

91.5 Other duties — jurisdiction in general.

The ~~As provided by this subchapter,~~ the commissioner or director shall have jurisdiction and it shall be the commissioner's or director's duty to supervise the enforcement of:

1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, other industrial concerns within the commissioner's jurisdiction and sanitation and shelter for railway employees.

2. All laws of the state relating to child labor.

3. ~~All laws relating to employment agencies.~~

4. Such other provisions of law ~~as are now or shall hereafter be~~ relating to this subchapter within the commissioner's or director's jurisdiction.

Sec. 1451. Section 91.6, Code 2023, is amended to read as follows:

91.6 Rules Labor commissioner — rules.

The commissioner shall adopt rules pursuant to chapter 17A for the purpose of administering ~~this chapter and all other chapters~~ under the commissioner's jurisdiction as provided in section 10A.202, subsection 1.

Sec. 1452. Section 91.8, Code 2023, is amended to read as follows:

91.8 Traveling expenses.

The director, commissioner, inspectors, and other employees of the ~~office~~ division or department shall be allowed their necessary traveling expenses while in the discharge of their duties under this subchapter.

Sec. 1453. Section 91.9, Code 2023, is amended to read as follows:

91.9 Right to enter premises.

The ~~labor~~ director, commissioner, and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, railway facility, including locomotive or caboose, business house, or public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this ~~chapter~~ subchapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

Sec. 1454. Section 91.10, Code 2023, is amended to read as follows:

91.10 Power to secure evidence.

The ~~labor~~ director or commissioner, or the commissioner's designee as applicable, may issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of ~~them~~ the director or commissioner under this subchapter. Witnesses subpoenaed and testifying before the director or commissioner or the commissioner's designee shall be paid the same fees as witnesses under section 622.69, payment to be made out of the funds appropriated to the department or division of labor services, as applicable.

Sec. 1455. Section 91.11, Code 2023, is amended to read as follows:

91.11 Prosecutions for violations — labor services.

1. If the director or commissioner learns of any violation of any law administered by the department or division under this subchapter, the director or commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the director or commissioner is of the opinion that the violation is not willful, or is an oversight or of a trivial nature, the director or commissioner may at the director's or commissioner's discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge. If the violation is corrected within the time fixed, then the director or commissioner shall not cause prosecution to be begun.

Sec. 1456. Section 91.15, Code 2023, is amended to read as follows:

91.15 Definition of additional terms.

The expressions “*factory*”, “*mill*”, “*workshop*”, “*mine*”, “*store*”, “*railway*”, “*business house*”, and “*public or private work*”, as used in this chapter subchapter, shall be construed to mean any factory, mill, workshop, mine, store, railway, business house, or public or private work, where wage earners are employed for a compensation.

Sec. 1457. Section 91.16, Code 2023, is amended to read as follows:

91.16 Violations — penalties.

Persons violating any of the provisions of this chapter subchapter shall be punished as in this section provided, respectively:

1. Any owner, superintendent, manager, or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house, or public or private work, who shall refuse to allow the labor director, commissioner, or any inspector or employee of the department or division of labor services to enter the same, or who shall hinder or deter the director, commissioner, inspector, or employee in collecting information which it is that person's duty to collect shall be guilty of a simple misdemeanor.

2. Any officer or employee of the department or division of labor services, or any person making unlawful use of names or information obtained under this subchapter by virtue of the person's office, shall be guilty of a serious misdemeanor.

3. Any owner, operator, or manager of a factory, mill, workshop, mine, store, railway, business house, or public or private work, who shall neglect or refuse for thirty days after receipt of notice from the director or commissioner to furnish any reports or returns the director or commissioner may require to enable the director or commissioner to discharge the director's or commissioner's duties under this subchapter shall be guilty of a simple misdemeanor.

Sec. 1458. REPEAL. Section 91.1, Code 2023, is repealed.

Sec. 1459. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 91.2 to section 10A.203.
- b. Section 91.4 to section 10A.204.
- c. Section 91.5 to section 10A.205.
- d. Section 91.6 to section 10A.206.
- e. Section 91.8 to section 10A.207.
- f. Section 91.9 to section 10A.208.
- g. Section 91.10 to section 10A.209.
- h. Section 91.11 to section 10A.210.
- i. Section 91.15 to section 10A.201.
- j. Section 91.16 to section 10A.211.
- k. Section 73A.21 to section 8A.311B.

2. The Code editor is directed to rename article II in chapter 10A as follows:

Article II shall be subchapter II and shall be entitled “Labor Services” and include sections 10A.200 through 10A.211.

3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

WORKERS' COMPENSATION

Sec. 1460. NEW SECTION. **10A.301 Definitions.**

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

1. "*Commissioner*" means the workers' compensation commissioner appointed pursuant to section 86.1, or the commissioner's designee.
2. "*Division*" means the division of workers' compensation of the department of inspections, appeals, and licensing.

Sec. 1461. NEW SECTION. **10A.302 Workers' compensation — responsibilities.**

The division is responsible for the administration of the laws of this state relating to workers' compensation under this subchapter and chapters 85, 85A, 85B, and 87. The executive head of the division is the workers' compensation commissioner, appointed pursuant to section 86.1.

Sec. 1462. Section 86.1, Code 2023, is amended to read as follows:

86.1 Workers' compensation commissioner — ~~term~~ appointment.

The governor shall appoint, subject to confirmation by the senate, a workers' compensation commissioner ~~whose term of office who shall be six years beginning and ending as provided in section 69.19~~ serve at the pleasure of the governor. ~~The workers' compensation commissioner shall maintain an office at the seat of government. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.~~ The workers' compensation commissioner must be a lawyer admitted to practice in this state.

Sec. 1463. Section 86.7, Code 2023, is amended to read as follows:

86.7 Interest in affected business.

It shall be unlawful for the commissioner to be financially interested in any business enterprise coming under or affected by this ~~chapter~~ subchapter during the commissioner's term of office, and if the commissioner violates this statute, it shall be sufficient grounds for removal from office, and in such case the governor shall at once declare the office vacant and appoint another to fill the vacancy.

Sec. 1464. Section 86.8, subsection 1, paragraph a, Code 2023, is amended to read as follows:

- a. Adopt and enforce rules necessary to implement this ~~chapter~~ subchapter and chapters 85, 85A, 85B, and 87.

Sec. 1465. Section 86.9, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The director ~~of the department of workforce development~~, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this ~~chapter~~ subchapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.
2. The commissioner, after consultation with the director ~~of the department of workforce development~~, may compile an annual report setting forth the final decisions, rulings, and orders of the division for the preceding year and setting forth other matters or information which the commissioner considers desirable for publication.

Sec. 1466. Section 86.13, subsection 1, Code 2023, is amended to read as follows:

1. If an employer or insurance carrier pays weekly compensation benefits to an employee, the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the

commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this ~~chapter~~ subchapter or chapter 85, 85A, or 85B.

Sec. 1467. Section 86.13, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. If a denial, a delay in payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits, the workers' compensation commissioner shall award benefits in addition to those benefits payable under this ~~chapter~~ subchapter, or chapter 85, 85A, or 85B, up to fifty percent of the amount of benefits that were denied, delayed, or terminated without reasonable or probable cause or excuse.

Sec. 1468. Section 86.17, Code 2023, is amended to read as follows:

86.17 Hearings — presiding officer — venue.

1. Notwithstanding the provisions of section 17A.11, the workers' compensation commissioner or a deputy workers' compensation commissioner shall preside over any contested case proceeding brought under this ~~chapter~~ subchapter, or chapter 85, 85A, or 85B in the manner provided by chapter 17A. The deputy commissioner or the commissioner may make such inquiries in contested case proceedings as shall be deemed necessary, so long as such inquiries do not violate any of the provisions of section 17A.17.

2. Hearings in contested case proceedings under this subchapter and chapters 85, and 85A ~~and this chapter~~ shall be held in the judicial district where the injury occurred. By written stipulation of the parties or by the order of a deputy workers' compensation commissioner or the commissioner, a hearing may be held elsewhere. If the injury occurred outside this state, or if the proceeding is not one for benefits resulting from an injury, hearings shall be held in Polk county or as otherwise stipulated by the parties or by order of a deputy workers' compensation commissioner or the workers' compensation commissioner.

Sec. 1469. Section 86.18, subsection 1, Code 2023, is amended to read as follows:

1. Evidence, process and procedure in contested case proceedings or appeal proceedings within the agency under this ~~chapter~~, subchapter and chapters 85 and 85A shall be as summary as practicable consistent with the requirements of chapter 17A.

Sec. 1470. Section 86.19, subsection 1, Code 2023, is amended to read as follows:

1. The workers' compensation commissioner, or a deputy commissioner, may appoint or may direct a party to furnish at the party's initial expense a certified shorthand reporter to be present and report, or to furnish mechanical means to record, and if necessary, transcribe proceedings of any contested case under this ~~chapter~~, subchapter and chapters 85 and 85A and fix the reasonable amount of compensation for such service. The charges shall be taxed as costs and the party initially paying the expense of the presence or transcription shall be reimbursed. The reporter shall faithfully and accurately report the proceedings.

Sec. 1471. Section 86.24, subsection 1, Code 2023, is amended to read as follows:

1. Any party aggrieved by a decision, order, ruling, finding or other act of a deputy commissioner in a contested case proceeding arising under this ~~chapter~~ subchapter or chapter 85 or 85A may appeal to the workers' compensation commissioner in the time and manner provided by rule. The hearing on an appeal shall be in Polk county unless the workers' compensation commissioner shall direct the hearing be held elsewhere.

Sec. 1472. Section 86.26, subsection 1, Code 2023, is amended to read as follows:

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.

Sec. 1473. Section 86.29, Code 2023, is amended to read as follows:

86.29 The judicial review petition.

Notwithstanding chapter 17A, the Iowa administrative procedure Act, in a petition for judicial review of a decision of the workers' compensation commissioner in a contested case under this ~~chapter~~ subchapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

Sec. 1474. Section 86.39, Code 2023, 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~~ subchapter 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~~ subchapter, 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. 1475. Section 86.43, Code 2023, is amended to read as follows:

86.43 Judgment — modification.

Upon the presentation to the court of a file-stamped copy of a decision of the workers' compensation commissioner, ending, diminishing, or increasing the compensation under the provisions of this ~~chapter~~ subchapter, the court shall revoke or modify the decree or judgment to conform to such decision.

Sec. 1476. Section 86.44, Code 2023, is amended to read as follows:

86.44 Confidentiality.

1. All verbal or written information relating to the subject matter of an agreement and transmitted between any party to a dispute and a mediator to resolve a dispute pursuant to this ~~chapter~~ subchapter or chapter 85, 85A, or 85B, during any stage of a mediation or a dispute resolution process conducted by a mediator as provided in this section, whether reflected in notes, memoranda, or other work products in the case files, is a confidential communication except as otherwise expressly provided in this chapter. Mediators involved in a mediation or a dispute resolution process shall not be examined in any judicial or administrative proceeding regarding confidential communications and are not subject to judicial or administrative process requiring the disclosure of confidential communications.

2. For purposes of this section, "mediator" means a chief deputy workers' compensation commissioner or deputy workers' compensation commissioner acting in the capacity to resolve a dispute pursuant to this ~~chapter~~ subchapter or chapter 85, 85A, or 85B, or an employee of the division of workers' compensation involved during any stage of a process to resolve a dispute.

Sec. 1477. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 86.1 to section 10A.303.
- b. Section 86.2 to section 10A.304.
- c. Section 86.3 to section 10A.305.
- d. Section 86.4 to section 10A.306.
- e. Section 86.5 to section 10A.307.

- f. Section 86.6 to section 10A.308.
- g. Section 86.7 to section 10A.309.
- h. Section 86.8 to section 10A.310.
- i. Section 86.9 to section 10A.311.
- j. Section 86.10 to section 10A.312.
- k. Section 86.11 to section 10A.313.
- l. Section 86.12 to section 10A.314.
- m. Section 86.13 to section 10A.315.
- n. Section 86.13A to section 10A.316.
- o. Section 86.14 to section 10A.317.
- p. Section 86.17 to section 10A.318.
- q. Section 86.18 to section 10A.319.
- r. Section 86.19 to section 10A.320.
- s. Section 86.24 to section 10A.321.
- t. Section 86.26 to section 10A.322.
- u. Section 86.27 to section 10A.323.
- v. Section 86.29 to section 10A.324.
- w. Section 86.32 to section 10A.325.
- x. Section 86.38 to section 10A.326.
- y. Section 86.39 to section 10A.327.
- z. Section 86.40 to section 10A.328.
- aa. Section 86.41 to section 10A.329.
- ab. Section 86.42 to section 10A.330.
- ac. Section 86.43 to section 10A.331.
- ad. Section 86.44 to section 10A.332.
- ae. Section 86.45 to section 10A.333.

2. The Code editor is directed to rename article III in chapter 10A as follows:

Article III shall be subchapter III and shall be entitled “Workers’ Compensation” and include sections 10A.301 through 10A.333.

3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

LICENSING AND REGULATION ACTIVITIES

Sec. 1478. **NEW SECTION. 10A.502 Responsibilities.**

The director shall coordinate the department’s conduct of various licensing and regulatory functions of the state under the administrative authority of the department including but not limited to all of the following:

- 1. Licensing and regulation of certain fire control and building code-related activities and professions.
- 2. Licensing and regulation of certain health-related professions.
- 3. Licensing and regulation of certain business and commerce-related professions.

Sec. 1479. **NEW SECTION. 10A.511 Fire control duties.**

The duties of the director as it relates to fire control shall be as follows:

- 1. To enforce all laws, and the rules and regulations of the department concerned with all of the following:
 - a. The prevention of fires.
 - b. The storage, transportation, handling, and use of flammable liquids, combustibles, fireworks, and explosives.
 - c. The storage, transportation, handling, and use of liquid petroleum gas.
 - d. The electric wiring and heating, and adequate means of exit in case of fire, from churches, schools, hotels, theaters, amphitheatres, asylums, hospitals, health care facilities as defined in section 135C.1, college buildings, lodge halls, public meeting places, and all other structures in which persons congregate from time to time, whether publicly or privately owned.
- 2. To promote fire safety and reduction of loss by fire through educational methods.

3. To promulgate fire safety rules in consultation with the state fire marshal. The director shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the department, but the rules shall be promulgated pursuant to chapter 17A. Wherever by any statute the director or the department is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building, or structure, the rules and standards shall promote and enforce fire safety, fire protection, and the elimination of fire hazards as the rules may relate to the use, occupancy, and construction of the buildings, establishments, or structures. The word “*construction*” shall include but is not limited to electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety, or protection. The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this chapter, with the standards of the national fire protection association relating to fire safety as published in the national fire codes.

4. To adopt rules designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection or plan review by the director is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review. The fees collected by the department shall be deposited in the general fund of the state.

5. To administer the fire extinguishing system contractor, alarm system contractor, and alarm system installer certification program established in chapter 100C.

6. To order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the state fire marshal determines that the use of such devices would constitute a threat to public safety.

Sec. 1480. NEW SECTION. **10A.512 Inspections.**

The director, and the director’s designated subordinates, in the performance of their duties under this part, shall have authority to enter any building or premises and to examine the same and the contents thereof.

Sec. 1481. NEW SECTION. **10A.533 Enforcement.**

1. If any local board, as defined in section 135.1, shall fail to enforce the rules of the department under this part or carry out the department’s lawful directions under this part, the department may enforce the same within the territorial jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions.

2. All expenses incurred by the department in determining whether its rules are enforced by a local board under this part, and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board.

3. All peace officers of the state when called upon by the department shall enforce the department’s rules under this part and execute the lawful orders of the department under this part within their respective jurisdictions.

Sec. 1482. NEW SECTION. **10A.534 Penalties.**

1. Any person who knowingly violates any provision of this part, or of the rules of the department under this part, or any lawful order, written or oral, of the department or of its officers, or authorized agents under this part, shall be guilty of a simple misdemeanor.

2. Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law under this part shall be guilty of a simple misdemeanor.

Sec. 1483. Section 12.83, Code 2023, is amended to read as follows:

12.83 School infrastructure fund moneys — ~~state fire marshal~~ allocation to department of inspections, appeals, and licensing.

During the term of the school infrastructure program established in section 292.2, up to fifty thousand dollars of the moneys deposited each fiscal year in the school infrastructure fund shall be allocated each fiscal year to the department of ~~public safety~~ inspections, appeals, and

licensing for the use of the state fire marshal department. The funds shall be used by the state fire marshal department solely for the purpose of retaining an architect or architectural firm to evaluate structures for which school infrastructure program grant applications are made, to consult with school district representatives, to review construction drawings and blueprints, and to perform related duties at the direction of the state fire marshal department to ensure the best possible use of moneys received by a school district under the school infrastructure program. The state fire marshal department shall provide for the review of plans, drawings, and blueprints in a timely manner.

Sec. 1484. Section 72.5, subsection 2, Code 2023, is amended to read as follows:

2. The director of the economic development authority, in consultation with the department of management, and the state building code commissioner, and state fire marshal, shall develop standards and methods to evaluate design development documents and construction documents based upon life cycle cost factors to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

Sec. 1485. Section 88A.11, subsection 2, Code 2023, is amended to read as follows:

2. A concession booth, amusement device or ride which is owned and operated by a nonprofit religious, educational or charitable institution or association if such booth, device or ride is located within a building subject to inspection by the state fire marshal director or by any political subdivisions of the state under its building, fire, electrical, and related public safety ordinances.

Sec. 1486. Section 100.1, subsections 3, 4, 5, 6, and 7, Code 2023, are amended by striking the subsections.

Sec. 1487. Section 100.1, subsection 8, Code 2023, is amended to read as follows:

8. To recommend to the director of the department of inspections, appeals, and licensing, that the director 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. 1488. Section 100.11, Code 2023, is amended to read as follows:

100.11 Fire escapes.

It shall be the duty of the fire marshal director to enforce all laws relating to fire escapes.

Sec. 1489. Section 100.12, Code 2023, is amended to read as follows:

100.12 Authority for inspection — orders.

The chief of a fire department or an authorized subordinate who is trained in fire prevention safety standards may enter a building or premises at a reasonable hour to examine the building or premises and its contents. The examining official shall order the correction of a condition which is in violation of this chapter, a rule adopted under this chapter, or a city or county fire safety ordinance. The order shall be in writing or, if the danger is imminent, orally followed by a written order. The examining official shall enforce the order in accordance with the applicable law or ordinance. At the request of the examining official the state fire marshal director may assist in an enforcement action.

Sec. 1490. Section 100.13, Code 2023, is amended to read as follows:

100.13 Violations — orders.

1. If a person has violated or is violating a provision of this chapter or a rule adopted pursuant to this chapter, the state fire marshal director, the chief of any fire department, or the fire prevention officer of a fire department organized under chapter 400 may issue an order directing the person to desist in the practice which constitutes the violation and to take corrective action as necessary to ensure that the violation will cease. The order shall be in writing and shall specify a reasonable time by which the person shall comply with the order. The person to whom the order is issued may appeal the order as provided in chapter 17A. On appeal, the administrative law judge may affirm, modify, or vacate the order. Judicial review may be sought in accordance with chapter 17A.

2. Notwithstanding any other provision of law to the contrary, if the state fire marshal director determines that an emergency exists respecting any matter affecting or likely to affect the public safety, the fire marshal director may issue any order necessary to terminate the emergency without notice or hearing. An emergency order is binding and effective immediately, until or unless the order is modified, vacated, or stayed at an administrative hearing or by a district court.

Sec. 1491. Section 100.14, Code 2023, is amended to read as follows:

100.14 Legal proceedings — penalties — injunctive relief.

At the request of the state fire marshal director, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of this chapter or rules or orders adopted or issued pursuant to this chapter, including, but not limited to, a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including, but not limited to, a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to section 100.13.

Sec. 1492. Section 100.16, Code 2023, is amended to read as follows:

100.16 Judicial review — court costs.

1. Judicial review of actions of the fire marshal director may be sought in accordance with the terms of the Iowa administrative procedure Act pursuant to chapter 17A. If legal proceedings have been instituted pursuant to section 100.14, all related issues which could otherwise be raised in a proceeding for judicial review shall be raised in the legal proceedings instituted pursuant to section 100.14.

2. Upon judicial review of the fire marshal's director's action, if the court affirms the agency action, the court shall tax all court costs of the review proceeding against the appellant. However, if the court reverses, revokes, or annuls the fire marshal's director's action, the court shall tax all court costs of the review proceeding against the agency. If the fire marshal's director's action is modified or the matter is remanded to the agency for further proceedings, the court shall apportion the court costs within the discretion of the court.

Sec. 1493. Section 100.18, subsections 2, 3, 4, 5, 6, and 7, Code 2023, are amended to read as follows:

2. a. Except as provided in subsection 4, multiple-unit residential buildings and single-family dwellings the construction of which is begun on or after July 1, 1991, shall include the installation of smoke detectors in compliance with the rules established by the state fire marshal director under subsection 5.

b. The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. Existing single-family dwelling units shall be equipped with approved smoke detectors. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector installed in compliance with this section, or that one will be installed within thirty days of the date the filing for the credit is made. The state fire marshal director shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant who is deaf or hard of hearing.

3. a. Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the state fire marshal director under subsection 5.

b. The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. For purposes of this paragraph, "approved carbon

monoxide alarm” means a carbon monoxide alarm that meets the standards established by the underwriters’ laboratories or is approved by the state fire marshal director as established by rule under subsection 5. A person who files for a homestead credit pursuant to chapter 425 shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit is made. The state fire marshal director shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner’s agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant who is deaf or hard of hearing.

d. The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the state fire marshal director under subsection 5, taking into account the number and location of all fuel sources in the building.

4. This section does not require the following:

a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the state fire marshal director.

b. The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal director.

5. The state fire marshal director shall enforce the requirements of subsections 2 and 3 and may implement a program of inspections to monitor compliance with the provisions of those subsections. Upon inspection, the state fire marshal director shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family rental unit informing the owner or manager of compliance or noncompliance with this section. The state fire marshal director may contract with any political subdivision without fee assessed to either the state fire marshal director or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section. The state fire marshal director shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal director.

6. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, state fire marshal director, the fire marshal’s director’s subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall correct the situation within thirty days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal director, fire marshal’s director’s subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

Sec. 1494. Section 100.19, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The ~~state fire marshal~~ director 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~~ director. The ~~state fire marshal~~ director shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

Sec. 1495. Section 100.19, subsection 3, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall establish a fee schedule for consumer fireworks seller licenses as follows:

Sec. 1496. Section 100.19, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall adopt rules to:

Sec. 1497. Section 100.19, subsections 6, 7, and 8, Code 2023, are amended to read as follows:

6. a. The ~~state fire marshal~~ director 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 department~~, 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 department~~ 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 department~~ 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 department~~. 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.

7. a. A consumer fireworks fee fund is created in the state treasury under the control of the ~~state fire marshal~~ director. 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~~ director to be used to fulfill the responsibilities of the ~~state fire marshal~~ director 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~~ director under the fee schedule established pursuant to subsection 3 and the fees collected by the ~~state fire marshal~~ director under section 100.19A for wholesaler registration.

b. The ~~state fire marshal~~ director shall establish a local fire protection and emergency medical service providers grant program to provide grants in the following order of priority:

(1) Local fire protection service providers and local emergency medical service providers to establish or provide fireworks safety education programming to members of the public, and for the purchase of necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

(2) Local volunteer fire protection service providers for the purchase of necessary enforcement, protection, or emergency response equipment.

8. The ~~state fire marshal~~ director shall adopt rules for the administration of this section.

Sec. 1498. Section 100.19A, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The ~~state fire marshal~~ director shall adopt rules to require all wholesalers to annually register with the ~~state fire marshal~~ director. The ~~state fire marshal~~ director 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~~ director 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.

Sec. 1499. Section 100.31, Code 2023, is amended to read as follows:

100.31 Fire and tornado drills in schools — warning systems — inspections.

1. It shall be the duty of the ~~state fire marshal~~ director and the ~~fire marshal's~~ director's designated subordinates to require all private and public school officials and teachers to conduct not less than four fire drills and not less than four tornado drills in all school buildings during each school year when school is in session; and to require the officials and teachers of all schools to keep all doors and exits of their respective rooms and buildings unlocked when occupied during school hours or when such areas are being used by the public at other times. Not less than two drills of each type shall be conducted between July 1 and December 31 of each year and not less than two drills of each type shall be conducted between January 1 and June 30 of each year.

2. Every school building with two or more classrooms shall have a warning system for fires of a type approved by the underwriters' laboratories and by the ~~state fire marshal~~ director. The warning system shall be used only for fire drills or as a warning for emergency. Schools may modify the fire warning system for use as a tornado warning system or shall install a separate tornado warning system. Every school building shall also be equipped with portable fire extinguishers, with the type, size and number in accordance with national fire protection association standards and approved by the ~~state fire marshal~~ director.

3. The ~~state fire marshal~~ director or the ~~fire marshal's~~ director's deputies shall cause each public or private school, college, or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made.

Sec. 1500. Section 100.35, Code 2023, is amended to read as follows:

100.35 Rules of marshal director — penalties.

1. The ~~fire marshal~~ director shall adopt, and may amend rules under chapter 17A, which include standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, food establishments as defined in section 137F.1, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the ~~fire marshal~~ director is a simple misdemeanor. However, upon proof that the ~~fire marshal~~ director gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the ~~fire marshal~~ director, the penalty is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

2. Rules by the ~~fire marshal~~ director affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code pursuant to section 103A.7 or with codes adopted

by a local subdivision which are in substantial accord with the codes comprising the state building code.

3. The rules adopted by the ~~state fire marshal~~ director under this section shall provide standards for fire resistance of cellulose insulation sold or used in this state, whether for public or private use. The rules shall provide for approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

Sec. 1501. Section 100.38, Code 2023, is amended to read as follows:

100.38 Conflicting statutes.

Provisions of this ~~chapter~~ part in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 1502. Section 100.39, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. All buildings approved for construction after July 1, 1998, that exceed four stories in height, or seventy-five feet above grade, shall require the installation of an approved automatic fire extinguishing system designed and installed in conformity with rules promulgated by the ~~state fire marshal~~ director pursuant to this ~~chapter~~ part.

2. The requirements of this section shall not apply to the following:

a. Any noncombustible elevator storage structure or any noncombustible plant building with noncombustible contents.

b. Any combustible elevator storage structure that is equipped with an approved drypipe, nonautomatic sprinkler and automatic alarm system.

c. Buildings in existence or under construction on August 15, 1975. However, if subsequent to that date any building is enlarged or altered beyond the height limitations applicable to new buildings, such building in its entirety shall be subject to all the provisions of this section.

d. Any open parking garage structure which is in compliance with rules adopted by the ~~state fire marshal~~ director.

3. Plans and installation of systems shall be approved by the ~~state fire marshal~~ director, a designee of the ~~state fire marshal~~ director, or local authorities having jurisdiction. Except where local fire protection regulations are more stringent, the provisions of this section shall be applicable to all buildings, whether privately or publicly owned. The definition of terms shall be in conformity, insofar as possible, with definitions found in the state building code adopted pursuant to section 103A.7.

Sec. 1503. Section 100.41, Code 2023, is amended to read as follows:

100.41 Authority to cite violations.

Fire officials acting under the authority of this ~~chapter~~ part may issue citations in accordance with chapter 805, for violations of this ~~chapter~~ part or a violation of a local fire safety code.

Sec. 1504. Section 100C.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. “*Department*” means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 8B. “*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1505. Section 100C.1, subsection 14, Code 2023, is amended to read as follows:

14. “*Responsible managing employee*” means one of the following:

a. An owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is certified by the national institute for certification in engineering technologies at a level three in fire protection technology, automatic sprinkler system layout, or another certification in automatic sprinkler system layout recognized by rules adopted by the ~~fire marshal~~ director pursuant to section 100C.7 or who meets any other criteria established by rule.

b. An owner, partner, officer, or manager employed full-time by an alarm system contractor who is certified by the national institute for certification in engineering technologies in fire alarm systems or security systems at a level established by the ~~fire marshal~~ director by rule or who meets any other criteria established by rule under this chapter. The rules may provide for separate endorsements for fire alarm systems, security alarm systems, and nurse call systems and may require separate qualifications for each.

Sec. 1506. Section 100C.2, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. An employee or subcontractor of a certified alarm system contractor who is an alarm system installer, and who is not licensed pursuant to chapter 103 shall obtain and maintain certification as an alarm system installer and shall meet and maintain qualifications established by the ~~state fire marshal~~ director by rule.

Sec. 1507. Section 100C.3, subsections 1, 3, and 5, Code 2023, are amended to read as follows:

1. A fire extinguishing system contractor, an alarm system contractor, or an alarm system installer shall apply for a certificate on a form prescribed by the ~~state fire marshal~~ director. The application shall be accompanied by a fee in an amount prescribed by rule pursuant to section 100C.7 and shall include all of the following information, as applicable:

a. The name, address, and telephone number of the contractor or installer and, in the case of an installer, the name and certification number of the contractor by whom the installer is employed, including all legal and fictitious names.

b. Proof of insurance coverage required by section 100C.4.

c. The name and qualifications of the person designated as the contractor's responsible managing employee and of persons designated as alternate responsible managing employees.

d. Any other information deemed necessary by the ~~state fire marshal~~ director.

3. Upon receipt of a completed application and prescribed fees, if the contractor or installer meets all requirements established by this chapter, the ~~state fire marshal~~ director shall issue a certificate to the contractor or installer within thirty days.

5. Any change in the information provided in the application shall be promptly reported to the ~~state fire marshal~~ director. When the employment of a responsible managing employee is terminated, the contractor shall notify the ~~state fire marshal~~ director within thirty days after termination.

Sec. 1508. Section 100C.4, Code 2023, is amended to read as follows:

100C.4 Insurance.

1. A fire extinguishing system contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of automatic fire extinguishing systems in an amount determined by the ~~state fire marshal~~ director by rule.

2. An alarm system contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of alarm systems in an amount determined by the ~~state fire marshal~~ director by rule.

Sec. 1509. Section 100C.5, Code 2023, is amended to read as follows:

100C.5 Suspension and revocation.

1. The ~~state fire marshal~~ director shall suspend or revoke the certificate of any contractor or installer who fails to maintain compliance with the conditions necessary to obtain a certificate. A certificate may also be suspended or revoked if any of the following occur:

a. The employment or relationship of a responsible managing employee with a contractor is terminated, unless the contractor has included a qualified alternate on the application or an application designating a new responsible managing employee is filed with the ~~state fire marshal~~ director within six months after the termination.

b. The contractor or installer fails to comply with any provision of this chapter.

c. The contractor or installer fails to comply with any other applicable codes and ordinances.

2. If a certificate is suspended pursuant to this section, the certificate shall not be reinstated until the condition or conditions which led to the suspension have been corrected.

3. The ~~state fire marshal~~ director shall adopt rules pursuant to section 100C.7 for the acceptance and processing of complaints against certificate holders, for procedures to suspend and revoke certificates, and for appeals of decisions to suspend or revoke certificates.

Sec. 1510. Section 100C.7, Code 2023, is amended to read as follows:

100C.7 Administration — rules.

The ~~state fire marshal~~ director shall administer this chapter and, after consultation with the fire extinguishing system contractors and alarm systems advisory board, shall adopt rules pursuant to chapter 17A necessary for the administration and enforcement of this chapter.

Sec. 1511. Section 100C.8, subsection 2, Code 2023, is amended to read as follows:

2. The ~~state fire marshal~~ director may impose a civil penalty of up to five hundred dollars on any person who violates any provision of this chapter for each day a violation continues. The ~~state fire marshal~~ director may adopt rules necessary to enforce and collect any penalties imposed pursuant to this chapter.

Sec. 1512. Section 100C.9, Code 2023, is amended to read as follows:

100C.9 Deposit and use of moneys collected.

1. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the ~~division of state fire marshal in the department of public safety~~ and such fees received shall be used exclusively to offset the costs of administering this chapter.

2. Notwithstanding section 8.33, fees collected by the ~~division of state fire marshal department~~ 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 succeeding fiscal years.

Sec. 1513. Section 100C.10, subsection 1, Code 2023, is amended to read as follows:

1. A fire extinguishing system contractors and alarm systems advisory board is established in the ~~division of state fire marshal of the department of public safety~~ and shall advise the ~~division~~ department on matters pertaining to the application and certification of contractors and installers pursuant to this chapter.

Sec. 1514. Section 100C.10, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall consist of eleven voting members appointed by the ~~commissioner of public safety~~ director as follows:

Sec. 1515. Section 100C.10, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The state fire marshal, or the state fire marshal's designee, the director, and the chairperson of the electrical examining board created in section 103.2 shall be nonvoting ex officio members of the board.

4. ~~The commissioner shall initially appoint two members for two-year terms, two members for four-year terms, and three members for six-year terms. Following the expiration of the terms of initially appointed members, each~~ Each term thereafter shall be for a period of six years. No member shall serve more than two consecutive terms. If a position on the board becomes vacant prior to the expiration of a member's term, the member appointed to the vacancy shall serve the balance of the unexpired term.

Sec. 1516. Section 100D.1, subsections 2 and 10, Code 2023, are amended to read as follows:

2. "*Department*" means the department of ~~public safety inspections, appeals, and licensing~~.

10. "*Responsible managing employee*" means an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is certified by the national institute for certification in engineering technologies at a level three in fire protection technology, automatic sprinkler system layout, or another certification in automatic sprinkler

system layout recognized by rules adopted by the ~~fire marshal~~ director pursuant to section 100C.7 or who meets any other criteria established by rule.

Sec. 1517. Section 100D.1, subsection 3, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

3. “*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1518. Section 100D.2, subsection 4, Code 2023, is amended to read as follows:

4. Licenses shall be issued for a two-year period, and may be renewed as established by the ~~state fire marshal~~ director by rule.

Sec. 1519. Section 100D.3, Code 2023, is amended to read as follows:

100D.3 Fire protection system installer and maintenance worker license.

1. The ~~state fire marshal~~ director shall issue a fire protection system installer and maintenance worker license to an applicant who meets all of the following requirements:

a. Has completed a fire protection apprenticeship program approved by the United States department of labor, or has completed two years of full-time employment or the equivalent thereof as a trainee.

b. Is employed by a fire extinguishing system contractor. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant’s employer may obtain a license if the employer is not a certified contractor.

c. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the ~~state fire marshal~~ director, or is certified at level one by the national institute for certification in engineering technologies and as specified by rule by the ~~state fire marshal~~ director, or is certified by another entity approved by the fire marshal.¹¹

2. The ~~state fire marshal~~ director shall issue a fire protection system installer and maintenance worker license with endorsements restricted to preengineered fire protection systems to an applicant who does not meet the requirements of subsection 1 but does meet the following requirements:

a. To be endorsed as a preengineered kitchen fire extinguishing system installer, has successfully completed training and an examination verified by a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the ~~state fire marshal~~ director.

b. To be endorsed as a preengineered kitchen fire extinguishing system maintenance worker, has successfully completed training by the worker’s employer or the system’s manufacturer and has passed a written or online examination for preengineered kitchen fire extinguishing system maintenance that is approved by the ~~state fire marshal~~ director.

c. To be endorsed as a preengineered industrial fire extinguishing system installer, possesses a training and examination certification from a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the ~~state fire marshal~~ director.

d. To be endorsed as a preengineered industrial fire extinguishing system maintenance worker, has been trained by the worker’s employer and has passed a written or online examination for preengineered industrial fire extinguishing system maintenance that is approved by the ~~state fire marshal~~ director.

3. The holder of a fire protection system installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

4. The license of a fire protection system installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chapter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall

¹¹ See chapter 119, §13 herein

notify the ~~fire marshal~~ director and shall apply for an amendment to the license. The ~~fire marshal~~ director may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

5. The ~~fire marshal~~ director, by rule, may restrict the scope of work authorized by a license with appropriate endorsements.

Sec. 1520. Section 100D.4, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An applicant for a fire protection system installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the ~~fire marshal~~ director by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~fire marshal~~ director.

Sec. 1521. Section 100D.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall do all of the following:

Sec. 1522. Section 100D.6, Code 2023, is amended to read as follows:

100D.6 Penalties.

The ~~state fire marshal~~ director may impose a civil penalty of up to five hundred dollars on any person who violates any provision of this chapter for each day a violation continues. The ~~state fire marshal~~ director may adopt rules necessary to enforce and collect any penalties imposed pursuant to this chapter.

Sec. 1523. Section 100D.7, Code 2023, is amended to read as follows:

100D.7 Deposit and use of moneys collected.

1. The ~~state fire marshal~~ director shall set the license fees and renewal fees for all licenses issued pursuant to this chapter, by rule, based upon the actual costs of licensing.

2. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the ~~division of state fire marshal in the department of public safety~~ and such fees received shall be used exclusively to offset the costs of administering this chapter.

3. Notwithstanding section 8.33, fees collected by the ~~division of state fire marshal department~~ 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. 1524. Section 100D.10, Code 2023, is amended to read as follows:

100D.10 Reciprocal licenses.

To the extent that another state provides for the licensing of fire protection system installers and maintenance workers or similar action, the ~~state fire marshal~~ director may issue a fire protection system installer and maintenance worker license, without examination, to a nonresident fire protection system installer and maintenance worker who has been licensed by such other state for at least three years provided such other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained a fire protection system installer and maintenance worker license upon payment by the applicant of the required fee and upon furnishing proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in this state.

Sec. 1525. Section 100D.13, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~state fire marshal~~ director may issue a temporary fire protection system installer and maintenance worker license to a person, providing that all of the following conditions are met:

a. The person is currently licensed or certified to perform work as a fire protection system installer and maintenance worker in another state.

b. The person meets any additional criteria for a temporary license established by the ~~state fire marshal~~ director by rule.

c. The person provides all information required by the ~~state fire marshal~~ director.

d. The person has paid the fee for a temporary license, which fee shall be established by the ~~state fire marshal~~ director by rule.

e. The person intends to perform work as a fire protection system installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

2. A temporary license issued pursuant to this section shall be valid for ninety days. The ~~state fire marshal~~ director may establish criteria and procedures for the extension of such licenses for additional periods, which in no event shall exceed ninety days.

Sec. 1526. Section 101.1, subsection 1, Code 2023, is amended to read as follows:

1. The ~~state fire marshal~~ director is hereby empowered and directed to formulate and adopt and from time to time amend or revise and to promulgate, in conformity with and subject to the conditions set forth in this chapter, reasonable rules for the safe transportation, storage, handling, and use of combustible liquids, flammable liquids, liquefied petroleum gases, and liquefied natural gases.

Sec. 1527. Section 101.1, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* “Director” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1528. Section 101.5A, Code 2023, is amended to read as follows:

101.5A Shared public petroleum storage facilities.

The ~~state fire marshal~~ director shall permit by rule the shared ownership, operation, or cooperative use of a publicly owned petroleum storage or dispensing facility by more than one public agency or political subdivision in order to maximize the opportunity for cooperation, to avoid unnecessary duplication of facilities posing both an environmental and fire hazard, and to minimize the cost of providing public services. Shared or cooperative use is not a violation of chapter 23A, even if one public agency or political subdivision compensates another public agency or political subdivision for the use or for petroleum dispensed. A publicly owned petroleum storage facility subject to this section may use aboveground or underground storage tanks, or a combination of both.

Sec. 1529. Section 101.8, Code 2023, is amended to read as follows:

101.8 Assistance by local officials.

The chief fire prevention officer of every city or village having an established fire prevention department, the chief of the fire department of every other city or village in which a fire department is established, the mayor of every city in which no fire department exists, the township clerk of every township outside the limits of any city or village and all other local officials upon whom fire prevention duties are imposed by law shall assist the ~~state fire marshal~~ director in the enforcement of the rules.

Sec. 1530. Section 101.9, Code 2023, is amended to read as follows:

101.9 Repairs ordered by fire marshal director.

If the ~~state fire marshal~~ director has reasonable grounds for believing after conducting tests that a leak exists in a flammable or combustible liquid storage tank or in the distribution system of a flammable or combustible liquid storage tank the ~~state fire marshal~~ director shall issue a written order to the owner or lessee of the storage tank or distribution system requiring the storage tank and distribution system be emptied and removed or repaired immediately upon receipt of the written order.

Sec. 1531. Section 101.10, Code 2023, is amended to read as follows:

101.10 Assistance of department of natural resources.

If the ~~state fire marshal~~ director has reasonable grounds for believing that a leak constitutes a hazardous condition which threatens the public health and safety, the ~~fire marshal~~ director may request the assistance of the department of natural resources, and upon such request the department of natural resources is empowered to eliminate the hazardous condition as provided in chapter 455B, subchapter IV, part 4, the provisions of section 455B.390, subsection 3, to the contrary notwithstanding.

Sec. 1532. Section 101.12, subsections 1 and 2, Code 2023, are amended to read as follows:

1. An aboveground flammable or combustible liquid storage tank may be installed at a retail motor vehicle fuel outlet, subject to rules adopted by the ~~state fire marshal~~ director.

2. Rules adopted by the ~~state fire marshal~~ director pursuant to this section shall be in substantial compliance with the applicable standards of the national fire protection association.

Sec. 1533. Section 101.21, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 1534. Section 101.22, subsections 1, 2, 3, 4, and 7, Code 2023, are amended to read as follows:

1. Except as provided in subsection 2, the owner or operator of an aboveground flammable or combustible liquid storage tank existing on July 1, 2010, shall notify the ~~state fire marshal~~ director in writing by October 1, 2010, of the existence of each tank and specify the age, size, type, location, and uses of the tank.

2. The owner of an aboveground flammable or combustible liquid storage tank taken out of operation on or before July 1, 2010, shall notify the ~~state fire marshal~~ director in writing by October 1, 2010, of the existence of the tank unless the owner knows the tank has been removed from the site. The notice shall specify, to the extent known to the owner, the date the tank was taken out of operation, the age of the tank on the date taken out of operation, the size, type, and location of the tank, and the type and quantity of substances left stored in the tank on the date that it was taken out of operation.

3. An owner or operator who brings into use an aboveground flammable or combustible liquid storage tank after July 1, 2010, shall notify the ~~state fire marshal~~ director in writing within thirty days of the existence of the tank and specify the age, size, type, location, and uses of the tank.

4. The registration notice of the owner or operator to the ~~state fire marshal~~ director under subsections 1 through 3 shall be accompanied by an annual fee of twenty dollars for each tank included in the notice. All moneys collected shall be retained by the department of ~~public safety~~ inspections, appeals, and licensing and are appropriated for the use of the ~~state fire marshal~~ director. The annual renewal fee applies to all owners or operators who file a registration notice with the state fire marshal¹² pursuant to subsections 1 through 3.

7. a. The ~~state fire marshal~~ director shall furnish the owner or operator of an aboveground flammable or combustible liquid storage tank with a registration tag for each aboveground flammable or combustible liquid storage tank registered with the ~~state fire marshal~~ director.

b. The owner or operator shall affix the tag to the fill pipe of each registered aboveground flammable or combustible liquid storage tank.

Sec. 1535. Section 101.23, Code 2023, is amended to read as follows:

101.23 State fire marshal Director reporting rules.

The ~~state fire marshal~~ director shall adopt rules pursuant to chapter 17A relating to reporting requirements necessary to enable the ~~state fire marshal~~ director to maintain an accurate inventory of aboveground flammable or combustible liquid storage tanks.

Sec. 1536. Section 101.24, Code 2023, is amended to read as follows:

101.24 Duties and powers of the state fire marshal director.

The ~~state fire marshal~~ director shall:

¹² See chapter 119, §14 herein

1. Inspect and investigate the facilities and records of owners and operators of aboveground flammable or combustible liquid storage tanks with a capacity of fifteen thousand or more gallons, as necessary to determine compliance with this subchapter and the rules adopted pursuant to this subchapter. An inspection or investigation shall be conducted subject to subsection 4. For purposes of developing a rule, maintaining an accurate inventory, or enforcing this subchapter, the department of inspections, appeals, and licensing may:

a. Enter at reasonable times an establishment or other place where an aboveground storage tank is located.

b. Inspect and obtain samples from any person of flammable or combustible liquid or another regulated substance and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, and groundwater. Each inspection shall be commenced and completed with reasonable promptness.

(1) If the ~~state fire marshal~~ director obtains a sample, prior to leaving the premises, the ~~fire marshal~~ director shall give the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each sample equal in volume or weight to the portion retained. If the sample is analyzed, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

(2) Documents or information obtained from a person under this subsection shall be available to the public except as provided in this subparagraph. Upon a showing satisfactory to the ~~state fire marshal~~ director by a person that public disclosure of documents or information, or a particular part of the documents or information to which the ~~state fire marshal~~ director has access under this subsection would divulge commercial or financial information entitled to protection as a trade secret, the ~~state fire marshal~~ director shall consider the documents or information or the particular portion of the documents or information confidential. However, the documents or information may be disclosed to officers, employees, or authorized representatives of the United States charged with implementing the federal Solid Waste Disposal Act, to employees of the state of Iowa or of other states when the document or information is relevant to the discharge of their official duties, and when relevant in a proceeding under the federal Solid Waste Disposal Act or this subchapter.

2. Maintain an accurate inventory of aboveground flammable or combustible liquid storage tanks.

3. Take any action allowed by law which, in the ~~state fire marshal's~~ director's judgment, is necessary to enforce or secure compliance with this subchapter or any rule adopted pursuant to this subchapter.

4. Conduct investigations of complaints received directly, referred by other agencies, or other investigations deemed necessary. While conducting an investigation, the ~~state fire marshal~~ director may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this subchapter or the rules or standards adopted under this subchapter. However, the owner or person in charge shall be notified.

a. If the owner or operator of any property refuses admittance, or if prior to such refusal the ~~state fire marshal~~ director demonstrates the necessity for a warrant, the state fire marshal¹³ may make application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.

b. In the application the ~~state fire marshal~~ director shall state that an inspection of the premises is mandated by the laws of this state or that a search of certain premises, areas, or things designated in the application may result in evidence tending to reveal the existence of violations of public health, safety, or welfare requirements imposed by statutes, rules, or ordinances established by the state or a political subdivision of the state. The application shall describe the area, premises, or thing to be searched, give the date of the last inspection if known, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of the desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute, rule, or ordinance pursuant

¹³ See chapter 119, §15

to which inspection is to be made. If an item of property is sought by the ~~state fire marshal director~~, it shall be identified in the application.

c. If the court is satisfied from the examination of the applicant, and of other witnesses, if any, and of the allegations of the application of the existence of the grounds of the application, or that there is probable cause to believe in their existence, the court may issue a search warrant.

d. In making inspections and searches pursuant to the authority of this subchapter, the ~~state fire marshal director~~ must execute the warrant as follows:

- (1) Within ten days after its date.
- (2) In a reasonable manner, and any property seized shall be treated in accordance with the provisions of chapters 808 and 809.
- (3) Subject to any restrictions imposed by the statute, rule or ordinance pursuant to which inspection is made.

Sec. 1537. Section 101.25, Code 2023, is amended to read as follows:

101.25 Violations — orders.

1. If substantial evidence exists that a person has violated or is violating a provision of this subchapter or a rule adopted under this subchapter the ~~state fire marshal director~~ may issue an order directing the person to desist in the practice which constitutes the violation, and to take corrective action as necessary to ensure that the violation will cease, and may impose appropriate administrative penalties pursuant to section 101.26. The person to whom the order is issued may appeal the order as provided in chapter 17A. On appeal, the administrative law judge may affirm, modify, or vacate the order of the ~~state fire marshal director~~.

2. However, if it is determined by the ~~state fire marshal director~~ that an emergency exists respecting any matter affecting or likely to affect the public health, the ~~fire marshal director~~ may issue any order necessary to terminate the emergency without notice and without hearing. The order is binding and effective immediately and until the order is modified or vacated at an administrative hearing or by a district court.

3. The ~~state fire marshal director~~ may request the attorney general to institute legal proceedings pursuant to section 101.26.

Sec. 1538. Section 101.26, Code 2023, is amended to read as follows:

101.26 Penalties — burden of proof.

1. A person who violates this subchapter or a rule adopted or order 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 director~~ 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.

2. A person who knowingly fails to notify or makes a false statement, representation, or certification in a record, report, or other document filed or required to be maintained under this subchapter, or violates an order issued under this subchapter, is guilty of an aggravated misdemeanor.

3. The attorney general, at the request of the ~~state fire marshal director~~, shall institute any legal proceedings, including an action for an injunction, necessary to enforce the penalty provisions of this subchapter or to obtain compliance with the provisions of this subchapter or rules adopted or order pursuant to this subchapter. In any action, previous findings of fact of the ~~state fire marshal director~~ after notice and hearing are conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

4. In all proceedings with respect to an alleged violation of this subchapter or a rule adopted or order issued by the ~~state fire marshal director~~ pursuant to this subchapter, the burden of proof is upon the ~~state fire marshal director~~.

5. If the attorney general has instituted legal proceedings in accordance with this section, all related issues which could otherwise be raised by the alleged violator in a proceeding

for judicial review under section 101.27 shall be raised in the legal proceedings instituted in accordance with this section.

Sec. 1539. Section 101.27, Code 2023, is amended to read as follows:

101.27 Judicial review.

Except as provided in section 101.26, subsection 5, judicial review of an order or other action of the ~~state fire marshal~~ director 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 alleged offense was committed or the final order was entered.

Sec. 1540. Section 101A.1, subsections 2, 6, and 7, Code 2023, are amended to read as follows:

2. “Commercial license” or “license” means a license issued by the ~~state fire marshal~~ director pursuant to this chapter.

6. “Licensee” means a person holding a commercial license issued by the ~~state fire marshal~~ director pursuant to this chapter.

7. “Magazine” means any building or structure, other than an explosives manufacturing building, approved by the ~~state fire marshal~~ director or the ~~fire marshal’s~~ director’s designated agent for the storage of explosive materials.

Sec. 1541. Section 101A.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Director” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1542. Section 101A.2, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~state fire marshal~~ director shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the ~~state fire marshal’s~~ director’s discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of three years, but may be issued for shorter periods, and may be revoked or suspended by the ~~state fire marshal~~ director for any of the following reasons:

a. Falsification of information submitted in the application for a license.

b. Proof that the licensee has violated any provisions of this chapter or any rules prescribed by the ~~state fire marshal~~ director pursuant to the provisions of this chapter.

c. The results of a national criminal history check conducted pursuant to subsection 3.

2. Licenses shall be issued by the ~~state fire marshal~~ director upon payment of a fee of sixty dollars, valid for a period of three calendar years, commencing on January 1 of the first year and terminating on December 31 of the third year. However, an initial license may be issued during a calendar year for the number of months remaining in such calendar year and the following two years, computed to the first day of the month when the application for the license is approved. The license fee shall be charged on a pro rata basis for the number of months remaining in the period of issue. Applications for renewal of licenses shall be submitted within thirty days prior to the license expiration date and shall be accompanied by payment of the prescribed fee.

Sec. 1543. Section 101A.3, subsections 1 and 2, Code 2023, are amended to read as follows:

1. User’s permits to purchase, possess, transport, store, and detonate explosive materials shall be issued by the sheriff of the county or the chief of police of a city of ten thousand population or more where the possession and detonation will occur. If the possession and detonation are to occur in more than one county or city, then such permits must be issued by the sheriff or chief of police of each of such counties or cities, except in counties and cities in which the explosives are possessed for the sole purpose of transporting them through such counties and cities. A permit shall not be issued unless the sheriff or chief of police having

jurisdiction is satisfied that possession and detonation of explosive materials is necessary to the applicant's business or to improve the applicant's property. Permits shall be issued only to persons who, in the discretion of the sheriff or chief of police, are of good character and sound judgment, and have sufficient knowledge of the use and handling of explosive materials to protect the public safety. Applicants shall be subject to the criminal history check provisions of section 101A.2, subsection 3. The ~~state fire marshal~~ director shall prescribe, have printed, and distribute permit application forms to all local permit issuing authorities.

2. The user's permit shall state the quantity of explosive materials which the permittee may purchase, the amount the permittee may have in possession at any one time, the amount the permittee may detonate at any one time, and the period of time during which the purchase, possession, and detonation of explosive materials is authorized. The permit shall also specify the place where detonation may occur, the location and description of the place where the explosive materials will be stored, if such be the case, and shall contain such other information as may be required under the rules and regulations of the ~~state fire marshal~~ director. The permit shall not authorize purchase, possession, and detonation of a quantity of explosive materials in excess of that which is necessary in the pursuit of the applicant's business or the improvement of the permittee's property, nor shall such purchase, possession, and detonation be authorized for a period longer than is necessary for the specified purpose. In no event shall the permit be valid for more than thirty days from date of issuance but it may be renewed upon proper showing of necessity.

Sec. 1544. Section 101A.4, subsection 1, Code 2023, is amended to read as follows:

1. Judicial review of the action of the ~~state fire marshal~~ director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 1545. Section 101A.5, Code 2023, is amended to read as follows:

101A.5 Rules — director duties.

1. The ~~state fire marshal~~ director shall adopt rules pursuant to chapter 17A pertaining to the manufacture, transportation, storage, possession, and use of explosive materials. Rules adopted by the ~~state fire marshal~~ director shall be compatible with, but not limited to, the national fire protection association's pamphlet number 495 and federal rules pertaining to commerce, possession, storage, and use of explosive materials. Such rules shall do all of the following:

1- a. Prescribe reasonable standards for the safe transportation and handling of explosive materials so as to prevent accidental fires and explosions and prevent theft and unlawful or unauthorized possession of explosive materials.

2- b. Prescribe procedures and methods of inventory so as to assure accurate records of all explosive materials manufactured or imported into the state and records of the disposition of such explosive materials, including records of the identity of persons to whom sales and transfers are made, and the time and place of any loss or destruction of explosive materials which might occur.

3- c. Prescribe reasonable standards for the safe storage of explosive materials as may be necessary to prevent accidental fires and explosions and prevent thefts and unlawful or unauthorized possession of explosive materials.

4- d. Require such reports from licensees, permittees, sheriffs, and chiefs of police as may be necessary for the ~~state fire marshal~~ director to discharge the ~~fire marshal's~~ director's duties pursuant to this chapter.

5- e. Prescribe the form and content of license and permit applications.

6- 2. Conduct The ~~director~~ shall conduct such inspections of licensees and permittees as may be necessary to enforce the provisions of this chapter.

Sec. 1546. Section 101A.7, Code 2023, is amended to read as follows:

101A.7 Inspection of storage facility.

1. The licensee's or permittee's explosives storage facility shall be inspected at least once a year by a representative of the ~~state fire marshal's office~~ department of inspections, appeals, and licensing, except that the ~~state fire marshal~~ director may, at those mining operations licensed and regulated by the United States department of labor, accept an approved

inspection report issued by the United States department of labor, mine safety and health administration, for the twelve-month period following the issuance of the report. The ~~state fire marshal~~ director shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the ~~state fire marshal~~ director. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if the sheriff or city council considers it necessary.

2. If the ~~state fire marshal~~ director finds the facility to be improperly secured, the licensee or permittee shall immediately correct the improper security and, if not so corrected, the ~~state fire marshal~~ director shall immediately confiscate the stored explosives. Explosives may be confiscated by the county sheriff or local police authority only if a situation that is discovered during an examination by those authorities is deemed to present an immediate danger. If the explosives are confiscated by the county sheriff or local police authority, they shall be delivered to the ~~state fire marshal~~ director. The ~~state fire marshal~~ director shall hold confiscated explosives for a period of thirty days under proper security unless the period of holding is shortened pursuant to this section.

3. If the licensee or permittee corrects the improper security within the thirty-day period, the explosives shall be returned to the licensee or permittee after correction and after the licensee or permittee has paid to the state an amount equal to the expense incurred by the state in storing the explosives during the period of confiscation. The amount of expense shall be determined by the ~~state fire marshal~~ director.

4. If the improper security is not corrected during the thirty-day period, the ~~state fire marshal~~ director shall dispose of the explosives and the license or permit shall be canceled. A canceled license or permit shall not be reissued for a period of two years from the date of cancellation.

Sec. 1547. Section 101A.8, Code 2023, is amended to read as follows:

101A.8 Report of theft or loss required.

Any theft or loss of explosive materials, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person authorized to possess such explosives to the local police or county sheriff. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosive materials to the ~~state fire marshal~~ director.

Sec. 1548. Section 101A.9, Code 2023, is amended to read as follows:

101A.9 Disposal regulated.

No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives shall, when the need for such explosives no longer exists, dispose of them in accordance with rules prescribed by the ~~state fire marshal~~ director.

Sec. 1549. Section 101A.10, Code 2023, is amended to read as follows:

101A.10 Persons and agencies exempt.

This chapter shall not apply to the transportation and use of explosive materials by the regular military or naval forces of the United States, the duly organized militia of this state, representatives of the ~~state fire marshal~~ director, the state patrol, division of criminal investigation, local police departments, sheriffs departments, and fire departments acting in their official capacity; nor shall this chapter apply to the transportation and use of explosive materials by any peace officer to enforce provisions of this chapter when the peace officer is acting pursuant to such authority, however, other agencies of the state or any of its political subdivisions desiring to purchase, possess, transport, or use explosive materials for construction or other purposes shall be required to obtain user's permits.

Sec. 1550. Section 101A.12, Code 2023, is amended to read as follows:

101A.12 Deposit and use of fees.

The fees collected by the ~~state fire marshal~~ director in issuing licenses pursuant to this chapter shall be deposited in the state general fund.¹⁴

Sec. 1551. Section 101A.14, subsection 2, Code 2023, is amended to read as follows:

2. Any person who violates the provisions of section 101A.6, 101A.8 or 101A.9 or any of the rules adopted by the ~~state fire marshal~~ director pursuant to the provisions of this chapter, commits a simple misdemeanor.

Sec. 1552. Section 101B.2, subsection 3, Code 2023, is amended to read as follows:

3. “*Department*” means the department of ~~public safety~~ inspections, appeals, and licensing.

Sec. 1553. Section 101B.3, subsection 4, Code 2023, is amended to read as follows:

4. The department of ~~public safety~~ shall administer this chapter and may adopt rules pursuant to chapter 17A to administer this chapter. This chapter shall be implemented in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

Sec. 1554. Section 101B.6, subsection 2, Code 2023, is amended to read as follows:

2. A wholesaler or agent shall provide a copy of the cigarette packaging markings received from a manufacturer to all retailers to whom the wholesaler or agent sells cigarettes. A wholesaler, agent, or retailer shall permit the ~~state fire marshal~~ department, department of revenue, or the office of the attorney general to inspect markings of cigarette packaging marked in accordance with section 101B.7.

Sec. 1555. Section 101B.8, subsections 7, 8, and 9, Code 2023, are amended to read as follows:

7. In addition to any other remedy provided by law, the department of ~~public safety~~ or the office of the attorney general may file an action in district court for a violation of this chapter, including petitioning for injunctive relief or to recover any costs or damages suffered by the state because of a violation of this chapter, including enforcement costs relating to the specific violation and attorney fees. Each violation of the chapter or of rules adopted under this chapter constitutes a separate civil violation for which the department of ~~public safety~~ or the office of the attorney general may seek relief.

8. The department of revenue in the regular course of conducting inspections of a wholesaler, agent, or retailer may inspect cigarettes in the possession or control of the wholesaler, agent, or retailer or on the premises of any wholesaler, agent, or retailer to determine if the cigarettes are marked as required pursuant to section 101B.7. If the cigarettes are not marked as required, the department of revenue shall notify the department of ~~public safety~~.

9. To enforce the provisions of this chapter, the department of ~~public safety~~ and the office of the attorney general may examine the books, papers, invoices, and other records of any person in possession, control, or occupancy of any premises where cigarettes are placed, sold, or offered for sale, including the stock of cigarettes on the premises.

Sec. 1556. Section 101B.10, subsection 1, Code 2023, is amended to read as follows:

1. This chapter shall cease to be applicable if federal fire safety standards for cigarettes that preempt this chapter are enacted and take effect subsequent to January 1, 2009, and the ~~state fire marshal~~ department shall notify the secretary of state and the Code editor if such federal fire safety standards for cigarettes are enacted.

Sec. 1557. Section 103.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. “*Department*” means the department of inspections, appeals, and licensing.

¹⁴ See chapter 108, §35 herein

NEW SUBSECTION. 6B. “*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1558. Section 103.2, subsection 1, Code 2023, is amended to read as follows:

1. An electrical examining board is created within the ~~division of state fire marshal of the department of public safety~~. The board shall consist of eleven voting members ~~appointed by the governor and subject to senate confirmation~~, all of whom shall be residents of this state. Except for the board member enumerated in subsection 2, paragraph “e”, members shall be appointed by the governor and subject to senate confirmation.

Sec. 1559. Section 103.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. The board shall elect annually from its members a chairperson and a vice chairperson.

b. The board shall hold at least one meeting quarterly at the location of the board’s principal office, and meetings shall be called at other times by the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 1560. Section 103.4, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

103.4 Executive secretary — staff and duties.

The director shall appoint an executive secretary for the board and shall hire and provide staff to assist the board in administering this chapter. The executive secretary shall report to the director for purposes of routine board administrative functions, and shall report directly to the board for purposes of execution of board policy such as application of licensing criteria and processing of applications.

Sec. 1561. Section 103.7, Code 2023, is amended to read as follows:

103.7 Electrician and installer licensing and inspection fund.

An electrician and installer licensing and inspection fund is created in the state treasury as a separate fund under the control of the board. All licensing, examination, renewal, and inspection fees shall be deposited into the fund and retained by and for the use of the board. Expenditures from the fund shall be approved by the sole authority of the board in consultation with the ~~state fire marshal~~ director. Amounts deposited into the fund shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall remain available for the purposes of this chapter in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.¹⁵

Sec. 1562. Section 103.14, Code 2023, is amended to read as follows:

103.14 Alarm installations.

A person who is not licensed pursuant to this chapter may plan, lay out, or install electrical wiring, apparatus, and equipment for components of alarm systems that operate at seventy volt/amps (VA) or less, only if the person is certified to conduct such work pursuant to chapter 100C. Installations of alarm systems that operate at seventy volt/amps (VA) or less are subject to inspection by state inspectors as provided in section 103.31, except that reports of such inspections, if the installation being inspected was performed by a person certified pursuant to chapter 100C, shall be submitted to the ~~state fire marshal~~ director and any action taken on a report of an inspection of an installation performed by a person certified pursuant to chapter 100C shall be taken by or at the direction of the state fire marshal,¹⁶ unless the installation has been found to exceed the authority granted to the certificate holder pursuant to chapter 100C and therefore to be in violation of this chapter.

¹⁵ See chapter 108, §36 herein

¹⁶ See chapter 119, §17 herein

Sec. 1563. Section 103.25, subsection 1, Code 2023, is amended to read as follows:

1. At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the ~~state fire marshal's office~~ department a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the ~~state fire marshal's office~~ department becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Sec. 1564. Section 103.26, Code 2023, is amended to read as follows:

103.26 Condemnation — disconnection — opportunity to correct noncompliance.

If the inspector finds that any installation or portion of an installation is not in compliance with accepted standards of construction for health safety and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, the inspector shall by written order condemn the installation or noncomplying portion or order service to such installation disconnected and shall send a copy of such order to the board, the ~~state fire marshal~~ director, and the electrical utility supplying power involved. If the installation or the noncomplying portion is such as to seriously and proximately endanger human health or property, the order of the inspector when approved by the inspector's supervisor shall require immediate condemnation and disconnection by the applicant. In all other cases, the order of the inspector shall establish a reasonable period of time for the installation to be brought into compliance with accepted standards of construction for health safety and property safety prior to the effective date established in such order for condemnation or disconnection.

Sec. 1565. Section 103.31, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. State inspection procedures and policies shall be established by the board. The ~~state fire marshal director~~, or the ~~state fire marshal's~~ director's designee, shall enforce the procedures and policies, and enforce the provisions of the national electrical code adopted by the board.

4. Except when an inspection reveals that an installation or portion of an installation is not in compliance with accepted standards of construction for health safety and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, such that an order of condemnation or disconnection is warranted pursuant to section 103.26, an inspector shall not add to, modify, or amend a construction plan as originally approved by the ~~state fire marshal~~ director or the state building code commissioner in the course of conducting an inspection.

5. Management and supervision of inspectors, including hiring decisions, disciplinary action, promotions, and work schedules are the responsibility of the ~~state fire marshal~~ director acting in accordance with applicable law and pursuant to any applicable collective bargaining agreement. The ~~state fire marshal~~ director and the board shall jointly determine work territories, regions, or districts for inspectors and continuing education and ongoing training requirements applicable to inspectors. An inspector subject to disciplinary action pursuant to this subsection shall be entitled to an appeal according to the procedure set forth in section 103.34 and judicial review pursuant to section 17A.19.

Sec. 1566. Section 103.32, subsection 3, Code 2023, is amended to read as follows:

3. When an inspection is requested by a property owner, the minimum fee shall be thirty dollars plus five dollars per branch circuit or feeder. The fee for fire and accident inspections shall be computed at the rate of forty-seven dollars per hour, and mileage and other expenses shall be reimbursed as provided by the ~~office of the state fire marshal~~ department.

Sec. 1567. Section 103.33, subsection 1, Code 2023, is amended to read as follows:

1. Any person aggrieved by a condemnation or disconnection order issued by the ~~state fire marshal's office~~ department may appeal from the order by filing a written notice of appeal with the board within ten days after the date the order was served upon the property owner or within ten days after the order was filed with the board, whichever is later.

Sec. 1568. Section 103A.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Department*" means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 6B. "*Director*" means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1569. Section 103A.4, Code 2023, is amended to read as follows:

103A.4 Building code commissioner.

The ~~commissioner of public safety~~ director, in addition to other duties, shall serve as the state building code commissioner or may designate a building code commissioner.

Sec. 1570. Section 103A.23, subsection 1, Code 2023, is amended to read as follows:

1. For the purpose of obtaining revenue to defray the costs of administering the provisions of this chapter, the commissioner shall establish by rule a schedule of fees based upon the costs of administration which fees shall be collected from persons whose manufacture, installation, or construction is subject to the provisions of the state building code. For the performance of building plan reviews by the department of ~~public safety~~, the commissioner shall establish by rule a fee, chargeable to the owner of the building, which shall be equal to a percentage of the estimated total valuation of the building and which shall be in an amount reasonably related to the cost of conducting the review.

Sec. 1571. Section 103A.54, Code 2023, is amended to read as follows:

103A.54 Fees.

Notwithstanding section 103A.23, the department of ~~public safety~~ shall retain all fees collected pursuant to this subchapter and the fees retained are appropriated to the commissioner to administer the licensing program and the certification program for manufactured or mobile home installers, including the employment of personnel for the enforcement and administration of such programs.

Sec. 1572. Section 105.2, subsection 4, Code 2023, is amended to read as follows:

4. "*Department*" means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1573. Section 105.3, subsection 1, Code 2023, is amended to read as follows:

1. A plumbing and mechanical systems board is created within the ~~Iowa department of public health~~.

Sec. 1574. Section 105.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall be comprised of ~~eleven~~ twelve voting members, appointed by the governor, as follows:

Sec. 1575. Section 105.3, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The director of ~~public health~~ and human services or the director's designee.

Sec. 1576. Section 105.3, subsection 2, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (2A) The director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1577. Section 105.3, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The board members enumerated in paragraph a “a”, subparagraphs (3) through (9), ~~are~~ shall be appointed by the governor and subject to confirmation by the senate.

Sec. 1578. Section 105.4, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the ~~state fire marshal department~~, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. The board may adopt amendments to each code by rule. The board shall work in consultation with the ~~state fire marshal department~~ to ensure that proposed amendments do not conflict with the fire safety rules and standards promulgated by the ~~state fire marshal department~~. The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.

Sec. 1579. Section 105.12, subsection 1, Code 2023, is amended to read as follows:

1. A contracting, plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of ~~public health the department~~, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

Sec. 1580. Section 135.11A, Code 2023, is amended to read as follows:

135.11A Professional licensure division — other licensing Licensing boards — expenses — fees.

1. ~~There shall be a professional licensure division within the department of public health.~~ Each board under ~~chapter~~ chapters 100C, 103, 103A, 105, or 147 ~~or that are~~ under the administrative authority of the department, except the board of nursing, board of medicine, dental board, and board of pharmacy, shall receive administrative and clerical support from the ~~division department~~ and may not employ its own support staff for administrative and clerical duties. The executive director of the board of nursing, board of medicine, dental board, and board of pharmacy shall be appointed pursuant to section 135.11B.^{17 18}

2. The ~~professional licensure division department~~ and the licensing boards referenced in subsection 1 may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of actual examination and exceed funds budgeted for examinations. Before the ~~division department~~ or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the ~~division department~~ or board and the ~~division department~~ or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the ~~division department~~ or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 1581. Section 135.24, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral

¹⁷ See chapter 108, §38 herein

¹⁸ See chapter 119, §18 herein

science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care and polysomnography, and the Iowa department of ~~public health~~ inspections, appeals, and licensing, as applicable.

Sec. 1582. Section 135.31, Code 2023, is amended to read as follows:

135.31 Location of boards — rulemaking.

The offices for the board of medicine, the board of pharmacy, the board of nursing, and the dental board shall be located within the department of ~~public health~~. The individual boards shall have policymaking and rulemaking authority.

Sec. 1583. Section 135.37, Code 2023, is amended to read as follows:

135.37 Tattooing — permit requirement — penalty.

1. A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the Iowa department of ~~public health~~.

2. A minor shall not obtain a tattoo and a person shall not provide a tattoo to a minor. For the purposes of this section, “minor” means an unmarried person who is under the age of eighteen years.

3. A person who fails to meet the requirements of subsection 1 or a person providing a tattoo to a minor is guilty of a serious misdemeanor.

4. The Iowa department of ~~public health~~ shall:

a. Adopt rules pursuant to chapter 17A and establish and collect all fees necessary to administer this section. The provisions of chapter 17A, including licensing provisions, judicial review, and appeal, shall apply to this ~~chapter~~ section.

b. Establish minimum safety and sanitation criteria for the operation of tattooing establishments.

5. If the Iowa department of ~~public health~~ determines that a provision of this section has been or is being violated, the department may order that a tattooing establishment not be operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

6. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 1584. Section 135.61, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter~~ part, unless the context otherwise requires:

Sec. 1585. Section 135.61, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Each institutional health facility or health maintenance organization which, prior to receipt of the application by the department, has formally indicated to the department pursuant to this ~~subchapter~~ part an intent to furnish in the future institutional health services similar to the new institutional health service proposed in the application.

Sec. 1586. Section 135.61, subsection 4, Code 2023, is amended to read as follows:

4. “Council” means the state health facilities council established by this ~~subchapter~~ part.

Sec. 1587. Section 135.61, subsections 5 and 7, Code 2023, are amended by striking the subsections.

Sec. 1588. Section 135.62, subsection 1, Code 2023, is amended to read as follows:

1. This ~~subchapter part~~ shall be administered by the department. The director shall employ or cause to be employed the necessary persons to discharge the duties imposed on the department by this ~~subchapter part~~.

Sec. 1589. Section 135.62, subsection 2, paragraph e, subparagraphs (2), (4), and (5), Code 2023, are amended to read as follows:

(2) Determine and adopt such policies as are authorized by law and are deemed necessary to the efficient discharge of its duties under this ~~subchapter part~~.

(4) Advise and counsel with the director concerning the provisions of this ~~subchapter part~~ and the policies and procedures adopted by the department pursuant to this ~~subchapter part~~.

(5) Review and approve, prior to promulgation, all rules adopted by the department under this ~~subchapter part~~.

Sec. 1590. Section 135.63, subsection 1, Code 2023, is amended to read as follows:

1. A new institutional health service or changed institutional health service shall not be offered or developed in this state without prior application to the department for and receipt of a certificate of need, pursuant to this ~~subchapter part~~. The application shall be made upon forms furnished or prescribed by the department and shall contain such information as the department may require under this ~~subchapter part~~. The application shall be accompanied by a fee equivalent to three-tenths of one percent of the anticipated cost of the project with a minimum fee of six hundred dollars and a maximum fee of twenty-one thousand dollars. The fee shall be remitted by the department to the treasurer of state, who shall place it in the general fund of the state. If an application is voluntarily withdrawn within thirty calendar days after submission, seventy-five percent of the application fee shall be refunded; if the application is voluntarily withdrawn more than thirty but within sixty days after submission, fifty percent of the application fee shall be refunded; if the application is withdrawn voluntarily more than sixty days after submission, twenty-five percent of the application fee shall be refunded. Notwithstanding the required payment of an application fee under this subsection, an applicant for a new institutional health service or a changed institutional health service offered or developed by an intermediate care facility for persons with an intellectual disability or an intermediate care facility for persons with mental illness as defined pursuant to section 135C.1 is exempt from payment of the application fee.

Sec. 1591. Section 135.63, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

This ~~subchapter part~~ shall not be construed to augment, limit, contravene, or repeal in any manner any other statute of this state which may authorize or relate to licensure, regulation, supervision, or control of, nor to be applicable to:

Sec. 1592. Section 135.63, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. A residential care facility, as defined in section 135C.1, including a residential care facility for persons with an intellectual disability, notwithstanding any provision in this ~~subchapter part~~ to the contrary.

Sec. 1593. Section 135.63, subsection 2, paragraph g, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

A reduction in bed capacity of an institutional health facility, notwithstanding any provision in this ~~subchapter part~~ to the contrary, if all of the following conditions exist:

Sec. 1594. Section 135.63, subsection 2, paragraph h, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The deletion of one or more health services, previously offered on a regular basis by an institutional health facility or health maintenance organization, notwithstanding any provision of this ~~subchapter part~~ to the contrary, if all of the following conditions exist:

Sec. 1595. Section 135.63, subsection 2, paragraph j, Code 2023, is amended to read as follows:

j. The construction, modification, or replacement of nonpatient care services, including parking facilities, heating, ventilation and air conditioning systems, computers, telephone systems, medical office buildings, and other projects of a similar nature, notwithstanding any provision in this ~~subchapter part~~ to the contrary.

Sec. 1596. Section 135.63, subsection 2, paragraph k, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The redistribution of beds by a hospital within the acute care category of bed usage, notwithstanding any provision in this ~~subchapter part~~ to the contrary, if all of the following conditions exist:

Sec. 1597. Section 135.63, subsection 2, paragraph l, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in this ~~subchapter part~~ to the contrary. With respect to a nursing facility, “replacement” means establishing a new facility within the same county as the prior facility to be closed. With reference to a hospital, “replacement” means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

Sec. 1598. Section 135.63, subsection 2, paragraphs m and n, Code 2023, are amended to read as follows:

m. Hemodialysis services provided by a hospital or freestanding facility, notwithstanding any provision in this ~~subchapter part~~ to the contrary.

n. Hospice services provided by a hospital, notwithstanding any provision in this ~~subchapter part~~ to the contrary.

Sec. 1599. Section 135.63, subsection 2, paragraph p, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The conversion of an existing number of beds by an intermediate care facility for persons with an intellectual disability to a smaller facility environment, including but not limited to a community-based environment which does not result in an increased number of beds, notwithstanding any provision in this ~~subchapter part~~ to the contrary, including subsection 4, if all of the following conditions exist:

Sec. 1600. Section 135.63, subsection 3, Code 2023, is amended to read as follows:

3. This ~~subchapter part~~ shall not be construed to be applicable to a health care facility operated by and for the exclusive use of members of a religious order, which does not admit more than two individuals to the facility from the general public, and which was in operation prior to July 1, 1986. However, this ~~subchapter part~~ is applicable to such a facility if the facility is involved in the offering or developing of a new or changed institutional health service on or after July 1, 1986.

Sec. 1601. Section 135.63, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A copy of the application shall be sent to the department of health and human services at the time the application is submitted to the ~~Iowa department of public health~~. The department shall not process applications for and the council shall not consider a new or changed institutional health service for an intermediate care facility for persons with an intellectual disability unless both of the following conditions are met:

Sec. 1602. Section 135.64, subsection 3, Code 2023, is amended to read as follows:

3. In the evaluation of applications for certificates of need submitted by the university of Iowa hospitals and clinics, the unique features of that institution relating to statewide tertiary health care, health science education, and clinical research shall be given due consideration.

Further, in administering this ~~subchapter part~~, the unique capacity of university hospitals for the evaluation of technologically innovative equipment and other new health services shall be utilized.

Sec. 1603. Section 135.72, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall adopt, with approval of the council, such administrative rules as are necessary to enable it to implement this ~~subchapter part~~. These rules shall include:

Sec. 1604. Section 135.73, subsection 1, Code 2023, is amended to read as follows:

1. Any party constructing a new institutional health facility or an addition to or renovation of an existing institutional health facility without first obtaining a certificate of need or, in the case of a mobile health service, ascertaining that the mobile health service has received certificate of need approval, as required by this ~~subchapter part~~, shall be denied licensure or change of licensure by the appropriate responsible licensing agency of this state.

Sec. 1605. Section 135.73, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A party violating this ~~subchapter part~~ shall be subject to penalties in accordance with this section. The department shall adopt rules setting forth the violations by classification, the criteria for the classification of any violation not listed, and procedures for implementing this subsection.

Sec. 1606. Section 135.73, subsection 3, Code 2023, is amended to read as follows:

3. Notwithstanding any other sanction imposed pursuant to this section, a party offering or developing any new institutional health service or changed institutional health service without first obtaining a certificate of need as required by this ~~subchapter part~~ may be temporarily or permanently restrained from doing so by any court of competent jurisdiction in any action brought by the state, any of its political subdivisions, or any other interested person.

Sec. 1607. Section 135.74, subsection 3, Code 2023, is amended to read as follows:

3. The department shall, where appropriate, provide for modification, consistent with the purposes of this ~~subchapter part~~, of reporting requirements to correctly reflect the differences among hospitals and among health care facilities referred to in subsection 2, and to avoid otherwise unduly burdensome costs in meeting the requirements of uniform methods of financial reporting.

Sec. 1608. Section 135.75, subsection 2, Code 2023, is amended to read as follows:

2. Where more than one licensed hospital or health care facility is operated by the reporting organization, the information required by this section shall be reported separately for each licensed hospital or health care facility. The department shall require preparation of specified financial reports by a certified public accountant, and may require attestation of responsible officials of the reporting hospital or health care facility that the reports submitted are to the best of their knowledge and belief prepared in accordance with the prescribed methods of reporting. The department shall have the right to inspect the books, audits and records of any hospital or health care facility as reasonably necessary to verify reports submitted pursuant to this ~~subchapter part~~.

Sec. 1609. Section 135.76, subsection 1, Code 2023, is amended to read as follows:

1. The department shall from time to time undertake analyses and studies relating to hospital and health care facility costs and to the financial status of hospitals or health care facilities, or both, which are subject to the provisions of this ~~subchapter part~~. It shall further require the filing of information concerning the total financial needs of each individual hospital or health care facility and the resources currently or prospectively available to meet these needs, including the effect of proposals made by health systems agencies. The department shall also prepare and file such summaries and compilations or other

supplementary reports based on the information filed with it as will, in its judgment, advance the purposes of this ~~subchapter~~ part.

Sec. 1610. Section 135C.2, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. The rules adopted for intermediate care facilities for persons with an intellectual disability shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, in effect on January 1, 1989. However, in order for an intermediate care facility for persons with an intellectual disability to be licensed, the ~~state fire marshal~~ director must certify to the department that the facility meets the applicable provisions of the rules adopted for such facilities by the ~~state fire marshal~~ director. The ~~state fire marshal's~~ director's rules shall be based upon such a facility's compliance with either the provisions applicable to health care occupancies or residential board and care occupancies of the life safety code of the national fire protection association, 2000 edition. The department shall adopt additional rules for intermediate care facilities for persons with an intellectual disability pursuant to section 135C.14, subsection 8.

Sec. 1611. Section 135C.2, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local requirements and the rules adopted for the special classification by the ~~state fire marshal~~ director in accordance with the concept of the least restrictive environment for the facility residents. Local requirements shall not be more restrictive than the rules adopted for the special classification by the ~~state fire marshal~~ director and the state building code requirements for single or multiple-family housing, under section 103A.7.

Sec. 1612. Section 135C.5, Code 2023, is amended to read as follows:

135C.5 Limitations on use.

Another business or activity serving persons other than the residents of a health care facility may be operated or provided in a designated part of the physical structure of the health care facility if the other business or activity meets the requirements of applicable state and federal laws, administrative rules, and federal regulations. The department shall not limit the ability of a health care facility to operate or provide another business or activity in the designated part of the facility if the business or activity does not interfere with the use of the facility by the residents or with the services provided to the residents, and is not disturbing to the residents. In denying the ability of a health care facility to operate or provide another business or activity under this section, the burden of proof shall be on the department to demonstrate that the other business or activity substantially interferes with the use of the facility by the residents or the services provided to the residents, or is disturbing to the residents. The ~~state fire marshal~~ director, in accordance with chapter 17A, shall adopt rules which establish criteria for approval of a business or activity to be operated or provided in a designated part of the physical structure of a health care facility. For the purposes of this section, "another business or activity" shall not include laboratory services with the exception of laboratory services for which a waiver from regulatory oversight has been obtained under the federal Clinical Laboratory Improvement Amendments of 1988, Pub. L. No. 100-578, as amended, radiological services, anesthesiology services, obstetrical services, surgical services, or emergency room services provided by hospitals licensed under chapter 135B.

Sec. 1613. Section 135C.9, Code 2023, is amended to read as follows:

135C.9 Inspection before issuance — notice of deficiencies.

1. The department shall not issue a health care facility license to any applicant until:

a. The department has ascertained that the staff and equipment of the facility is adequate to provide the care and services required of a health care facility of the category for which the license is sought. Prior to the review and approval of plans and specifications for any new facility and the initial licensing under a new licensee, a resume of the programs and services

to be furnished and of the means available to the applicant for providing the same and for meeting requirements for staffing, equipment, and operation of the health care facility, with particular reference to the professional requirements for services to be rendered, shall be submitted in writing to the department for review and approval. The resume shall be reviewed by the department within ten working days and returned to the applicant. The resume shall, upon the department's request, be revised as appropriate by the facility from time to time after issuance of a license.

b. The facility has been inspected by the ~~state fire marshal or a deputy appointed by the fire marshal for that purpose~~ director, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the ~~fire marshal~~ director and, where applicable, the fire safety standards required for participation in programs authorized by either Tit. XVIII or Tit. XIX of the United States Social Security Act, codified at 42 U.S.C. §1395 – 1395ll and 1396 – 1396g. The certificate or provisional certificate shall be signed by the ~~fire marshal~~ director or the ~~fire marshal's deputy~~ director's designee who made the inspection. If the ~~state fire marshal or a deputy~~ director finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifically describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the ~~fire marshal or a deputy~~ director shall perform a follow-up inspection.

2. The rules and standards promulgated by the ~~fire marshal~~ director pursuant to subsection 1, paragraph "b" of this section shall be substantially in keeping with the latest generally recognized safety criteria for the facilities covered, of which the applicable criteria recommended and published from time to time by the national fire protection association shall be prima facie evidence. The rules and standards promulgated by the ~~fire marshal~~ director shall be promulgated in consultation with the department and shall, to the greatest extent possible, be consistent with rules adopted by the department under this chapter.

3. The ~~state fire marshal or the fire marshal's deputy~~ director may issue successive provisional certificates of compliance for periods of one year each to a facility which is in substantial compliance with the applicable fire hazard and fire safety rules and standards, upon satisfactory evidence of an intent, in good faith, by the owner or operator of the facility to correct the deficiencies noted upon inspection within a reasonable period of time as determined by the ~~state fire marshal or the fire marshal's deputy~~ director. Renewal of a provisional certificate shall be based on a showing of substantial progress in eliminating deficiencies noted upon the last previous inspection of the facility without the appearance of additional deficiencies other than those arising from changes in the fire hazard and fire safety rules, regulations and standards which have occurred since the last previous inspection, except that substantial progress toward achievement of a good faith intent by the owner or operator to replace the entire facility within a reasonable period of time, as determined by the ~~state fire marshal or the fire marshal's deputy~~ director, may be accepted as a showing of substantial progress in eliminating deficiencies, for the purposes of this section.

4. If a facility subject to licensure under this chapter, a facility exempt from licensure under this chapter pursuant to section 135C.6, or a family home under section 335.25 or 414.22, has been issued a certificate of compliance or a provisional certificate of compliance under subsection 1 or 3, or has otherwise been approved as complying with a rule or standard by the state or a ~~deputy fire marshal~~ the director or a local building department as defined in section 103A.3, the ~~state or deputy fire marshal~~ director or local building department which issued the certificate, provisional certificate, or approval shall not apply additional requirements for compliance with the rule or standard unless the rule or standard is revised in accordance with chapter 17A or with local regulatory procedure following issuance of the certificate, provisional certificate, or approval.

Sec. 1614. Section 135C.14, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall, in accordance with chapter 17A and with the approval of the state board of health, adopt and enforce rules setting minimum standards for health care facilities.

In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of health and human services or the ~~director's~~ director of health and human services' designee, with the ~~state fire marshal~~ director, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 1615. Section 135C.14, subsection 1, Code 2023, is amended to read as follows:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the ~~state fire marshal~~ director in consultation with the department, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association are prima facie evidence. To the greatest extent possible, the rules promulgated by the ~~state fire marshal~~ director shall be consistent with the rules adopted by the department under this chapter.

Sec. 1616. Section 135C.16, subsection 3, Code 2023, is amended to read as follows:

3. An authorized representative of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An authorized representative of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An authorized representative of the department of human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an authorized representative of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the ~~state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph "b",~~ director shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility, and an authorized representative of the office of long-term care ombudsman shall have the same right with respect to any nursing facility or residential care facility. If any such authorized representative has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon producing identification that the individual is an authorized representative is denied entry thereto for the purpose of making an inspection, the authorized representative may, with the assistance of the county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. 1617. Section 135C.17, Code 2023, is amended to read as follows:

135C.17 Duties of other departments.

It shall be the duty of the department of human services, ~~state fire marshal~~, office of long-term care ombudsman, and the officers and agents of other state and local governmental units, and the designated protection and advocacy agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency and the office of long-term care ombudsman by responding to all reasonable requests for assistance and information as required by federal law and this chapter.

Sec. 1618. Section 135I.1, subsection 1, Code 2023, is amended to read as follows:

1. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1619. Section 135K.1, subsection 3, Code 2023, is amended to read as follows:

3. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1620. Section 136D.2, subsections 1 and 2, Code 2023, are amended to read as follows:

1. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

2. “*Director*” means the director of ~~public health~~ the department of inspections, appeals, and licensing, or the director’s designee.

Sec. 1621. Section 137C.35, subsection 2, Code 2023, is amended to read as follows:

2. A bed and breakfast inn is subject to regulation, licensing, and inspection under this chapter, but separate toilet and lavatory facilities shall not be required for each guest room. Additionally, a bed and breakfast inn is exempt from fire safety rules adopted pursuant to section 100.35 and applicable to hotels, but is subject to fire safety rules which the ~~state fire marshal~~ director shall specifically adopt for bed and breakfast inns.

Sec. 1622. Section 138.1, subsections 4 and 5, Code 2023, are amended to read as follows:

4. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

5. “*Director*” means the director of ~~public health~~ the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1623. Section 147.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Department*” means the department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1624. Section 147.82, Code 2023, is amended to read as follows:

147.82 Fee retention.

All fees collected by a board listed in section 147.13 or by the department ~~for the bureau of professional licensure~~, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be retained by each board or by the department ~~for the bureau of professional licensure~~. The moneys retained by a board shall be used for any of the board’s duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by a board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by a board pursuant to this section are not subject to reversion to the general fund of the state.¹⁹

Sec. 1625. Section 148C.1, subsection 4, Code 2023, is amended to read as follows:

4. “*Department*” means the department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1626. Section 152B.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1627. Section 154A.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1628. Section 154B.8, Code 2023, is amended to read as follows:

154B.8 Voluntary surrender of license.

¹⁹ See chapter 108, §40 herein

The director of ~~public health~~ the department of inspections, appeals, and licensing may accept the voluntary surrender of license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.

Sec. 1629. Section 154B.13, subsection 2, Code 2023, is amended to read as follows:

2. The board shall appoint a prescribing psychologist rules subcommittee comprised of a psychologist appointed by the board, a physician appointed by the board of medicine, and a member of the public appointed by the director of ~~public health~~ the department of inspections, appeals, and licensing to develop rules for consideration by the board pursuant to this section.

Sec. 1630. Section 154E.1, subsection 3, Code 2023, is amended to read as follows:

3. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1631. Section 155A.13, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. An applicant seeking a special or limited-use pharmacy license for a proposed telepharmacy site that does not meet the mileage requirement established in paragraph “c” and is not statutorily exempt from the mileage requirement may apply to the board for a waiver of the mileage requirement. A waiver request shall only be granted if the applicant can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and can establish the existence of compelling circumstances that justify waiving the mileage requirement. The board’s decision to grant or deny a waiver request shall be a proposed decision subject to mandatory review by the director of ~~public health~~ the department of inspections, appeals, and licensing. The director shall review a proposed decision and shall have the power to approve, modify, or veto a proposed decision. The director’s decision on a waiver request shall be considered final agency action subject to judicial review under chapter 17A.

Sec. 1632. Section 156.1A, Code 2023, is amended to read as follows:

156.1A Provision of services.

Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home, funeral establishment, or cremation establishment by any person, heir, fiduciary, firm, cooperative burial association, or corporation. However, each such person, firm, cooperative burial association, or corporation shall ensure that all mortuary science services are provided by a funeral director, and shall keep the Iowa²⁰ department of ~~public health~~ inspections, appeals, and licensing advised of the name of the funeral director.

Sec. 1633. Section 156.10, Code 2023, is amended to read as follows:

156.10 Inspection.

1. The director of ~~public health~~ the department of inspections, appeals, and licensing may inspect all places where dead human bodies are prepared or held for burial, entombment, or cremation, and may adopt and enforce such rules and regulations in connection with the inspection as may be necessary for the preservation of the public health.

2. The Iowa department of ~~public health~~ inspections, appeals, and licensing may assess an inspection fee for an inspection of a place where dead human bodies are prepared for burial or cremation. The fee may be determined by the department by rule.

Sec. 1634. Section 157.1, subsection 7, Code 2023, is amended to read as follows:

7. “*Department*” means the Iowa department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1635. Section 157.7, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The department of ~~inspections and appeals~~ shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. The

²⁰ See chapter 119, §21 herein

department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.

2. The Iowa department of public health may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

Sec. 1636. Section 158.1, subsection 6, Code 2023, is amended to read as follows:

6. “*Department*” means the Iowa department of public health inspections, appeals, and licensing.

Sec. 1637. Section 158.6, Code 2023, is amended to read as follows:

158.6 Inspectors and clerical assistants.

1. The department of inspections and appeals shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. The department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 157.

2. The Iowa department of public health may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

Sec. 1638. Section 214A.35, subsection 2, paragraph g, Code 2023, is amended to read as follows:

g. The department of agriculture and land stewardship may cooperate with the department of natural resources and the state fire marshal department of inspections, appeals, and licensing in administering and enforcing the provisions of this section.

Sec. 1639. Section 218.4, subsection 3, Code 2023, is amended to read as follows:

3. The state fire marshal department of inspections, appeals, and licensing shall cause to be made an annual inspection of all the institutions listed in section 218.1 and shall make written report thereof to the particular administrator of the state department of human services in control of such institution.

Sec. 1640. Section 231B.4, Code 2023, is amended to read as follows:

231B.4 Zoning — fire and safety standards.

An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal department. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 135.11 and the state building code established pursuant to section 103A.7 and the rules adopted for the special classification by the state fire marshal department. The rules adopted for the special classification by the state fire marshal department regarding second floor occupancy shall be adopted in consultation with the department and shall take into consideration the mobility of the tenants.

Sec. 1641. Section 231C.4, Code 2023, is amended to read as follows:

231C.4 Fire and safety standards.

The state fire marshal department shall adopt rules, ~~in coordination with the department,~~ relating to the certification and monitoring of the fire and safety standards of certified assisted living programs.

Sec. 1642. Section 231D.15, Code 2023, is amended to read as follows:

231D.15 Fire and safety standards.

The state fire marshal department shall adopt rules, ~~in coordination with the department,~~ relating to the certification and monitoring of the fire and safety standards of adult day services programs.

Sec. 1643. Section 235A.15, subsection 2, paragraph d, subparagraph (7), Code 2023, is amended to read as follows:

(7) Each licensing board specified under chapter 147 and the Iowa department of ~~public health~~ inspections, appeals, and licensing for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

Sec. 1644. Section 237.3, subsection 3, Code 2023, is amended to read as follows:

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing pursuant to section ~~100.1, subsection 5~~ 10A.511 after consultation with the administrator.

Sec. 1645. Section 237A.3A, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. In consultation with the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children in a child development home.

Sec. 1646. Section 237A.4, Code 2023, is amended to read as follows:

237A.4 Inspection and evaluation.

The department shall make periodic inspections of licensed centers to ensure compliance with licensing requirements provided in this chapter, and the local boards of health may make periodic inspections of licensed centers to ensure compliance with health-related licensing requirements provided in this chapter. The department may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The department shall require that the center be inspected by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or a designee for compliance with rules relating to fire safety before a license is granted or renewed. The department or a designee may periodically visit registered child development homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules adopted under section 237A.12. Evaluation of child development homes under this section may include consultative services provided pursuant to section 237A.6.

Sec. 1647. Section 237A.12, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. Rules adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for buildings, other than school buildings, used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the ~~fire marshal~~ director of the department of inspections, appeals, and licensing determines that the separation is necessary for the protection of children from a specific flammable hazard.

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing in consultation with the department. Rules adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for school buildings under chapter ~~100~~ 10A, subchapter V, part 2. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child care advisory committee. The ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for school buildings under ~~chapter 100~~ chapter 10A, subchapter V, part 2, the building is considered appropriate for use by a child care facility. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Sec. 1648. Section 237C.4, subsection 2, Code 2023, is amended to read as follows:

2. Before the ~~administrator~~ department issues or reissues a certificate of approval to a children's residential facility under section 237C.6, the facility shall comply with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under ~~chapter 100~~ chapter 10A, subchapter V, part 2.

Sec. 1649. Section 237C.6, subsection 2, Code 2023, is amended to read as follows:

2. The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or the ~~state fire marshal's~~ director's designee. The certificate of approval shall be posted in a conspicuous place in the children's residential facility.

Sec. 1650. Section 261B.11, subsection 1, paragraph m, Code 2023, is amended to read as follows:

m. Higher education institutions located in Iowa whose massage therapy curriculum is approved under administrative rules of the ~~professional licensure division of the department of public health~~ inspections, appeals, and licensing and whose instructors are licensed massage therapists under chapter 152C.

Sec. 1651. Section 262.33A, Code 2023, is amended to read as follows:

262.33A Fire and environmental safety — report — expenditures.

It is the intent of the general assembly that each institution of higher education under the control of the state board of regents shall, in consultation with the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, identify and correct all critical fire and environmental safety deficiencies. Commencing July 1, 1993, each institution under the control of the state board of regents shall expend annually for fire safety and deferred maintenance at least the amount budgeted for these purposes for the fiscal year beginning July 1, 1992, in addition to any moneys appropriated from the general fund for these purposes in succeeding years.

Sec. 1652. Section 272C.1, subsection 6, paragraphs af and ag, Code 2023, are amended to read as follows:

af. The department of ~~public safety~~ inspections, appeals, and licensing, in licensing fire protection system installers and maintenance workers pursuant to chapter 100D.

ag. The ~~superintendent of the division of banking~~ director of the department of commerce inspections, appeals, and licensing in registering and supervising appraisal management companies pursuant to chapter 543E.

Sec. 1653. Section 272C.3, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. All health care boards shall file written decisions which specify the sanction entered by the board with the Iowa department of public health inspections, appeals, and licensing which shall be available to the public upon request. All non-health care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

Sec. 1654. Section 272C.4, subsection 9, Code 2023, is amended to read as follows:

9. Require each health care licensing board to file with the Iowa department of ~~public health inspections, appeals, and licensing~~ a copy of each decision of the board imposing licensee discipline. Each non-health care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

Sec. 1655. Section 279.49, subsection 3, Code 2023, is amended to read as follows:

3. The facilities housing a program operated under this section shall comply with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for school buildings under chapter ~~100~~ 10A, subchapter V, part 2. In addition, if a program involves children who are younger than school age, the facilities housing those children shall meet the fire safety standards which would apply to that age of child in a child care facility licensed by the department of human services.

Sec. 1656. Section 292.2, subsection 7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall form a task force to review applications for financial assistance and provide recommendations to the school budget review committee. The task force shall include, at a minimum, representatives from the kindergarten through grade twelve education community, the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, and individuals knowledgeable in school infrastructure and construction issues. The department, in consultation with the task force, shall establish the parameters and the details of the criteria for awarding grants based on the information listed in subsection 3, including greater priority to the following:

Sec. 1657. Section 323.4A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Using a dispenser to dispense ethanol blended gasoline, including gasoline with a specified blend or a range of blends under chapter 214A, if the dispenser is approved as required by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for dispensing the specified blend or range of blends, including as provided in section 455G.31.

Sec. 1658. Section 423E.6, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. The funds shall be allocated to the school budget review committee to develop a school infrastructure safety fund grant program, in conjunction with the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing. For purposes of reviewing grant applications and making recommendations regarding the administration of the program, the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall be considered an additional voting member of the school budget review committee.

3. Top priority in awarding program grants shall be the making of school infrastructure improvements relating to fire and personal safety. School districts eligible for program grants shall have received an order or citation from the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, or a fire department chief or fire prevention officer, for one or more fire safety violations regarding a school facility, or in the opinion of the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall be regarded as operating facilities subject to significant fire safety deficiencies. Grant awards shall also be available for defects or violations of the state building code, as adopted pursuant to section 103A.7, revealed during an inspection of school facilities by a local building department, or for improvements consistent with the standards and specifications contained in the state building code regarding ensuring that buildings and facilities are accessible to and functional for persons with disabilities. The school budget review committee shall allocate program funds to school districts which, in its discretion, are determined to be faced with the most severe deficiencies. School districts applying for program grants shall have developed and submitted to the ~~state fire marshal~~ director of the department of inspections, appeals, and

licensing or local building department a written plan to remedy fire or safety defects within a specified time frame. Approval of the written plan by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or local building department shall be obtained prior to receipt of a grant award by a school district.

4. Application forms, submission dates for applications and for written plans to remedy fire or safety defects, and grant award criteria shall be developed by the state department of education, in coordination with the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, by rule.

Sec. 1659. Section 455B.390, subsection 3, Code 2023, is amended to read as follows:

3. The storage, transportation, handling, or use of flammable liquids, combustibles, and explosives, control over which is exercised by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under chapter ~~100~~ 10A, subchapter ~~V~~, part 2.

Sec. 1660. Section 455B.474, subsection 10, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Requirements that persons and companies performing or providing services for underground storage tank installations, installation inspections, testing, permanent closure of underground storage tanks by removal or filling in place, and other closure activities as defined by rules adopted by the commission be certified by the department. This provision does not apply to persons performing services in their official capacity and as authorized by the ~~state fire marshal's office~~ department of inspections, appeals, and licensing or fire departments of political subdivisions of the state. The rules adopted by the commission shall include all of the following:

Sec. 1661. Section 455B.474, subsection 10, paragraph c, Code 2023, is amended to read as follows:

c. Requiring a written examination developed and administered by the department or by some other qualified public or private entity identified by the department. The department may contract with a public or private entity to administer the department's examination or a department-approved third party examination. The examination shall, at a minimum, be sufficient to establish knowledge of all applicable underground storage tank rules adopted under this section, private industry standards, federal standards, and other applicable standards adopted by the ~~state fire marshal's office~~ department of inspections, appeals, and licensing pursuant to chapter 101.

Sec. 1662. Section 455G.31, subsection 2, Code 2023, is amended to read as follows:

2. Subject to section 455G.32, a retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department under this subchapter or the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under chapter 101 determines that the gasoline infrastructure is compatible with the classification of ethanol blended gasoline being used.

Sec. 1663. Section 455G.33, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Approved by the department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing subject to conditions determined necessary by the department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing. The department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing may waive the requirement in paragraph "a" upon satisfaction that a substitute requirement serves the same purpose.

Sec. 1664. Section 542.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An Iowa accountancy examining board is created within the ~~professional licensing and regulation bureau of the banking division of the department of commerce~~ inspections, appeals, and licensing to administer and enforce this chapter.

Sec. 1665. Section 542.4, subsection 6, Code 2023, is amended to read as follows:

6. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing shall provide staffing assistance to the board for implementing this chapter.

Sec. 1666. Section 542B.3, Code 2023, is amended to read as follows:

542B.3 Engineering and land surveying examining board created.

An engineering and land surveying examining board is created within the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing. The board consists of three members who are licensed professional engineers, two members who are licensed professional land surveyors, and two members who are not licensed professional engineers or licensed professional land surveyors and who shall represent the general public. An individual who is licensed as both a professional engineer and a professional land surveyor may serve to satisfy the board membership requirement for either a licensed professional engineer or a licensed professional land surveyor, but not both. Members shall be appointed by the governor subject to confirmation by the senate. A licensed member shall be actively engaged in the practice of engineering or land surveying and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Insofar as practicable, licensed engineer members of the board shall be from different branches of the profession of engineering. Professional associations or societies composed of licensed engineers or licensed land surveyors may recommend the names of potential board members whose profession is representative of that association or society to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional engineers or professional land surveyors.

Sec. 1667. Section 542B.9, Code 2023, is amended to read as follows:

542B.9 Organization of the board — staff.

The board shall elect annually from its members a chairperson and a vice chairperson. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing shall hire and provide staff to assist the board in implementing this chapter. The board shall hold at least one meeting at the location of the board's principal office, and meetings shall be called at other times by the ~~administrator~~ director or the director's designee at the request of the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 1668. Section 543B.8, subsections 1 and 5, Code 2023, are amended to read as follows:

1. A real estate commission is created within the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing. The commission consists of five members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. Commission members shall be appointed by the governor subject to confirmation by the senate.

5. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division~~ department of inspections, appeals, and licensing shall hire and provide staff to assist the commission with implementing this chapter. ~~The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce~~ and shall hire a real estate education director to assist the commission in administering education programs for the commission.

Sec. 1669. Section 543B.14, Code 2023, is amended to read as follows:

543B.14 Fees and expenses.

All fees and charges collected by the real estate commission under this chapter shall be paid into the general fund of the state, except that²¹ twenty-five dollars from each real estate salesperson's license fee and each broker's license fee ~~is appropriated to the professional licensing and regulation bureau of the banking division of the department of commerce~~ shall be appropriated to the department of inspections, appeals, and licensing for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid from funds appropriated for those purposes.

Sec. 1670. Section 543D.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "*Director*" means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1671. Section 543D.2, subsection 14, Code 2023, is amended by striking the subsection.

Sec. 1672. Section 543D.4, subsection 1, Code 2023, is amended to read as follows:

1. A real estate appraiser examining board is established within the ~~banking division of the department of commerce~~ inspections, appeals, and licensing. The board consists of seven members, two of whom shall be public members and five of whom shall be certified real estate appraisers.

Sec. 1673. Section 543D.5, subsection 1, Code 2023, is amended to read as follows:

1. The board shall adopt rules establishing uniform appraisal standards and appraiser certification requirements and other rules necessary to administer and enforce this chapter and its responsibilities under chapter 272C, subject to the ~~superintendent's~~ director's supervision and authority under section 543D.23. The board shall consider and may incorporate any standards required or recommended by the appraisal foundation or by a federal agency with regulatory authority over appraisal standards or the certification of appraisers for federally related transactions.

Sec. 1674. Section 543D.6, subsection 2, Code 2023, is amended to read as follows:

2. All fees collected by the board shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12 and are appropriated to the ~~superintendent~~ director on behalf of the board to be used to administer this chapter, including but not limited to purposes such as examinations, investigations, and administrative staffing. Notwithstanding section 8.33, moneys retained by the ~~superintendent~~ director pursuant to this section are not subject to reversion to the general fund of the state. However, the appraisal management company national registry fees the board collects on behalf of the appraisal subcommittee as defined in section 543E.3 shall be transmitted to the appraisal subcommittee in accordance with federal laws and regulations.²²

Sec. 1675. Section 543D.23, Code 2023, is amended to read as follows:

543D.23 Superintendent Director supervision and authority.

1. The ~~superintendent~~ director shall supervise the board and manage the board's budget and retained fees. The ~~superintendent~~ director may exercise all authority conferred upon the board under this chapter and shall have access to all records and information to which the board has access. In supervising the board, the ~~superintendent~~ director shall independently evaluate the substantive merits of actions recommended or proposed by the board which may be anticompetitive and shall have the authority to review, approve, modify, or reject all board actions including but not limited to those taken in connection with any of the following:

a. Initial or reciprocal certification of real estate appraisers, registration of associate real estate appraisers, and temporary practice permits.

²¹ See chapter 108, §43 herein

²² See chapter 108, §44 herein

- b. Disciplinary investigations and proceedings.
- c. Investigations and proceedings under section 543D.21.
- d. Rulemaking under chapter 17A, including orders on petitions for rulemaking.
- e. Orders on petitions for declaratory orders or waivers.

2. A person aggrieved by any final action of the board taken under this chapter shall not have exhausted administrative remedies until the person has appealed the action to the ~~superintendent~~ director and the ~~superintendent~~ director has issued a final decision or order.

3. The ~~superintendent~~ director shall adopt rules to implement this section.

Sec. 1676. Section 543E.3, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 1677. Section 543E.3, subsection 8, Code 2023, is amended to read as follows:

8. “*Appraiser panel*” means a network, list, or roster of certified appraisers who are independent contractors with an appraisal management company and who have been selected and approved by the appraisal management company to perform appraisals directly for the appraisal management company or for persons that have ordered appraisals through the appraisal management company. Appraisers on an appraisal management company’s appraiser panel may include both appraisers engaged to perform one or more appraisals for covered transactions or for secondary mortgage market participants in connection with covered transactions, and appraisers accepted by the appraisal management company for consideration for future appraisal assignments for such purposes, as the ~~administrator~~ director may further provide by rule.

Sec. 1678. Section 543E.3, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. “*Director*” means the director of the department of inspections, appeals, and licensing or the director’s designee.

Sec. 1679. Section 543E.4, Code 2023, is amended to read as follows:

543E.4 Registration required.

A person shall not directly or indirectly engage in or attempt to engage in business as an appraisal management company or advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first registering with the ~~administrator~~ director.

Sec. 1680. Section 543E.6, subsection 2, Code 2023, is amended to read as follows:

2. A person who directly or indirectly owns more than ten percent of an appraisal management company in this state shall be of good moral character, as prescribed by rules adopted by the ~~administrator~~ director consistent with applicable federal law and regulations, and shall submit to a background investigation, as prescribed by rules adopted by the ~~administrator~~ director consistent with applicable federal law and regulations.

Sec. 1681. Section 543E.7, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An appraisal management company registered or applying for registration in this state shall designate a controlling person who shall be the main contact for all communications between the ~~administrator~~ director and the appraisal management company, and who shall be responsible for assuring the appraisal management company complies with the provisions of this chapter when performing appraisal management services in connection with real estate located in this state.

3. The designated controlling person shall be of good moral character, as prescribed by rules adopted by the ~~administrator~~ director consistent with applicable federal law and regulations, and shall submit to a background investigation, as prescribed by rules adopted by the ~~administrator~~ director consistent with applicable federal law and regulations.

Sec. 1682. Section 543E.8, subsection 1, Code 2023, is amended to read as follows:

1. An application for registration as an appraisal management company shall be submitted on a form prescribed by the ~~administrator~~ director.

Sec. 1683. Section 543E.8, subsection 2, paragraphs b, c, and f, Code 2023, are amended to read as follows:

b. The names and contact information for all persons who directly or indirectly own more than ten percent of the applicant and for the controlling person designated pursuant to section 543E.7, and such additional information the ~~administrator~~ director may need to enforce section 543E.6, subsection 1.

c. Information as reasonably necessary to establish the size of the applicant's nationwide and Iowa appraiser panels, in accordance with rules adopted by the ~~administrator~~ director.

f. Any additional information that is reasonably needed for the ~~administrator~~ director to implement the provisions of this chapter and assure that the applicant is eligible for registration under this chapter.

Sec. 1684. Section 543E.9, Code 2023, is amended to read as follows:

543E.9 Registration renewal.

1. A registration issued under this chapter shall be valid for one year as provided by rule.

2. An application to renew registration shall be submitted in the form and in the manner prescribed by the ~~administrator~~ director. The ~~administrator~~ director may further require periodic disclosures of changes impacting registration, such as a change in ownership or the designated controlling person.

3. An application to renew registration shall contain the information described in section 543E.8, subsection 2.

4. A registration issued under this chapter shall lapse if not timely renewed, in accordance with rules adopted by the ~~administrator~~ director.

5. A person holding a lapsed registration shall not directly or indirectly engage in or attempt to engage in business as an appraisal management company or advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state until the registration has been reinstated under the process prescribed by the ~~administrator~~ director by rule.

Sec. 1685. Section 543E.10, Code 2023, is amended to read as follows:

543E.10 Fees.

1. The ~~administrator~~ director shall by rule establish fees for registration, renewal, reinstatement, and such additional fees as are reasonably necessary for the administration of this chapter. The fees shall be established in consideration of the costs of administering this chapter and the actual cost of the specific service to be provided or performed. The ~~administrator~~ director shall periodically review and adjust the schedule of fees as needed to cover projected expenses.

2. Except as provided in subsection 3, all fees collected under this chapter shall be deposited into the ~~department of~~ commerce revolving fund created in section 546.12 and are appropriated to the ~~administrator~~ director to be used to administer this chapter including but not limited to purposes such as examinations, investigations, and administrative staffing. Notwithstanding section 8.33, moneys appropriated pursuant to this subsection are not subject to reversion to the general fund of the state.²³

3. The ~~administrator~~ director shall also collect the appraisal management company national registry fee from each appraisal management company seeking to register in this state and from federally regulated appraisal management companies operating in this state. The ~~administrator~~ director shall transfer all appraisal management company national registry fees collected by the ~~administrator~~ director to the appraisal subcommittee.

²³ See chapter 108, §45 herein

Sec. 1686. Section 543E.12, subsections 3 and 4, Code 2023, are amended to read as follows:

3. An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with the uniform standards of professional appraisal practice or has otherwise materially violated chapter 543D or this chapter shall refer the matter to the ~~administrator~~ director in conformance with applicable federal law and regulations. An appraisal management company that has a reasonable basis to believe another appraisal management company is failing to comply with the provisions of this chapter shall refer the matter to the ~~administrator~~ director in conformance with section 272C.9, subsection 2.

4. An appraiser who is employed by or is on the appraiser panel of an appraisal management company registered under this chapter who has a reasonable basis to believe the appraisal management company is in violation of this chapter shall refer the matter to the ~~administrator~~ director.

Sec. 1687. Section 543E.13, subsection 1, Code 2023, is amended to read as follows:

1. An appraisal management company shall maintain a detailed record of each service request the appraisal management company receives involving real estate located in this state and the identity of the appraiser who performs the appraisal assignment. All such records shall be maintained for at least five years after the request is sent by the appraisal management company to the appraiser or the completion of the appraisal report, whichever period expires later. An appraisal management company shall maintain such additional records regarding appraisal management services performed in this state as the ~~administrator~~ director may specify by rule.

Sec. 1688. Section 543E.15, subsection 4, Code 2023, is amended to read as follows:

4. Remove an appraiser from an appraiser panel without prior written notice that identifies the basis for removal. Upon request or in conjunction with an examination, an appraisal management company shall forward to the ~~administrator~~ director copies of such notices issued to an appraiser located or certified in Iowa.

Sec. 1689. Section 543E.17, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

After notice and hearing, the ~~administrator~~ director may revoke, suspend, or refuse to issue, renew, or reinstate a registration; reprimand, censure, or limit the scope of practice of any registrant; impose a civil penalty not to exceed ten thousand dollars per violation; require remedial action; or place any registrant on probation; all with or without terms, conditions, or in combinations of remedies, for any one or more of the following reasons:

Sec. 1690. Section 543E.17, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

When determining whether to initiate a disciplinary proceeding against an appraisal management company based on actions or omissions by an employee, owner, director, controlling person, or other agent of the appraisal management company, the ~~administrator~~ director shall take into consideration all of the following:

Sec. 1691. Section 543E.18, Code 2023, is amended to read as follows:

543E.18 Unlawful practice — complaints and investigations — remedies and penalties.

1. If, as the result of a complaint or otherwise, the ~~administrator~~ director believes that a person has engaged, or is about to engage, in an act or practice that constitutes or will constitute a violation of this chapter, the ~~administrator~~ director may make application to the district court for an order enjoining such act or practice. Upon a showing by the ~~administrator~~ director that such person has engaged, or is about to engage, in any such act or practice, an injunction, restraining order, or other order as may be appropriate shall be granted by the district court.

2. The ~~administrator~~ director may investigate a complaint or initiate a complaint against a person who is not registered under this chapter to determine whether grounds exist to make application to the district court pursuant to subsection 1 or to issue an order pursuant to subsection 3, and in connection with such complaint or investigation may issue subpoenas

to compel witnesses to testify or persons to produce evidence consistent with the provisions of section 272C.6, subsection 3, as needed to determine whether probable cause exists to initiate a proceeding under this section or to make application to the district court for an order enjoining a violation of this chapter.

3. In addition to or as an alternative to making application to the district court for an injunction, the ~~administrator~~ director may issue an order to a person who is not registered under this chapter to require compliance with this chapter and may impose a civil penalty against such person for any violation specified in subsection 4 in an amount up to ten thousand dollars for each violation. All civil penalties collected pursuant to this section shall be deposited in the housing trust fund created in section 16.181. An order issued pursuant to this section may prohibit a person from applying for registration under this chapter or certification or registration under chapter 543D.

4. The ~~administrator~~ director may impose a civil penalty against a person who is not registered under this chapter for any of the following:

- a. A violation of section 543E.4.
- b. A violation of section 543D.18A, subsection 1.
- c. Fraud, deceit, or deception, through act or omission, in connection with an application for registration under this chapter.

5. The ~~administrator~~ director, before issuing an order under this section, shall provide the person written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a registrant under this chapter.

6. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review pursuant to section 17A.19.

7. If a person fails to pay a civil penalty within thirty days after entry of an order imposing the civil penalty, or if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the ~~administrator~~ director, the ~~administrator~~ director shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

8. An action to enforce an order under this section may be joined with an action for an injunction.

Sec. 1692. Section 543E.19, Code 2023, is amended to read as follows:

543E.19 Surety bond.

1. The ~~administrator~~ director shall require that an appraisal management company be covered by a surety bond in the amount of twenty-five thousand dollars.

2. The surety bond shall be in a form as prescribed by the ~~administrator~~ director. The ~~administrator~~ director may, pursuant to rule, determine requirements for such surety bonds as are necessary to accomplish the purposes of this chapter. The requirements for a surety bond shall only relate to liabilities, damages, losses, or claims arising out of the appraisal management services performed by the appraisal management company involving real estate located in this state. The bond shall provide that a person having a claim against an appraisal management company may bring suit directly on the bond or the ~~administrator~~ director may bring suit on behalf of such person.

Sec. 1693. Section 543E.20, subsections 1, 3, 4, and 5, Code 2023, are amended to read as follows:

1. The ~~administrator~~ director is vested with broad administrative authority to administer, interpret, and enforce this chapter and to promulgate rules implementing this chapter.

3. The ~~administrator~~ director may conduct periodic examinations of applicants or registrants under this chapter as reasonably necessary to assure compliance with all or specific provisions of this chapter. All papers, documents, examination reports, and other records relating to such examinations shall be confidential as provided in section 272C.6, subsection 4, except as provided in this section.

4. The ~~administrator~~ director may adopt rules governing an appraiser's use of associate real estate appraisers while performing appraisal assignments subject to this chapter. Associate real estate appraisers may provide appraisal services under the supervision of a

certified appraiser as provided in chapter 543D and associated rules, but shall not be on an appraiser panel of an appraisal management company.

5. The ~~administrator~~ director may require a national criminal history check through the federal bureau of investigation or, if authorized by federal law or regulation, the nationwide mortgage licensing system and registry, as defined in section 535D.3, when conducting background investigations under this chapter. Except as inconsistent with the registry, the following shall apply:

a. The ~~administrator~~ director may require owners and controlling persons who are subject to the background investigation provisions of sections 543E.6 and 543E.7 to provide a full set of fingerprints, in a form and manner prescribed by the ~~administrator~~ director. Such fingerprints, if required, shall be submitted to the federal bureau of investigation through the state criminal history repository for purposes of the national criminal history check.

b. The ~~administrator~~ director may also request and obtain, notwithstanding section 692.2, subsection 5, criminal history data for owners and controlling persons who are subject to the background investigation provisions of sections 543E.6 and 543E.7. A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to section 692.2, subsection 1.

c. The ~~administrator~~ director shall inform such owners and controlling persons of the requirement of a national criminal history check or request for criminal history data and obtain a signed waiver from the applicant, certificate holder, or registrant prior to requesting the check or data.

d. The ~~administrator~~ director may, in addition to any other fees, charge and collect such amounts as may be incurred by the ~~administrator~~ director, the department of public safety, or the federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in section 8.2.

e. Criminal history data and other criminal history information relating to affected owners or controlling persons, or their appraisal management companies obtained by the ~~administrator~~ director pursuant to this section shall remain confidential. Such information may, however, be used by the ~~administrator~~ director in a registration denial, enforcement, or disciplinary proceeding.

Sec. 1694. Section 543E.20, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In addition to the duties and powers conferred upon the ~~administrator~~ director in this chapter, the ~~administrator~~ director shall have the authority to adopt such rules as are reasonably necessary to assure the ~~administrator's~~ director's registration and supervision of appraisal management companies comply with the minimum requirements of 12 U.S.C. §3352 and related federal laws and regulations, with respect to any of the following:

Sec. 1695. Section 544A.1, subsection 2, Code 2023, is amended to read as follows:

2. The architectural examining board is created within the ~~professional licensing and regulation bureau of the banking division of the department of commerce inspections, appeals, and licensing~~. The board consists of five members who possess a license issued under section 544A.9 and who have been in active practice of architecture for not less than five years, the last two of which shall have been in Iowa, and two members who do not possess a license issued under section 544A.9 and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 1696. Section 544A.5, Code 2023, is amended to read as follows:

544A.5 Duties.

The architectural examining board shall enforce this chapter, shall adopt rules pursuant to chapter 17A for the examination of applicants for the license provided by this chapter, and shall, after due public notice, hold meetings each year for the purpose of examining applicants for licensure and the transaction of business pertaining to the affairs of the board. Examinations shall be given as often as deemed necessary, but not less than annually. Action at a meeting shall not be taken without the affirmative votes of a majority of the members of the board. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of~~

~~the banking division of the department of commerce~~ inspections, appeals, and licensing shall hire and provide staff to assist the board with implementing this chapter.

Sec. 1697. Section 544B.3, subsection 1, Code 2023, is amended to read as follows:

1. A landscape architectural examining board is created within the ~~professional licensing and regulation bureau of the banking division of the department of commerce~~ inspections, appeals, and licensing. The board consists of five members who are professional landscape architects and two members who are not professional landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. Four of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and may have been so engaged for fewer than five years preceding appointment but at least one year preceding appointment. Associations or societies composed of professional landscape architects may recommend the names of potential board members to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional landscape architects.

Sec. 1698. Section 544B.5, Code 2023, is amended to read as follows:

544B.5 Duties.

The board shall enforce this chapter and shall make rules for the examination of applicants for licensure. The board shall keep a record of its proceedings. The board shall adopt an official seal which shall be affixed to all certificates of licensure granted. The board may make other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of licensure of every professional landscape architect in this state. ~~The administrator of the professional licensing and regulation bureau of the banking division~~ director of the department of commerce inspections, appeals, and licensing shall hire and provide staff to assist the board in implementing this chapter.

Sec. 1699. Section 544C.1, subsection 2, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

2. *“Department”* means the department of inspections, appeals, and licensing.

Sec. 1700. Section 544C.2, subsection 1, Code 2023, is amended to read as follows:

1. An interior design examining board is established within the ~~bureau~~ department. The board consists of seven members: five members who are interior designers who are registered under this chapter and who have been in the active practice of interior design for not less than five years, the last two of which shall have been in Iowa; and two members who are not registered under this chapter and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 1701. Section 544C.3, subsection 2, Code 2023, is amended to read as follows:

2. The ~~administrator~~ director of the ~~bureau~~ department shall provide staff to assist the board in the implementation of this chapter.

Sec. 1702. Section 544C.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for registration must meet the interior design education and practical training requirements adopted by rule by the board, and have passed an examination prescribed by the board that is task-oriented, focused on public safety, and validated by a recognized testing agency. The ~~bureau~~ department shall register an individual who submits an application to the board on the form and in the manner prescribed by the board as a registered interior designer if the individual satisfies the following requirements:

Sec. 1703. Section 546.3, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1704. Section 546.10, Code 2023, is amended to read as follows:

546.10 Professional licensing Licensing and regulation bureau—~~superintendent of banking of business and commerce-related professions.~~

1. ~~a.~~ The professional licensing and regulation bureau of the banking division department shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

~~a.~~ (1) The engineering and land surveying examining board created pursuant to chapter 542B.

~~b.~~ (2) The Iowa accountancy examining board created pursuant to chapter 542.

~~c.~~ (3) The real estate commission created pursuant to chapter 543B.

(4) The real estate appraiser examining board created pursuant to chapter 543D.

~~d.~~ (5) The architectural examining board created pursuant to chapter 544A.

~~e.~~ (6) The landscape architectural examining board created pursuant to chapter 544B.

~~f.~~ (7) The interior design examining board created pursuant to chapter 544C.

~~b.~~ The director shall administer chapter 543E.

2. ~~The bureau is headed by the administrator of professional licensing and regulation who shall be the superintendent of banking.~~ The administrator ~~director~~ shall appoint and supervise staff and shall coordinate activities for the licensing boards within the bureau department pursuant to subsection 1 and for the administration of chapter 543E.

3. ~~a.~~ The licensing and regulation examining boards included in the bureau²⁴ pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the ~~administrator~~ director. Each licensing board shall adopt rules pursuant to chapter 17A. Decisions by a licensing board are final agency actions for purposes of chapter 17A.

~~b.~~ Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, paragraph "a", subparagraphs (1), (2), (3), (5), (6), and (7), is appropriated to the professional licensing and regulation bureau department to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. In addition, notwithstanding subsection 5, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee received pursuant to section 543B.14 is appropriated to the professional licensing and regulation bureau department for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. The director of the department of administrative services shall draw warrants upon the treasurer of state from the funds appropriated as provided in this section and shall make the funds available to the professional licensing and regulation bureau department on a monthly basis during each fiscal year.²⁵

4. ~~The professional licensing and regulation bureau of the banking division of the department of commerce~~ may expend additional funds, including funds for additional personnel, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before the bureau department expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the bureau department and the bureau department does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the bureau department may expend and encumber funds for excess examination expenses. The amounts necessary to fund the examination expenses shall be collected as fees from

²⁴ See chapter 119, §28 herein

²⁵ See chapter 108, §49 herein

additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 8.

5. Fees collected under chapters 542, 542B, 543B, 544A, 544B, and 544C shall be paid to the treasurer of state and credited to the general fund of the state. All expenses required in the discharge of the duties and responsibilities imposed upon the ~~professional licensing and regulation bureau of the banking division of the department of commerce, the administrator director,~~ and the licensing boards by the laws of this state shall be paid from moneys appropriated by the general assembly for those purposes. All fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.²⁶

6. The licensing boards included in the ~~bureau department~~ pursuant to subsection 1 may refuse to issue or renew a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended or a licensee may otherwise be disciplined, or upon any other grounds set out in the chapter governing the respective board.

7. The licensing boards included in the ~~bureau department~~ pursuant to subsection 1 may suspend, revoke, or refuse to issue or renew a license, or may discipline a licensee based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another state, territory, or country. For purposes of this subsection, “disciplinary action” includes the voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.

8. Notwithstanding any other provision of law to the contrary, the licensing boards included within the ~~bureau department~~ pursuant to subsection 1 may by rule establish the conditions under which an individual licensed in a different jurisdiction may be issued a reciprocal or comity license, if, in the board’s discretion, the applicant’s qualifications for licensure are substantially equivalent to those required of applicants for initial licensure in this state.

9. Notwithstanding section 272C.6, the licensing boards included within the ~~bureau department~~ pursuant to subsection 1 may by rule establish the conditions under which the board may supply to a licensee who is the subject of a disciplinary complaint or investigation, prior to the initiation of a disciplinary proceeding, all or such parts of a disciplinary complaint, disciplinary or investigatory file, report, or other information, as the board in its sole discretion believes would aid the investigation or resolution of the matter.

10. Notwithstanding section 17A.6, subsection 2, the licensing boards included within the ~~bureau department~~ pursuant to subsection 1 may adopt standards by reference to another publication without providing a copy of the publication to the administrative code editor if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

11. Renewal periods for all licenses and certificates of the licensing boards included within the ~~bureau department~~ pursuant to subsection 1 may be annual or multiyear, as provided by rule.

12. A quorum of a licensing board included within the ~~bureau department~~ pursuant to subsection 1 shall be a majority of the members of the board and action may be taken upon a majority vote of board members present at a meeting who are not disqualified.

Sec. 1705. Section 710A.7, Code 2023, is amended to read as follows:

710A.7 Peace officer referral.

If during the course of an investigation or prosecution under this chapter a peace officer has reason to believe that a person who purports to be licensed pursuant to chapter 152C or 157 does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board under the ~~professional licensure division within the department of public health inspections, appeals, and licensing,~~ and to the appropriate state or federal authorities.

²⁶ See chapter 108, §50 herein

Sec. 1706. Section 727.2, subsection 2, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(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~~ director of the department of inspections, appeals, and licensing pursuant to section 10A.511, subsection 6, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

Sec. 1707. Section 727.2, subsection 3, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(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~~ director of the department of inspections, appeals, and licensing pursuant to section 10A.511, subsection 6, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

Sec. 1708. Section 904.318, subsection 2, Code 2023, is amended to read as follows:

2. The ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or the director's designee shall cause an annual inspection to be made of all the institutions listed in section 904.102 and shall make a written report of the inspection to the director.

Sec. 1709. REPEAL. Sections 100D.8 and 100D.9, Code 2023, are repealed.

Sec. 1710. 2015 Iowa Acts, chapter 138, section 97, is amended to read as follows:

SEC. 97. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING LESSONS. Notwithstanding any provision of law to the contrary, the department of ~~public health~~ inspections, appeals, and licensing shall require that a residential swimming pool used for private swimming lessons for up to two hundred seven hours in a calendar month, or the number of hours prescribed by local ordinance applicable to such use of a residential swimming pool, whichever is greater, be regulated as a residential swimming pool used for commercial purposes pursuant to chapter 135I. The department of public health²⁷ may adopt rules to implement this section.

Sec. 1711. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 100.11 to section 10A.513.
- b. Section 100.12 to section 10A.514.
- c. Section 100.13 to section 10A.515.
- d. Section 100.14 to section 10A.516.
- e. Section 100.16 to section 10A.517.
- f. Section 100.18 to section 10A.518.
- g. Section 100.19 to section 10A.519.
- h. Section 100.19A to section 10A.520.
- i. Section 100.26 to section 10A.521.
- j. Section 100.31 to section 10A.522.
- k. Section 100.35 to section 10A.523.
- l. Section 100.38 to section 10A.525.
- m. Section 100.39 to section 10A.524.
- n. Section 135.11A to section 10A.503.
- o. Section 135.11B to section 10A.504.
- p. Section 135.31 to section 10A.505.
- q. Section 135.37 to section 10A.531.
- r. Section 135.37A to section 10A.532.
- s. Section 135.105A to section 10A.902.
- t. Section 135.105C to section 10A.903.
- u. Section 546.10 to section 10A.506.

2. The Code editor is directed to rename article V of chapter 10A as subchapter V and designate parts as follows:

²⁷ See chapter 119, §30 herein

- a. Subchapter V shall be entitled “Licensing and Regulation” and include sections 10A.501 through 10A.534.
 - b. Subchapter V, part 1, shall be entitled “General Provisions” and include sections 10A.501 through 10A.510.
 - c. Subchapter V, part 2, shall be entitled “Fire Control” and include sections 10A.511 through 10A.530.
 - d. Subchapter V, part 3, shall be entitled “Tattooing and Hair Braiding” and include sections 10A.531 through 10A.534.
3. The Code editor is directed to create new subchapter IX within chapter 10A which shall be entitled “Lead Abatement Program” and include sections 10A.902 and 10A.903.
4. The Code editor may modify subchapter and part titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

ADMINISTRATIVE LAW JUDGES

Sec. 1712. Section 8A.415, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director’s response, file an appeal with the public employment relations board. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. Decisions rendered shall be based upon a standard of substantial compliance with this subchapter and the rules of the department. Decisions by the public employment relations board constitute final agency action. ~~However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee’s appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.~~

Sec. 1713. Section 8A.415, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director’s response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action. ~~However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee’s appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.~~

Sec. 1714. Section 96.6, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the ~~department~~ division of administrative hearings created by section 10A.801. An administrative law judge’s decision may be appealed by any party to the employment appeal board created in section 10A.601 or directly to the district court.

Sec. 1715. Section 216.15, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in subsection 4. An

authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed ~~either by the commission or~~ by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 1716. Section 256.7, subsection 6, Code 2023, is amended to read as follows:

6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law. The state board may review the record and shall review the decision of the director of the department of education or the administrative law judge employed by the division of administrative hearings created by section 10A.801 and designated for any appeals heard and decided by the director under chapter 290, and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

Sec. 1717. Section 256B.6, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding section 17A.11, the state board of education shall adopt rules for the appointment of an impartial administrative law judge employed by the division of administrative hearings created by section 10A.801 for special education appeals. The rules shall comply with federal statutes and regulations.

Sec. 1718. Section 272.14, Code 2023, is amended to read as follows:

272.14 Appointment of administrative law judges.

The board shall maintain a list of qualified persons employed by the division of administrative hearings created by section 10A.801 and who are experienced in the educational system of this state to serve as administrative law judges when a hearing is requested under section 279.24. When requested under section 279.24, the board shall submit a list of five qualified administrative law judges from the list maintained by the board to the parties. The parties shall select one of the five qualified persons to conduct the hearing as provided in section 279.24. The hearing shall be held pursuant to the provisions of chapter 17A relating to contested cases. The full costs of the hearing shall be shared equally by the parties.

Sec. 1719. Section 279.24, subsection 5, paragraph c, Code 2023, is 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. The board shall then forward the notification 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 who are employed by the division of administrative hearings created by section 10A.801 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 twenty days and not later than 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.

CIVIL RIGHTS COMMISSION

Sec. 1720. Section 216.3, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa state civil rights commission ~~shall consist~~ is created within the department of inspections, appeals, and licensing consisting of seven members appointed by the governor subject to confirmation by the senate. Appointments shall be made to provide geographical

area representation insofar as practicable. No more than four members of the commission shall belong to the same political party. Members appointed to the commission shall serve for four-year staggered terms beginning and ending as provided by section 69.19.

CONFORMING CHANGES

Sec. 1721. Section 8A.412, subsection 19, Code 2023, is amended to read as follows:

19. The superintendent of the banking division of the department of commerce, all members of the state banking council, and all employees of the banking division ~~except for employees of the professional licensing and regulation bureau of the division.~~

Sec. 1722. Section 8A.457, Code 2023, is amended to read as follows:

8A.457 Workers' compensation claims.

The director shall employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to chapter 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86,~~ or, with the approval of the executive council, contract for the services or purchase workers' compensation insurance coverage for state employees or selected groups of state employees. A state employee workers' compensation fund is created in the state treasury under the control of the department to pay state employee workers' compensation claims and administrative costs. The department shall establish a rating formula and assess premiums to all agencies, departments, and divisions of the state including those which have not received an appropriation for the payment of workers' compensation insurance and which operate from moneys other than from the general fund of the state. The department shall collect the premiums and deposit them into the state employee workers' compensation fund. Notwithstanding section 8.33, moneys deposited in the state employee workers' compensation fund shall not revert to the general fund of the state at the end of any fiscal year, but shall remain in the state employee workers' compensation fund and be continuously available to pay state employee workers' compensation claims. The director may, to the extent practicable, contract with a private organization to handle the processing and payment of claims and services rendered under the provisions of this section.

Sec. 1723. Section 8A.504, subsection 3, Code 2023, is amended to read as follows:

3. In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit services or the foster care recovery unit services, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the college student aid commission, next priority shall be given to claims filed by the investigations division of the department of inspections, ~~and appeals, and licensing relating to investigations by the department,~~ and last priority shall be given to claims filed by other public agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the director.

Sec. 1724. Section 8A.512, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Claims by state employees for benefits pursuant to chapter 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86~~ are subject to limitations provided in those chapters.

Sec. 1725. Section 13B.1, subsection 3, Code 2023, is amended to read as follows:

3. "*Department*" means the department of inspections, ~~and appeals, and licensing.~~

Sec. 1726. Section 13B.2, Code 2023, is amended to read as follows:

13B.2 Position established.

The position of state public defender is established within the department of inspections, ~~and appeals, and licensing.~~ The governor shall appoint the state public defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate, no less frequently than once every four years, whether or not there has been a new state public defender appointed during that time, and shall establish the state public defender's salary.

Sec. 1727. Section 13B.6, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections, ~~and appeals, and licensing~~ shall provide internal accounting and related fiscal services for the state public defender.

Sec. 1728. Section 15.108, subsection 7, paragraph f, Code 2023, is amended to read as follows:

f. To the extent feasible, cooperate with the department of workforce development ~~and the division of workers' compensation of the department of inspections, appeals, and licensing~~ to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers' compensation program.

Sec. 1729. Section 15E.208, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. An agricultural products processor, if the processor or a person owning a controlling interest in the processor has demonstrated, within the most recent consecutive three-year period prior to the application for financing, a continuous and flagrant disregard for the health and safety of its employees or the quality of the environment. Violations of environmental protection statutes, rules, or regulations shall be reported for the most recent five-year period prior to application. Evidence of such disregard shall include a history of serious or uncorrected violations of state or federal law protecting occupational health and safety or the environment, including but not limited to serious or uncorrected violations of occupational safety and health standards enforced by the division of labor services of the department of ~~workforce development~~ inspections, appeals, and licensing pursuant to chapter ~~84A 10A~~, or rules enforced by the department of natural resources pursuant to chapter 455B or 459, subchapters II and III.

Sec. 1730. Section 17A.11, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. For purposes of paragraph "a", the division of administrative hearings established in section 10A.801 shall be treated as a wholly separate agency from the department of inspections, ~~and appeals, and licensing~~.

Sec. 1731. Section 35D.15, subsection 2, paragraph c, subparagraph (2), subparagraph divisions (c), (d), and (e), Code 2023, are amended to read as follows:

(c) If the member is not satisfied with the decision of the commission, the member may appeal the commission's decision by filing an appeal with the department of inspections, ~~and appeals, and licensing~~ within five calendar days of being notified in writing of the commission's decision.

(d) The department of inspections, ~~and appeals, and licensing~~ shall render a decision on the appeal of the commission's decision and notify the member of the decision, in writing, within fifteen calendar days of the filing of the appeal with the department.

(e) The maximum time period that shall elapse between receipt by the member of the discharge notice and actual discharge shall not exceed fifty-five days, which includes the thirty-day discharge notice period and any time during which any appeals to the commission or the department of inspections, ~~and appeals, and licensing~~ are pending.

Sec. 1732. Section 35D.15, subsection 2, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) If a member is not satisfied with the decision of the department of inspections, ~~and appeals, and licensing~~, the member may seek judicial review in accordance with chapter 17A. A member's discharge under this subsection shall be stayed while judicial review is pending.

Sec. 1733. Section 35D.15, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. Any involuntary discharge by the commandant under this subsection shall comply with the rules adopted by the commission under this subsection and by the department of

inspections, and appeals, and licensing pursuant to section 135C.14, subsection 8, paragraph “f”.

Sec. 1734. Section 53.8, subsection 3, paragraph a, Code 2023, 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, and licensing.

Sec. 1735. Section 53.22, subsection 1, Code 2023, is amended to read as follows:

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, and licensing.

Sec. 1736. Section 68B.2, subsection 23, Code 2023, is amended to read as follows:

23. “*Regulatory agency*” means the department of agriculture and land stewardship, department of workforce development, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections, and appeals, and licensing, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, and department of natural resources.

Sec. 1737. Section 73.16, subsection 2, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The director of each department and agency of state government shall cooperate with the director of the department of inspections, and appeals, and licensing, the director of the economic development authority, and the director of the department of management and do all acts necessary to carry out the provisions of this subchapter.

Sec. 1738. Section 80.15, subsection 2, Code 2023, is amended to read as follows:

2. During the period of twelve months after appointment, a peace officer of the department is subject to dismissal at the will of the commissioner. After the twelve months’ service, a peace officer of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections, and appeals, and licensing and a hearing held by the employment appeal board created by section 10A.601, if requested by the peace officer, at which the peace officer has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a peace officer who is covered by a collective bargaining agreement which provides otherwise, and do not apply to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any.

Sec. 1739. Section 84A.5, subsection 6, Code 2023, is amended to read as follows:

6. The director of the department of workforce development shall form a coordinating committee composed of the director of the department of workforce development, ~~the labor~~

commissioner, the workers' compensation commissioner, and other administrators. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions within the department.

Sec. 1740. Section 85.3, subsection 2, Code 2023, is amended to read as follows:

2. Any employer who is a nonresident of this state, for whom services are performed within this state by any employee, is deemed to be doing business in this state by virtue of having such services performed and the employer and employee shall be subject to the jurisdiction of the workers' compensation commissioner and to all of the provisions of chapter 10A, subchapter III, this chapter, and chapters 85A, 85B, ~~86~~, and 87, as to any and all personal injuries sustained by the employee arising out of and in the course of such employment within this state. In addition, every corporation, individual, personal representative, partnership, or association that has the necessary minimum contact with this state shall be subject to the jurisdiction of the workers' compensation commissioner, and the workers' compensation commissioner shall hold such corporation, individual, personal representative, partnership, or association amenable to suit in this state in every case not contrary to the provisions of the Constitution of the United States.

Sec. 1741. Section 85.3, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. In addition to those persons authorized to receive personal service as in civil actions as permitted by chapter 17A and this chapter, such employer shall be deemed to have appointed the secretary of state of this state as its lawful attorney upon whom may be served or delivered any and all notices authorized or required by the provisions of chapter 10A, subchapter III, this chapter, and chapters 85A, 85B, ~~86~~, 87, and 17A, and to agree that any and all such services or deliveries of notice on the secretary of state shall be of the same legal force and validity as if personally served upon or delivered to such nonresident employer in this state.

Sec. 1742. Section 85.26, subsections 1 and 2, Code 2023, are amended to read as follows:

1. An original proceeding for benefits under chapter 10A, subchapter III, this chapter, or chapter 85A, or 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.

2. An award for payments or an agreement for settlement provided by section 86.13 for benefits under this chapter or chapter 85A or 85B, where the amount has not been commuted, may be reviewed upon commencement of reopening proceedings by the employer or the employee within three years from the date of the last payment of weekly benefits made under the award or agreement. If an award for payments or agreement for settlement as provided by section 86.13 for benefits under this chapter or chapter 85A or 85B has been made and the amount has not been commuted, or if a denial of liability is not filed with the workers' compensation commissioner and notice of the denial is not mailed to the employee, in the form and manner required by the commissioner, within six months of the commencement of weekly compensation benefits, the commissioner may at any time upon proper application make a determination and appropriate order concerning the entitlement of an employee to benefits provided for in section 85.27. The failure to file a denial of liability does not constitute an admission of liability under chapter 10A, subchapter III, this chapter, or chapter 85A, or 85B, ~~or 86~~.

Sec. 1743. Section 85.31, subsection 5, Code 2023, is amended to read as follows:

5. Except as otherwise provided by treaty, whenever, under the provisions of chapter 10A, subchapter III, this chapter, and ~~chapters 86 and~~ chapter 87, compensation is payable to a dependent who is an alien not residing in the United States at the time of the injury, the employer shall pay fifty percent of the compensation herein otherwise provided to such dependent, and the other fifty percent shall be paid into the second injury fund in the custody of the treasurer of state. But if the nonresident alien dependent is a citizen of a

government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefits of such law in as favorable degree as herein extended to the nonresident alien, then the compensation which would otherwise be payable to the dependent shall be paid into the second injury fund in the custody of the treasurer of state.

Sec. 1744. Section 85.34, subsections 4, 5, and 7, Code 2023, 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 chapter 10A, subchapter III, this chapter, and chapters 85A, and 85B, ~~and 86,~~ the excess paid by the employer shall be credited against the liability of the employer for 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 chapter 10A, subchapter III, this chapter, and chapters 85A, and 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 any current or subsequent injury to the same employee.

7. *Successive disabilities.* An employer is liable for compensating 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 chapter 10A, subchapter III, this chapter, or chapter 85A, or 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 chapter 10A, subchapter III, this chapter, or chapter 85A, or 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. 1745. Section 85.35, subsections 1 and 10, Code 2023, are amended to read as follows:

1. The parties to a contested case or persons who are involved in a dispute which could culminate in a contested case may enter into a settlement of any claim arising under chapter 10A, subchapter III, this chapter, or chapter 85A, or 85B, ~~or 86,~~ providing for disposition of the claim. The settlement shall be in writing on forms prescribed by the workers' compensation commissioner and submitted to the workers' compensation commissioner for approval.

10. Approval of a settlement by the workers' compensation commissioner is binding on the parties and shall not be construed as an original proceeding. Notwithstanding any provisions of chapter 10A, subchapter III, this chapter, and chapters 85A, 85B, 86, and 87, an approved compromise settlement shall constitute a final bar to any further rights arising under chapter 10A, subchapter III, this chapter, and chapters 85A, 85B, 86, and 87 regarding the subject matter of the compromise and a payment made pursuant to a compromise settlement agreement shall not be construed as the payment of weekly compensation.

Sec. 1746. Section 85.55, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For purposes of chapter 10A, subchapter III, this chapter, and chapters 86 and chapter 87, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

Sec. 1747. Section 85.59, subsection 7, Code 2023, is amended to read as follows:

7. Responsibility for the filings required by ~~chapter 86~~ chapter 10A, subchapter III, for injuries resulting in permanent disability or death and as modified by this section shall be made in the same manner as for other employees of the institution.

Sec. 1748. Section 85.60, Code 2023, is amended to read as follows:

85.60 Injuries while in work-based learning opportunity, employment training, or evaluation.

A person participating in a work-based learning opportunity referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the work-based learning opportunity participation, employment training, or employment evaluation is entitled to benefits as provided in chapter 10A, subchapter III, this chapter, chapter 85A, and chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 1749. Section 85.61, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In chapter 10A, subchapter III, this chapter, and chapters 86 and chapter 87, unless the context otherwise requires, the following definitions of terms shall prevail:

Sec. 1750. Section 85.61, subsection 12, paragraph b, Code 2023, is amended to read as follows:

b. The term “*worker*” or “*employee*” shall include the singular and plural. Any reference to a worker or employee who has been injured shall, when such worker or employee is dead, include the worker’s or employee’s dependents as defined in this chapter or the worker’s or employee’s legal representatives; and where the worker or employee is a minor or incompetent, it shall include the minor’s or incompetent person’s guardian, next friend, or trustee. Notwithstanding any law prohibiting the employment of minors, all minor employees shall be entitled to the benefits of chapter 10A, subchapter III, this chapter, and chapters 86 and chapter 87 regardless of the age of such minor employee.

Sec. 1751. Section 85.70, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. Beginning on or before December 1, 2018, the department of workforce development, in cooperation with the department of education, the workers’ compensation division of the department of inspections, appeals, and licensing, the insurance division of the department of commerce, and all community colleges that are participating in the new career 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. 1752. Section 85B.14, Code 2023, is amended to read as follows:

85B.14 Applicable chapters.

Chapters Chapter 10A, subchapter III, and chapters 17A, and 85, and 86, so far as applicable, and not inconsistent with this chapter, apply in cases of compensable occupational hearing loss.

Sec. 1753. Section 87.1, subsection 1, Code 2023, is amended to read as follows:

1. Every employer subject to the provisions of chapter 10A, subchapter III, this chapter, and chapters 85, 85A, and 85B, and 86, unless relieved as hereinafter provided from the requirements imposed under chapter 10A, subchapter III, this chapter, and chapters 85, 85A, and 85B, and 86, shall insure the employer’s liability under chapter 10A, subchapter

III, this chapter, and chapters 85, 85A, and 85B, ~~and 86~~ in some corporation, association, or organization approved by the commissioner of insurance.

Sec. 1754. Section 87.2, subsection 2, Code 2023, is amended to read as follows:

2. An employer coming under the provisions of chapter 10A, subchapter III, this chapter, and chapters 85, 85A, and 85B, ~~and 86~~ who fails to comply with this section, or to post and keep the above notice in the manner and form required, shall be guilty of a simple misdemeanor.

Sec. 1755. Section 87.6, Code 2023, is amended to read as follows:

87.6 Certificate of approval.

When such scheme or plan is approved by the workers' compensation commissioner, the commissioner shall issue a certificate to that effect, whereupon it shall be legal for such employer, or group of employers, to contract with any or all of the workers of the employer or group of employers to substitute such scheme or plan for the provisions relating to compensation and insurance during a period of time fixed by ~~said department~~ the insurance division of the department of insurance and financial services.

Sec. 1756. Section 87.11, subsections 3 and 4, Code 2023, are amended to read as follows:

3. a. If an employer becomes insolvent and a debtor under 11 U.S.C., on or after January 1, 1990, the commissioner of insurance may request of the workers' compensation commissioner that all future payments of workers' compensation weekly benefits, medical expenses, or other payments pursuant to chapter 10A, subchapter III, this chapter, or chapter 85, 85A, or 85B, ~~or 86~~, be commuted to a present lump sum. The workers' compensation commissioner shall fix the lump sum of probable future medical expenses and weekly compensation benefits, or other benefits payable pursuant to chapter 10A, subchapter III, this chapter, or chapter 85, 85A, or 85B, ~~or 86~~, capitalized at their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees. The commissioner of insurance shall be discharged from all further liability for the commuted workers' compensation claim upon payment of the present lump sum to either the claimant, or a licensed insurer for purchase of an annuity or other periodic payment plan for the benefit of the claimant.

b. The commissioner of insurance shall not be required to pay more for all claims of an insolvent self-insured employer than is available for payment of such claims from the security given under this section.

4. Notwithstanding contrary provisions of section 85.45, any future payment of medical expenses, weekly compensation benefits, or other payments by the commissioner of insurance from the security given under this section, pursuant to chapter 10A, subchapter III, this chapter, or chapter 85, 85A, or 85B, ~~or 86~~, shall be deemed an undue expense, hardship, or inconvenience upon the employer for purposes of a full commutation pursuant to section 85.45, subsection 1, paragraph "b".

Sec. 1757. Section 87.13, Code 2023, is amended to read as follows:

87.13 Interpretative clause.

All provisions in chapter 10A, subchapter III, and chapters 85, 85A, 85B, ~~86~~, and this chapter relating to compensation for injuries sustained arising out of and in the course of employment in the operation of coal mines or production of coal under any system of removing coal for sale are exclusive, compulsory and obligatory upon the employer and employee in such employment.

Sec. 1758. Section 87.14A, Code 2023, is amended to read as follows:

87.14A Insurance required.

An employer subject to chapter 10A, subchapter III, this chapter, and chapters 85, 85A, and 85B, ~~and 86~~ shall not engage in business without first obtaining insurance covering compensation benefits or obtaining relief from insurance as provided in this chapter. A person who willfully and knowingly violates this section is guilty of a class "D" felony.

Sec. 1759. Section 87.21, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Any employer, except an employer with respect to an exempt employee under section 85.1, who has failed to insure the employer's liability in one of the ways provided in this chapter, unless relieved from carrying such insurance as provided in section 87.11, is liable to an employee for a personal injury in the course of and arising out of the employment, and the employee may enforce the liability by an action at law for damages, or may collect compensation as provided in chapter 10A, subchapter III, and chapters 85, 85A, and 85B, and 86. In actions by the employee for damages under this section, the following rules apply:

Sec. 1760. Section 88.1, subsection 3, Code 2023, is amended to read as follows:

3. Authorizing the labor commissioner to set mandatory occupational safety and health standards applicable to businesses, and by providing for an adjudicatory process through the employment appeal board within the department of inspections, and appeals, and licensing for carrying out adjudicatory functions under this chapter.

Sec. 1761. Section 88.2, subsections 1 and 4, Code 2023, are amended to read as follows:

1. The labor commissioner, appointed pursuant to section 91.2, and the division of labor services of the department of ~~workforce development~~ inspections, appeals, and licensing created in section ~~84A.1~~ 10A.106 shall administer this chapter.

4. Subject to the approval of the director of the department of ~~workforce development~~ inspections, appeals, and licensing, the labor commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of the agency, and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of the agency or political subdivision, and employ experts and consultants or organizations, in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The agreements under this subsection are subject to approval of the executive council if approval is required by law.

Sec. 1762. Section 88A.1, subsections 4 and 6, Code 2023, are amended by striking the subsections.

Sec. 1763. Section 88A.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Department*" means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 6B. "*Director*" means the director of the department of inspections, appeals, and licensing.

Sec. 1764. Section 88A.2, Code 2023, is amended to read as follows:

88A.2 Permit required.

1. No amusement device or ride, concession booth, or any related electrical equipment shall be operated at a carnival or fair in this state without a permit having been issued by the ~~commissioner~~ director to an operator of such equipment. On or before the first of May of each year, any person required to obtain a permit by this chapter shall apply to the ~~division~~ department for a permit on a form furnished by the ~~commissioner~~ director which form shall contain such information as the ~~commissioner~~ director may require. The ~~commissioner~~ director may waive the requirement that an application for a permit must be filed on or before the first of May of each year if the applicant gives satisfactory proof to the ~~commissioner~~ director that the applicant could not reasonably comply with the date requirement and if the applicant immediately applies for a permit after the need for a permit is first determined. For the purpose of determining if an amusement ride, amusement device, concession booth, or any related electrical equipment is in safe operating condition and will provide protection to the public using such ride, device, booth, or related electrical equipment, each amusement ride, amusement device, concession booth, or related electrical equipment shall be inspected by the ~~commissioner~~ director before it is initially placed in operation in this state, and shall thereafter be inspected at least once each year.

2. If, after inspection, an amusement device or ride, concession booth, or related electrical equipment is found to comply with the rules adopted under this chapter, the ~~commissioner~~ director shall, upon payment of the permit fee and the inspection fee, permit the operation of the amusement device or ride or concession booth or to use any related electrical equipment.

3. If, after inspection, additions or alterations are contemplated which change a structure, mechanism, classification, or capacity, the operator shall notify the ~~commissioner~~ director of the operator's intentions in writing and provide any plans or diagrams requested by the ~~commissioner~~ director.

Sec. 1765. Section 88A.3, Code 2023, is amended to read as follows:

88A.3 Rules.

1. The ~~commissioner~~ director shall adopt rules pursuant to chapter 17A for the safe installation, repair, maintenance, use, operation, and inspection of amusement devices, amusement rides, concession booths, and related electrical equipment at carnivals and fairs to the extent necessary for the protection of the public. The rules shall be based on generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. If standards are available in suitable form, the standards may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement devices or rides, concession booths, or related electrical equipment.

2. The ~~commissioner~~ director may modify or repeal any rule adopted under the provisions of this chapter.

Sec. 1766. Section 88A.5, Code 2023, is amended to read as follows:

88A.5 Fees to general fund.

All fees collected by the ~~division~~ department under the provisions of this chapter shall be transmitted to the treasurer of state and credited by the treasurer to the general fund of the state.²⁸

Sec. 1767. Section 88A.6, Code 2023, is amended to read as follows:

88A.6 Personnel.

The ~~commissioner~~ director may employ inspectors and any other personnel deemed necessary to carry out the provisions of this chapter, subject to the provisions of chapter 8A, subchapter IV.

Sec. 1768. Section 88A.7, Code 2023, is amended to read as follows:

88A.7 Cessation order.

The ~~commissioner~~ director may order, in writing, a temporary cessation of operation of any amusement device or ride, concession booth, or related electrical equipment if it has been determined after inspection to be hazardous or unsafe. Operation of the amusement device or ride, concession booth or related electrical equipment shall not resume until the unsafe or hazardous condition is corrected to the satisfaction of the ~~commissioner~~ director.

Sec. 1769. Section 88A.8, Code 2023, is amended to read as follows:

88A.8 Judicial review.

Judicial review of action of the ~~commissioner~~ director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 1770. Section 88A.10, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Any person who operates an amusement device or ride, concession booth or related electrical equipment at a carnival or fair without having obtained a permit from the ~~commissioner~~ director or who violates any order or rule issued by the ~~commissioner~~ director under this chapter is guilty of a serious misdemeanor.

2. A person who interferes with, impedes, or obstructs in any manner the ~~commissioner~~ director in the performance of the ~~commissioner's~~ director's duties under this chapter is

²⁸ See chapter 108, §32 herein

guilty of a simple misdemeanor. A person who bribes or attempts to bribe the ~~commissioner~~ director is subject to section 722.1.

Sec. 1771. Section 88A.11, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The ~~commissioner~~ director may exempt amusement devices from the provisions of this chapter that have self-contained wiring installed by the manufacturer, that are operated manually by the use of hands or feet, that operate on less than one hundred twenty volts of electrical power, and that are fixtures or appliances within or part of a structure subject to the building code of this state or any political subdivision of this state.

4. The ~~commissioner~~ director may exempt playground equipment owned, maintained, and operated by any political subdivision of this state.

Sec. 1772. Section 88A.13, Code 2023, is amended to read as follows:

88A.13 Waiver of inspection.

The ~~commissioner~~ director may waive the requirement that an amusement device or ride or any part thereof be inspected before being operated in this state if an operator gives satisfactory proof to the ~~commissioner~~ director that the amusement device or ride or any part thereof has passed an inspection conducted by a public or private agency whose inspection standards and requirements are at least equal to those requirements and standards established by the ~~commissioner~~ director under the provisions of this chapter. The annual permit and inspection fees shall be paid before the ~~commissioner~~ director may waive this requirement.

Sec. 1773. Section 88A.14, Code 2023, is amended to read as follows:

88A.14 Injunction.

In addition to any and all other remedies, if an owner, operator, or person in charge of any amusement device or ride, concession booth, or related electrical equipment covered by this chapter, continues to operate any amusement device or ride, concession booth, or related electrical equipment covered by this chapter, after receiving a notice of defect as provided by this chapter, without first correcting the defects or making replacements, the ~~commissioner~~ director may petition the district court in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective amusement device or ride, concession booth, or related electrical equipment.

Sec. 1774. Section 88B.1, subsections 3 and 4, Code 2023, are amended by striking the subsections and inserting in lieu thereof the following:

3. “*Department*” means the department of inspections, appeals, and licensing.

4. “*Director*” means the director of the department of inspections, appeals, and licensing.

Sec. 1775. Section 88B.1, subsections 5 and 6, Code 2023, are amended to read as follows:

5. “*License*” means an authorization issued by the ~~division~~ department permitting an individual person, including a supervisor or contractor, to work on an asbestos project, to inspect buildings for asbestos-containing building materials, to develop management plans, and to act as an asbestos project designer.

6. “*Permit*” means an authorization issued by the ~~division~~ department permitting a business entity to remove or encapsulate asbestos.

Sec. 1776. Section 88B.3, Code 2023, is amended to read as follows:

88B.3 Administration — rules — fees — inspections.

1. The ~~commissioner~~ director shall administer this chapter.

2. The ~~commissioner~~ director shall adopt, in accordance with chapter 17A, rules necessary to carry out the provisions of this chapter.

3. The ~~commissioner~~ director shall prescribe fees for the issuance and renewal of licenses and permits. The fees shall be based on the costs of licensing, permitting, and administering this chapter, including time spent by personnel of the ~~division~~ department in performing duties and any travel expenses incurred. All fees provided for in this chapter shall be collected

by the ~~commissioner~~ director and remitted to the treasurer of state for deposit in the general fund of the state.

4. At least once a year, during an actual asbestos project, the ~~division~~ department shall conduct an on-site inspection of each permittee's procedures for removing and encapsulating asbestos.

Sec. 1777. Section 88B.3A, subsection 1, Code 2023, is amended to read as follows:

1. To qualify for a permit, a business entity shall submit an application to the ~~division~~ department in the form required by the ~~division~~ department and pay the prescribed fee.

Sec. 1778. Section 88B.4, Code 2023, is amended to read as follows:

88B.4 Permit — term, renewal, and records required.

1. A permit expires on the first anniversary of its effective date, unless it is renewed for a one-year term as provided in this section.

2. At least one month before the permit expires, the ~~division~~ department shall send to the permittee, at the last known address of the permittee, a renewal notice that states all of the following:

a. The date on which the current permit expires.

b. The date by which the renewal application must be received by the ~~division~~ department for the renewal to be issued and mailed before the permit expires.

c. The amount of the renewal fee.

3. Before the permit expires, the permittee may renew it for an additional one-year term, if the business entity meets the following conditions:

a. Is otherwise entitled to a permit.

b. Submits a renewal application to the ~~division~~ department in the form required by the ~~division~~ department.

c. Pays the renewal fee prescribed by the ~~division~~ department.

4. The permittee shall keep a record of each asbestos project it performs and shall make the record available to the ~~division~~ department at any reasonable time. Records shall contain information and be kept for a time prescribed in rules adopted by the ~~division~~ department.

Sec. 1779. Section 88B.5, Code 2023, is amended to read as follows:

88B.5 Waivers and alternative procedures.

1. In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the ~~commissioner~~ director may waive the requirement for a permit.

2. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the ~~commissioner~~ director may waive the requirement for a permit if worker protection requirements are met.

3. The ~~division~~ department shall not approve any waivers on work conducted at a school, public, or commercial building unless the request is accompanied by a recommendation from an asbestos project designer.

Sec. 1780. Section 88B.6, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. To apply for a license, an individual shall submit an application to the ~~division~~ department in the form required by the ~~division~~ department and shall pay the prescribed fee.

b. The application shall include information prescribed by rules adopted by the ~~commissioner~~ director.

Sec. 1781. Section 88B.6, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An individual is not eligible to be or do any of the following unless the person obtains a license from the ~~division~~ department:

Sec. 1782. Section 88B.6, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. To qualify for a license, the applicant must have successfully completed training as established by the United States environmental protection agency, paid a fee, and met other requirements as specified by the ~~division~~ department by rule.

Sec. 1783. Section 88B.8, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department may deny, suspend, or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee does any of the following:

Sec. 1784. Section 88B.8, subsection 2, Code 2023, is amended to read as follows:

2. Fails at any time to meet the qualifications for a permit or license or to comply with a rule adopted by the ~~commissioner~~ director under this chapter.

Sec. 1785. Section 88B.11, Code 2023, is amended to read as follows:

88B.11 Bids for governmental projects.

A state agency or political subdivision shall not accept a bid in connection with any asbestos project from a business entity that does not hold a permit from the ~~division~~ department at the time the bid is submitted, unless the business entity provides the state agency or political subdivision with written proof that ensures that the business entity has contracted to have the asbestos removal or encapsulation performed by a licensed asbestos contractor.

Sec. 1786. Section 89.1, subsection 1, Code 2023, is amended to read as follows:

1. The ~~labor commissioner~~ director shall enforce the provisions of this chapter and may employ qualified personnel under the provisions of chapter 8A, subchapter IV, to administer the provisions of this chapter.

Sec. 1787. Section 89.2, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. “*Department*” means the department of inspections, appeals, and licensing.

Sec. 1788. Section 89.2, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 4A. “*Director*” means the director of the department of inspections, appeals, and licensing.

Sec. 1789. Section 89.2, subsection 9, Code 2023, is amended to read as follows:

9. “*Special inspector*” means an inspector who holds a commission from the ~~commissioner~~ director and who is not a state employee.

Sec. 1790. Section 89.3, Code 2023, is amended to read as follows:

89.3 Inspection made.

1. It shall be the duty of the ~~commissioner~~ director to inspect or cause to be inspected internally and externally, at least once every twelve months, except as otherwise provided in this section, in order to determine whether all such equipment is in a safe and satisfactory condition, and properly constructed and maintained for the purpose for which it is used, all boilers and unfired steam pressure vessels operating in excess of fifteen pounds per square inch, all low pressure heating boilers and unfired steam pressure vessels located in places of public assembly and other appurtenances used in this state for generating or transmitting steam for power, or for using steam under pressure for heating or steaming purposes.

2. The ~~commissioner~~ director may enter any building or structure, public or private, for the purpose of inspecting any equipment covered by this chapter or gathering information with reference thereto.

3. The commissioner may inspect boilers and tanks and other equipment stamped with the American society of mechanical engineers code symbol for other than steam pressure, manufactured in Iowa, when requested by the manufacturer.

4. a. An object that meets all of the following criteria shall be inspected at least once every two years internally and externally while not under pressure, and at least once every two

years externally while under pressure, unless the ~~commissioner~~ director determines that an earlier inspection is warranted:

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

b. The owner or user of an object meeting the criteria in paragraph "a" shall do the following:

(1) At any time the ~~commissioner~~ director, a special inspector, or the supervisor of water treatment deems a hydrostatic test is necessary to determine the safety of an object, conduct the test under the supervision of the ~~commissioner~~ director.

(2) Keep available for examination by the ~~commissioner~~ director accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Keep available for examination by the ~~commissioner~~ director chemical physical laboratory analyses of samples of the object water taken at regular intervals of not more than forty-eight hours of operation as will adequately show the condition of the water and any elements or characteristics of the water which are capable of producing corrosion or other deterioration of the object or its parts.

5. a. An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not under pressure, unless the ~~commissioner~~ director determines an earlier inspection is warranted:

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

(4) Either of the following:

(a) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and has achieved star status within the program, which is administered by the division of labor services in the department of ~~workforce development~~ inspections, appeals, and licensing.

(b) The object is an unfired steam pressure vessel and is part of or integral to the continuous operation of a process covered by and compliant with the occupational safety and health administration process safety management standard contained in 29 C.F.R. §1910.119 and the owner demonstrates such compliance to a special inspector or the ~~commissioner~~ director. The unfired steam pressure vessel must also be included as process safety management process equipment in the owner of the unfired steam pressure vessel's process safety management program.

b. The owner or user of an object that meets the criteria in paragraph "a" shall do the following:

(1) At any time the ~~commissioner~~ director, a special inspector, or the supervisor of the water treatment deems a hydrostatic test necessary to determine the safety of an object, conduct the test under the supervision of the ~~commissioner~~ director.

(2) Keep available for examination by the ~~commissioner~~ director accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Arrange for an internal inspection of the object during each planned outage by a special inspector or the ~~commissioner~~ director.

(4) Keep for examination by the ~~commissioner~~ director accurate records showing the chemical physical laboratory analyses of samples of the object's water taken at regular

intervals of not more than forty-eight hours of operation adequate to show the condition of the water and any elements or characteristics of the water that are capable of producing corrosion or other deterioration of the object or its parts.

6. Internal inspections of cast aluminum steam, cast aluminum hot water heating, sectional cast iron steam, and cast iron hot water heating boilers shall be conducted only as deemed necessary by the ~~commissioner~~ director. External operating inspections shall be conducted annually.

7. Internal inspections of steel hot water boilers shall be conducted once every six years. External operating inspections shall be conducted annually in years other than the year in which internal inspections are conducted.

8. Inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch and low pressure steam boilers shall be conducted at least once each calendar year. The inspections conducted within each two-year period shall include an external inspection conducted while the boiler is operating and an internal inspection, where construction permits. No more than one inspection shall be conducted per six-month period. An internal inspection of an unfired steam pressure vessel or low pressure steam boiler may be required at any time by the ~~commissioner~~ director upon the observation by an inspector of conditions, enumerated by the ~~commissioner~~ director through rules, warranting an internal inspection. If a low pressure steam boiler is in dry lay-up, an internal inspection shall be conducted in lieu of an external inspection. For purposes of this subsection, "dry lay-up" means a process whereby a boiler is taken out of service for a period of six months or longer, drained, dried, and cleaned, and measures to prevent corrosion are performed on the boiler.

9. An internal inspection shall not be required on an unfired steam pressure vessel that was manufactured without an inspection opening.

10. An exhibition boiler does not require an annual inspection certificate but special inspections may be requested by the owner or an event's management to be performed by the ~~commissioner~~ director. Upon the completion of an exhibition boiler inspection a written condition report shall be prepared by the ~~commissioner~~ director regarding the condition of the exhibition boiler's boiler or pressure vessel. This report will be issued to the owner and the management of all events at which the exhibition boiler is to be operated. The event's management is responsible for the decision on whether the exhibition boiler should be operated and shall inform the ~~division of labor services~~ department of the event's management's decision. The event's management is responsible for any injuries which result from the operation of any exhibition boiler approved for use at the event by the event's management. A repair symbol, known as the "R" stamp, is not required for repairs made to exhibition boilers pursuant to the rules regarding inspections and repair of exhibition boilers as adopted by the ~~commissioner~~ director, pursuant to chapter 17A.

11. An inspection report created pursuant to this chapter that requires modification, alteration, or change shall be in writing and shall cite the state law or rule or the ASME code section allegedly violated.

Sec. 1791. Section 89.4, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Unfired steam pressure vessels not exceeding the following limitations are not required to be reported to the ~~commissioner~~ director and shall be exempt from regular inspection under provisions of this chapter:

Sec. 1792. Section 89.5, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~commissioner~~ director shall investigate and record the cause of any boiler explosion that may occur in the state, the loss of life, injuries sustained, and estimated loss of property, if any; and such other data as may be of benefit in preventing a recurrence of similar explosions.

2. The ~~commissioner~~ director shall keep a complete and accurate record of the name of the owner or user of each steam boiler or other equipment subject to this chapter, giving a full description of the equipment, including the type, dimensions, age, condition, the amount of pressure allowed, and the date when last inspected.

Sec. 1793. Section 89.6, Code 2023, is amended to read as follows:

89.6 Notice to commissioner director.

1. Before any equipment included under the provisions of this chapter is installed by any owner, user, or lessee thereof, a ten days' written notice of intention to install the equipment shall be given to the commissioner director. The notice shall designate the proposed place of installation, the type and capacity of the equipment, the use to be made thereof, the name of the company which manufactured the equipment, and whether the equipment is new or used.

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give to the commissioner director ten days' written notice of intent to convert the boiler. The notice shall designate the boiler location, the uses of the building, and other information specified by rule by the board.

Sec. 1794. Section 89.7, Code 2023, is amended to read as follows:

89.7 Special inspectors.

1. The inspection required by this chapter shall not be made by the commissioner director if an owner or user of equipment specified by this chapter obtains an inspection by a representative of a reputable insurance company and obtains a policy of insurance upon the equipment from that insurance company.

2. The representative conducting the inspection shall be commissioned by the commissioner director as a special inspector for the year during which the inspection occurs and shall meet such other requirements as the commissioner director may by rule establish. The commission shall be valid for one year and the special inspector shall pay a fee for the issuance of the commission. The commissioner director shall establish the amount of the fee by rule. The commissioner director shall establish rules for the issuance and revocation of special inspector commissions. The rules are subject to the requirements of chapter 17A.

3. The insurance company shall file a notice of insurance coverage on forms approved by the commissioner director stating that the equipment is insured and that inspection shall be made in accordance with section 89.3.

4. The special inspector shall provide the user and the commissioner director with an inspection report including the nature and extent of all defects and violations, in a format approved by the commissioner director.

5. The failure of a special inspector to inform the commissioner director of violations shall not subject the commissioner director to liability for any damages incurred.

Sec. 1795. Section 89.7A, Code 2023, is amended to read as follows:

89.7A Certificates.

1. The commissioner director shall issue a certificate of inspection valid for the period specified in section 89.3 after the payment of a fee, the filing of an inspection report, and the correction or other appropriate resolution of any defects identified in the inspection report. The certificate shall be posted at a place near the location of the equipment.

2. The owner or user of any equipment covered in this chapter, or persons in charge of such equipment, shall not allow or permit a greater pressure in any unit than is stated in the certificate of inspection issued by the commissioner director.

3. The commissioner director shall indicate to the user whether or not the equipment may be used without making repair or replacement of defective parts, or whether or how the equipment may be used in a limited capacity before repairs or replacements are made, and the commissioner director may permit the user a reasonable time to make such repairs or replacements.

Sec. 1796. Section 89.8, Code 2023, is amended to read as follows:

89.8 Boiler and pressure vessel safety fund — fees appropriated.

A boiler and pressure vessel safety revolving fund is created within the state treasury under the control of the commissioner director and shall consist of moneys collected by the commissioner director as fees. Moneys in the fund are appropriated and shall be used by the commissioner director to pay the actual costs and expenses necessary to operate the board and administer the provisions of this chapter. All salaries and expenses properly chargeable to the fund shall be paid from the fund. Section 8.33 does not apply to any

moneys in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 1797. Section 89.9, Code 2023, is amended to read as follows:

89.9 Disposal of fees.

All fees provided for in this chapter shall be collected by the ~~commissioner~~ director and remitted to the treasurer of state, to be deposited in the boiler and pressure vessel safety fund pursuant to section 89.8,²⁹ together with an itemized statement showing the source of collection.

Sec. 1798. Section 89.11, Code 2023, is amended to read as follows:

89.11 Injunction.

1. In addition to all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter continues to use any equipment covered by this chapter, after receiving an inspection report identifying defects and exhausting appeal rights as provided by this chapter without first correcting the defects or making replacements, the ~~commissioner~~ director may apply to the district court by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective equipment.

2. If the ~~commissioner~~ director believes that the continued operation of equipment constitutes an imminent danger that could seriously injure or cause death to any person, in addition to all other remedies, the ~~commissioner~~ director may apply to the district court in the county in which the imminently dangerous condition exists for a temporary order to enjoin the owner, user, or person in charge from operating the equipment before the owner's, user's, or person's rights to administrative appeals have been exhausted.

Sec. 1799. Section 89.12, Code 2023, is amended to read as follows:

89.12 Hearing — notice — decree.

The ~~commissioner~~ director shall notify in writing the owner or user of the equipment of the time and place of hearing of the petition as fixed by the court or judge, and shall serve the notice on the defendant at least five days prior to the hearing in the same manner as original notices are served. The general provisions relating to civil practice and procedure as may be applicable, shall govern the proceedings, except as herein modified. In the event the defendant does not appear or plead to the action, default shall be entered against the defendant. The action shall be tried in equity, and the court or judge shall make such order or decree as the evidence warrants.

Sec. 1800. Section 89.13, Code 2023, is amended to read as follows:

89.13 Civil penalty allowed.

If upon notice and hearing the ~~commissioner~~ director determines that an owner has operated a facility in violation of a safety order, the ~~commissioner~~ director may assess a civil penalty against the owner in an amount not exceeding five hundred dollars, as determined by the ~~commissioner~~ director. An order assessing a civil penalty is subject to appeal to the employment appeal board and to judicial review. The ~~commissioner~~ director may commence an action in the district court to enforce payment of a civil penalty. Revenue from the penalty provided in this section shall be remitted to the treasurer of state for deposit in the general fund of the state.

Sec. 1801. Section 89.14, subsection 1, Code 2023, is amended to read as follows:

1. A boiler and pressure vessel board is created within the ~~division of labor services of the department of workforce development~~ to formulate definitions and rules requirements for the safe and proper installation, repair, maintenance, alteration, use, and operation of boilers and pressure vessels in this state.

²⁹ See chapter 108, §33 herein

Sec. 1802. Section 89.14, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The ~~commissioner~~ director or the ~~commissioner's~~ director's designee.

Sec. 1803. Section 89.14, subsections 4, 6, and 8, Code 2023, are amended to read as follows:

4. The members of the board shall select a chairperson, vice chairperson, and secretary from their membership. However, neither the ~~commissioner~~ director nor the ~~commissioner's~~ director's designee shall serve as chairperson. The board shall meet at least quarterly but may meet as often as necessary. Meetings shall be set by a majority of the board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. A majority of the board members shall constitute a quorum.

6. A notice of defect or inspection report issued by the ~~commissioner~~ director pursuant to this chapter may, within thirty days after the making of the order, be appealed to the board. Board action constitutes final agency action for purposes of chapter 17A.

8. The board shall establish fees for examinations, inspections, annual statements, shop inspections, and other services. The fees shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the ~~commissioner~~ director.

Sec. 1804. Section 89A.1, subsections 2 and 4, Code 2023, are amended by striking the subsections.

Sec. 1805. Section 89A.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "*Department*" means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 4B. "*Director*" means the director of the department of inspections, appeals, and licensing.

Sec. 1806. Section 89A.1, subsections 11, 15, 16, and 19, Code 2023, are amended to read as follows:

11. "*Inspector*" means an inspector employed by the ~~division~~ department for the purpose of administering this chapter.

15. "*New installation*" means a conveyance the construction or relocation of which is begun, or for which an application for a new installation permit is filed, on or after the effective date of rules relating to those permits adopted by the ~~commissioner~~ director under authority of this chapter. All other installations are existing installations.

16. "*Owner*" means the owner of a conveyance, unless the conveyance is a new installation or is undergoing major alterations, in which case the owner shall be considered the person responsible for the installation or alteration of the conveyance until the conveyance has passed final inspection by the ~~division~~ department.

19. "*Special inspector*" means an inspector commissioned by the ~~labor-commissioner~~ director, and not employed by the ~~division~~ department.

Sec. 1807. Section 89A.3, subsections 6 and 8, Code 2023, are amended to read as follows:

6. The ~~commissioner~~ director shall furnish copies of the rules adopted pursuant to this chapter to any person who requests them, without charge, or upon payment of a charge not to exceed the actual cost of printing of the rules.

8. The ~~commissioner~~ director may adopt rules pursuant to chapter 17A relating to the denial, issuance, revocation, and suspension of special inspector commissions.

Sec. 1808. Section 89A.4, Code 2023, is amended to read as follows:

89A.4 Commissioner's Director's duties and personnel.

The ~~commissioner~~ director shall enforce the provisions of this chapter. The ~~commissioner~~ director shall employ personnel for the administration of this chapter pursuant to chapter 8A, subchapter IV.

Sec. 1809. Section 89A.5, Code 2023, is amended to read as follows:

89A.5 Registration of conveyances.

The owner of every existing conveyance, whether or not dormant, shall register the conveyance with the ~~commissioner~~ director, giving type, contract load and speed, name of manufacturer, its location, and the purpose for which it is used, and other information the ~~commissioner~~ director may require. Registration shall be made in a format required by the ~~division~~ department.

Sec. 1810. Section 89A.6, subsections 2, 4, and 5, Code 2023, are amended to read as follows:

2. Every existing conveyance registered with the ~~commissioner~~ director shall be inspected within one year after the effective date of the registration, except that the safety board may extend by rule the time specified for making inspections.

4. The inspections required by subsections 1 through 3 shall be made only by inspectors or special inspectors. An inspection by a special inspector may be accepted by the ~~commissioner~~ director in lieu of a required inspection by an inspector.

5. A report of every inspection shall be filed with the ~~commissioner~~ director by the inspector or special inspector, in a format required by the ~~commissioner~~ director, after the inspection has been completed and within the time provided by rule, but not to exceed thirty days. The report shall include all information required by the ~~commissioner~~ director to determine whether the conveyance is in compliance with applicable rules. For the inspection required by subsection 1, the report shall indicate whether the conveyance has been installed in accordance with the detailed plans and specifications approved by the ~~commissioner~~ director, and meets the requirements of the applicable rules. The failure of a special inspector to inform the ~~commissioner~~ director of violations shall not subject the ~~commissioner~~ director to liability for any damages incurred.

Sec. 1811. Section 89A.7, Code 2023, is amended to read as follows:

89A.7 Alteration permits.

The owner shall submit to the ~~commissioner~~ director detailed plans, specifications, and other information the ~~commissioner~~ director may require for each conveyance to be altered, together with an application for an alteration permit, in a format required by the ~~commissioner~~ director. Repairs or replacements necessary for normal maintenance are not alterations, and may be made on existing installations with parts equivalent in material, strength, and design to those replaced and no plans or specifications or application need be filed for the repairs or replacements. However, this section does not authorize the use of any conveyance contrary to an order issued pursuant to section 89A.10, subsections 2 and 3.

Sec. 1812. Section 89A.8, Code 2023, is amended to read as follows:

89A.8 New installation permits.

1. The installation or relocation of a conveyance shall not begin until an installation permit has been issued by the ~~commissioner~~ director.

2. An application for an installation permit shall be submitted in a format determined by the ~~commissioner~~ director.

3. a. If the application or any accompanying materials indicates a failure to comply with applicable rules, the ~~commissioner~~ director shall give notice of the compliance failures to the person filing the application.

b. If the application indicates compliance with applicable rules or after compliance failures have been remedied, the ~~commissioner~~ director shall issue an installation permit for relocation or installation, as applicable.

Sec. 1813. Section 89A.9, subsection 1, Code 2023, is amended to read as follows:

1. Operating permits shall be issued by the ~~commissioner~~ director to the owner of every conveyance when the inspection report indicates compliance with the applicable provisions of this chapter. However, a permit shall not be issued if the fees required by this chapter have not been paid. Permits shall be issued within thirty days after filing of the inspection report required by section 89A.6, unless the time is extended for cause by the ~~division~~ department.

A conveyance shall not be operated after the thirty days or after an extension granted by the ~~commissioner~~ director has expired, unless an operating permit has been issued.

Sec. 1814. Section 89A.10, Code 2023, is amended to read as follows:

89A.10 Enforcement orders by ~~commissioner~~ director — injunction.

1. If an inspection report indicates a failure to comply with applicable rules, or with the detailed plans and specifications approved by the ~~commissioner~~ director, the ~~commissioner~~ director may, upon giving notice, order the owner of a conveyance to make the changes necessary for compliance.

2. If the owner does not make the changes necessary for compliance as required in subsection 1 within the period specified by the ~~commissioner~~ director, the ~~commissioner~~ director, upon notice, may suspend or revoke the operating permit, or may refuse to issue the operating permit for the conveyance. The ~~commissioner~~ director shall notify the owner of any action to suspend, revoke, or refuse to issue an operating permit and the reason for the action by service in the same manner as an original notice or by certified mail. An owner may appeal the ~~commissioner's~~ director's initial decision to the safety board. The decision of the safety board shall be considered final agency action pursuant to chapter 17A.

3. If the ~~commissioner~~ director has reason to believe that the continued operation of a conveyance constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to any person, in addition to any other remedies, the ~~commissioner~~ director may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous conveyance. Upon hearing, if deemed appropriate by the court, a permanent injunction may be issued to ensure that such imminently dangerous conveyance be prevented or controlled. Upon the elimination or rectification of such imminently dangerous condition, the temporary or permanent injunction shall be vacated.

Sec. 1815. Section 89A.12, Code 2023, is amended to read as follows:

89A.12 Access to conveyances.

Every owner of a conveyance subject to regulation by this chapter shall grant access to that conveyance to the ~~commissioner~~ director and personnel of the ~~division~~ department. Inspections shall be permitted at reasonable times, with or without prior notice.

Sec. 1816. Section 89A.13, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. An elevator safety board is created within the ~~division of labor services in the department of workforce development~~ to formulate definitions and rules for the safe and proper installation, repair, maintenance, alteration, use, and operation of conveyances in this state.

2. The safety board is composed of nine members, one of whom shall be the ~~commissioner~~ director or the ~~commissioner's~~ director's designee. The governor shall appoint the remaining eight members of the board, subject to senate confirmation, to staggered four-year terms which shall begin and end as provided in section 69.19. The members shall be as follows: two representatives from an elevator manufacturing company or its authorized representative; two representatives from elevator servicing companies; one building owner or manager; one representative employed by a local government in this state who is knowledgeable about building codes in this state; one representative of workers actively involved in the installation, maintenance, and repair of elevators; and one licensed mechanical engineer.

4. The members of the safety board shall select a chairperson, vice chairperson, and a secretary from their membership. However, neither the ~~commissioner~~ director nor the ~~commissioner's~~ director's designee shall serve as chairperson. The safety board shall meet at least quarterly but may meet as often as necessary. Meetings shall be set by a majority of the safety board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. A majority of the safety board members shall constitute a quorum.

Sec. 1817. Section 89A.15, Code 2023, is amended to read as follows:

89A.15 Inspections by local authorities.

A city or other governmental subdivision shall not make or maintain any ordinance, bylaw, or resolution providing for the licensing of special inspectors. An ordinance or resolution relating to the inspection, construction, installation, alteration, maintenance, or operation of conveyances within the limits of the city or governmental subdivision which conflicts with this chapter or with rules adopted pursuant to this chapter is void. The ~~commissioner~~ director, in the ~~commissioner's~~ director's discretion, may accept inspections by local authorities in lieu of inspections required by section 89A.6, but only upon a showing by the local authority that applicable laws and rules will be consistently and literally enforced and that inspections will be performed by special inspectors.

Sec. 1818. Section 89A.16, Code 2023, is amended to read as follows:

89A.16 Prosecution of offenses.

The ~~division~~ department shall cause prosecution for the violation of the provisions of this chapter to be instituted by the attorney general in the county in which the violation occurred.

Sec. 1819. Section 89A.18, Code 2023, is amended to read as follows:

89A.18 Civil penalty.

If upon notice and hearing the ~~commissioner~~ director determines that an owner has operated a conveyance after an order of the ~~commissioner~~ director that suspends, revokes, or refuses to issue an operating permit for the conveyance has become final under section 89A.10, subsection 2, the ~~commissioner~~ director may assess a civil penalty against the owner in an amount not exceeding five hundred dollars, as determined by the ~~commissioner~~ director. An order assessing a civil penalty is subject to appeal under section 89A.10, subsection 2, in the same manner and to the same extent as decisions referred to in that subsection. The ~~commissioner~~ director may commence an action in the district court to enforce payment of the civil penalty. A record of assessment against or payment of a civil penalty by any person for a violation of this section shall not be admissible as evidence in any court in any civil action. Revenue from the penalty provided in this section shall be remitted to the treasurer of state for deposit in the state general fund.

Sec. 1820. Section 89A.19, Code 2023, is amended to read as follows:

89A.19 Elevator safety fund — fees appropriated.

A revolving elevator safety fund is created in the state treasury under the control of the ~~commissioner~~ director and shall consist of moneys collected by the ~~commissioner~~ director as fees. Moneys in the fund are appropriated to and shall be used by the ~~commissioner~~ director to pay the actual costs and expenses necessary to operate the safety board and perform the duties of the ~~commissioner~~ director as described in this chapter. All fees collected by the ~~commissioner~~ director pursuant to this chapter shall be remitted to the treasurer of state to be deposited in the elevator safety fund. All salaries and expenses properly chargeable to the fund shall be paid from the fund. Section 8.33 does not apply to any moneys in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.³⁰

Sec. 1821. Section 89B.3, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 01. “*Commissioner*” means the labor commissioner appointed pursuant to section 10A.203, or the labor commissioner’s designee.

Sec. 1822. Section 89B.3, subsection 1, Code 2023, is amended to read as follows:

1. “*Division*” means the division of labor services of the department of ~~workforce development created under section 84A.1~~ inspections, appeals, and licensing.

Sec. 1823. Section 90A.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Commissioner*” means the state commissioner of athletics, who is also the ~~labor commissioner appointed pursuant to section 91.2, director of the department of inspections, appeals, and licensing or the labor commissioner’s director’s~~ designee.

³⁰ See chapter 108, §34 herein

Sec. 1824. Section 91A.2, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 1825. Section 91A.2, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. “*Director*” means the director of the department of inspections, appeals, and licensing.

Sec. 1826. Section 91A.6, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An employer shall after being notified by the ~~commissioner~~ director pursuant to subsection 2:

Sec. 1827. Section 91A.6, subsection 2, Code 2023, is amended to read as follows:

2. The ~~commissioner~~ director shall notify an employer to comply with subsection 1 if the employer has paid a claim for unpaid wages or nonreimbursed authorized expenses and liquidated damages under section 91A.10 or if the employer has been assessed a civil money penalty under section 91A.12. However, a court may, when rendering a judgment for wages or nonreimbursed authorized expenses and liquidated damages or upholding a civil money penalty assessment, order that an employer shall not be required to comply with the provisions of subsection 1 or that an employer shall be required to comply with the provisions of subsection 1 for a particular period of time.

Sec. 1828. Section 91A.9, Code 2023, is amended to read as follows:

91A.9 General powers and duties of the ~~commissioner~~ director.

1. The ~~commissioner~~ director shall administer and enforce the provisions of this chapter. The ~~commissioner~~ director may hold hearings and investigate charges of violations of this chapter.

2. The ~~commissioner~~ director may, consistent with due process of law, enter any place of employment to inspect records concerning wages and payrolls, to question the employer and employees, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this chapter. However, such entry by the ~~commissioner~~ director shall only be in response to a written complaint.

3. The ~~commissioner~~ director may employ such qualified personnel as are necessary for the enforcement of this chapter. Such personnel shall be employed pursuant to chapter 8A, subchapter IV.

4. The ~~commissioner~~ director shall, in consultation with the United States department of labor, develop a database of the employers in this state utilizing special certificates issued by the United States secretary of labor as authorized under 29 U.S.C. §214, and shall maintain the database.

5. The ~~commissioner~~ director shall promulgate, pursuant to chapter 17A, any rules necessary to carry out the provisions of this chapter.

Sec. 1829. Section 91A.10, Code 2023, is amended to read as follows:

91A.10 Settlement of claims and suits for wages — prohibition against discharge of employee.

1. Upon the written complaint of the employee involved, the ~~commissioner~~ director may determine whether wages have not been paid and may constitute an enforceable claim. If for any reason the ~~commissioner~~ director decides not to make such determination, the ~~commissioner~~ director shall so notify the complaining employee within fourteen days of receipt of the complaint. The ~~commissioner~~ director shall otherwise notify the employee of such determination within a reasonable time and if it is determined that there is an enforceable claim, the ~~commissioner~~ director shall, with the consent of the complaining employee, take an assignment in trust for the wages and for any claim for liquidated damages without being bound by any of the technical rules respecting the validity of the assignment. However, the ~~commissioner~~ director shall not accept any complaint for unpaid wages and liquidated damages after one year from the date the wages became due and payable.

2. The ~~commissioner~~ director, with the assistance of the office of the attorney general if the ~~commissioner~~ director requests such assistance, shall, unless a settlement is reached under this subsection, commence a civil action in any court of competent jurisdiction to recover

for the benefit of any employee any wage, expenses, and liquidated damages' claims that have been assigned to the commissioner director for recovery. The commissioner director may also request reasonable and necessary attorney fees. With the consent of the assigning employee, the commissioner director may also settle a claim on behalf of the assigning employee. Proceedings under this subsection and subsection 1 that precede commencement of a civil action shall be conducted informally without any party having a right to be heard before the commissioner director. The commissioner director may join various assignments in one claim for the purpose of settling or litigating their claims.

3. The provisions of subsections 1 and 2 shall not be construed to prevent an employee from settling or bringing an action for damages under section 91A.8 if the employee has not assigned the claim under subsection 1.

4. Any recovery of attorney fees, in the case of actions brought under this section by the commissioner director, shall be remitted by the commissioner director to the treasurer of state for deposit in the general fund of the state. Also, the commissioner director shall not be required to pay any filing fee or other court costs.

5. An employer shall not discharge or in any other manner discriminate against any employee because the employee has filed a complaint, assigned a claim, or brought an action under this section or has cooperated in bringing any action against an employer. Any employee may file a complaint with the commissioner director alleging discharge or discrimination within thirty days after such violation occurs. Upon receipt of the complaint, the commissioner director shall cause an investigation to be made to the extent deemed appropriate. If the commissioner director determines from the investigation that the provisions of this subsection have been violated, the commissioner director shall bring an action in the appropriate district court against such person. The district court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to the former position with back pay.

Sec. 1830. Section 91A.11, Code 2023, is amended to read as follows:

91A.11 Wage claims brought under reciprocity.

1. The commissioner director may enter into reciprocal agreements with the labor department or corresponding agency of any other state or its representatives for the collection in such other states of claims or judgments for wages and other demands based upon claims assigned to the commissioner director.

2. The commissioner director may, to the extent provided for by any reciprocal agreement entered into by law or with an agency of another state as provided in this section, maintain actions in the courts of such other state to the extent permitted by the laws of that state for the collection of claims for wages, judgments and other demands and may assign such claims, judgments and demands to the labor department or agency of such other state for collection to the extent that such an assignment may be permitted or provided for by the laws of such state or by reciprocal agreement.

3. The commissioner director may, upon the written consent of the labor department or other corresponding agency of any other state or its representatives, maintain actions in the courts of this state upon assigned claims for wages, judgments and demands arising in such other state in the same manner and to the same extent that such actions by the commissioner director are authorized when arising in this state. However, such actions may be maintained only in cases in which such other state by law or reciprocal agreement extends a like comity to cases arising in this state.

Sec. 1831. Section 91A.12, Code 2023, is amended to read as follows:

91A.12 Civil penalties.

1. Any employer who violates the provisions of this chapter or the rules promulgated under it shall be subject to a civil money penalty of not more than five hundred dollars per pay period for each violation. The commissioner director may recover such civil money penalty according to the provisions of subsections 2 through 5. Any civil money penalty recovered shall be deposited in the general fund of the state.

2. The ~~commissioner~~ director may propose that an employer be assessed a civil money penalty by serving the employer with notice of such proposal in the same manner as an original notice is served under the rules of civil procedure. Upon service of such notice, the proposed assessment shall be treated as a contested case under chapter 17A. However, an employer must request a hearing within thirty days of being served.

3. If an employer does not request a hearing pursuant to subsection 2 or if the ~~commissioner~~ director determines, after an appropriate hearing, that an employer is in violation of this chapter, the ~~commissioner~~ director shall assess a civil money penalty which is consistent with the provisions of subsection 1 and which is rendered with due consideration for the penalty amount in terms of the size of the employer's business, the gravity of the violation, the good faith of the employer, and the history of previous violations.

4. An employer may seek judicial review of any assessment rendered under subsection 3 by instituting proceedings for judicial review pursuant to chapter 17A. However, such proceedings must be instituted in the district court of the county in which the violation or one of the violations occurred and within thirty days of the day on which the employer was notified that an assessment has been rendered. Also, an employer may be required, at the discretion of the district court and upon instituting such proceedings, to deposit the amount assessed with the clerk of the district court. Any moneys so deposited shall either be returned to the employer or be forwarded to the ~~commissioner~~ director for deposit in the general fund of the state, depending on the outcome of the judicial review, including any appeal to the supreme court.

5. After the time for seeking judicial review has expired or after all judicial review has been exhausted and the ~~commissioner's~~ director's assessment has been upheld, the ~~commissioner~~ director shall request the attorney general to recover the assessed penalties in a civil action.

Sec. 1832. Section 91A.15, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The franchisor has been found by the ~~commissioner~~ director to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 1833. Section 91C.1, Code 2023, is amended to read as follows:

91C.1 Definition — exemption — combined registration and licensing process for plumbers and mechanical professionals.

1. As used in this chapter, unless the context otherwise requires, "~~contractor~~";

a. "~~Contractor~~" means a person who engages in the business of construction, as the term "~~construction~~" is defined in the Iowa administrative code for purposes of chapter 96, the Iowa employment security law. However, a person who earns less than two thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter.

b. "~~Department~~" means the department of inspections, appeals, and licensing.

c. "~~Director~~" means the director of the department of inspections, appeals, and licensing.

2. The state, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts, are not contractors for purposes of this chapter.

~~3.~~ ~~3.~~ If a contractor's registration application shows that the contractor is self-employed, does not pay more than two thousand dollars annually to employ other persons in the business, and does not work with or for other contractors in the same phases of construction, the contractor is exempt from the fee requirements under this chapter.

~~3.~~ ~~4.~~ ~~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. Effective July 1, 2017, a A contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process established by the department. At no cost to the labor services division, the The department of public health shall collect both the registration and licensing applications as part of one combined~~

application. The ~~labor commissioner~~ director shall design the contractor registration application form to exclude from the ~~division of labor services' department's~~ contractor registration application process those contractors who are also covered by chapter 103 or 105. The ~~labor commissioner~~ director 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. 1834. Section 91C.2, Code 2023, is amended to read as follows:

91C.2 Registration required — conditions.

A contractor doing business in this state shall register with the ~~labor commissioner~~ director and shall meet all of the following requirements as a condition of registration:

1. The contractor shall be in compliance with the laws of this state relating to workers' compensation insurance and shall provide evidence of workers' compensation insurance coverage annually, of relief from the insurance requirement pursuant to section 87.11, or a statement that the contractor is not required to carry workers' compensation coverage. Notice of a policy's cancellation shall be provided to the ~~labor commissioner~~ director by the insurance company.

2. The contractor shall possess an employer account number or a special contractor number issued by the department of workforce development pursuant to chapter 96, the Iowa employment security law.

3. An out-of-state contractor shall either file a surety bond, as provided in section 91C.7, with the ~~division of labor services~~ department in the amount of twenty-five thousand dollars or shall provide a statement to the ~~division of labor services~~ department that the contractor is prequalified to bid on projects for the department of transportation pursuant to section 314.1.

Sec. 1835. Section 91C.3, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The registration application shall be in the form prescribed by the ~~labor commissioner~~ director, shall be accompanied by the registration fee prescribed pursuant to section 91C.4, and shall contain information which is substantially complete and accurate. In addition to the information determined by the ~~labor commissioner~~ director to be necessary for purposes of section 91C.2, the application shall include information as to each of the following:

Sec. 1836. Section 91C.3, subsection 2, Code 2023, is amended to read as follows:

2. Any change in the information provided shall be reported promptly to the ~~labor commissioner~~ director.

Sec. 1837. Section 91C.4, Code 2023, is amended to read as follows:

91C.4 Fees.

The ~~labor commissioner~~ director shall prescribe the fee for registration, which fee shall not exceed fifty dollars every year.

Sec. 1838. Section 91C.5, Code 2023, is amended to read as follows:

91C.5 Public registration number — records — revocation.

1. The ~~labor commissioner~~ director shall issue to each registered contractor an identifying public registration number and shall compile records showing the names and public registration numbers of all contractors registered in the state. These records and the complete registration information provided by each contractor are public records and the ~~labor commissioner~~ director shall take steps as necessary to facilitate access to the information by governmental agencies and the general public.

2. The ~~labor commissioner~~ director shall revoke a registration number when the contractor fails to maintain compliance with the conditions necessary to obtain a registration. The ~~labor commissioner~~ director shall provide a fact-finding interview to assure that the contractor is

not in compliance before revoking any registration. Hearings on revocation of registrations shall be held in accordance with section 91C.8.

Sec. 1839. Section 91C.6, Code 2023, is amended to read as follows:

91C.6 Rules.

The ~~labor commissioner~~ director shall adopt rules, pursuant to chapter 17A, determined to be reasonably necessary for phasing in, administering, and enforcing the system of contractor registration established by this chapter.

Sec. 1840. Section 91C.7, Code 2023, is amended to read as follows:

91C.7 Contracts — contractor's bond.

1. A contractor who is not registered with the ~~labor commissioner~~ director as required by this chapter shall not be awarded a contract to perform work for the state or an agency of the state.

2. A surety bond filed pursuant to section 91C.2 shall be executed by a surety company authorized to do business in this state, and the bond shall be continuous in nature until canceled by the surety with not less than thirty days' written notice to the contractor and to the ~~division of labor services of the department of workforce development~~ indicating the surety's desire to cancel the bond. The surety company shall not be liable under the bond for any contract commenced after the cancellation of the bond. The ~~division of labor services of the department of workforce development~~ may increase the bond amount after a hearing.

3. Release of the bond shall be conditioned upon the payment of all taxes, including contributions due under the unemployment compensation insurance system, penalties, interest, and related fees, which may accrue to the state of Iowa. If at any time during the term of the bond, the department of revenue or the department of ~~workforce development~~ determines that the amount of the bond is not sufficient to cover the tax liabilities accruing to the state of Iowa, the ~~labor commissioner~~ director shall require the bond to be increased by an amount the ~~labor commissioner~~ director deems sufficient to cover the tax liabilities accrued and accruing.

4. The department of revenue and the department of ~~workforce development~~ shall adopt rules for the collection of the forfeiture. Notice shall be provided to the surety and to the contractor. Notice to the contractor shall be mailed to the contractor's last known address and to the contractor's registered agent for service of process, if any, within the state. The contractor or 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 department of revenue or the department of ~~workforce development~~ finds that the contractor has failed to pay the total of all taxes payable, the department of revenue or the department of ~~workforce development~~ shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond, whichever is less. For purposes of this section "*taxes payable*" means all tax, penalties, interest, and fees that the department of revenue has previously determined to be due to the state by assessment or in an appeal of an assessment, including contributions to the unemployment compensation insurance system.

5. If it is determined that this section may cause denial of federal funds which would otherwise be available, or is otherwise inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

6. The bond required by this section may be attached by the ~~commissioner~~ director for collection of fees and penalties due to the division.

Sec. 1841. Section 91C.8, Code 2023, is amended to read as follows:

91C.8 Investigations — enforcement — administrative penalties.

1. The ~~labor commissioner~~ director and inspectors of the ~~division of labor services of the department of workforce development~~ have jurisdiction for investigation and enforcement in cases where contractors may be in violation of the requirements of this chapter or rules adopted pursuant to this chapter.

2. If, upon investigation, the ~~labor commissioner~~ director or the ~~commissioner's~~ director's authorized representative believes that a contractor has violated any of the following, the ~~commissioner~~ director shall with reasonable promptness issue a citation to the contractor:

- a. The requirement that a contractor be registered.
- b. The requirement that the contractor's registration information be substantially complete and accurate.
- c. The requirement that an out-of-state contractor file a bond with the ~~division of labor services~~ department.

3. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the statute alleged to have been violated.

4. If a citation is issued, the ~~commissioner~~ director shall, within seven days, notify the contractor by service in the same manner as an original notice or by certified mail of the administrative penalty, if any, proposed to be assessed and that the contractor has fifteen working days within which to notify the ~~commissioner~~ director that the contractor wishes to contest the citation or proposed assessment of penalty.

5. The administrative penalties which may be imposed under this section shall be not more than five hundred dollars in the case of a first violation and not more than five thousand dollars for each violation in the case of a second or subsequent violation. All administrative penalties collected pursuant to this chapter shall be deposited in the general fund of the state.

6. If, within fifteen working days from the receipt of the notice, the contractor fails to notify the ~~commissioner~~ director that the contractor intends to contest the citation or proposed assessment of penalty, the citation and the assessment, as proposed, shall be deemed a final order of the employment appeal board and not subject to review by any court or agency.

7. If the contractor notifies the ~~commissioner~~ director that the contractor intends to contest the citation or proposed assessment of penalty, the ~~commissioner~~ director shall immediately advise the employment appeal board established by section 10A.601. The employment appeal board shall review the action of the ~~commissioner~~ director and shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the ~~commissioner's~~ director's citation or proposed penalty or directing other appropriate relief, and the order shall become final sixty days after its issuance.

8. The ~~labor commissioner~~ director shall notify the department of revenue upon final agency action regarding the citation and assessment of penalty against a registered contractor.

9. Judicial review of any order of the employment appeal board issued pursuant to this section may be sought in accordance with the terms of chapter 17A. If no petition for judicial review is filed within sixty days after service of the order of the employment appeal board, the appeal board's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the ~~commissioner~~ director after the expiration of the sixty-day period. In any such case, the clerk of court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of the decree to the employment appeal board and the contractor named in the petition.

Sec. 1842. Section 91C.9, subsection 1, Code 2023, is amended to read as follows:

1. A contractor registration revolving fund is created in the state treasury. The revolving fund shall be administered by the ~~commissioner~~ director and shall consist of moneys collected by the ~~commissioner~~ director as fees. The ~~commissioner~~ director shall remit all fees collected pursuant to this chapter to the revolving fund. The moneys in the revolving fund are appropriated to and shall be used by the ~~commissioner~~ director to pay the actual costs and expenses necessary to perform the duties of the ~~commissioner~~ director and the ~~division of labor services~~ department as described in this chapter. All salaries and expenses properly chargeable to the revolving fund shall be paid from the revolving fund.

Sec. 1843. Section 91D.1, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. For purposes of determining whether an employee of a restaurant, hotel, motel, inn, or cabin, who customarily and regularly receives more than thirty dollars a month in tips is receiving the minimum hourly wage rate prescribed by this section, the amount paid the

employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer, not to exceed forty percent of the applicable minimum wage. An employee may file a written appeal with the ~~labor commissioner~~ director of the department of inspections, appeals, and licensing if the amount of tips received by the employee is less than the amount determined by the employer under this subsection.

Sec. 1844. Section 91D.1, subsection 3, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The franchisor has been found by the ~~labor commissioner~~ director of the department of inspections, appeals, and licensing to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 1845. Section 91D.1, subsection 5, Code 2023, is amended to read as follows:

5. The ~~labor commissioner~~ director of the department of inspections, appeals, and licensing shall adopt rules to implement and administer this section.

Sec. 1846. Section 91E.1, subsection 1, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

1. "*Director*" means the director of the department of inspections, appeals, and licensing.

Sec. 1847. Section 91E.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If a Spanish-speaking interpreter is needed, the employer shall select an interpreter from a list of interpreters developed by the department of ~~workforce development~~ inspections, appeals, and licensing.

Sec. 1848. Section 91E.5, Code 2023, is amended to read as follows:

91E.5 Duties and authority of the ~~commissioner~~ director.

1. The ~~commissioner~~ director shall adopt rules to implement and enforce this chapter and shall provide further exemptions from the provisions of this chapter where reasonable.

2. In order to carry out the purposes of this chapter, the ~~commissioner~~ director or the ~~commissioner's~~ director's representative, upon presenting appropriate credentials to the owner, operator, or agent in charge, may:

a. Inspect employment records relating to the total number of employees and non-English speaking employees, and the services provided to non-English speaking employees.

b. Interview an employer, owner, operator, agent, or employee, during working hours or at other reasonable times.

Sec. 1849. Section 92.1, Code 2023, is amended to read as follows:

92.1 Street occupations — migratory labor.

1. No person under ten years of age shall be employed or permitted to work with or without compensation at any time within this state in street occupations of peddling, shoe polishing, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupations in any street or public place. The ~~labor commissioner~~ director shall, when ordered by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under ten years of age.

2. No person under twelve years of age shall be employed or permitted to work with or without compensation at any time within this state in connection with migratory labor, except that the ~~labor commissioner~~ director may upon sufficient showing by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under twelve years of age.

Sec. 1850. **NEW SECTION. 92.1B Definition.**

For purposes of this chapter, "*director*" means the director of the department of inspections, appeals, and licensing.

Sec. 1851. Section 92.4, subsection 1, Code 2023, is amended to read as follows:

1. Those persons legally out of school, if such status is verified by the submission of written proof to the ~~labor commissioner~~ director.

Sec. 1852. Section 92.6, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. Occupations prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 1853. Section 92.8, subsection 21, Code 2023, is amended to read as follows:

21. Occupations prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 1854. Section 92.11, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A work permit, except for migrant laborers, shall be issued only by the ~~labor commissioner~~ director upon the application of the parent, guardian, or custodian of the child desiring such permit. The application shall include the following:

Sec. 1855. Section 92.12, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Work permits for migrant workers shall be issued by the ~~labor commissioner~~ director upon application of the parent or head of the migrant family. The application shall include documentation of proof of age as described in section 92.11, subsection 2.

3. One copy of the permit issued shall be given to the employer to be kept on file for the length of employment and upon termination of employment shall be returned to the ~~labor commissioner~~ director. The blank forms for the application for a work permit for migratory workers and the work permit for migratory workers shall be formulated by the ~~commissioner~~ director.

Sec. 1856. Section 92.13, Code 2023, is amended to read as follows:

92.13 Optional refusal of permit.

The ~~labor commissioner~~ director may refuse to grant a permit if, in the ~~commissioner's~~ director's judgment, the best interests of the minor would be served by such refusal and the ~~commissioner~~ director shall keep a record of such refusals, and the reasons therefor.

Sec. 1857. Section 92.15, Code 2023, is amended to read as follows:

92.15 Application to ~~labor commissioner~~ director.

An application for a work permit pursuant to section 92.11 or section 92.12 shall be submitted to the office of the ~~labor commissioner~~ director within three days after the child begins work.

Sec. 1858. Section 92.16, Code 2023, is amended to read as follows:

92.16 Forms for permits formulated.

The proper forms for the application for a work permit, the work permit, the certificate of age, and the physician's certificate shall be formulated by the ~~labor commissioner~~ director.

Sec. 1859. Section 92.21, Code 2023, is amended to read as follows:

92.21 Rules and orders of ~~labor commissioner~~ director.

1. The ~~labor commissioner~~ director may adopt rules pursuant to chapter 17A to more specifically define the occupations and equipment permitted or prohibited in this chapter, to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

2. The ~~labor commissioner~~ director shall adopt rules pursuant to chapter 17A specifically defining the civil penalty amount to be assessed for violations of this chapter.

Sec. 1860. Section 92.22, Code 2023, is amended to read as follows:

92.22 Labor commissioner Director to enforce — civil penalty — judicial review.

1. The ~~labor commissioner~~ director shall enforce this chapter. An employer who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty of not more than ten thousand dollars for each violation.

2. The ~~commissioner~~ director shall notify the employer of a proposed civil penalty by service in the same manner as an original notice or by certified mail. If, within fifteen working days from the receipt of the notice, the employer fails to file a notice of contest in accordance with rules adopted by the ~~commissioner~~ director pursuant to chapter 17A, the penalty, as proposed, shall be deemed final agency action for purposes of judicial review.

3. The ~~commissioner~~ director shall notify the department of revenue upon final agency action regarding the assessment of a penalty against an employer. Interest shall be calculated from the date of final agency action.

4. Judicial review of final agency action pursuant to this section may be sought in accordance with the terms of section 17A.19. If no petition for judicial review is filed within sixty days after service of the final agency action of the ~~commissioner~~ director, the ~~commissioner's~~ director's findings of fact and final agency action shall be conclusive in connection with any petition for enforcement which is filed by the ~~commissioner~~ director after the expiration of the sixty-day period. In any such case, the clerk of court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the final agency action and shall transmit a copy of the decree to the ~~commissioner~~ director and the employer named in the petition.

5. Any penalties recovered pursuant to this section shall be remitted by the ~~commissioner~~ director to the treasurer of state for deposit in the general fund of the state.

6. Mayors and police officers, sheriffs, school superintendents, and school truant and attendance officers, within their several jurisdictions, shall cooperate in the enforcement of this chapter and furnish the ~~commissioner~~ director and the ~~commissioner's~~ director's designees with all information coming to their knowledge regarding violations of this chapter. All such officers and any person authorized in writing by a court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of this chapter.

7. County attorneys shall investigate all complaints made to them of violations of this chapter, and prosecute all such cases of violation within their respective counties.

Sec. 1861. Section 96.1A, subsection 23, Code 2023, is amended to read as follows:

23. "*Hospital*" means an institution which has been licensed, certified, or approved by the department of inspections, ~~and appeals, and licensing~~ as a hospital.

Sec. 1862. Section 97B.20A, Code 2023, is amended to read as follows:

97B.20A Appeal procedure.

Members and third-party payees may appeal any decision made by the system that affects their rights under this chapter. The appeal shall be filed with the system within thirty days after the notification of the decision was mailed to the party's last known mailing address, or the decision of the system is final. If the party appeals the decision of the system, the system shall conduct an internal review of the decision and the chief executive officer shall notify the individual who has filed the appeal in writing of the system's decision. The individual who has filed the appeal may file an appeal of the system's final decision with the system under chapter 17A by notifying the system of the appeal in writing within thirty days after the notification of its final decision was mailed to the party's last known mailing address. Once notified, the system shall forward the appeal to the department of inspections, ~~and appeals, and licensing~~.

Sec. 1863. Section 97B.20B, Code 2023, is amended to read as follows:

97B.20B Hearing by administrative law judge.

If an appeal is filed and is not withdrawn, an administrative law judge in the department of inspections, ~~and appeals, and licensing~~, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, or reverse the decision of the system. The hearing shall be

recorded by mechanical means and a transcript of the hearing shall be made. The transcript shall then be made available for use by the employment appeal board and by the courts at subsequent judicial review proceedings under the Iowa administrative procedure Act, chapter 17A, if any. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons. The decision is final unless, within thirty days after the date of notification or mailing of the decision, review by the employment appeal board is initiated pursuant to section 97B.27.

Sec. 1864. Section 97B.27, Code 2023, is amended to read as follows:

97B.27 Review of decision.

Anyone aggrieved by the decision of the administrative law judge may, at any time before the administrative law judge's decision becomes final, petition the department of inspections, ~~and appeals,~~ and licensing for review by the employment appeal board established in section 10A.601. The appeal board shall review the record made before the administrative law judge, but no additional evidence shall be heard. On the basis of the record the appeal board shall affirm, modify, or reverse the decision of the administrative law judge and shall determine the rights of the appellant. It shall promptly notify the appellant and any other interested party by written decision.

Sec. 1865. Section 99B.1, subsection 13, Code 2023, is amended to read as follows:

13. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1866. Section 99B.6, Code 2023, is amended to read as follows:

99B.6 Attorney general and county attorney — prosecution.

Upon request of the department of inspections, ~~and appeals,~~ and licensing or the division of criminal investigation of the department of public safety, the attorney general shall institute in the name of the state the proper proceedings against a person charged by either department with violating this chapter, and a county attorney, at the request of the attorney general, shall appear and prosecute an action when brought in the county attorney's county.

Sec. 1867. Section 99B.7, Code 2023, is amended to read as follows:

99B.7 Division of criminal investigation.

The division of criminal investigation of the department of public safety may investigate to determine licensee compliance with the requirements of this chapter. Investigations may be conducted either on the criminal investigation division's own initiative or at the request of the department of inspections, ~~and appeals,~~ and licensing. The criminal investigation division and the department of inspections, ~~and appeals,~~ and licensing shall cooperate to the maximum extent possible on an investigation.

Sec. 1868. Section 99B.58, Code 2023, is amended to read as follows:

99B.58 Electrical or mechanical amusement devices — special fund.

Fees collected by the department pursuant to sections 99B.53 and 99B.56 shall be deposited in a special fund created in the state treasury. Moneys in the fund are appropriated to the department of inspections, ~~and appeals,~~ and licensing and the department of public safety for administration and enforcement of this subchapter, including employment of necessary personnel. The distribution of moneys in the fund to the department of inspections, ~~and appeals,~~ and licensing and the department of public safety shall be pursuant to a written policy agreed upon by the departments. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state.

Sec. 1869. Section 99D.5, subsection 1, Code 2023, is amended to read as follows:

1. A state racing and gaming commission is created within the department of inspections, ~~and appeals,~~ and licensing consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

Sec. 1870. Section 99F.4B, Code 2023, is amended to read as follows:

99F.4B Rules.

The department of inspections, ~~and appeals, and licensing~~ shall cooperate to the maximum extent possible with the division of criminal investigation in adopting rules relating to the gaming operations in this chapter and chapters 99D and 99E.

Sec. 1871. Section 99F.20, subsection 1, Code 2023, is amended to read as follows:

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department of inspections, ~~and appeals, and licensing~~. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph "c", fees paid by licensees pursuant to section 99E.5, subsection 4, paragraph "c", regulatory fees paid by licensees pursuant to section 99F.4, subsection 27, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph "c". All costs relating to racetrack, excursion boat, gambling structure, internet fantasy sports contests as defined in section 99E.1, and sports wagering regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly. The department shall provide quarterly reports to the department of management and the legislative services agency specifying revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 1872. Section 123.3, subsection 23, Code 2023, is amended to read as follows:

23. "Hotel" or "motel" means premises licensed by the department of inspections, ~~and appeals, and licensing~~ and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

Sec. 1873. Section 123.10, subsection 15, Code 2023, is amended to read as follows:

15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee for a contested case hearing conducted by the division or by an administrative law judge from the department of inspections, ~~and appeals, and licensing~~ which results in administrative action taken against the licensee or permittee by the division.

Sec. 1874. Section 123.17, subsection 4, Code 2023, is amended to read as follows:

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections, ~~and appeals, and licensing~~, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 1875. Section 123.30, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the division and of the department of inspections, ~~and appeals, and licensing~~; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under section 421.17 or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed

premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

Sec. 1876. Section 123.32, subsection 6, paragraph b, Code 2023, 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, 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. 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, and licensing to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license. The administrator may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license. If the application is approved by the administrator, the license shall be issued. If the application is disapproved by the administrator, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the administrator.

Sec. 1877. Section 123.32, subsections 7 and 9, Code 2023, are amended to read as follows:

7. *Appeal to administrator.* An applicant for a retail alcohol license may appeal from the local authority's disapproval of an application for a license or permit to the administrator. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to chapter 17A that the applicant complies with all of the requirements for holding the license or permit. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections, ~~and~~ appeals, and licensing to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license or permit. The administrator may affirm, reverse, or modify the proposed decision. If the administrator determines that the applicant complies with all of the requirements for holding a license or permit, the administrator shall order the issuance of the license or permit. If the administrator determines that the applicant does not comply with the requirements for holding a license or permit, the administrator shall disapprove the issuance of the license or permit.

9. *Suspension by local authority.* A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the administrator. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections, ~~and~~ appeals, and licensing to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The administrator may review the proposed decision upon the motion of a party to the appeal or upon the administrator's own motion in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or a local authority aggrieved by a decision of the administrator may seek judicial review of the decision pursuant to chapter 17A.

Sec. 1878. Section 123.39, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Before suspension, revocation, or imposition of a civil penalty by the administrator, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections, ~~and~~ appeals, and licensing

to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

Sec. 1879. Section 125.18, Code 2023, is amended to read as follows:

125.18 Hearing before board.

If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation, or refusal to renew a license, a hearing before the board shall be expeditiously arranged by the department of inspections, ~~and appeals,~~ and licensing whose decision is subject to review by the board. The board shall issue a written statement of the board's findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation, or refusal to renew a license. Action involving suspension, revocation, or refusal to renew a license shall not be taken by the board unless a quorum is present at the meeting. A copy of the board's decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the board in accordance with the terms of chapter 17A.

Sec. 1880. Section 135.16A, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. "*Grocery store*" means a food establishment as defined in section 137F.1 licensed by the department of inspections, ~~and appeals,~~ and licensing pursuant to section 137F.4, to sell food or food products to customers intended for preparation or consumption off premises.

Sec. 1881. Section 135.16A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The department of inspections, ~~and appeals,~~ and licensing shall assist the Iowa department of public health in adopting rules necessary to implement and administer this section.

Sec. 1882. Section 135.63, subsection 2, paragraph g, subparagraph (1), subparagraph division (a), Code 2023, is amended to read as follows:

(a) The institutional health facility reports to the department the number and type of beds reduced on a form prescribed by the department at least thirty days before the reduction. In the case of a health care facility, the new bed total must be consistent with the number of licensed beds at the facility. In the case of a hospital, the number of beds must be consistent with bed totals reported to the department of inspections, ~~and appeals,~~ and licensing for purposes of licensure and certification.

Sec. 1883. Section 135B.1, subsection 1, Code 2023, is amended to read as follows:

1. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1884. Section 135C.1, subsections 4, 6, and 20, Code 2023, are amended to read as follows:

4. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing.

6. "*Director*" means the director of the department of inspections, ~~and appeals,~~ and licensing, or the director's designee.

20. "*Residential care facility*" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis or who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an

emergency basis if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided. For the purposes of this definition, the home and community-based services to be provided are limited to the type included under the medical assistance program provided pursuant to chapter 249A, are subject to cost limitations established by the department of human services under the medical assistance program, and except as otherwise provided by the department of inspections, and appeals, and licensing with the concurrence of the department of human services, are limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

Sec. 1885. Section 135C.4, subsection 3, Code 2023, is amended to read as follows:

3. For the purposes of this section, the home and community-based services to be provided shall be limited to the type included under the medical assistance program provided pursuant to chapter 249A, shall be subject to cost limitations established by the department of human services under the medical assistance program, and except as otherwise provided by the department of inspections, and appeals, and licensing with the concurrence of the department of human services, shall be limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

Sec. 1886. Section 135C.19, subsection 3, Code 2023, is amended to read as follows:

3. If the facility cited subsequently advises the department of human services that the violation has been corrected to the satisfaction of the department of inspections, and appeals, and licensing, the department of human services shall maintain this advisory in the same file with the copy of the citation. The department of human services shall not disseminate to the public any information regarding citations issued by the department of inspections, and appeals, and licensing, but shall forward or refer inquiries to the department of inspections, and appeals, and licensing.

Sec. 1887. Section 135C.31A, subsection 1, Code 2023, is amended to read as follows:

1. A health care facility shall assist the Iowa department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the United States department of veterans affairs. The department of inspections, and appeals, and licensing, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. The rules shall also require the health care facility to request information from a resident or resident's personal representative regarding the resident's veteran status and to report to the Iowa department of veterans affairs only the names of residents identified as potential veterans along with the names of their spouses and any dependents. Information reported by the health care facility shall be verified by the Iowa department of veterans affairs. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual to the Iowa veterans home.

Sec. 1888. Section 135C.31A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The department of inspections, and appeals, and licensing, the department of veterans affairs, and the department of human services shall identify any barriers to residents in accessing such prescription drug benefits and shall assist health care facilities in adjusting their procedures for medication administration to comply with this subsection.

Sec. 1889. Section 135C.33, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. The department of inspections, and appeals, and licensing, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other

providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

Sec. 1890. Section 135C.34, Code 2023, is amended to read as follows:

135C.34 Medication aide — certification.

The department of inspections, ~~and appeals,~~ and licensing, in cooperation with other appropriate agencies, shall establish a procedure to allow a person who is certified as a medication aide in another state to become certified in this state upon completion and passage of both the certified nurse aide and certified medication aide challenge examinations, without additional requirements for certification, including but not limited to, required employment in this state prior to certification. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 1891. Section 135G.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1892. Section 135G.10, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of inspections, ~~and appeals,~~ and licensing and the department of human services shall collaborate in establishing standards for licensing of subacute care facilities to achieve all of the following objectives:

Sec. 1893. Section 135G.10, subsection 3, Code 2023, is amended to read as follows:

3. The department of inspections, ~~and appeals,~~ and licensing, in consultation with the department of human services and affected professional groups, shall adopt and enforce rules setting out the standards for a subacute care facility and the rights of the residents admitted to a subacute care facility. The department of inspections, ~~and appeals,~~ and licensing and the department of human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee.

Sec. 1894. Section 135G.11, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of a complaint made in accordance with subsection 1, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a subacute care facility or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the subacute care facility which is the subject of the complaint. The department of inspections, ~~and appeals,~~ and licensing may refer to the department of human services any complaint received by the department of inspections, ~~and appeals,~~ and licensing if the complaint applies to rules adopted by the department of human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with a developmental disability or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 1895. Section 135H.1, subsection 1, Code 2023, is amended to read as follows:

1. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1896. Section 135H.10, subsection 1, Code 2023, is amended to read as follows:

1. The department of ~~inspections and appeals~~, in consultation with the department of human services and affected professional groups, shall adopt and enforce rules setting out the standards for a psychiatric medical institution for children and the rights of the residents admitted to a psychiatric institution. The department of ~~inspections and appeals~~ and the department of human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee.

Sec. 1897. Section 135H.12, subsection 1, Code 2023, is amended to read as follows:

1. Upon receipt of a complaint made in accordance with section 135H.11, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a psychiatric institution or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the psychiatric institution which is the subject of the complaint. The department of ~~inspections and appeals~~ may refer to the department of human services any complaint received by the department if the complaint applies to rules adopted by the department of human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 1898. Section 135J.1, subsection 3, Code 2023, is amended to read as follows:

3. "~~Department~~" means the department of inspections, ~~and appeals, and licensing.~~

Sec. 1899. Section 135J.2, subsection 2, Code 2023, is amended to read as follows:

2. The hospice program shall meet the criteria pursuant to section 135J.3 before a license is issued. The department of ~~inspections and appeals~~ is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as Medicare hospice providers by the department of ~~inspections and appeals~~ or are accredited as hospices by the joint commission on the accreditation of health care organizations, shall be licensed without inspection by the department of ~~inspections and appeals~~.

Sec. 1900. Section 135J.4, Code 2023, is amended to read as follows:

135J.4 Inspection.

The department of ~~inspections and appeals~~ shall make or be responsible for inspections of the hospice program, the home care and the inpatient care provided in the hospice program, and the hospital or facility before a license is issued. The department of ~~inspections and appeals~~ shall inspect the hospice program periodically after initial inspection.

Sec. 1901. Section 135O.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. "~~Boarding home~~" means a premises used by its owner or lessee for the purpose of letting rooms for rental to three or more persons not related within the third degree of consanguinity to the owner or lessee where supervision or assistance with activities of daily living is provided to such persons. A boarding home does not include a facility, home, or program otherwise subject to licensure or regulation by the department of ~~health and human services, or the department of inspections and appeals, or department of public health.~~

2. "~~Department~~" means the department of inspections, ~~and appeals, and licensing.~~

Sec. 1902. Section 135O.2, subsection 2, Code 2023, is amended to read as follows:

2. The department of ~~inspections and appeals~~ shall adopt rules to administer this chapter in consultation with the departments of human services and public safety.

Sec. 1903. Section 135O.3, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The interagency approach may involve a multidisciplinary team consisting of employees of the department of ~~inspections and appeals~~, the department of human services, ~~the state fire marshal~~, and the division of criminal investigation of the department of public safety, or other local, state, and federal agencies.

Sec. 1904. Section 135O.3, subsection 4, Code 2023, is amended to read as follows:

4. If the department or a multidisciplinary team has probable cause to believe that a boarding home is in violation of this chapter or licensing or other regulatory requirements

of the department of human services, department of inspections and appeals, or department of public health, or that dependent adult abuse of any individual living in a boarding home has occurred, and upon producing proper identification, is denied entry to the boarding home or access to any individual living in the boarding home for the purpose of making an inspection or conducting an investigation, the department or multidisciplinary team may, with the assistance of the county attorney of the county in which the boarding home is located, apply to the district court for an order requiring the owner or lessee to permit entry to the boarding home and access to the individuals living in the boarding home.

Sec. 1905. Section 135Q.1, subsection 1, Code 2023, is amended to read as follows:

1. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1906. Section 137C.2, subsections 2 and 3, Code 2023, are amended to read as follows:

2. “*Director*” means the director of the department of inspections, ~~and appeals,~~ and licensing or the director’s designee.

3. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1907. Section 137D.1, subsection 1, Code 2023, is amended to read as follows:

1. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1908. Section 137F.1, subsections 4 and 5, Code 2023, are amended to read as follows:

4. “*Department*” means the department of inspections, ~~and appeals,~~ and licensing.

5. “*Director*” means the director of the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1909. Section 137F.3A, Code 2023, is amended to read as follows:

137F.3A Municipal corporation inspections — contingent appropriation.

1. *a.* The department of inspections and appeals may employ additional full-time equivalent positions to enforce the provisions of this chapter and chapters 137C and 137D, with the approval of the department of management, if either of the following apply:

(1) A municipal corporation operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce the chapters either fails to renew the agreement effective after April 1, 2007, or discontinues, after April 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame.

(2) The department of inspections and appeals cancels an agreement after April 1, 2007, due to noncompliance with the terms of the agreement.

b. Before approval may be given, the director of the department of management must have determined that the expenses exceed the funds budgeted by the general assembly for food inspections to the department of inspections and appeals. The department of inspections and appeals may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D.

2. Notwithstanding chapter 137D, and sections 137C.9 and 137F.6, if the conditions described in this section are met, fees imposed pursuant to that chapter and those sections shall be retained by and are appropriated to the department of inspections and appeals each fiscal year to provide for salaries, support, maintenance, and miscellaneous purposes associated with the additional inspections. The appropriation made in this subsection is not applicable in a fiscal year for which the general assembly enacts an appropriation made for the purposes described in this subsection.

Sec. 1910. Section 147.77, subsection 1, paragraph g, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of inspections, ~~and appeals,~~ and licensing, with respect to rules relating to the following:

Sec. 1911. Section 147.77, subsection 1, paragraph g, Code 2023, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (6) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit the respiratory protection and physician's certification forms.

NEW SUBPARAGRAPH. (7) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the director of the department of inspections, appeals, and licensing deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator.

NEW SUBPARAGRAPH. (8) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants.

NEW SUBPARAGRAPH. (9) For the responsibilities of the promoter of an athletic event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur.

NEW SUBPARAGRAPH. (10) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts.

NEW SUBPARAGRAPH. (11) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant.

NEW SUBPARAGRAPH. (12) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the state commissioner of athletics.

NEW SUBPARAGRAPH. (13) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that managers, handlers, and seconds shall not attend to the stricken boxer, except at the request of the physician.

NEW SUBPARAGRAPH. (14) For the keeping of time during a professional boxing match, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

NEW SUBPARAGRAPH. (15) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the state commissioner of athletics before being permitted to fight again.

NEW SUBPARAGRAPH. (16) For the designation of officials for professional kickboxing, that the designation of physicians is subject to the approval of the state commissioner of athletics or designee.

NEW SUBPARAGRAPH. (17) For officials for a mixed martial arts event, that officials shall include a physician.

NEW SUBPARAGRAPH. (18) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

NEW SUBPARAGRAPH. (19) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee.

NEW SUBPARAGRAPH. (20) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant.

NEW SUBPARAGRAPH. (21) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the state commissioner of athletics, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts match, and that a contestant deemed not fit by the physician shall not participate in the event.

NEW SUBPARAGRAPH. (22) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

Sec. 1912. Section 147.77, subsection 1, paragraph p, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The labor services division of the department of ~~workforce development~~ inspections, appeals, and licensing, with respect to rules relating to the following:

Sec. 1913. Section 147.77, subsection 1, paragraph p, subparagraphs (3) through (19), Code 2023, are amended by striking the subparagraphs.

Sec. 1914. Section 147.87, Code 2023, is amended to read as follows:

147.87 Enforcement.

A board shall enforce the provisions of this chapter and the board's enabling statute and for that purpose may request the department of inspections, ~~and appeals, and licensing~~ to make necessary investigations. Every licensee and member of a board shall furnish the board or the department of inspections, ~~and appeals, and licensing~~ such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 1915. Section 147.88, Code 2023, is amended to read as follows:

147.88 Inspections and investigations.

The department of inspections, ~~and appeals, and licensing~~ may perform inspections and investigations as required by this subtitle, except inspections and investigations for the board of medicine, board of pharmacy, board of nursing, and the dental board. The department of inspections, ~~and appeals, and licensing~~ shall employ personnel related to the inspection and investigative functions.

Sec. 1916. Section 155A.13, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. To the maximum extent possible, the board shall coordinate the rules with the standards and conditions described in paragraph "a", subparagraph (4), and shall coordinate its inspections of hospital pharmacies with the Medicare surveys of the department of inspections, ~~and appeals, and licensing~~ and with the board's inspections with respect to controlled substances conducted under contract with the federal government.

Sec. 1917. Section 155A.15, subsection 2, paragraph d, subparagraph (5), Code 2023, is amended to read as follows:

(5) A licensed health care facility which is furnished the drug or device by a pharmacy for storage in secured emergency pharmaceutical supplies containers maintained within the facility in accordance with rules of the department of inspections, ~~and appeals, and licensing~~ and rules of the board.

Sec. 1918. Section 169.14, subsection 1, Code 2023, is amended to read as follows:

1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections, ~~and appeals, and licensing~~ to conduct an investigation of the charges contained in the complaint. The department of inspections, ~~and appeals, and licensing~~ shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

Sec. 1919. Section 190B.102, subsection 3, Code 2023, is amended to read as follows:

3. The department of agriculture and land stewardship, the department of public health, the department of human services, and the department of inspections, ~~and appeals, and licensing~~ shall cooperate with the department of revenue to administer this subchapter.

Sec. 1920. Section 217.34, Code 2023, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections, ~~and appeals, and licensing~~ and the department of human services shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph "a", subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections, ~~and appeals, and licensing~~, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department of human services shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504, in regard to collections by the child support recovery unit and the foster care recovery unit.

Sec. 1921. Section 217.35, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department of human services to be used for additional fraud and recoupment activities performed by the department of human services or the department of inspections, ~~and appeals, and licensing~~. The department of human services may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

Sec. 1922. Section 225C.4, subsection 1, paragraphs t and u, Code 2023, are amended to read as follows:

t. In cooperation with the department of inspections, ~~and appeals, and licensing~~, recommend minimum standards under section 227.4 for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The administrator shall also cooperate with the department of inspections, ~~and appeals, and licensing~~ in recommending minimum standards for care of and services provided to persons

with mental illness or an intellectual disability living in a residential care facility regulated under chapter 135C.

u. In cooperation with the Iowa department of public health, recommend minimum standards for the maintenance and operation of public or private facilities offering disability services, which are not subject to licensure by the department or the department of inspections, ~~and appeals, and licensing.~~

Sec. 1923. Section 225C.6, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Unless another governmental body sets standards for a service available to persons with disabilities, adopt state standards for that service. The commission shall review the licensing standards used by the department of human services or department of inspections, ~~and appeals, and licensing~~ for those facilities providing disability services.

Sec. 1924. Section 225C.6, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The department shall coordinate with the department of inspections, ~~and appeals, and licensing~~ in the establishment of facility-based and community-based, subacute mental health services.

Sec. 1925. Section 227.4, Code 2023, is amended to read as follows:

227.4 Standards for care of persons with mental illness or an intellectual disability in county care facilities.

The administrator, in cooperation with the department of inspections, ~~and appeals, and licensing~~, shall recommend and the mental health and disability services commission created in section 225C.5 shall adopt, or amend and adopt, standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections, ~~and appeals, and licensing~~ as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the administrator shall designate an advisory committee representing administrators of county care facilities, regional administrators, mental health and disability services region governing boards, and county care facility certified volunteer long-term care ombudsmen to assist in the establishment of standards.

Sec. 1926. Section 231.42, subsections 4 and 10, Code 2023, are amended to read as follows:

4. *Referrals of abuse, neglect, or exploitation.*

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections, ~~and appeals, and licensing~~, the department of human services, the department on aging, or the appropriate law enforcement agency, as applicable.

b. If the department of inspections, ~~and appeals, and licensing~~ responds to a complaint referred by the state or a local long-term care ombudsman against a long-term care facility, assisted living program, elder group home, or an employee of such entity, copies of related inspection reports, plans of correction, and notice of any citations and sanctions levied against the facility, program, or home shall be forwarded to the office of long-term care ombudsman.

10. *Change in operations.* A long-term care facility, assisted living program, or elder group home shall inform the office of long-term care ombudsman in writing at least thirty days prior to any change in operations, programs, services, licensure, or certification that affects residents or tenants, including but not limited to the intention to close, decertify, or change ownership. In an emergency situation, or when a long-term care facility, assisted

living program, or elder group home is evacuated, the department of inspections, ~~and appeals,~~ and licensing shall notify the office of long-term care ombudsman.

Sec. 1927. Section 231.58, Code 2023, is amended to read as follows:

231.58 Long-term living coordination.

The director may convene meetings, as necessary, of the director and the directors of human services, public health, and inspections, ~~and appeals,~~ and licensing, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans in the state. The group may consult with individuals, institutions and entities with expertise in the area of the long-term living system and older Iowans, as necessary, to facilitate the group's efforts.

Sec. 1928. Section 231B.1, subsection 1, Code 2023, is amended to read as follows:

1. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing or the department's designee.

Sec. 1929. Section 231C.2, subsection 4, Code 2023, is amended to read as follows:

4. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing or the department's designee.

Sec. 1930. Section 231C.5A, Code 2023, is amended to read as follows:

231C.5A Assessment of tenants — program eligibility.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections, ~~and appeals,~~ and licensing, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

Sec. 1931. Section 231D.1, subsection 3, Code 2023, is amended to read as follows:

3. "*Department*" means the department of inspections, ~~and appeals,~~ and licensing.

Sec. 1932. Section 232.142, subsection 5, Code 2023, is amended to read as follows:

5. The director, the director of the department of human rights, or a designee of the director of the department of human rights 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,~~ and licensing. The statewide number of beds in the homes approved by the director shall not exceed two hundred seventy-two beds beginning July 1, 2017. This subsection is repealed July 1, 2023.

Sec. 1933. Section 234.12, subsection 3, Code 2023, is amended to read as follows:

3. Upon request by the department of human services, the department of inspections, ~~and appeals,~~ and licensing shall conduct investigations into possible fraudulent practices, as described in section 234.13, relating to food programs administered by the department of human services.

Sec. 1934. Section 235.5, Code 2023, is amended to read as follows:

235.5 Inspections.

The department of inspections, ~~and appeals, and licensing~~ shall conduct inspections of private institutions for the care of dependent, neglected, and delinquent children in accordance with procedures established pursuant to chapters 10A and 17A.

Sec. 1935. Section 235A.15, subsection 2, paragraph e, subparagraph (17), Code 2023, is amended to read as follows:

(17) To the department of inspections, ~~and appeals, and licensing~~ for purposes of record checks of applicants for employment with the department of inspections, ~~and appeals, and licensing~~.

Sec. 1936. Section 235A.16, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The department of inspections, ~~and appeals, and licensing~~ may provide access to the single contact repository established under section 135C.33, subsection 7, for criminal and abuse history checks made by those employers, agencies, and other persons that are authorized access to child abuse information under section 235A.15 and are required by law to perform such checks.

Sec. 1937. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) Advise the director of human services, the director of the department on aging, the director of inspections, ~~and appeals, and licensing~~, the director of public health, the director of the department of corrections, and the director of human rights regarding dependent adult abuse.

Sec. 1938. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) The advisory council shall consist of twelve members. Eight members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department on aging, the Iowa department of public health, and the department of inspections, ~~and appeals, and licensing~~.

Sec. 1939. Section 235B.3, subsection 1, paragraph a, subparagraphs (2), (3), and (4), Code 2023, are amended to read as follows:

(2) However, the department of inspections, ~~and appeals, and licensing~~ is solely responsible for the evaluation and disposition of dependent adult abuse cases within facilities and programs pursuant to chapter 235E and shall inform the department of human services of such evaluations and dispositions pursuant to section 235E.2.

(3) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of human services ~~or the department of inspections and appeals~~ determines the case involves wages, workplace safety, or other labor and employment matters under the jurisdiction of the ~~department of inspections, appeals, and licensing~~ or the division of labor services of the department of ~~workforce development~~ inspections, appeals, and licensing, the relevant portions of the case shall be referred to the department of inspections, appeals, and licensing or the division, as applicable.

(4) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department of human services or the department of inspections, ~~and appeals, and licensing~~ determines that the case involves discrimination under the jurisdiction of the civil rights commission, the relevant portions of the case shall be referred to the commission.

Sec. 1940. Section 235B.3, subsection 10, paragraph a, Code 2023, is amended to read as follows:

a. If, upon completion of the evaluation or upon referral from the department of inspections, ~~and appeals, and licensing~~, the department determines that the best interests of the dependent adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

Sec. 1941. Section 235B.3, subsection 14, Code 2023, is amended to read as follows:

14. The department of inspections, ~~and appeals, and licensing~~ shall adopt rules which require facilities or programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of abuse and prior to the completion of an investigation of the allegation.

Sec. 1942. Section 235B.5, subsection 5, Code 2023, is amended to read as follows:

5. An oral report of suspected dependent adult abuse initially made to the central registry regarding a facility or program as defined in section 235E.1 shall be transmitted by the department to the department of inspections, ~~and appeals, and licensing~~ on the first working day following the submitting of the report.

Sec. 1943. Section 235B.6, subsection 2, paragraph e, subparagraph (9), Code 2023, is amended to read as follows:

(9) The department of inspections, ~~and appeals, and licensing~~ for purposes of record checks of applicants for employment with the department of inspections, ~~and appeals, and licensing~~.

Sec. 1944. Section 235B.7, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The department of inspections, ~~and appeals, and licensing~~ may provide access to the single contact repository established under section 135C.33, subsection 7, for criminal and abuse history checks made by those employers, agencies, and other persons that are authorized access to dependent adult abuse information under section 235B.6 and are required by law to perform such checks.

Sec. 1945. Section 235B.16, subsections 2 and 4, Code 2023, are amended to read as follows:

2. The department, in cooperation with the department on aging and the department of inspections, ~~and appeals, and licensing~~, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.

4. The department of inspections, ~~and appeals, and licensing~~ shall provide training to investigators regarding the collection and preservation of evidence in the case of suspected dependent adult abuse.

Sec. 1946. Section 235B.16A, subsection 4, Code 2023, is amended to read as follows:

4. The department of human services shall cooperate with the department on aging, the departments of inspections, ~~and appeals, and licensing~~, public health, public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 1947. Section 235E.1, subsection 3, Code 2023, is amended to read as follows:

3. “*Department*” means the department of inspections, ~~and appeals, and licensing.~~

Sec. 1948. Section 235E.2, subsection 5, Code 2023, is amended to read as follows:

5. Any other person who believes that a dependent adult has suffered dependent adult abuse may report the suspected dependent adult abuse to the department of inspections, ~~and appeals, and licensing.~~ The department of inspections, ~~and appeals, and licensing~~ shall transfer any reports received of dependent adult abuse in the community to the department of human services. The department of human services shall transfer any reports received of dependent adult abuse in facilities or programs to the department of inspections, ~~and appeals, and licensing.~~

Sec. 1949. Section 235F.6, subsection 4, Code 2023, is amended to read as follows:

4. The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

a. A provision that prohibits any party to the action from contacting or cooperating with any government agency including the department of human services, the department of inspections, ~~and appeals, and licensing,~~ the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer if the defendant’s professional responsibilities include contact with vulnerable elders, dependent adults, or minors, if the party contacting or cooperating has a good-faith belief that the information is relevant to the duties or responsibilities of the entity.

b. A provision that prohibits any party to the action from filing a complaint with or reporting a violation of law to any government agency including the department of human services, the department of inspections, ~~and appeals, and licensing,~~ the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer.

c. A provision that requires any party to the action to withdraw a complaint filed with or a violation reported to any government agency including the department of human services, the department of inspections, ~~and appeals, and licensing,~~ the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant’s current employer.

Sec. 1950. Section 237.7, Code 2023, is amended to read as follows:

237.7 Reports and inspections.

The administrator may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, ~~and appeals, and licensing.~~ The director of the department of inspections, ~~and appeals, and licensing~~ may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

Sec. 1951. Section 237A.1, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections, ~~and appeals, and licensing~~ pursuant to chapter 135B.

Sec. 1952. Section 237A.8, Code 2023, is amended to read as follows:

237A.8 Violations — actions against license or registration.

The administrator, after notice and opportunity for an evidentiary hearing before the department of inspections, ~~and appeals, and licensing~~, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care at the time of action to suspend or revoke a license or certificate of registration.

Sec. 1953. Section 237A.29, subsection 2, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child care provider that has been found by the department of inspections, ~~and appeals, and licensing~~ in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph “a”, shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department of human services:

Sec. 1954. Section 237C.3, subsection 1, Code 2023, is amended to read as follows:

1. The department of human services shall consult with the department of education, the department of inspections, ~~and appeals, and licensing~~, the department of public health, ~~the state fire marshal~~, and other agencies as determined by the department of human services to establish certification standards for children’s residential facilities in accordance with this chapter.

Sec. 1955. Section 237C.8, Code 2023, is amended to read as follows:

237C.8 Reports and inspections.

The administrator may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children’s residential facility to assess compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, ~~and appeals, and licensing~~ in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents. The department of inspections, ~~and appeals, and licensing~~ and the department of human services may examine records of a children’s residential facility and may inquire into matters concerning the children’s residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children’s residential facilities under this chapter.

Sec. 1956. Section 238.19, Code 2023, is amended to read as follows:

238.19 Inspection generally.

Authorized employees of the department of inspections, ~~and appeals, and licensing~~ may inspect the premises and conditions of the agency at any time and examine every part of the agency; and may inquire into all matters concerning the agency and the children in the care of the agency.

Sec. 1957. Section 238.20, Code 2023, is amended to read as follows:

238.20 Minimum inspection — record.

Authorized employees of the department of inspections, ~~and appeals, and licensing~~ shall visit and inspect the premises of licensed child-placing agencies at least once every twelve months and make and preserve written reports of the conditions found.

Sec. 1958. Section 239B.16, Code 2023, is amended to read as follows:

239B.16 Appeal — judicial review.

If an applicant's application is not acted upon within a reasonable time, if it is denied in whole or in part, or if a participant's assistance or other benefits under this chapter are modified, suspended, or canceled under a provision of this chapter, the applicant or participant may appeal to the department of human services which shall request the department of inspections, ~~and appeals,~~ and licensing to conduct a hearing. Upon completion of a hearing, the department of inspections, ~~and appeals,~~ and licensing shall issue a decision which is subject to review by the department of human services. Judicial review of the actions of the department of human services may be sought in accordance with chapter 17A. Upon receipt of a notice of the filing of a petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 1959. Section 249.5, Code 2023, is amended to read as follows:

249.5 Judicial review.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if an award of assistance is modified, suspended, or canceled under a provision of this chapter, the applicant or recipient may appeal to the department of human services, which shall request the department of inspections, ~~and appeals,~~ and licensing to conduct a hearing. Upon completion of a hearing, the department of inspections, ~~and appeals,~~ and licensing shall issue a decision which is subject to review by the department of human services. Judicial review of the actions of the department of human services may be sought in accordance with chapter 17A. Upon receipt of the petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 1960. Section 249.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections, ~~and appeals,~~ and licensing shall conduct investigations and audits as deemed necessary to ensure compliance with state supplementary assistance programs administered under this chapter. The department of inspections, ~~and appeals,~~ and licensing shall cooperate with the department of human services on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 1961. Section 249A.4, subsection 11, Code 2023, is amended to read as follows:

11. Shall provide an opportunity for a fair hearing before the department of inspections, ~~and appeals,~~ and licensing to an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections, ~~and appeals,~~ and licensing shall issue a decision which is subject to review by the department of human services. Judicial review of the decisions of the department of human services may be sought in accordance with chapter 17A. If a petition for judicial review is filed, the department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

Sec. 1962. Section 249A.50, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections, ~~and appeals,~~ and licensing shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program administered under this chapter. The department of inspections, ~~and appeals,~~ and licensing shall cooperate with the department of human services on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 1963. Section 249A.50, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. A Medicaid fraud fund is created in the state treasury under the authority of the department of inspections, ~~and appeals, and licensing~~. Moneys from penalties, investigative costs recouped by the Medicaid fraud control unit, and other amounts received as a result of prosecutions involving the department of inspections, ~~and appeals, and licensing~~ investigations and audits to ensure compliance with the medical assistance program that are not credited to the program shall be credited to the fund.

Sec. 1964. Section 321.11, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, ~~and appeals, and licensing~~ in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the information is requested by the presentation of a registration plate number. In addition, an officer or employee of a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the officer or employee of the law enforcement agency believes that the release of the information is necessary in the performance of the officer's or employee's duties.

4. The department shall not release personal information that is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph to a person other than an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, ~~and appeals, and licensing~~ in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, regardless of whether a person has provided express written consent to disclosure of the information. The department may collect reasonable fees for copies of records or other services provided pursuant to this section or section 22.3, 321.10, or 622.46.

Sec. 1965. Section 321.19, subsection 1, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health, the department of inspections, ~~and appeals, and licensing~~, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 1966. Section 321.211, subsection 1, Code 2023, is amended to read as follows:

1. Upon suspending the license of a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the department of inspections, ~~and appeals, and licensing~~ as early as practical within thirty days after receipt of the request. The hearing shall be held by telephone conference unless the licensee and the department of inspections, ~~and appeals, and licensing~~ agree to hold the hearing in the county in which the licensee resides or in some other county. Upon the hearing the department of inspections, ~~and appeals, and licensing~~ may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing and issuance of a recommendation by the department of inspections, ~~and appeals, and licensing~~, the state department of transportation shall either rescind its order of suspension or for good cause may extend the suspension of the license or revoke the license. This section does not preclude the director from attempting to effect an informal settlement under chapter 17A.

Sec. 1967. Section 322.9, subsection 1, Code 2023, is amended to read as follows:

1. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, ~~and appeals,~~ and licensing, it finds that the licensee has been guilty of an act which would be a ground for the denial of a license under section 322.6.

Sec. 1968. Section 322.9, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, ~~and appeals,~~ and licensing, it finds that the licensee has been convicted or has forfeited bail on three charges of:

Sec. 1969. Section 322.24, subsection 1, Code 2023, is amended to read as follows:

1. The state department of transportation and the department of inspections, ~~and appeals,~~ and licensing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which the respective department has jurisdiction, control, or supervision pertaining to this chapter.

Sec. 1970. Section 322A.3A, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. After a hearing held as described in this subsection, the department of inspections, ~~and appeals,~~ and licensing may affirm, deny, or modify the proposed alteration of a franchisee's community, may enter any other orders necessary to ensure that an alteration of the franchisee's community is reasonable in light of all the relevant circumstances, and may assess the costs of the hearing among the parties to the hearing as appropriate.

Sec. 1971. Section 322A.5, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), Code 2023, is amended to read as follows:

(b) Within thirty days of receiving the franchisee's submission, the franchiser may choose to audit the submitted orders. The franchiser shall then approve or deny the establishment of the franchisee's average percentage markup or labor rate. If the franchiser approves the establishment of the franchisee's average percentage markup or labor rate, the markup or rate calculated under this subparagraph shall go into effect forty-five days after the date of the franchiser's approval. If the franchiser denies the establishment of the franchisee's average percentage markup or labor rate, the franchisee may file a complaint with the department and a hearing shall be held before the department of inspections, ~~and appeals,~~ and licensing. The franchiser shall have the burden of proof to establish that the franchiser's denial was reasonable. If the department of inspections, ~~and appeals,~~ and licensing finds the denial was not reasonable, the denial shall be deemed a violation of this chapter and the department of inspections, ~~and appeals,~~ and licensing shall determine the franchisee's average percentage markup or labor rate for purposes of calculating a reasonable schedule of compensation. In making such a determination, the department of inspections, ~~and appeals,~~ and licensing shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

Sec. 1972. Section 322A.6, subsection 2, Code 2023, is amended to read as follows:

2. An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the department at the time the application is filed, an amount of money to be determined by the department of inspections, ~~and appeals,~~ and licensing to pay the costs of the hearing.

Sec. 1973. Section 322A.7, subsection 1, Code 2023, is amended to read as follows:

1. Upon receiving an application, the department shall notify the department of inspections, ~~and appeals,~~ and licensing which shall enter an order fixing a time, which shall be within ninety days of the date of the order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchiser seeks to terminate or not continue, or to the franchiser who is seeking to alter a franchisee's community, as applicable. If the application requests permission to

establish an additional motor vehicle dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. If the application challenges the reasonableness of a proposed alteration to a franchisee's community, a copy of the order shall be sent to all franchisees located in Iowa surrounding the affected community which are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The department of inspections, ~~and appeals,~~ and licensing may also give notice of the franchiser's application to any other parties deemed interested persons, the notice to be in the form and substance and given in the manner the department of inspections, ~~and appeals,~~ and licensing deems appropriate.

Sec. 1974. Section 322A.8, Code 2023, is amended to read as follows:

322A.8 Continuation.

If the department of inspections, ~~and appeals,~~ and licensing finds it desirable it may upon request continue the date of hearing for a period of ninety days, and may upon application, but not ex parte, continue the date of hearing for an additional period of ninety days.

Sec. 1975. Section 322A.9, subsection 2, Code 2023, is amended to read as follows:

2. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department of inspections, ~~and appeals,~~ and licensing shall hear the evidence introduced by the parties and shall make its decision solely upon the record so made.

Sec. 1976. Section 322A.10, Code 2023, is amended to read as follows:

322A.10 Rules of evidence.

1. The rules of civil procedure relating to discovery and inspection shall apply to hearings held under the provisions of this chapter, and the department of inspections, ~~and appeals,~~ and licensing may issue orders to give effect to such rules.

2. In the event issues are raised which would involve violations of any state or federal antitrust or price-fixing law, all discovery and inspection proceedings which would be available under such issues in a state or federal court action shall be available to the parties to the hearing, and the department of inspections, ~~and appeals,~~ and licensing may issue orders to give effect to such proceedings.

3. Evidence which would be admissible under the issues in a state or federal court action is admissible in a hearing held by the department of inspections, ~~and appeals,~~ and licensing. The department of inspections, ~~and appeals,~~ and licensing shall apportion all costs between the parties.

Sec. 1977. Section 322A.13, Code 2023, is amended to read as follows:

322A.13 Compulsory attendance at hearings.

The department of inspections, ~~and appeals,~~ and licensing may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents, and all other evidence. The department of inspections, ~~and appeals,~~ and licensing may apply to the district court of the county wherein the hearing is being held for a court order enforcing this section.

Sec. 1978. Section 322A.15, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In determining whether good cause has been established for terminating or not continuing a franchise, the department of inspections, ~~and appeals,~~ and licensing shall take into consideration the existing circumstances, including, but not limited to:

Sec. 1979. Section 322A.15, subsection 1, paragraphs g and h, Code 2023, are amended to read as follows:

g. Except as provided in section 322A.11, failure by the franchisee to substantially comply with those requirements of the franchise which are determined by the department of inspections, ~~and appeals,~~ and licensing to be reasonable and material.

h. Except as provided in section 322A.11, bad faith by the franchisee in complying with those terms of the franchise which are determined by the department of inspections, ~~and~~ appeals, and licensing to be reasonable and material.

Sec. 1980. Section 322A.16, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In determining whether good cause has been established for entering into an additional franchise for the same line-make, the department of inspections, ~~and~~ appeals, and licensing shall take into consideration the existing circumstances, including, but not limited to:

Sec. 1981. Section 322A.17, subsection 1, Code 2023, is amended to read as follows:

1. A decision of the department of inspections, ~~and~~ appeals, and licensing is subject to review by the state department of transportation, whose decision is final agency action for the purpose of judicial review.

Sec. 1982. Section 322C.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A license issued under section 322C.4 or 322C.9 may be denied, revoked, or suspended, after opportunity for a hearing before the department of inspections, ~~and~~ appeals, and licensing in accordance with chapters 10A and 17A, if it is determined that the licensee or applicant has done any of the following:

Sec. 1983. Section 323.1, subsection 4, Code 2023, is amended to read as follows:

4. “*Department*” means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1984. Section 324A.5, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The department of inspections, ~~and~~ appeals, and licensing shall establish an appeal process pursuant to chapters 10A and 17A which allows those agencies or organizations determined to not be in compliance with this chapter an opportunity for a timely hearing before the department of inspections, ~~and~~ appeals, and licensing. A decision by the department of inspections, ~~and~~ appeals, and licensing is subject to review by the state department of transportation. The state department of transportation’s decision is the final agency action. Judicial review of the action of the department may be sought in accordance with chapter 17A.

Sec. 1985. Section 327C.8, Code 2023, is amended to read as follows:

327C.8 Objections — hearing.

A person directly affected by the proposed discontinuance of an agency may file written objections with the department stating the grounds for the objections, within fifteen days from the time of the publication of the notice as provided in section 327C.7. Upon the filing of objections the department shall request the department of inspections, ~~and~~ appeals, and licensing to hold a hearing, which shall be held within sixty days from the filing of the objections. Written notice of the time and place of the hearing shall be mailed by the department of inspections, ~~and~~ appeals, and licensing to the railroad corporation and the person filing objections at least ten days prior to the date fixed for the hearing.

Sec. 1986. Section 327C.12, Code 2023, is amended to read as follows:

327C.12 Aid from courts.

The department or the department of inspections, ~~and~~ appeals, and licensing may invoke the aid of any court of record in the state in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. If a person refuses to obey a subpoena or other process, a court having jurisdiction of the inquiry shall issue an order requiring any of the officers, agents, or employees of a carrier or other person to appear before either department and produce all books and papers required by the order and testify in relation to any matter under investigation.

Sec. 1987. Section 327C.17, Code 2023, is amended to read as follows:

327C.17 Penalty.

If a railroad fails or refuses to comply with a rule or order made by the state department of transportation or the department of inspections, and appeals, and licensing within the time specified, the railroad is, for each day of such failure, subject to a schedule “two” penalty.

Sec. 1988. Section 327C.19, subsection 1, Code 2023, is amended to read as follows:

1. A decision of the department of inspections, and appeals, and licensing is subject to review by the state department of transportation.

Sec. 1989. Section 327C.20, Code 2023, is amended to read as follows:

327C.20 Remitting penalty.

If a common carrier fails in a judicial review proceeding to secure a vacation of the order objected to, it may apply to the court in which the review proceeding is finally adjudicated for an order remitting the penalty which has accrued during the review proceeding. Upon a satisfactory showing that the petition for judicial review was filed in good faith and not for the purpose of delay, and that there were reasonable grounds to believe that the order was unreasonable or unjust or that the power of the department of transportation or the department of inspections, and appeals, and licensing to make the order was doubtful, the court may remit the penalty that has accrued during the review proceeding.

Sec. 1990. Section 327C.25, Code 2023, is amended to read as follows:

327C.25 Complaints.

A person may file with the department a petition setting forth any particular in which a common carrier has violated the law to which it is subject and the amount of damages sustained by reason of the violation. The department shall furnish a copy of the complaint to the carrier against which a complaint is filed. The department shall request the department of inspections, and appeals, and licensing to schedule a hearing in which the carrier shall answer the petition or satisfy the demands of the complaint. If the carrier fails to satisfy the complaint within the time fixed or there appears to be reasonable grounds for investigating the matters set forth in the petition, the department of inspections, and appeals, and licensing shall hear and determine the questions involved and make orders it finds proper. If the department of transportation has reason to believe that a carrier is violating any of the laws to which it is subject, the department may institute an investigation and request the department of inspections, and appeals, and licensing to conduct a hearing in relation to the matters as if a petition had been filed.

Sec. 1991. Section 327C.26, Code 2023, is amended to read as follows:

327C.26 Reports.

When a hearing has been held before the department of inspections, and appeals, and licensing after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with its recommendations as to what reparation, if any, the offending carrier shall make to a party who has suffered damage. The findings of fact are prima facie evidence in all further legal proceedings of every fact found. All reports of hearings and investigations made by the department of inspections, and appeals, and licensing shall be entered of record and a copy furnished to the carrier against which the complaint was filed, to the party complaining, and to any other person having a direct interest in the matter. A reasonable fee not to exceed the actual duplication costs may be charged for the copies.

Sec. 1992. Section 327C.28, Code 2023, is amended to read as follows:

327C.28 Violation of order — petition — notice.

If a person violates or fails to obey a lawful order or requirement of the department of transportation or the department of inspections, and appeals, and licensing, the department of transportation or the department of inspections, and appeals, and licensing shall apply by petition in the name of the state against the person, to the district court, alleging the violation or failure to obey. The court shall hear and determine the matter set forth in the petition on reasonable notice to the person, to be fixed by the court and to be served in the same manner as an original notice for the commencement of action.

Sec. 1993. Section 327C.29, Code 2023, is amended to read as follows:

327C.29 Interested party may begin proceedings.

A person interested in enforcing an order or requirement of the department of transportation or the department of inspections, ~~and appeals, and licensing~~, may file a petition against the violator, alleging the failure to comply with the order or requirement and asking for summary relief to the same extent and in the same manner as the department of transportation or the department of inspections, ~~and appeals, and licensing~~ may under section 327C.28, and the proceedings after the filing of the petition shall be the same as in section 327C.28.

Sec. 1994. Section 327D.4, Code 2023, is amended to read as follows:

327D.4 Connections.

If a railroad corporation in this state refuses to connect by proper switches or tracks with the tracks of another railroad corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, a petition requesting resolution of the dispute may be filed with the department. The department shall notify the department of inspections, ~~and appeals, and licensing~~ which shall hold a hearing on the dispute. Upon conclusion of the hearing, the department of inspections, ~~and appeals, and licensing~~ shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties. The order is subject to review by the department which review shall be the final agency action.

Sec. 1995. Section 327D.53, Code 2023, is amended to read as follows:

327D.53 Division of joint rates.

Before the adoption of the rates, the department shall notify the railroad corporations interested in the schedule of joint rates fixed, and give them a reasonable time to agree upon a division of the charges provided. If the corporations fail to agree upon a division, and to notify the department of their agreement, the department shall, after a hearing conducted by the department of inspections, ~~and appeals, and licensing~~, decide the rates, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it is, in all controversies or actions between the railroad corporations interested, prima facie evidence of a just and reasonable division.

Sec. 1996. Section 327D.83, Code 2023, is amended to read as follows:

327D.83 Rate hearing.

If a schedule is filed with the department stating a rate, the department may, either upon complaint or upon its own motion, request the department of inspections, ~~and appeals, and licensing~~ to conduct a hearing concerning the propriety of the rate.

Sec. 1997. Section 327D.85, Code 2023, is amended to read as follows:

327D.85 Rate proposal — review.

At the hearing the department of inspections, ~~and appeals, and licensing~~ shall propose the rates on the schedule, in whole or in part, or others in lieu thereof, which the department of inspections, ~~and appeals, and licensing~~ finds are just and reasonable rates. The action of the department of inspections, ~~and appeals, and licensing~~ is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

Sec. 1998. Section 327D.89, Code 2023, is amended to read as follows:

327D.89 Complaint of violation.

When a person complains to the department that the rate charged or published by a railway corporation, or the maximum rate fixed by law, is unreasonably high or discriminating, the department may investigate the matter, and request the department of inspections, ~~and appeals, and licensing~~ to conduct a hearing. The department of inspections, ~~and appeals, and licensing~~ shall give the parties notice of the time and place of the hearing.

Sec. 1999. Section 327D.90, Code 2023, is amended to read as follows:

327D.90 Hearing — evidence.

At the time of the hearing the department of inspections, and appeals, and licensing shall receive any evidence and listen to any arguments presented by either party relevant to the matter under investigation, and the burden of proof is not upon the person making the complaint. The complainant shall add to the showing made at the hearing whatever information the complainant then has, or can obtain from any source. The department of inspections, and appeals, and licensing shall propose just and reasonable rates, which may be adopted in whole or in part or modified as the state department of transportation determines.

Sec. 2000. Section 327D.128, Code 2023, is amended to read as follows:

327D.128 Weighing — disagreement.

If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities cannot reach agreement relative to the weighing of the commodities, appeal may be made to the state department of transportation. The state department of transportation, after a hearing by the department of inspections, and appeals, and licensing, shall issue an order equitable to all parties including but not limited to allocation of costs and specification of the place and manner of weighing.

Sec. 2001. Section 327G.12, Code 2023, is amended to read as follows:

327G.12 Overhead, underground, or more than one crossing.

The owner of land may serve upon the railroad corporation a request in writing for more than one private crossing, or for an overhead or underground crossing, accompanied by a plat of the owner's land designating the location and character of crossing desired. If the railroad corporation refuses or neglects to comply within thirty days of a written request, the owner of the land may make written application to the department to determine the owner's rights. The department of inspections, and appeals, and licensing, after notice to the railroad corporation, shall hear the application and all objections to the application, and make an order which is reasonable and just, and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with the order and apportion the costs as appropriate. The order of the department of inspections, and appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

Sec. 2002. Section 327G.16, Code 2023, is amended to read as follows:

327G.16 Disagreement — application — notice.

If the persons specified in section 327G.15 cannot reach an agreement, either party may make written application to the department requesting resolution of the disagreement. The department shall request the department of inspections, and appeals, and licensing to set a date for hearing. The department of inspections, and appeals, and licensing shall give ten days' written notice of the hearing date.

Sec. 2003. Section 327G.17, Code 2023, is amended to read as follows:

327G.17 Hearing — order.

1. The department of inspections, and appeals, and licensing shall hear the evidence of each party to the controversy and shall make an order, which may include, pursuant to chapters 6A and 6B, authority to condemn, resolving the controversy. The order shall include the portion of the expense to be paid by each party to the controversy. In determining what portion of the expense shall be paid by each party, the department of inspections, and appeals, and licensing may consider the ratio of the benefits accruing to the railroad or the governmental unit or both, to the general public use and benefit.

2. The order of the department of inspections, and appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

Sec. 2004. Section 327G.31, Code 2023, is amended to read as follows:

327G.31 Disagreement resolved.

If a railroad corporation and the jurisdiction having authority cannot reach agreement on grade crossing surface repair and maintenance, either party may appeal to the department of inspections, and appeals, and licensing if prior to disagreement both parties have filed a

statement with the state department of transportation to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing. The department of inspections, ~~and appeals, and licensing~~ shall resolve the dispute in the manner provided in sections 327G.16 and 327G.17, except for the allocation of costs.

Sec. 2005. Section 327G.32, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Other portions of this section notwithstanding, a political subdivision may pass an ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that an ordinance is necessary for public safety or convenience. If an ordinance is passed, the political subdivision shall, within thirty days of the effective date of the ordinance, notify the department and the railroad corporation using the crossing affected by the ordinance. The ordinance does not become effective unless the department and the railroad corporation are notified within thirty days. The ordinance becomes effective thirty days after notification unless a person files an objection to the ordinance with the department. If an objection is filed the department shall notify the department of inspections, ~~and appeals, and licensing~~ which shall hold a hearing. After a hearing by the department of inspections, ~~and appeals, and licensing~~, the state department of transportation may disapprove the ordinance if public safety or convenience does not require the ordinance. The decision of the state department of transportation is final agency action. The ordinance approved by the political subdivision is prima facie evidence that the ordinance is adopted to preserve public safety or convenience.

4. The department of inspections, ~~and appeals, and licensing~~ when considering rebuttal evidence shall weigh the benefits accruing to the political subdivision as they affect the general public use compared to the burden placed on the railroad operation. Public safety or convenience may include, but is not limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Sec. 2006. Section 327G.62, Code 2023, is amended to read as follows:

327G.62 Controversies — hearing — order — review.

When a disagreement arises between a railroad corporation, its grantee, or its successor in interest, and the owner, lessee, or licensee of a building or other improvement, including trackage, used for receiving, storing, transporting, or manufacturing an article of commerce transported or to be transported, situated on a present or former railroad right-of-way or on land owned or controlled by the railroad corporation, its grantee, or its successor in interest, as to the terms and conditions on which the article is to be continued or removed, the railway corporation, its grantee, or its successor in interest, or the owner, lessee, or licensee may make written application to the department. The department shall notify the department of inspections, ~~and appeals, and licensing~~ which shall hear and determine the controversy and make an order which is just and equitable between the parties. That order is subject to review by the state department of transportation. The decision of the state department of transportation is final agency action.

Sec. 2007. Section 327G.65, Code 2023, is amended to read as follows:

327G.65 Cost of construction.

The railroad corporation may require the person primarily to be served to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary right-of-way for the spur track and of constructing it, as determined in separate items by the department. Except as provided in section 327G.66, the total cost as ascertained by the department shall be deposited with the railroad corporation before it is required to incur expense. If an agreement cannot be reached, the question shall be referred to the department which may, after a hearing conducted by the department of inspections, ~~and appeals, and licensing~~, issue an order.

Sec. 2008. Section 327G.78, subsection 1, Code 2023, is amended to read as follows:

1. Subject to section 6A.16 and 327G.77, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the surface transportation board, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in

interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections, ~~and appeals, and licensing~~ which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

Sec. 2009. Section 327G.79, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The department of inspections ~~and appeals~~², appeals, and licensing's 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~~², appeals, and licensing's 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~~², appeals, and licensing's determination and order.

Sec. 2010. Section 331.324, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Cooperate with the workers' compensation commissioner and comply with requirements imposed upon counties under ~~chapters 86~~ chapter 10A, subchapter III, and chapter 87.

Sec. 2011. Section 331.394, subsection 5, paragraph c, Code 2023, is amended to read as follows:

c. The county or region that received the notification, as applicable, shall respond to the party that provided the notification within forty-five days of receiving the notification. If the parties cannot agree to a settlement as to the person's residency status within ninety days of the date of notification, on motion of any of the parties, the matter shall be referred to the department of inspections, ~~and appeals, and licensing~~ for a contested case hearing under chapter 17A before an administrative law judge assigned in accordance with section 10A.801 to determine the person's residency status.

Sec. 2012. Section 331.394, subsection 5, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) The administrative law judge's determination of the person's residency status shall be considered final agency action, notwithstanding contrary provisions of section 17A.15. The party that does not prevail in the determination or subsequent judicial review is liable for costs associated with the proceeding, including reimbursement of the department of inspections ~~and appeals~~², appeals, and licensing's actual costs associated with the administrative proceeding. Judicial review of the determination may be sought in accordance with section 17A.19.

Sec. 2013. Section 331.394, subsection 6, paragraph c, Code 2023, is amended to read as follows:

c. The department, county, or region that received the notification, as applicable, shall respond to the party that provided the notification within forty-five days of receiving the notification. If the parties cannot agree to a settlement as to the dispute within ninety days of the date of notification, on motion of any of the parties, the matter shall be referred to the department of inspections, ~~and appeals,~~ and licensing for a contested case hearing under chapter 17A before an administrative law judge assigned in accordance with section 10A.801 to determine facts and issue a decision to resolve the dispute.

Sec. 2014. Section 331.394, subsection 6, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) The administrative law judge's decision is a final agency action, notwithstanding contrary provisions of section 17A.15. The party that does not prevail in the decision or subsequent judicial review is liable for costs associated with the proceeding, including reimbursement of the department of inspections ~~and appeals,~~ appeals, and licensing's actual costs associated with the administrative proceeding. Judicial review of the decision may be sought in accordance with section 17A.19.

Sec. 2015. Section 331.653, subsection 10, Code 2023, is amended to read as follows:

10. Cooperate with the ~~division of labor services of the department of workforce development~~ inspections, appeals, and licensing in the enforcement of child labor laws as provided in section 92.22.

Sec. 2016. Section 331.756, subsections 16 and 55, Code 2023, are amended to read as follows:

16. Institute legal proceedings against persons who violate laws administered by the ~~division of labor services of the department of workforce development~~ under chapter 10A, subchapter II, as provided in section ~~91.11~~ 10A.210.

55. Make a written report to the department of inspections, ~~and appeals,~~ and licensing within fifteen days of the end of each calendar quarter of the amount of funds which were owed to the state for indigent defense services and which were recouped pursuant to subsection 5.

Sec. 2017. Section 423.3, subsection 18, paragraph a, Code 2023, is amended to read as follows:

a. Residential care facilities and intermediate care facilities for persons with an intellectual disability and residential care facilities for persons with mental illness licensed by the department of inspections, ~~and appeals,~~ and licensing under chapter 135C.

Sec. 2018. Section 425.28, subsection 4, Code 2023, is amended to read as follows:

4. In addition to the sharing of information under subsection 3, the department of human services may release information pertaining to a person's eligibility or claim for or receipt of rent reimbursement to an employee of the department of inspections, ~~and appeals,~~ and licensing in the employee's official conduct of an audit or investigation.

Sec. 2019. Section 453A.2, subsection 6, Code 2023, is amended to read as follows:

6. If a county or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the alcoholic beverages division of the department of commerce. Following transfer of the matter, if the violation is contested, the alcoholic beverages division of the department of commerce shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections, ~~and appeals,~~ and licensing in accordance with the provisions of section 10A.801, to adjudicate the matter pursuant to chapter 17A.

Sec. 2020. Section 455B.135, Code 2023, is amended to read as follows:
455B.135 Limit on authority.

Nothing contained in this subchapter II or chapter 459, subchapter II, shall be deemed to grant to the department or the director any authority or jurisdiction with respect to air pollution existing solely within residences; or solely within commercial and industrial plants, works, or shops under the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and chapter 88 and 91; or to affect the relations between employers and employees with respect to, or arising out of, any condition of air pollution.

Sec. 2021. Section 455B.145, subsection 2, paragraphs b and c, Code 2023, are amended to read as follows:

b. The director shall promptly investigate the application and approve or disapprove the application. The director may conduct a public hearing before action is taken to approve or disapprove. If the director disapproves issuing a certificate, the political subdivision may appeal the action to the department of inspections, ~~and appeals, and licensing~~. At the hearing on appeal, the department of inspections, ~~and appeals, and licensing~~ shall decide whether the local program is substantially consistent with the provisions of this subchapter II, or rules adopted under this subchapter II, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

c. If the director determines at any time that a local air pollution program is being conducted in a manner inconsistent with the substantive provisions of this subchapter II or the rules adopted under this subchapter II, the director shall notify the political subdivision, citing the deviations from the acceptable standards and the corrective measures to be completed within a reasonable amount of time. If the corrective measures are not implemented as prescribed, the director shall suspend in whole or in part the certificate of acceptance of such political subdivision and shall administer the regulatory provisions of this subchapter II in whole or in part within the political subdivision until the appropriate standards are met. Upon receipt of evidence that necessary corrective action has been taken, the director shall reinstate the suspended certificate of acceptance, and the political subdivision shall resume the administration of the local air pollution control program within its jurisdiction. In cases where the certificate of acceptance is suspended, the political subdivision may appeal the suspension to the department of inspections, ~~and appeals, and licensing~~.

Sec. 2022. Section 455B.271, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to appeal to the department of inspections, ~~and appeals, and licensing~~, a permit may be modified or canceled by the director if any of the following occur:

Sec. 2023. Section 455B.390, subsection 1, Code 2023, is amended to read as follows:

1. Hazardous conditions existing solely within and which will probably continue to exist solely within commercial and industrial plants, works, or shops under the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and chapter 88 and 91.

Sec. 2024. Section 515B.5, subsection 2, paragraph h, Code 2023, is amended to read as follows:

h. Request that all future payments of workers' compensation weekly benefits, medical expenses, or other payments under chapter 10A, subchapter III, chapter 85, 85A, 85B, 86, or 87 be commuted to a present lump sum and upon the payment of which, either to the claimant or to a licensed insurer for purchase of an annuity or other periodic payment plan for the benefit of the claimant, the employer and the association shall be discharged from all further liability for the workers' compensation claim. Notwithstanding the provisions of section 85.45, any future payment of medical expenses, weekly compensation benefits, or other payment by the association under this chapter pursuant to chapter 10A, subchapter III, chapter 85, 85A, 85B, 86, or 87, is deemed an undue expense, hardship, or inconvenience upon the employer for purposes of a full commutation pursuant to section 85.45, subsection 1, paragraph "b", and the workers' compensation commissioner shall fix the lump sum of the probable future medical expenses and weekly compensation benefits capitalized at

their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees.

Sec. 2025. Section 524.208, Code 2023, is amended to read as follows:

524.208 Examiners and other employees.

The superintendent may appoint examiners and other employees, including for the banking division's internal information technology group, as the superintendent deems necessary to the proper discharge of the duties imposed upon the superintendent by the laws of this state. Pay plans shall be established for employees, other than clerical employees ~~or employees of the professional licensing and regulation bureau of the banking division~~, who examine the accounts and affairs of state banks and who examine the accounts and affairs of other persons, subject to supervision and regulation by the superintendent, which are substantially equivalent to those paid by the federal deposit insurance corporation and other federal supervisory agencies in this area of the United States.

Sec. 2026. Section 524.211, subsection 5, Code 2023, is amended to read as follows:

5. An employee of the banking division, other than the superintendent or a member of the state banking council ~~or one of the boards in the professional licensing and regulation bureau of the division~~, shall not perform any services for, and shall not be a shareholder, member, partner, owner, director, officer, or employee of, any enterprise, person, or affiliate subject to the regulatory purview of the banking division.

Sec. 2027. Section 542B.22, Code 2023, is amended to read as follows:

542B.22 Procedure.

Proceedings for any action under section 542B.21 shall be begun by filing with the board written charges against the accused. Upon the filing of charges the board may request the department of inspections, ~~and appeals, and licensing~~ to conduct an investigation into the charges. The department of inspections, ~~and appeals, and licensing~~ shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused has the right to appear personally or by counsel, to cross-examine witnesses, and to produce witnesses in defense.

Sec. 2028. Section 543C.4, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The commission may request the department of inspections, ~~and appeals, and licensing~~ to conduct an investigation and inspection to be made of any subdivided land proposed to be offered for sale or lease in this state pursuant to this chapter. The department of inspections, ~~and appeals, and licensing~~ shall make a report of its findings.

2. If an inspection is to be made of subdivided land situated outside of this state and offered for sale in this state, the inspection as authorized by subsection 1 shall be made by the department of inspections, ~~and appeals, and licensing~~ at the expense of the subdivider. After the application required by section 543C.2 is filed and after the filing fee required by section 543C.8 is received, the commission may decide whether an inspection pursuant to this subsection is to be made. If the commission requires an inspection, the department of inspections, ~~and appeals, and licensing~~ shall so notify the subdivider and the subdivider shall remit to the department an amount equivalent to the round trip cost of travel from this state to the location of the project, as estimated by the department and a further amount estimated to be necessary to cover the additional expenses of inspection but not to exceed fifty dollars a day for each day incurred in the inspection. The costs of any subsequent inspections deemed necessary shall be paid for by the subdivider. At the completion of an inspection trip the department shall furnish the subdivider a statement as to the costs of the inspection trip, and if the costs are less than the amount advanced by the subdivider to the department, the remaining balance shall be refunded to the subdivider.

Sec. 2029. Section 544B.16, Code 2023, is amended to read as follows:

544B.16 Complaints — procedure.

A person may file a complaint with the board against a professional landscape architect or the board may initiate a complaint. Unless the complaint is dismissed by the board as unfounded or trivial, the board may request the department of inspections, ~~and appeals, and licensing~~ to conduct an investigation into the complaint. The department of inspections, ~~and appeals, and licensing~~ shall report its findings to the board, and the board shall hold a hearing within sixty days after the date on which the complaint is filed. The board shall fix the time and place for such hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of licensure. The board may restore the certificate of licensure to any person whose certificate of licensure has been revoked. Application for the restoration of a certificate of licensure shall be made in such manner, form, and content as the board may prescribe.

Sec. 2030. Section 546.2, subsection 6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each division is responsible for policymaking and enforcement duties assigned to the division under the law. ~~Except as provided in section 546.10, subsection 3:~~

Sec. 2031. Section 546.3, subsection 1, Code 2023, is amended to read as follows:

1. The banking division shall regulate and supervise banks under chapter 524, debt management licensees under chapter 533A, money services under chapter 533C, delayed deposit services under chapter 533D, mortgage bankers and brokers under chapter 535B, regulated loan companies under chapter 536, ~~and industrial loan companies under chapter 536A, real estate appraisers under chapter 543D, and appraisal management companies under chapter 543E,~~ and shall perform other duties assigned to the division by law. The division is headed by the superintendent of banking who is appointed pursuant to section 524.201. The state banking council shall render advice within the division when requested by the superintendent.

Sec. 2032. Section 600.2, subsection 2, Code 2023, is amended to read as follows:

2. "*Investigator*" means a natural person who is certified or approved by the department of human services, after inspection by the department of inspections, ~~and appeals, and licensing,~~ as being capable of conducting an investigation under section 600.8.

Sec. 2033. Section 600A.2, subsection 5, Code 2023, is amended to read as follows:

5. "*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, and licensing,~~ as being capable of conducting an investigation under section 600.8.

Sec. 2034. Section 626.29, Code 2023, is amended to read as follows:

626.29 Distress warrant by director of revenue, director of inspections, ~~and appeals, and licensing,~~ or director of workforce development.

In the service of a distress warrant issued by the director of revenue for the collection of taxes administered by or debts to be collected by the department of revenue, in the service of a distress warrant issued by the director of inspections, ~~and appeals, and licensing~~ for the collection of overpayment debts owed to the department of human services, or in the service of a distress warrant issued by the director of the department of workforce development for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Sec. 2035. Section 626.30, Code 2023, is amended to read as follows:

626.30 Expiration or return of distress warrant.

Proceedings by garnishment under a distress warrant issued by the director of revenue or the director of inspections, ~~and appeals, and licensing~~ shall not be affected by the expiration or return of the warrant.

Sec. 2036. Section 626.31, Code 2023, is amended to read as follows:

626.31 Return of garnishment — action docketed — distress action.

Where parties have been garnished under a distress warrant issued by the director of revenue or the director of inspections, ~~and appeals, and licensing~~, the officer shall make return thereof to the court in the county where the garnishee lives, if the garnishee lives in Iowa, otherwise in the county where the taxpayer resides, if the taxpayer lives in Iowa; and if neither the garnishee nor the taxpayer lives in Iowa, then to the district court in Polk county, Iowa; the officer shall make return in the same manner as a return is made on a garnishment made under a writ of execution so far as they relate to garnishments, and the clerk of the district court shall docket an action thereon without fee the same as if a judgment had been recovered against the taxpayer in the county where the return is made, an execution issued thereon, and garnishment made thereunder, and thereafter the proceedings shall conform to proceedings in garnishment under attachments as nearly as may be. The warrant shall be considered in all respects as a final judgment.

Sec. 2037. Section 626.76, Code 2023, is amended to read as follows:

626.76 Labor commissioner Department of inspections, appeals, and licensing director to represent.

~~The labor commissioner, appointed pursuant to section 91.2~~ director of the department of inspections, appeals, and licensing, may, at the ~~labor commissioner's~~ director's discretion, represent laborers or employees seeking payment for labor or wage claims from the receiver, trustee, or assignee, or the court, or the person charged with the property, in accordance with and subject to the provisions of sections 626.69 and 626.71.

Sec. 2038. Section 724.21A, subsections 1 and 6, Code 2023, 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 a permit to acquire pistols 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, and licensing~~ within thirty days of receiving written notice of the denial, suspension, or revocation.

6. The department of inspections, ~~and appeals, and licensing~~ shall adopt rules pursuant to chapter 17A as necessary to carry out the provisions of this section.

Sec. 2039. Section 729.6, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. Investigating a workers' compensation claim under chapter 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86~~.

Sec. 2040. Section 815.11, subsection 1, Code 2023, is amended to read as follows:

1. Costs incurred for legal representation by a court-appointed attorney under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph "d", or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections, ~~and appeals, and licensing~~ and deposited in an account to be known as the indigent defense fund, except as provided in subsection 2. Costs incurred representing an indigent defendant in a contempt action, representing an indigent juvenile in a juvenile court proceeding, or representing a person pursuant to section 13B.13 are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under this chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or other provisions of the Code or administrative rules are not payable from the fund.

Sec. 2041. Section 915.83, subsection 4, Code 2023, is amended to read as follows:

4. Request from the department of human services, the department of workforce development ~~and its, the division of workers' compensation of the department of inspections, appeals, and licensing,~~ the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

Sec. 2042. 2020 Iowa Acts, chapter 1064, section 16, subsection 4, is amended to read as follows:

4. *Priority.* In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the ~~investigations division of the department of inspections, and appeals, and licensing relating to investigations by the department,~~ next priority shall be given to claims that will be deposited into the state general fund, and last priority shall be given to claims filed by other public agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the department.

Sec. 2043. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

a. Section 92.1 to section 92.1A.

b. Section 92.1B to section 92.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2044. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this division of this Act amending 2020 Iowa Acts, chapter 1064.

DIVISION IV DEPARTMENT OF JUSTICE

Sec. 2045. Section 6B.18, subsection 3, Code 2023, is amended to read as follows:

3. In case of condemnation proceedings instituted by the state department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general, ~~or the department general counsel to the state department of transportation,~~ or the chief highway engineer for the department.

Sec. 2046. Section 8A.412, subsection 11, Code 2023, is amended to read as follows:

11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. ~~However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, and administrative law judges appointed or employed by the public employment relations board are subject to the merit system.~~

Sec. 2047. Section 13.2, subsection 1, paragraphs b and o, Code 2023, are amended to read as follows:

b. Prosecute and defend in any other court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in the attorney general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly. The attorney general may prosecute a criminal proceeding on behalf of the state even if a county attorney does not request the attorney general to act as a county attorney in a proceeding under section 331.754, subsection 7.

o. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing ~~the amount of annual money receipts generated by each settlement or judgment in excess of two hundred fifty thousand dollars collected pursuant to legal proceedings under chapters 455B, 553, and 714 all money settlement awards and court money awards that were awarded to the state of Iowa.~~ The report shall ~~include the name of the civil or criminal case involved, the~~ specify the parties to each settlement or court proceeding, any court of jurisdiction, the settlement amount, the state's share of the settlement amount, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

Sec. 2048. Section 13.4, Code 2023, is amended to read as follows:

13.4 Assistant and deputy attorneys general.

The attorney general may appoint a ~~first assistant chief deputy~~ attorney general and such other ~~deputy and~~ assistant attorneys general as may be authorized by law, who shall devote their entire time to the duties of their positions. The ~~deputy and~~ assistant attorneys general shall, subject to the direction of the attorney general, have the same power and authority as the attorney general.

Sec. 2049. Section 13.6, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

13.6 Agency reimbursement for legal services.

The attorney general may charge departments, agencies, and other state governmental entities for the cost of performing legal services for the department, agency, or governmental entity. Upon request of the attorney general, a department or agency shall provide and equip a suitable office for an assistant attorney general or other staff providing legal services exclusively for that department or agency.

Sec. 2050. Section 13.7, subsection 1, Code 2023, is amended to read as follows:

~~1. Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head of an executive department of state government, or to a state board or commission. A department, agency, or other state governmental entity shall not contract for legal services to be provided by a private attorney unless authorized by the executive council under this section or section 13.3. However, the~~ The executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. ~~This subsection does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development, or the general counsel for the property assessment appeal board.~~

Sec. 2051. Section 13.9, Code 2023, is amended to read as follows:

13.9 Salary.

The salary of the attorney general shall be as fixed by the general assembly, and the salaries of the ~~first assistant chief deputy~~ attorney general and other ~~deputy and~~ assistant attorneys general shall be such as may be fixed by law.

Sec. 2052. Section 13.11, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

13.11 Exclusive criminal jurisdiction over election crimes.

Notwithstanding any provision of law to the contrary, the attorney general shall have exclusive jurisdiction to prosecute all criminal proceedings under chapter 39A.

Sec. 2053. Section 20.4, subsection 9, Code 2023, is amended to read as follows:

9. Persons employed by the state department of justice, ~~except nonsupervisory employees of the consumer advocate division who are employed primarily for the purpose of performing technical analysis of nonlegal issues.~~

Sec. 2054. Section 25.1, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state appeal board shall make a record of the receipt of claims received from the director of the department of management, notify the ~~special assistant~~ attorney general for ~~claims~~, and deliver a copy to the state official or agency against whom the claim is made, if any.

Sec. 2055. Section 25.1, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The official or agency shall report its recommendations concerning the claim to the ~~special assistant~~ attorney general for ~~claims~~ who, with a view to determining the merits and legality of the claim, shall investigate the claim and report the findings and conclusions of the investigation to the state appeal board.

Sec. 2056. Section 25.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state appeal board with the recommendation of the ~~special assistant~~ attorney general for ~~claims~~ may approve or reject claims against the state of less than five years involving the following:

Sec. 2057. Section 25.3, Code 2023, is amended to read as follows:

25.3 Filing with general assembly — testimony.

On the second day after the convening of each regular session of the general assembly, the state appeal board shall file with the clerk of the house of representatives and the secretary of the senate a list of all claims rejected by the state appeal board together with a copy of the report made to it by the ~~special assistant~~ attorney general for ~~claims~~ and its recommendation thereon for each claim, which report and recommendation shall be delivered to the claims committee of the house and senate. Any testimony taken by the ~~special assistant~~ attorney general for ~~claims~~ shall be preserved by the state appeal board and made available to the claims committee of the general assembly.

Sec. 2058. Section 25.4, Code 2023, is amended to read as follows:

25.4 Assistant attorney Attorney general — salary.

The attorney general shall ~~appoint a special assistant attorney general for claims who shall, under the direction of the attorney general,~~ investigate and report on all claims between the state and other parties, which may be referred to the state appeal board, and on any other claims or matters which the state appeal board ~~or the attorney general~~ may direct.

Sec. 2059. Section 25.5, Code 2023, is amended to read as follows:

25.5 Testimony — filing with board.

The ~~special assistant~~ attorney general for ~~claims~~ shall fully investigate each claim and the facts upon which same is based and may take testimony in the form of affidavits or otherwise, and in connection therewith shall ex officio be empowered to administer oaths, to compel the attendance of witnesses and certify to any district court for contempt. All testimony, affidavits, and other papers in connection with a claim, obtained by the ~~special assistant~~ attorney general for ~~claims~~ in making an investigation shall be filed with the report to the state appeal board.

Sec. 2060. Section 25.6, Code 2023, is amended to read as follows:

25.6 Claims by state against municipalities.

The state appeal board may investigate and collect claims which the state has against municipal or political corporations in the state including counties, cities, townships, and school corporations. The board shall refer any such claim to the ~~special assistant attorney general for claims~~, when the claim has not been promptly paid, and if the ~~special assistant attorney general for claims~~ is not able to collect the full amount of the claim, the ~~special assistant attorney general~~ shall fully investigate and report to the state appeal board findings of fact and conclusions of law, together with any recommendation as to the claim. Thereafter the state appeal board may effect a compromise settlement with the debtor in an amount and under terms as the board deems just and equitable in view of the findings and conclusions reported to it. If the state appeal board is unable to collect a claim in full or effect what it has determined to be a fair compromise, it shall deliver the claim to the attorney general for action as the attorney general shall determine ~~and the special assistant attorney general for claims is specifically charged with carrying out the directions of the attorney general with reference to the claim~~. When a claim is compromised by the state appeal board, the board shall file with the department of management and the department of administrative services a statement as to the settlement, together with a true copy of the agreement of settlement, and if in settlement an amount less than the face amount is accepted in full, the proper entries shall be made in the books of the department of management, the department of administrative services, and the auditor of state showing the amount of the claim, the amount of the settlement, and the amount charged off.

Sec. 2061. Section 39A.6, subsection 4, Code 2023, is amended to read as follows:

4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general ~~and relevant county attorney~~ if the apparent violation constitutes or may constitute election misconduct under this chapter.

Sec. 2062. Section 39A.7, Code 2023, is amended to read as follows:

39A.7 Election misconduct — investigation.

1. The attorney general ~~or county attorney~~ shall investigate allegations of election misconduct reported to the attorney general ~~or county attorney~~. Election misconduct by an election official shall also be investigated for prosecution under chapter 721.

2. Upon the completion of an investigation required by this section, the attorney general ~~or county attorney~~ shall submit the results of the investigation to the state commissioner and explain whether the attorney general ~~or county attorney~~ will pursue charges.

Sec. 2063. Section 48A.41, subsection 2, Code 2023, is amended to read as follows:

2. If in the course of an audit under this section the state registrar of voters finds that a commissioner of registration has failed to perform required voter list maintenance, the state registrar of voters shall submit the audit to the ~~relevant county attorney and~~ attorney general within twenty-four hours for investigation of a violation of section 39A.3, subsection 1, paragraph “b”, subparagraph (9), or other provision of law.

Sec. 2064. Section 80.1, Code 2023, is amended to read as follows:

80.1 Department created.

There is hereby created a department of the state government which shall be known and designated as the department of public safety, which shall consist of a commissioner of public safety and of such officers and employees as may be required, ~~one of whom shall be an attorney admitted to practice law in this state. Such attorney shall be an assistant attorney general appointed by the attorney general who shall fix the assistant’s salary. The department shall reimburse the attorney general for the salary and expense of such assistant attorney general and furnish the assistant a suitable office if requested by the attorney general.~~

Sec. 2065. Section 307.23, Code 2023, is amended to read as follows:

307.23 General Legal counsel.

1. ~~The general counsel shall be a special assistant attorney general appointed by the attorney general who shall act as the attorney for the department. The general counsel shall have the following duties and responsibilities~~ It shall be the duty of the attorney general to do all of the following:

- a. Act as legal advisor to the department, commission, and the director.
- b. Provide all legal services for the department.

2. The attorney general shall appoint ~~additional~~ assistant attorneys general as ~~the director~~ deems necessary to carry out ~~the these~~ duties assigned to the office of the general counsel. ~~The salary of the general counsel shall be fixed by the director, subject to the approval of the attorney general. The director shall provide and furnish a suitable office for the general counsel upon request of the attorney general.~~

Sec. 2066. Section 327C.30, Code 2023, is amended to read as follows:

327C.30 Duty of department, ~~general counsel attorney general~~, and county attorney.

When any proceeding has been instituted under sections 327C.28 and 327C.29, the ~~department attorney general counsel~~ shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the ~~department attorney general counsel~~ may require.

Sec. 2067. Section 331.756, subsection 49, Code 2023, is amended to read as follows:

49. Assist, upon request, the ~~department of transportation's~~ attorney general counsel in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

Sec. 2068. Section 475A.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *Appointment.* The attorney general shall appoint ~~a competent attorney to the office of consumer advocate, who shall serve at the pleasure of the attorney general,~~ subject to confirmation by the senate, no less frequently than once every four years, in accordance with section 2.32. The consumer advocate is the chief administrator of the consumer advocate division of the department of justice. ~~The advocate's term of office is for four years. The term begins and ends in the same manner as set forth in section 69.19.~~

2. *Vacancy.* If a vacancy occurs in the office of consumer advocate, the vacancy shall be filled ~~for the unexpired term~~ in the same manner as an original appointment under the procedures of section 2.32.

Sec. 2069. Section 475A.1, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2070. Section 475A.2, subsections 2 and 5, Code 2023, are amended to read as follows:

2. ~~Act as attorney for and represent~~ Represent the interests of all consumers generally and the public generally in all proceedings before the utilities board.

5. ~~Act as attorney for and represent~~ Represent the interests of all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.

Sec. 2071. Section 475A.3, subsection 2, Code 2023, is amended to read as follows:

2. *Employees.* The ~~consumer advocate~~ attorney general may employ attorneys, legal assistants, secretaries, clerks, and other employees ~~the consumer advocate finds~~ necessary for the full and efficient discharge of the duties and responsibilities of the ~~office consumer advocate division~~. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract as the consumer advocate finds necessary for the full and efficient discharge of the duties of the office. ~~Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment, except as provided in section 8A.412.~~

Sec. 2072. REPEAL. Section 13.5, Code 2023, is repealed.

Sec. 2073. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
ECONOMIC DEVELOPMENT AUTHORITY

CULTURAL AFFAIRS

Sec. 2074. Section 7E.5, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. The economic development authority, created in section 15.105, which has responsibility for ensuring that the economic development policies of the state are effectively and efficiently carried out, and for managing the state's interest in the areas of the arts, history, and other cultural matters.

Sec. 2075. Section 7E.5, subsection 1, paragraph l, Code 2023, is amended by striking the paragraph.

Sec. 2076. Section 8A.412, subsection 14, Code 2023, is amended by striking the subsection.

Sec. 2077. Section 15.108, subsection 5, paragraph c, Code 2023, is amended to read as follows:

c. Coordinate and develop with the department of transportation, the department of natural resources, ~~the department of cultural affairs,~~ the enhance Iowa board, other state agencies, and local and regional entities public interpretation, marketing, and education programs that encourage Iowans and out-of-state visitors to participate in the recreational and leisure opportunities available in Iowa. The authority shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

Sec. 2078. Section 15.108, subsection 5, paragraph l, Code 2023, is amended by striking the paragraph.

Sec. 2079. Section 15.108, subsection 9, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

9. *Cultural affairs.* To develop the state's interest in the areas of the arts, history, and other cultural matters. To carry out this responsibility, the authority shall:

a. Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the federal government, for the authority.

b. Administer the Iowa cultural trust, as advised and assisted by the Iowa arts council, as provided in chapter 303A, and do all of the following:

(1) Develop and adopt by rule criteria for the issuance of trust fund credits by measuring the efforts of qualified organizations to increase their endowment or other resources for the promotion of the arts, history, or the sciences and humanities in Iowa. For purposes of this paragraph, "*qualified organization*" means a tax-exempt, nonprofit organization whose primary mission is to promote the arts, history, or the sciences and humanities in Iowa. If the authority determines that a qualified organization has increased the amount of the qualified organization's endowment and other resources, the authority shall certify the amount of increase in the form of trust fund credits to the treasurer, who shall deposit in the Iowa cultural trust fund, from moneys received for purposes of the trust fund as provided in section 303A.4, subsection 2, an amount equal to the trust fund credits. If the amount of the trust fund credits issued by the authority exceeds the amount of moneys available to be deposited in the trust fund as provided in section 303A.4, subsection 2, the outstanding trust fund credits shall not expire but shall be available to draw down additional moneys which become available to be deposited in the trust fund as provided in section 303A.4, subsection 2.

(2) Develop and implement, in accordance with subchapter II, part 30, a grant application process for grants issued to qualified organizations.

(3) Develop and adopt by rule criteria for the approval of Iowa cultural trust grants. The criteria shall include but shall not be limited to the future stability and sustainability of a qualified organization.

(4) Compile, in consultation with the Iowa arts council, a list of grant applications recommended for funding in accordance with the amount available for distribution as provided in section 303A.6, subsection 3. The list of recommended grant applications shall be submitted to the Iowa cultural trust board of trustees for approval.

(5) Monitor the allocation and use of grant moneys by all qualified organizations to determine whether moneys are used in accordance with the provisions of this paragraph "b" and subchapter II, part 30. The authority shall annually submit a report with the authority's findings and recommendations to the Iowa cultural trust board of trustees prior to final board action in approving grants for the next succeeding fiscal year.

c. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The authority is designated as the state agency for carrying out the plan.

d. By rule, establish advisory groups as necessary for the receipt of federal funds or grants or the administration of any of the authority's programs.

e. Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

f. Conduct surveys of existing art and cultural programs and activities within the state, including but not limited to music, theater, dance, painting, sculpture, architecture, and allied arts and crafts. The authority shall submit a report on the survey to the governor and to the general assembly no later than ten calendar days after the commencement of each first session of the general assembly recommending appropriate legislation or other action as the authority deem appropriate.

g. Establish and administer a film office. The purpose of the film office is to assist legitimate film, television, and video producers in the production of film, television, and video projects in the state, and to increase the fiscal impact on the state's economy of film, television, and video projects produced in the state.

Sec. 2080. Section 15.108, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *Miscellaneous.* To provide other necessary services, the authority shall do all of the following:

a. Collect and assemble, or cause to have collected and assembled, all pertinent information available regarding the industrial, agricultural, and public and private recreation and tourism opportunities and possibilities of the state of Iowa, including raw materials and products that may be produced from the raw materials; power and water resources; transportation facilities; available markets; the banking and financing facilities; the availability of industrial sites; the advantages of the state as a whole, and particular sections of the state, as industrial locations; the development of a grain alcohol motor fuel industry and its related products; and other fields of research and study as the board deems necessary. This information shall consider the encouragement of new industrial enterprises in the state and the expansion of industries now existing within the state, and allied fields to those industries. The information shall also consider the changing composition of the Iowa family, the level of poverty among different age groups, and different family structures in Iowa society and their impact on Iowa families.

b. Apply for, receive, contract for, and expend federal funds and grants, and funds and grants from other sources.

c. Except as otherwise provided in sections 8A.110, 260C.14, and 262.9, provide that an inventor whose research is funded in whole or in part by the state shall assign to the state a proportionate part of the inventor's rights to a letter patent resulting from that research. The state's portion of the royalties or earnings derived from a letter patent shall be paid to the treasurer of state and credited by the treasurer to the general fund of the state. The authority, in conjunction with other state agencies including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state to encourage the inventors to have the invented products produced in the state. The incentives

may include the state receiving a smaller portion of the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of law.

d. Administer or oversee federal rural economic development programs in the state.

e. At the director's discretion, accept payment by credit card of any fees, interest, penalties, subscriptions, registrations, purchases, or other payments, or any portion of such payments, which are due or collected by the authority. The authority may adjust the amount of the payment to reflect the costs of processing the payment as determined by the treasurer of state. Payment by credit card shall include, in addition to all other charges, any discount charged by the credit card issuer.

f. Provide technical assistance to individuals who are pursuing the purchase and operation of employee-owned businesses.

g. Administer the Iowa energy center established in section 15.120. This paragraph "g" is repealed July 1, 2027.

h. Administer the partner state program created in section 15.421.

Sec. 2081. Section 15.274, Code 2023, is amended to read as follows:

15.274 Promotional program for national historic landmarks and cultural and entertainment districts.

The economic development authority, in cooperation with the state department of transportation and the department of cultural affairs, shall establish and administer a program designed to promote knowledge of and access to buildings, sites, districts, structures, and objects located in this state that have been designated by the secretary of the interior of the United States as a national historic landmark, unless the national historic landmark is protected under section 22.7, subsection 20, and certified cultural and entertainment districts, as established pursuant to section 303.3B. The program shall be designed to maximize the visibility and visitation of national historic landmarks in this state and buildings, sites, structures, and objects located in certified cultural and entertainment districts, as established pursuant to section 303.3B. Methods used to maximize the visibility and visitation of such locations may include the use of tourism literature, signage on highways, maps of the state and cities, and internet sites. For purposes of this section, "highway" means the same as defined in section 325A.1.

Sec. 2082. Section 99F.11, subsection 4, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) Five hundred twenty thousand dollars is appropriated each fiscal year to the ~~department of cultural affairs~~ economic development authority with one-half of the moneys allocated for operational support grants and the remaining one-half allocated for the community cultural grants program established under section 303.3.

Sec. 2083. Section 103A.45, subsection 4, Code 2023, is amended to read as follows:

4. Consult with state agencies, including the ~~state fire marshal~~ department of inspections, appeals, and licensing and the ~~department of cultural affairs~~ economic development authority, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 2084. Section 303.3, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~department~~ authority shall establish a grant program for cities and nonprofit, tax-exempt community organizations for the development of community programs that provide local jobs for Iowa residents and also promote Iowa's historic, ethnic, and cultural heritages through the development of festivals, music, drama, cultural programs, or tourist attractions. A city or nonprofit, tax-exempt community organization may submit an application to the ~~department~~ authority for review. The ~~department~~ authority shall establish criteria for the review and approval of grant applications. The amount of a grant shall not exceed fifty percent of the cost of the community program. Each application shall include information demonstrating that the city or nonprofit, tax-exempt community organization will provide matching funds of fifty percent of the cost of the program. The matching funds

requirement may be met by substituting in-kind services, based on the value of the services, for actual dollars.

2. The ~~department~~ authority shall establish a grant program which provides general operating budget support to major, ~~multidisciplined~~ multidisciplinary cultural organizations which ~~that~~ demonstrate cultural and managerial excellence on a continuing basis to the citizens of Iowa. Applicant organizations must be incorporated under chapter 504, be exempt from federal taxation, and not be attached or affiliated with an educational institution. Eligible organizations shall be operated on a year-round basis and employ at least one full-time, paid professional staff member. The ~~department~~ authority shall establish criteria for review and approval of grant applications. Criteria established shall include, but are not limited to, a matching funds requirement. The matching funds requirement shall permit an applicant to meet the matching requirement by demonstrating that the applicant's budget contains funds, other than state and federal funds, in excess of the grant award.

Sec. 2085. Section 303.3A, subsection 1, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 2086. Section 303.3A, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The ~~department~~ authority shall administer regional conferences and a statewide caucus on arts and cultural enhancement. The purpose of the conferences and caucus is to encourage the development of the arts and culture in the state ~~by~~ in all of the following ways:

a. By identifying opportunities for programs involving education, outreach, and enhancement; ~~by.~~

b. By reviewing possible changes in enhancement program policies, programs, and funding; ~~and by.~~

c. By making recommendations to the ~~department~~ authority regarding funding allocations and priorities for arts and cultural enhancement.

3. a. Every four years beginning in June 2001 ~~2025~~, the ~~department~~ authority shall convene a statewide caucus on arts and cultural enhancement.

~~a.~~ b. Prior to the statewide caucus, the ~~department~~ authority shall make arrangements to hold a conference in each of several regions of the state as determined by the Iowa arts council. The ~~department~~ authority shall promote attendance of interested persons at each conference. A designee of the ~~department~~ authority shall serve as temporary chairperson until persons attending the conference elect a chairperson. The ~~department~~ authority shall provide persons attending the conference with current information regarding cultural programs and expenditures. Persons attending the conference shall identify opportunities for programs in the areas of education, outreach, and enhancement, and make recommendations in the form of a resolution. The persons attending the conference shall elect six persons from among the attendees to serve as regional, voting delegates to the statewide caucus. The conference attendees shall elect a chairperson from among the six representatives. Other interested persons are encouraged to attend the statewide caucus as nonvoting attendees.

~~b.~~ c. The ~~department~~ authority shall charge a reasonable fee for attendance at the statewide caucus on arts and cultural enhancement.

~~c.~~ d. A designee of the ~~department~~ authority shall call the statewide caucus to order and serve as temporary chairperson until persons attending the caucus elect a chairperson. Persons attending the caucus shall discuss the recommendations of the regional conferences and decide upon recommendations to be made to the ~~department~~ authority and the general assembly. Elected chairpersons of the regional conferences shall meet with representatives of the ~~department~~ authority and present the recommendations of the caucus.

Sec. 2087. Section 303.3B, Code 2023, is amended to read as follows:

303.3B Cultural and entertainment districts.

1. The ~~department of cultural affairs~~ authority shall establish and administer a cultural and entertainment district certification program. The program shall encourage the growth of communities through the development of areas within a city or county for public and private uses related to cultural and entertainment purposes.

2. A city or county may create and designate a cultural and entertainment district subject to certification by the ~~department of cultural affairs, in consultation with the economic development~~ authority. A cultural and entertainment district is encouraged to include a unique form of transportation within the district and for transportation between the district and recreational trails. A cultural and entertainment district certification shall remain in effect for ten years following the date of certification. Two or more cities or counties may apply jointly for certification of a district that extends across a common boundary. Through the adoption of ~~administrative~~ rules, the ~~department of cultural affairs~~ authority shall develop a certification application for use in the certification process. The provisions of this subsection relating to the adoption of ~~administrative~~ rules shall be construed narrowly.

3. The ~~department of cultural affairs~~ authority shall encourage development projects and activities located in certified cultural and entertainment districts through incentives under cultural grant programs pursuant to section 303.3,³¹ ~~chapter 303A~~ part 30, and any other applicable grant programs.

Sec. 2088. Section 303.3C, subsection 1, paragraphs a, d, and f, Code 2023, are amended to read as follows:

a. The ~~department of cultural affairs~~ authority shall establish and administer an Iowa great places program for purposes of combining resources of state government in an effort to showcase the unique and authentic qualities of communities, regions, neighborhoods, and districts that make such places exceptional places to work and live. The ~~department of cultural affairs~~ authority shall provide administrative assistance to the Iowa great places board. The ~~department of cultural affairs~~ authority shall coordinate the efforts of the Iowa great places board with the efforts of state agencies participating in the program which shall include, but not be limited to, ~~the economic development authority~~, the Iowa finance authority, the department of human rights, the department of natural resources, the state department of transportation, and the department of workforce development.

d. The ~~department of cultural affairs~~ authority shall work in cooperation with the ~~vision Iowa and community attraction and tourism programs~~ enhance Iowa board for purposes of maximizing and leveraging moneys appropriated to identified Iowa great places.

f. The ~~department of cultural affairs~~ authority shall account for any funds appropriated from the endowment for Iowa's health restricted capitals fund for an identified Iowa great place.

Sec. 2089. Section 303.3C, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The Iowa great places board is established consisting of twelve members. The board shall be located for administrative purposes within the ~~department of cultural affairs~~ authority and the director shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget moneys to pay the compensation and expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 2090. Section 303.3D, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An Iowa great places program fund is created under the authority of ~~the department of cultural affairs~~. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the Iowa great places program fund shall be credited to the Iowa great places program fund.

3. In awarding moneys the ~~department of cultural affairs~~ authority shall give consideration to the particular needs of each identified Iowa great place.

Sec. 2091. Section 303.3E, Code 2023, is amended to read as follows:

303.3E Culture, history, and arts teams program.

³¹ See chapter 119, §27 herein

1. The ~~department of cultural affairs~~ authority shall establish and administer a statewide program facilitating the promotion of culture, history, and arts in Iowa. The program's purpose shall be to encourage cooperation and collaboration among the various state and local organizations working in these areas to improve Iowa's quality of life.

2. The ~~department~~ authority shall implement the program by working with the local organizations to establish local committees. Each committee shall:

a. Include representatives from local organizations dedicated to promoting culture, history, and arts.

b. Gather and disseminate information on the cultural, historical, and arts opportunities in the regions.

c. Enhance communication among the local organizations.

d. Assist the staff members of local organizations in obtaining technical and professional training.

3. The ~~department~~ authority shall assist local organizations in the delivery of technical services, professional training, and programming opportunities by working with these committees.

Sec. 2092. Section 303.20, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter of this chapter part~~, unless the context otherwise requires:

Sec. 2093. Section 303.20, subsections 2 and 3, Code 2023, are amended to read as follows:

2. "*Commission*" is the five-person body, elected by the registered voters in the historical preservation district from persons living in the district for the purpose of administering this ~~subchapter of this chapter part~~.

3. "*District*" means a historical preservation district established under this ~~subchapter of this chapter part~~.

Sec. 2094. Section 303.20, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 2095. Section 303.21, Code 2023, is amended to read as follows:

303.21 Petition.

1. The eligible voters in an area of asserted historical significance may petition the ~~department~~ authority for a referendum for the establishment of a district.

2. The petition must be signed by not less than ten percent of the eligible voters of in the area of asserted historical significance and shall contain both a description of the property suggested for inclusion in the district and the reasons justifying the creation of the district.

Sec. 2096. Section 303.22, Code 2023, is amended to read as follows:

303.22 Action by ~~department~~ the authority.

1. The ~~department~~ authority shall hold a hearing not less than thirty days ~~or~~ and not more than sixty days after the petition is received. The ~~department~~ authority shall publish notice of the hearing, at a reasonable time before the hearing is to take place, and shall post notice of the hearing in a reasonable number of places within the suggested district. The cost of notification shall be paid by the persons who petition for the establishment of a district.

2. At the hearing the ~~department~~ authority shall hear interested persons, accept written presentations, and shall determine whether the suggested district is an area of historical significance which may properly be established as a historical preservation district pursuant to ~~the provisions of this subchapter of this chapter part~~. The ~~department~~ authority may determine the boundaries which shall be established for the district. The ~~department~~ authority shall not include property which is not included in the suggested district unless the owner of the property is given an opportunity to be heard.

3. ~~The department, if it~~ If the authority determines that the suggested district meets the criteria for establishment as a historical preservation district, the authority shall indicate the owners of the property and residents included and shall forward a list of owners and residents to the county commissioner of elections.

4. If the department authority determines that the suggested district does not meet the criteria for establishment as a historical preservation district, ~~it~~ the authority shall so notify the petitioners.

Sec. 2097. Section 303.23, Code 2023, is amended to read as follows:

303.23 Referendum.

Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the ~~department~~ authority shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The ~~department~~ authority, after consultation with the county commissioner of elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint ~~from residents of the proposed district~~ three judges and two clerks of election from residents of the proposed district.

Sec. 2098. Section 303.24, Code 2023, is amended to read as follows:

303.24 Notice.

The ~~department~~ authority, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before ~~it~~ the referendum is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours ~~when the polls will be open and close~~.

Sec. 2099. Section 303.26, subsection 3, Code 2023, is amended to read as follows:

3. Of the initial commission, the person receiving the highest number of votes shall receive serve a five-year term of office, the next highest shall serve a four-year term, the next highest shall serve a three-year term, the next highest shall serve a two-year term, and the fifth highest shall serve a one-year term. Thereafter, an election shall be held annually in the district to elect a member to a five-year term as each term expires.

Sec. 2100. Section 303.29, Code 2023, is amended to read as follows:

303.29 Use of structures.

No A change in the use of any structure or property within a designated historical district shall ~~not~~ be permitted until ~~after~~ an application for a certificate of appropriateness has been submitted to, and been approved by the commission. For purposes of this section “use” means the legal enjoyment of property that consists in its employment, exercise, or practice.

Sec. 2101. Section 303.32, Code 2023, is amended to read as follows:

303.32 Ordinary maintenance and repair.

~~Nothing in this subchapter of this chapter~~ This part shall not be construed to prevent the ordinary maintenance or repair of any exterior feature in a district which does not involve a change in design, material or outer appearance, nor ~~to~~ prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which is required ~~by~~ for public safety because of reasons due to an unsafe or dangerous condition.

Sec. 2102. Section 303.34, subsections 1 and 4, Code 2023, are amended to read as follows:

1. An area of historical significance shall be proposed by the governing body of the city on ~~its~~ the governing body's own motion or upon ~~the~~ receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the ~~historical division which~~ state historic preservation officer who shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the ~~division~~ state historic preservation officer shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

4. An area shall be designated an area of historical significance upon enactment of an ordinance ~~of~~ by the city. ~~Before~~ Prior to enactment of the ordinance or enactment of an

amendment to the ordinance is enacted, the governing body of the city shall submit the ordinance or amendment to the ~~historical division~~ state historic preservation officer for its review and recommendations.

Sec. 2103. Section 303.87, Code 2023, is amended to read as follows:

303.87 Duties of Iowa arts council.

The Iowa arts council shall:

- ~~1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.~~
- ~~2. Review review programs to be supported and make recommendations on the programs to the director.~~

Sec. 2104. Section 303.88, Code 2023, is amended to read as follows:

303.88 Administrator's Authority's powers and authority.

The arts division administrator may authority shall:

- ~~1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.~~
- ~~2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.~~
- ~~3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of this subchapter part, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.~~
- ~~4. Accept gifts, contributions, endowments, bequests, or other moneys available for all or any of the purposes of the division this part. Interest earned on the gifts, contributions, endowments, bequests, or other moneys accepted under this subsection part shall be credited to the fund or funds to which the gifts, contributions, endowments, bequests, or other moneys have been deposited, and is available for all or any of the purposes of the division authority under this part.~~

Sec. 2105. Section 303A.1, Code 2023, is amended to read as follows:

303A.1 Short title.

This ~~chapter~~ part shall be known and may be cited as the "Iowa Cultural Trust Act".

Sec. 2106. Section 303A.3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For purposes of this ~~chapter~~ part, unless the context otherwise requires:

Sec. 2107. Section 303A.3, subsections 2 and 3, Code 2023, are amended by striking the subsections.

Sec. 2108. Section 303A.4, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. The Iowa cultural trust is created as a public body corporate organized for the purposes, with the powers, and subject to the restrictions, set forth in this ~~chapter~~ part.

2. An Iowa cultural trust fund is created in the office of the treasurer of state for the purpose of receiving moneys appropriated by the general assembly and any other moneys available to the trust fund due to the issuance of trust fund credits by the director as provided in section ~~303.1A 15.108~~, subsection ~~1 9~~, paragraph "~~f~~" "b", subparagraph (1).

4. ~~a.~~ The treasurer of state shall act as custodian of the fund, shall invest moneys in the trust fund, and shall transfer the interest attributable to the investment of trust fund moneys to the grant account created in section 303A.7. The trust fund's principal shall not be used or accessed by the department or the board for any purpose.

~~b.~~ Notwithstanding paragraph "~~a~~", for each of the following fiscal years, the treasurer of state shall transfer the following amounts from the principal of the trust fund to the grant account created in section 303A.7:

(1) For the fiscal year beginning July 1, 2013, and ending June 30, 2014, fifty thousand dollars.

(2) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty thousand dollars.

Sec. 2109. Section 303A.5, subsections 1 and 6, Code 2023, are amended to read as follows:

1. A board of trustees of the Iowa cultural trust is created. The general responsibility for the proper operation of the trust is vested in the board of trustees, which shall consist of thirteen members as follows:

a. Nine public members, five of whom shall be appointed by the governor, subject to confirmation by the senate. The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives shall each appoint one public member. A public member of the board appointed in accordance with this section shall not also serve concurrently as a member of the state historical society board of trustees or the Iowa state arts council.

b. Four ex officio, nonvoting members, consisting of the treasurer of state or the treasurer's designee, the director of the ~~department of cultural affairs~~ authority or the director's designee, the chairperson of the state historical society board of trustees elected pursuant to section 303.6, and the chairperson of the Iowa arts council designated pursuant to section 303.86.

6. The board shall be located for administrative purposes within the ~~department~~ authority. The ~~department~~ authority, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the income derived from the Iowa cultural trust fund and to perform specific powers and duties as provided in section 303A.6. The director shall budget funds to pay the expenses of the board and administer this ~~chapter~~ part.

Sec. 2110. Section 303A.6, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Enter into agreements with any qualified organization, the state, or any federal or other state agency, or other entity as required to administer this ~~chapter~~ part.

2. Approve or disapprove the grants recommended for approval by the director, in consultation with the Iowa arts council and the state historical society of Iowa, in accordance with section ~~303.1A~~ 15.108, subsection 1 9, paragraph "~~f~~", subparagraph ~~(3)~~ "b". The board may ~~delete~~ remove any recommendation from the list, but shall not add to or otherwise amend the list of recommended grants.

Sec. 2111. Section 306D.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, ~~department of the economic development authority, and department of cultural affairs~~, private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements:

Sec. 2112. Section 321.252, subsection 3, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The tourist signing committee shall be made up of the directors or ~~their~~ the directors' designees of the departments of agriculture and land stewardship, natural resources, ~~cultural affairs~~, and transportation, the director or the director's designee of the economic development authority, the chairperson or the chairperson's designee of the Iowa travel council, and a member of the outdoor advertising association of Iowa. The director or the director's designee of the economic development authority shall be the chairperson of the committee.

Sec. 2113. Section 404A.1, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 2114. Section 404A.1, subsection 8, paragraph b, Code 2023, is amended to read as follows:

b. The property meets the physical criteria and standards for rehabilitation established by the ~~department~~ authority by rule. To the extent applicable, the physical standards and criteria shall be consistent with the United States secretary of the interior's standards for rehabilitation.

Sec. 2115. Section 404A.3, subsection 1, paragraphs c and e, Code 2023, are amended to read as follows:

c. The application shall include any information deemed necessary by the authority, ~~in consultation with the department,~~ to evaluate the eligibility under the program of the applicant and the rehabilitation project, the amount of projected qualified rehabilitation expenditures of a rehabilitation project, and the amount and source of all funding for a rehabilitation project. An applicant shall have the burden of proof to demonstrate to the authority that the applicant is an eligible taxpayer and the project is a qualified rehabilitation project under the program.

e. (1) The authority may charge application and other fees to eligible taxpayers who apply to participate in the program. The amount of such fees shall be determined based on the costs ~~of the authority and the department associated with~~ of administering the program.

(2) Fees collected by the authority pursuant to this paragraph shall be deposited with the authority notwithstanding section 303.9, subsection 1.

~~(3) A portion of the fees collected shall be directed by the authority to the department.~~

Sec. 2116. Section 404A.3, subsection 3, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The rehabilitation work to be performed. An eligible taxpayer shall perform the rehabilitation work consistent with the United States secretary of the interior's standards for rehabilitation, as determined by the ~~department~~ authority.

Sec. 2117. Section 404A.3, subsection 4, paragraph c, subparagraph (3), subparagraph division (b), Code 2023, is amended to read as follows:

(b) "*Prohibited activity*" means a breach or default under the agreement with the ~~department~~ authority, the violation of any warranty provided by the eligible taxpayer to the ~~department~~ authority or the department of revenue, the claiming of a tax credit issued under this chapter for expenditures that are not qualified rehabilitation expenditures, the violation of any requirements of this chapter or rules adopted pursuant to this chapter, misrepresentation, fraud, or any other unlawful act or omission.

Sec. 2118. Section 404A.4, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The amount of a tax credit that was available for approval by the state historical preservation office of the ~~department of cultural affairs~~ of cultural affairs under section 404A.4, Code 2014, in a fiscal year beginning on or after July 1, 2010, but before July 1, 2014, that was required to be allocated to new projects with final qualified rehabilitation costs of five hundred thousand dollars or less, or seven hundred fifty thousand dollars or less, as the case may be, and that was not finally approved by the state historical preservation office, may be awarded under section 404A.3 during the fiscal years beginning on or after July 1, 2014, but before July 1, 2016.

Sec. 2119. Section 404A.6, Code 2023, is amended to read as follows:

404A.6 Rules.

The ~~authority, department,~~ and the department of revenue shall each adopt rules as necessary for the administration of this chapter.

Sec. 2120. Section 427.16, subsection 15, Code 2023, is amended to read as follows:

15. The ~~department of cultural affairs~~ economic development authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2121. Section 465A.2, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Prepare a statewide, long-range plan for the acquisition and protection of significant open space lands throughout the state as identified in section 465A.1. The department of transportation, ~~department of the economic development authority, and department of cultural affairs,~~ private organizations, county conservation boards, city park and recreation departments, and the federal agencies with lands in the state shall be directly involved in preparing the plan. The plan shall include, but is not limited to, the following elements:

Sec. 2122. Section 465B.2, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The state department of transportation may enter into contracts for the preparation of the trails plan. The department shall involve the department of natural resources, and the Iowa department of economic development, and the department of cultural affairs authority in the preparation of the plan. The recommendations and comments of organizations representing different types of trail users and others with interests in this program shall also be incorporated in the preparation of the trails plan and shall be submitted with the plan to the general assembly. ~~The plan shall be submitted to the general assembly no later than January 15, 1988.~~ Existing trail projects involving acquisition or development may receive funding prior to the completion of the trails plan.

Sec. 2123. Section 465B.3, Code 2023, is amended to read as follows:

465B.3 Involvement of other agencies.

The department of natural resources, and the economic development authority, ~~and the department of cultural affairs~~ shall assist the state department of transportation in developing the statewide plan for recreation trails, in acquiring property, and in the development, promotion, and management of recreation trails.

Sec. 2124. REPEAL. Sections 303.1, 303.1A, 303.2, and 303.95, Code 2023, are repealed.

Sec. 2125. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 303.3 to section 15.436.
- b. Section 303.3A to section 15.437.
- c. Section 303.3B to section 15.438.
- d. Section 303.3C to section 15.439.
- e. Section 303.3D to section 15.440.
- f. Section 303.3E to section 15.441.
- g. Section 303.20 to section 15.445.
- h. Section 303.21 to section 15.446.
- i. Section 303.22 to section 15.447.
- j. Section 303.23 to section 15.448.
- k. Section 303.24 to section 15.449.
- l. Section 303.25 to section 15.450.
- m. Section 303.26 to section 15.451.
- n. Section 303.27 to section 15.452.
- o. Section 303.28 to section 15.453.
- p. Section 303.29 to section 15.454.
- q. Section 303.30 to section 15.455.
- r. Section 303.31 to section 15.456.
- s. Section 303.32 to section 15.457.
- t. Section 303.33 to section 15.458.
- u. Section 303.34 to section 15.459.
- v. Section 303.86 to section 15.465.

- w. Section 303.87 to section 15.466.
 - x. Section 303.88 to section 15.467.
 - y. Section 303.89 to section 15.470.
 - z. Section 303A.1 to section 15.476.
 - aa. Section 303A.2 to section 15.477.
 - ab. Section 303A.3 to section 15.478.
 - ac. Section 303A.4 to section 15.479.
 - ad. Section 303A.5 to section 15.480.
 - ae. Section 303A.6 to section 15.481.
 - af. Section 303A.7 to section 15.482.
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.
3. The Code editor shall designate the following new parts in subchapter II of chapter 15:
- a. Sections 15.436 through 15.441 as part 26.
 - b. Sections 15.445 through 15.459 as part 27.
 - c. Sections 15.465 through 15.467 as part 28.
 - d. Section 15.470 as part 29.
 - e. Sections 15.476 through 15.482 as part 30.

STATE HISTORIC PRESERVATION OFFICER

Sec. 2126. NEW SECTION. **15.121 State historic preservation officer.**

1. The director shall appoint and the governor shall certify the state historic preservation officer pursuant to federal requirements. The recommendations and decisions of the state historic preservation officer shall be subject to the review and approval of the director of the economic development authority.
2. The state historic preservation officer shall conduct historic preservation activities pursuant to federal and state requirements, including but not limited to all of the following:
- a. Identifying and documenting historic properties.
 - b. Preparing and maintaining a state register of historic places, including those listed on the national register of historic places.
 - c. Conducting historic preservation activities pursuant to federal and state requirements.
 - d. Publishing matters of historical value to the public, and pursuing historical, architectural, and archaeological research and development which may include but are not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.
3. Pursuant to section 103A.42, the state historic preservation officer, in response to an adequately documented request, shall issue an opinion stating whether a property is either included in or appears to meet criteria for inclusion in the national register of historic places.
4. Pursuant to section 303.16, subsection 6, paragraph "h", the state historic preservation officer must approve a city or county government as a certified local government prior to a grant or loan fund award to the city or county government for a project in the historic preservation category.
5. Pursuant to section 303.18, the state historic preservation officer shall require that a rural electric cooperative or a municipal utility that is constructing an electric distribution and transmission facility for which it is receiving federal funding conduct an archeological site survey.
6. Pursuant to section 427.16, subsections 4 and 12, the state historic preservation officer shall be responsible for approving applications for certified substantial rehabilitation.

Sec. 2127. Section 457A.1, Code 2023, is amended to read as follows:

457A.1 Acquisition by other than condemnation.

The department of natural resources, soil and water conservation districts as provided in chapter 161A, the ~~historical division of the department of cultural affairs~~ state historic preservation officer, the state archaeologist appointed by the state board of regents pursuant to section 263B.1, any county conservation board, and any city or agency of a city may

acquire by purchase, gift, contract, or other voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wetlands, or forests; promote outdoor recreation, agriculture, soil or water conservation, or open space; or otherwise conserve for the benefit of the public the natural beauty, natural and cultural resources, and public recreation facilities of the state.

Sec. 2128. Section 470.5, Code 2023, is amended to read as follows:

470.5 Exceptions.

This chapter does not apply to buildings used on January 1, 1980, by the division of adult corrections of the department of human services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by ~~the historical division of the department of cultural affairs~~ state historic preservation officer.

Sec. 2129. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 303.18 to section 15.122.

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.

IOWA FINANCE AUTHORITY

Sec. 2130. Section 7C.4A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. However, at any time during the calendar year the ~~executive~~ director of the Iowa finance authority may determine that a lesser amount need be allocated to the Iowa finance authority and on that date this lesser amount shall be the amount allocated to the authority and the excess shall be allocated under subsection 7.

Sec. 2131. Section 15.106C, subsection 1, Code 2023, is amended to read as follows:

1. a. The operations of the authority shall be administered by a director who shall be appointed by the governor, subject to confirmation by the senate, and who shall serve ~~for a four-year term beginning and ending as provided in section 69.19 at the pleasure of the governor. An appointment by the governor to fill a vacancy in the office of the director shall be for the balance of the unexpired four-year term.~~

b. The director of the economic development authority under paragraph "a" shall also serve as the director of, and administer the operations of, the Iowa finance authority pursuant to section 16.6.

Sec. 2132. Section 16.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Director" means the director of the economic development authority who also serves as the director of, and administers the operations of, the Iowa finance authority pursuant to section 15.106C, subsection 1, paragraph "b".

Sec. 2133. Section 16.1, subsection 9, Code 2023, is amended by striking the subsection.

Sec. 2134. Section 16.1A, subsection 5, Code 2023, is amended to read as follows:

5. The board may, by resolution, delegate to the agricultural development board, title guaranty division board, ~~executive~~ director, or other authority employee such of its powers, under such terms and conditions, as it deems appropriate.

Sec. 2135. Section 16.2, subsections 6 and 8, Code 2023, are amended to read as follows:

6. Members of the authority and the ~~executive~~ director shall give bond as required for public officers in chapter 64.

8. Members shall elect a chairperson and vice chairperson annually, and other officers as ~~they the members~~ determine, ~~but and~~ the ~~executive~~ director shall serve as secretary to the authority.

Sec. 2136. Section 16.2A, subsections 1, 5, and 7, Code 2023, are amended to read as follows:

1. A title guaranty division is created within the authority. The division may also be referred to as Iowa title guaranty. The powers of the division relating to the issuance of title guaranties are vested in and shall be exercised by a title guaranty division board of five members appointed by the governor subject to confirmation by the senate. The membership of the title guaranty division board shall include an attorney, an abstractor, a real estate broker, a representative of a lending institution that engages in mortgage lending, and a representative of the housing development industry. The ~~executive~~ director of the authority shall appoint an attorney as director of the title guaranty division, who shall serve as an ex officio member of the title guaranty division board. The appointment of and compensation for the division director are exempt from the merit system provisions of chapter 8A, subchapter IV.

5. Members of the title guaranty division board and the director of the title guaranty division shall give bond as required for public officers in chapter 64.

7. Members shall elect a chair and vice chair annually and other officers as ~~they~~ the members determine. The ~~executive~~ director or the ~~executive~~ director's designee shall serve as secretary to the title guaranty division board.

Sec. 2137. Section 16.2B, subsection 2, Code 2023, is amended to read as follows:

2. The agricultural development division shall be administered in accordance with the policies of the agricultural development board created in section 16.2C. The ~~executive~~ director of the authority may organize the agricultural development division and employ necessary qualified personnel to administer subchapter VIII.

Sec. 2138. Section 16.2C, subsection 3, Code 2023, is amended to read as follows:

3. The agricultural development board consists of five members appointed by the governor subject to confirmation by the senate. The ~~executive~~ director of the authority or the ~~executive~~ director's designee shall serve as an ex officio, nonvoting member.

Sec. 2139. Section 16.2C, subsection 5, paragraph c, Code 2023, is amended to read as follows:

c. The appointed members shall elect a chairperson and vice chairperson annually, and other officers as ~~they~~ the members determine. The ~~executive~~ director of the authority or the ~~executive~~ director's designee shall serve as secretary to the board.

Sec. 2140. Section 16.2D, subsection 2, paragraph b, subparagraph (8), Code 2023, is amended to read as follows:

(8) The ~~executive~~ director of the Iowa finance authority or the ~~executive~~ director's designee.

Sec. 2141. Section 16.5, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding any other provision of law, the authority may elect whether to utilize any or all of the goods or services available from other state agencies in the conduct of its affairs. Departments, boards, commissions, or other agencies of the state shall provide reasonable assistance and services to the authority upon the request of the ~~executive~~ director.

Sec. 2142. Section 16.6, Code 2023, is amended to read as follows:

16.6 ~~Executive director~~ Director — responsibilities.

1. ~~The governor, subject to confirmation by the senate, shall appoint an executive director of the authority, who shall serve at the pleasure of the governor. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The director of the economic development authority shall also serve as the director of, and administer the operations of, the authority pursuant to section 15.106C, subsection 1, paragraph "b".~~ The ~~executive~~ director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

2. The executive director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to ~~its~~ the authority's directions. All employees of the authority are exempt from the merit system provisions of chapter 8A, subchapter IV.

3. The executive director, as secretary of the authority, shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority and of its minute book and seal. The executive director shall have authority to cause to be made copies of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies and all persons dealing with the authority may rely upon such certificates.

4. The executive director may establish administrative divisions within the authority in order to most efficiently and effectively carry out the authority's responsibilities, provided that any creation or modification of authority divisions be established only after consultation with the board of the authority.

Sec. 2143. Section 16.13, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. If a member or employee of the authority other than the executive director of the authority has an interest, either direct or indirect, in a contract to which the authority is, or is to be, a party, or in a mortgage lender requesting a loan from, or offering to sell mortgage loans to, the authority, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority. The member or employee having the interest shall not participate in any action of the authority with respect to that contract or mortgage lender.

Sec. 2144. Section 16.13, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Nothing in this section shall be deemed to limit the right of a member, officer, or employee of the authority to acquire an interest in bonds or notes of the authority or to limit the right of a member, officer, or employee other than the executive director to have an interest in a financial institution, including a lending institution, in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party.

4. The executive director shall not have an interest in a financial institution, including a lending institution, in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party. The executive director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any purchase or sale of property, or loan, made by the authority, nor shall the executive director be pecuniarily interested, either as principal, coprincipal, agent, or beneficiary, either directly or indirectly, or through any substantial interest in any other corporation or business unit, in any such purchase, sale, or loan.

Sec. 2145. Section 16.57A, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding section 8.39, and any other law to the contrary, with the prior written consent and approval of the governor, the executive director of the authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 16.5, subsection 1, paragraph "s", for deposit in the disaster recovery housing assistance fund created in section 16.57B. The prior written consent and approval of the director of the department of management shall not be required to transfer the unobligated and unencumbered moneys.

Sec. 2146. Section 16.134, subsection 9, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) The executive director of the authority or the executive director's designee.

Sec. 2147. Section 16.134, subsection 10, paragraph a, Code 2023, is amended to read as follows:

a. A water quality financing review committee is created consisting of the secretary of agriculture or the secretary's designee, the ~~executive~~ director of the authority or the ~~executive~~ director's designee, and the director of the department of natural resources or the director's designee.

Sec. 2148. Section 257C.7, Code 2023, is amended to read as follows:

257C.7 Staff.

The ~~executive~~ director and staff of the Iowa finance authority, pursuant to chapter 16, shall also serve as ~~executive~~ director and staff of the advance funding authority, respectively. The ~~executive~~ director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. 2149. Section 257C.12, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If a member or employee other than the ~~executive~~ director of the authority has an interest, either direct or indirect, in a contract to which the authority is or is to be a party, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of a meeting of the authority. The member having the interest shall not participate in action by the board with respect to that contract.

3. The ~~executive~~ director shall not have an interest in a bank or other financial institution in which the funds of the authority are deposited or which is acting as trustee or paying agent under a trust indenture to which the authority is a party. The ~~executive~~ director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any loan made by the authority, nor shall the ~~executive~~ director be pecuniarily interested, either as principal, co-principal, agent, or beneficiary, either directly or indirectly or through any substantial interest in any other corporation or business unit, in any loan.

Sec. 2150. Section 418.5, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. The ~~executive~~ director of the Iowa finance authority or the ~~executive~~ director's designee.

Sec. 2151. Section 466B.3, subsection 4, paragraph j, Code 2023, is amended to read as follows:

j. The ~~executive~~ director of the Iowa finance authority or the ~~executive~~ director's designee.

DIVISION VI

ECONOMIC DEVELOPMENT AUTHORITY — PARTNER STATE PROGRAM

Sec. 2152. **NEW SECTION. 15.421 Partner state program.**

1. a. A partner state program is created which shall be administered by the authority. The purpose of the partner state program is to establish and maintain relationships between the state and foreign countries, provinces, states, regions, oblasts, municipalities, districts, divisions, counties, prefectures, towns, cities, villages, boroughs, and any other similar political subdivisions to facilitate mutually beneficial exchanges, collaboration, and cooperation with regard to agriculture, culture, education, manufacturing, science and technology, sports and recreation, tourism, and the arts.

b. A partner state relationship must be formalized in a partner state agreement approved by the governor.

c. A partner state agreement may be modified or terminated only with the approval of the governor.

2. a. A partner state program fund is created in the state treasury under the control of the authority and consisting of any moneys appropriated to the fund by the general assembly and any other moneys available and obtained or accepted by the authority for placement in the fund. The fund shall be used to administer the partner state program. The authority shall

use any moneys specifically appropriated for purposes of this section only for the purposes of this section.

b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall accrue to the authority and shall be used for purposes of this section. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

Sec. 2153. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 2154. APPLICABILITY. This division of this Act applies to all of the following:

1. Sister state agreements entered into by the state before the effective date of this division of this Act including agreements with the following:
 - a. China, Hebei Province.
 - b. Italy, Veneto Region.
 - c. Japan, Yamanashi Prefecture.
 - d. Republic of Kosovo.
 - e. Mexico, Yucatan.
 - f. Taiwan.
 - g. Ukraine, Cherkasy Oblast.
2. Partner state agreement entered into by the state on or after the effective date of this division of this Act.

DIVISION VII PUBLIC EMPLOYMENT RELATIONS BOARD

Sec. 2155. Section 7E.6, subsection 5, Code 2023, is amended to read as follows:

5. Any position of membership on the board of parole, ~~the public employment relations board~~, the utilities board, the employment appeal board, and the property assessment appeal board shall be compensated as otherwise provided in law.

Sec. 2156. Section 20.1, subsection 2, paragraph g, Code 2023, is amended by striking the paragraph.

Sec. 2157. Section 20.5, Code 2023, is amended to read as follows:

20.5 Public employment relations board.

1. There is established a board to be known as the "Public Employment Relations Board".

a. The board shall consist of three members appointed by the governor, subject to confirmation by the senate. ~~In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations. No more than two members shall be of the same political affiliation, and no member shall engage in any political activity while holding office and the members shall devote full time to their duties.~~

b. The members shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19.

c. The member first appointed for a term of four years shall serve as chairperson and each of the member's successors shall also serve as chairperson.

d. Any vacancy occurring shall be filled in the same manner as regular appointments are made.

2. The governor shall appoint an executive director of the board, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The executive director shall serve as the executive officer of the board. In selecting the executive director, consideration shall be given to the person's knowledge, ability, and experience in the field of labor-management relations. The governor shall set the salary of the executive director within the applicable salary range established by the general assembly.

~~2.~~ 3. The board may employ such persons as are necessary for the performance of its functions. Personnel of the board shall be employed pursuant to the provisions of chapter 8A, subchapter IV.

~~3. 4. The chairperson and the remaining two members shall be compensated as provided in section 7E.6, subsection 5. Members of the board and employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties and may be entitled to per diem compensation as authorized under section 7E.6. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.~~

5. The board shall meet at least quarterly and at the call of the chairperson.

Sec. 2158. Section 20.6, subsection 1, Code 2023, is amended to read as follows:

1. Administer the provisions of this chapter and delegate the powers and duties of the board to the executive director or persons employed by the board, as appropriate.

Sec. 2159. Section 20.11, subsection 5, Code 2023, is amended to read as follows:

5. The board's review of proposed decisions and the rehearing or judicial review of final decisions is governed by the provisions of chapter 17A.

Sec. 2160. Section 20.13, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 2161. **NEW SECTION. 20.34 Judicial review.**

Notwithstanding chapter 17A, in a petition for judicial review of a decision of the board in a contested case under this chapter, the opposing party shall be named the respondent, and the board shall not be named as a respondent. Judicial review of agency action by the board under this chapter is not subject to chapter 17A.

DIVISION VIII

DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Sec. 2162. Section 16.57B, subsection 4, Code 2023, is amended to read as follows:

4. *Registration required.* To be considered for a forgivable loan or grant under the program, a homeowner or renter must register for the disaster case ~~management~~ advocacy program established pursuant to section 29C.20B. The disaster case manager may refer the homeowner or renter to the appropriate local program administrator.

Sec. 2163. Section 29C.8, subsection 1, Code 2023, is amended to read as follows:

1. The department of homeland security and emergency management shall be under the management of a director who shall be appointed by the governor, subject to confirmation by the senate, and who shall serve at the pleasure of the governor.

Sec. 2164. Section 29C.20A, subsections 2, 4, and 5, Code 2023, are amended to read as follows:

2. The grant funds shall be administered by the department of ~~human services~~. The department shall adopt rules to create the Iowa disaster aid individual assistance grant program. The rules shall specify the eligibility of applicants and eligible items for grant funding. The executive council shall use grant funds to reimburse the department of ~~human services~~ for its actual expenses associated with the administration of the grants. The department of ~~human services~~ may implement an ongoing contract with a provider or providers of a statewide program with local offices throughout the state to serve as the local administrative entity for the grant program so that the program can be implemented with minimal delay when a disaster occurs in a local area. The rules adopted by the department of ~~human services~~ for the program shall include but are not limited to all of the following:

a. If a local administrative entity is under contract with the state to provide other services or is implementing a state or federal program and the contract contains a sufficient surety bond or other adequate financial responsibility provision, the department shall accept the existing surety bond or financial responsibility provision in lieu of applying a new or additional surety bond or financial responsibility requirement.

b. If the president of the United States has declared a major disaster to exist in this state and federal aid is made available to provide assistance grants to individuals similar to that

provided by the Iowa disaster aid individual assistance grant program, the Iowa program shall be discontinued.

c. Authorization for the local administrative entity to draw grant funding to pay valid claims on at least a weekly basis.

4. A recipient of grant funding shall receive reimbursement for expenses upon presenting a receipt for an eligible expense or shall receive a voucher through a voucher system developed by the department of ~~human services~~ and administered locally within the designated disaster area. A voucher system shall ensure sufficient data collection to discourage and prevent fraud. The department shall consult with long-term disaster recovery committees and disaster recovery case management committees in developing a voucher system.

5. The department of ~~human services~~ shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program in the previous fiscal year.

Sec. 2165. Section 29C.20B, Code 2023, is amended to read as follows:

29C.20B Disaster case ~~management~~ advocacy grant fund and program.

1. a. A disaster case ~~management~~ advocacy grant fund is created in the state treasury for the use of the executive council. Moneys in the fund shall be ~~expended if grants are awarded pursuant to section 29C.20A~~ available following the governor's proclamation of a state of disaster emergency or the declaration of a major disaster by the president of the United States.

b. The executive council may make financial grants to meet disaster-related case ~~management~~ advocacy needs of disaster-affected individuals. The aggregate total of grants awarded shall not be more than one million dollars during a fiscal year. However, within the same fiscal year, additional funds may be specifically authorized by the executive council to meet additional needs. Upon request of the department of ~~human services~~, the executive council may make available up to one hundred thousand dollars, or so much as is necessary, for contract entity staff support and case management training.

c. The department of ~~human services~~ shall work with the department of homeland security and emergency management and, as selected by the department of ~~human services~~, a ~~representative~~ representatives of ~~selected~~ nonprofit, voluntary, and faith-based organizations active in disaster recovery and response to establish a statewide system of disaster case ~~management~~ advocacy to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes.

2. The department of ~~human services~~ shall administer disaster case ~~management~~ advocacy grants. The department of ~~human services~~, in conjunction with the department of homeland security and emergency management, shall establish a disaster case ~~management~~ advocacy program and adopt rules pursuant to chapter 17A necessary to administer the program. The executive council shall use grant moneys to reimburse the department of ~~human services~~ for actual expenses associated with the administration of the grants. Under the program, the department of ~~human services~~ shall coordinate case ~~management~~ advocacy services locally through one or more contracted entities. The department of ~~human services~~ shall may implement an ongoing contract with a provider of a statewide program with local offices throughout the state to serve as the local administrative entity for the grant program to allow implementation of the program with minimal delay if grants are awarded pursuant to ~~section 29C.20A~~ following a governor's proclamation of a state of disaster emergency or a declaration of a major disaster by the president of the United States.

3. The department of ~~human services~~, in conjunction with the department of homeland security and emergency management and a ~~representative~~ in consultation with representatives of the Iowa voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case ~~management~~ advocacy. The rules adopted by the department of ~~human services~~ for the program shall include but are not limited to all of the following:

a. If a local administrative entity is under contract with the state to provide other services or is implementing a state or federal program and the contract contains a ~~sufficient surety bond~~

or other adequate financial responsibility provisions, the department shall accept the existing surety bond or financial responsibility provisions in lieu of applying a new or additional surety bond or financial responsibility requirement.

b. Authorization for the local administrative entity to draw down grant funding to pay valid claims on at least a weekly basis.

c. Disaster case ~~management~~ advocacy standards.

d. Disaster case ~~management~~ advocacy policies.

e. Reporting requirements.

f. Eligibility criteria.

g. Coordination mechanisms necessary to carry out the services provided.

h. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case ~~management~~ advocacy services.

i. Establishment of nonduplication of benefits policies and mechanisms for the exchange of information between agencies to ensure compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996).

j. Referral to all known available services for individuals from multiple agencies in coordinated service locations.

4. By January 1 of each year, the department of ~~human services~~ shall submit an annual written report to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program during the previous fiscal year.

DIVISION IX DEPARTMENT OF VETERANS AFFAIRS

Sec. 2166. Section 7E.5, subsection 1, paragraph v, Code 2023, is amended to read as follows:

v. The department of veterans affairs. ~~However, the commission of veterans affairs created in section 35A.2 shall have~~ created in section 35A.4, which has primary responsibility for state veterans affairs.

Sec. 2167. Section 11.5B, subsection 7, Code 2023, is amended to read as follows:

7. ~~Iowa veterans home~~ Department of veterans affairs.

Sec. 2168. Section 16.2D, subsection 2, paragraph b, subparagraph (9), Code 2023, is amended to read as follows:

(9) The ~~director~~ commandant of the department of veterans affairs or the ~~director's~~ commandant's designee.

Sec. 2169. Section 35A.1, subsection 1, Code 2023, is amended to read as follows:

1. "Commandant" means the commandant of ~~the Iowa veterans home appointed in section 35D.13~~ appointed pursuant to section 35A.8.

Sec. 2170. Section 35A.1, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2171. Section 35A.2, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A commission of veterans affairs is created consisting of eleven persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term. In addition to the members appointed by the governor, ~~the director of the department and the commandant of the Iowa veterans home~~ shall serve as a nonvoting, ex officio ~~members~~ member of the commission.

3. a. The commissioners are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

b. The ~~executive director, commandant,~~ and employees of the department ~~and the Iowa veterans home~~ are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties.

c. All out-of-state travel by commissioners shall be approved by the chairperson of the commission.

Sec. 2172. Section 35A.3, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. Review and approve applications for distributions of moneys from the veterans license fee fund pursuant to section 35A.11 and the veterans trust fund pursuant to section 35A.13 for the benefit of veterans, spouses of veterans, and dependents of veterans.

Sec. 2173. Section 35A.4, Code 2023, is amended to read as follows:

35A.4 Department established.

There is established an Iowa department of veterans affairs which shall consist of a commandant, a commission, ~~an executive director~~, and any additional personnel as employed by the ~~executive director~~ commandant.

Sec. 2174. Section 35A.5, subsection 10, paragraph d, Code 2023, is amended to read as follows:

d. The department through the ~~director~~ commandant shall have the authority to accept suitable cemetery land, in accordance with federal veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a veterans cemetery.

Sec. 2175. Section 35A.5, subsection 12, Code 2023, is amended to read as follows:

12. Adopt rules pursuant to chapter 17A and establish policy for the management and operation of the department, for the facilitation of programs under the department's authority, and for the performance of duties established under this section. Prior to adopting rules, the department shall submit proposed rules to the commission for review and approval pursuant to the requirements of section 35A.3.

Sec. 2176. Section 35A.8, Code 2023, is amended to read as follows:

35A.8 Executive director Commandant — term — duties.

1. The governor shall appoint ~~an executive director~~ a commandant, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The ~~executive director~~ commandant is responsible for administering the duties of the department and the commission ~~other than those related to the Iowa veterans home.~~

2. The ~~executive director~~ commandant shall be a resident of the state of Iowa and an honorably discharged veteran ~~who served in the armed forces of the United States during a conflict or war. As used in this section, the dates of service in a conflict or war shall coincide with the dates of service established by the Congress of the United States.~~

3. ~~Except for the employment duties and responsibilities assigned to the commandant for the Iowa veterans home, the executive director~~ The commandant shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the department and the commission. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

Sec. 2177. Section 35D.1, subsection 2, Code 2023, is amended to read as follows:

2. As used in this chapter:

a. *“Commandant”* means the commandant ~~of the Iowa veterans home~~ appointed pursuant to section ~~35D.13~~ 35A.8.

b. *“Commission”* means the commission of veterans affairs established in section 35A.2.

c. *“Department”* means the department of veterans affairs established in section 35A.4.

~~e.~~ d. *“Member”* means a patient or resident of the home.

Sec. 2178. Section 35D.5, Code 2023, is amended to read as follows:

35D.5 Surviving spouses of veterans.

If a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, the spouse is entitled to admission to the

home with the same rights, privileges, and benefits as if the veteran were living and a member of the home, if the spouse was married to the veteran for at least one year immediately prior to the veteran's death, is found by the ~~commandant~~ department to be disabled, meets the qualifications for nursing or residential level of care, and is a resident of the state of Iowa on the date of the application and immediately preceding the date the application is accepted.

Sec. 2179. Section 35D.7, Code 2023, is amended to read as follows:

35D.7 Contributing to own support.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation, or gratuity from the United States government, or income from any source of more than one hundred forty dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the ~~commandant~~ department, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.

2. Sums paid to and received by the ~~commandant~~ department for the support of members of the home shall be considered repayment receipts as defined in section 8.2 and credited to the Iowa veterans home account referred to in section 35D.18, subsection 3.

3. The ~~commandant~~ department may allow any member of the home to render assistance in the care of the home and its grounds as the member's psychosocial and physical condition permit, as a phase of that member's rehabilitation program. The ~~commandant~~ department shall compensate each member who furnishes assistance at rates approved by the commission.

Sec. 2180. Section 35D.10, Code 2023, is amended to read as follows:

35D.10 Payment to spouse.

Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has a spouse shall deposit with the ~~commandant~~ department on receipt of the member's pension or compensation check one-half of its amount, which shall be sent by the eighth day of the month or at once if any such pension or compensation is received after the eighth day of the month to the spouse.

Sec. 2181. Section 35D.11, Code 2023, is amended to read as follows:

35D.11 Handling of pension money and other funds.

1. Pension money deposited with the ~~commandant~~ department is not assignable for any purpose except as provided in section 35D.10, or in accordance with subsection 2 of this section.

2. The ~~commandant~~ department, if authorized by a member of the home, and pursuant to policies adopted by the commission, may act on behalf of that member in receiving, disbursing, and accounting for personal funds of the member received from any source. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 2182. Section 35D.12, Code 2023, is amended to read as follows:

35D.12 Bank account for members' deposits.

1. a. The Iowa veterans home, for the convenience of its members, may maintain a commercial account with a federally insured bank for the individual personal deposits of its members. The account shall be known as the Iowa veterans home membership account. The ~~commandant~~ department shall record each member's personal deposits individually and shall deposit the funds in the membership account, where the members' deposits shall be held in the aggregate.

b. The Iowa veterans home may withdraw moneys from the account maintained pursuant to this subsection to establish certificates of deposit for the benefit of all members. The ~~commission~~ department shall adopt rules pursuant to chapter 17A for the administration of this paragraph.

2. The ~~commandant~~ department, if authorized by a member of the home, and pursuant to policies adopted by the commission, may make withdrawals against that member's personal

account to pay regular bills and other expenses incurred by the member. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 2183. Section 35D.15, subsection 1, Code 2023, is amended to read as follows:

1. The commandant shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and discharge any person from the home for infraction of the rules when the ~~commandant~~ department determines that the health, safety, or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with chapter 17A.

Sec. 2184. Section 35D.15, subsection 2, paragraphs a, b, d, and f, Code 2023, are amended to read as follows:

a. The ~~commandant~~ department shall, with the input and recommendation of the interdisciplinary resident care committee, involuntarily discharge a member for any of the following reasons:

(1) (a) The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(i) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(ii) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

(A) Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

(B) By having been placed on probation by the Iowa veterans home for a second offense.

(b) Notwithstanding the member's meeting the criteria for discharge under this subparagraph (1), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the ~~commandant~~ department may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged under this subparagraph (1) if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(2) (a) The member refuses to utilize the resources available to address issues identified in the member's collaborative care plan, and all of the following conditions are met:

(i) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(ii) The member has been notified of the member's commission of three offenses and the member has been placed on probation by the Iowa veterans home for a second offense.

(b) Notwithstanding the member's meeting the criteria for discharge under this subparagraph (2), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the ~~commandant~~ department may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(3) The member no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee.

(4) The member requires a level of licensed care not provided at the Iowa veterans home.

b. (1) If a member is discharged under this subsection, the discharge plan shall include placement in a suitable living situation which may include but is not limited to a transitional living program approved by the commission or a living program provided by the United States veterans administration.

(2) If a member is involuntarily discharged under this subsection, the ~~commission~~ department shall, to the greatest extent possible, ensure against the veteran being homeless and ensure that the domicile to which the veteran is discharged is fit and habitable and offers

a safe and clean environment which is free from health hazards and provides appropriate heating, ventilation, and protection from the elements.

d. Annually, by the fourth Monday of each session of the general assembly, the ~~commandant~~ department shall submit a report to the veterans affairs committees of the senate and house of representatives specifying the number, circumstances, and placement of each member involuntarily discharged from the Iowa veterans home under this subsection during the previous calendar year.

f. Any involuntary discharge by the ~~commandant~~ department under this subsection shall comply with the rules adopted by the commission under this subsection and by the department of inspections and appeals pursuant to section 135C.14, subsection 8, paragraph "f".

Sec. 2185. Section 35D.17, Code 2023, is amended to read as follows:

35D.17 Report by ~~commandant~~ department.

The ~~commandant~~ department shall, biennially, make a full and detailed report to the governor, the commission, and the general assembly, showing the condition of the home, the number of members in the Iowa veterans home, the order and discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any other matters of importance in the management and control of the Iowa veterans home.

Sec. 2186. REPEAL. Sections 35D.13 and 35D.14, Code 2023, are repealed.

DIVISION X
OFFICE OF DRUG CONTROL POLICY

Sec. 2187. Section 80.4, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Office of drug control policy.

Sec. 2188. Section 80.5, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 10. The department shall receive and review the budget submitted by the drug policy director and assist the drug policy director in directing the office of drug control policy pursuant to section 80E.1.

Sec. 2189. Section 80E.1, Code 2023, is amended to read as follows:

80E.1 Drug policy ~~coordinator~~ director.

1. The office of drug control policy is established in the department of public safety. A drug policy ~~coordinator~~ director shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor ~~commissioner of the department of public safety. The governor shall fill a vacancy in the office in the same manner as the original appointment was made.~~ The ~~coordinator~~ director shall be selected primarily for administrative ability. The ~~coordinator~~ director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding the office. The salary of the ~~coordinator~~ shall be fixed by the governor.

2. The ~~coordinator~~ director shall:

a. Direct the ~~governor's~~ office of drug control policy, and coordinate and monitor all statewide drug enforcement efforts, coordinate and monitor all state and federal substance use disorder treatment grants and programs, coordinate and monitor all statewide substance ~~abuse~~ use disorder prevention and education programs in communities and schools, and engage in such other related activities as required by law. The ~~coordinator~~ director shall work in coordinating the efforts of the department of corrections, the department of education, ~~the Iowa department of public health, the department of public safety,~~ and the department of health and human services. The ~~coordinator~~ director shall assist in the development and implementation of local and community strategies to fight substance ~~abuse~~ use disorder, including local law enforcement, education, and treatment activities.

b. Submit an annual report to the governor and general assembly by November 1 of each year concerning the activities and programs of the ~~coordinator~~ director and other

departments related to drug enforcement, substance use disorder treatment programs, and substance abuse use disorder prevention and education programs. The report shall include an assessment of needs with respect to programs related to substance use disorder treatment and drug enforcement.

c. Submit an advisory budget recommendation to the governor and general assembly concerning enforcement programs, treatment programs, and education programs related to drugs within the various departments. The ~~coordinator~~ director shall work with these departments in developing the departmental budget requests to be submitted to the legislative services agency and the general assembly.

3. ~~The governor's office of drug control policy shall be an independent office, located at the same location as the department of public safety. Administrative support services may shall~~ be provided to the ~~governor's office of drug control policy~~ by the department of public safety.

Sec. 2190. Section 80E.4, Code 2023, is amended to read as follows:

80E.4 Drug abuse resistance education fund.

A drug abuse resistance education fund is created as a separate fund in the state treasury under the control of the ~~governor's office~~ department of public safety for the office of drug control policy for use by the drug abuse resistance education program and other programs with a similar purpose. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in section 911.1, and earnings. All moneys in the fund are appropriated to the ~~governor's office of drug control policy~~ department of public safety. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

Sec. 2191. Section 124.101, subsection 22, Code 2023, is amended to read as follows:

22. "Office" means the ~~governor's office of drug control policy~~, as referred to in section 80E.1.

DIVISION XI
DEPARTMENT OF WORKFORCE DEVELOPMENT

PRIMARY DEPARTMENT RESPONSIBILITIES

Sec. 2192. Section 84A.5, subsection 3, Code 2023, is amended to read as follows:

3. The department of workforce development is responsible for administration of unemployment compensation benefits and collection of employer contributions under chapter 96, providing for the delivery of free public employment services established pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.6, employment agencies under chapter 84H, and the delivery of services located throughout the state.

Sec. 2193. Section 84A.5, subsection 7, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. f. The statewide work-based learning intermediary network program under section 84A.16.

NEW PARAGRAPH. g. The new jobs training program under chapter 260E, in consultation with the community colleges.

NEW PARAGRAPH. h. The Iowa jobs training act under chapter 260F.

NEW PARAGRAPH. i. The workforce development fund program under chapter 84F.

NEW PARAGRAPH. j. The accelerated career education program under chapter 260G, in coordination with the community colleges.

NEW PARAGRAPH. k. The older American community service employment program under section 84A.17.

NEW PARAGRAPH. l. The apprenticeship training program under chapter 84D.

NEW PARAGRAPH. m. The future ready Iowa registered apprenticeship development program under section 84E.1.

NEW PARAGRAPH. *n.* The future ready Iowa expanded registered apprenticeship opportunities program under section 84E.2.

NEW PARAGRAPH. *o.* Adult education and literacy programs under section 84A.19.

REGIONAL INDUSTRY SECTOR PARTNERSHIPS

Sec. 2194. Section 260H.2, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. A pathway for academic career and employment fund is created for the community colleges in the state treasury to be administered by the department of education and the department of workforce development. The moneys in the pathways for academic career and employment fund are appropriated to the department of education for the pathways for academic career and employment program.

Sec. 2195. Section 260H.7B, Code 2023, is amended to read as follows:

260H.7B Regional industry sector partnerships.

1. A community college and the department of workforce development may use moneys for the pathways for academic career and employment program to provide staff and support for the development and implementation of a regional industry sector partnerships partnership within the each region served by the each community college. For purposes of this section, "community college" means the same as defined in section 260C.2.

2. ~~Regional, A regional industry sector partnerships partnership may include but are engage in but is~~ not limited to the following activities:

a. ~~Bringing together~~ Collaborating with representatives from industry sectors, government, education, local workforce boards, community-based organizations, labor, economic development organizations, and other stakeholders within the regional labor market to determine how pathways for academic career and employment projects should address workforce skills gaps, occupational shortages, and wage gaps.

b. Integrating pathways for academic career and employment projects and other existing supply-side strategies with workforce needs within the region served by the community college in that region.

c. Developing pathways for academic career and employment projects that focus on the workforce skills, from entry level to advanced, required by industry sectors within the region served by the community college.

d. Structuring pathways so that instruction and learning ~~of~~ workforce skills are aligned with industry-recognized standards where such standards exist.³²

Sec. 2196. Section 260H.8, Code 2023, is amended to read as follows:

260H.8 Rules.

The department of education, in consultation with the community colleges, the economic development authority, and the department of workforce development, shall adopt rules pursuant to chapter 17A ~~and this chapter~~ to implement ~~the provisions of~~ this chapter. Local workforce development boards established pursuant to section 84A.4 shall be consulted in the development and implementation of rules ~~to be adopted pursuant to this chapter~~ section.

Sec. 2197. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 260H.7B to section 84A.15.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2198. TRANSITION PROVISIONS. A regional industry sector partnership entered into by a community college prior to the effective date of this division of this Act shall be valid and continue per the terms of the agreement between the community college and the partnership.

³² See chapter 110, §19 herein

STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK

Sec. 2199. Section 256.40, Code 2023, is amended to read as follows:

256.40 Statewide work-based learning intermediary network — fund — steering committee — regional networks.

1. A statewide work-based learning intermediary network program is established in the department of workforce development and shall be administered by the department. A separate, statewide work-based learning intermediary network fund is created in the state treasury under the control of the department of workforce development. The fund shall consist of all moneys deposited in the fund, including any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department of workforce development from federal or private sources for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. The purpose of the program shall be to prepare students for the workforce by ~~connecting business and the education system~~ facilitating cooperation and collaboration between businesses and entities within the state system of education, as that state system of education is described in section 256.1, subsection 1, and offering to offer relevant, work-based learning activities to students and teachers. The program shall do all of the following:

a. ~~Better prepare~~ Prepare students to make informed postsecondary education and career decisions.

b. Provide communication and coordination in order to build and sustain relationships between employers and local youth, the state system of education system, and the community at large.

c. Connect students to ~~local~~ career opportunities within the state, creating economic capital for the ~~region~~ state using a skilled and available workforce.

d. Provide a one-stop contact point for information useful to both educators and employers, including information ~~on~~ related to internships, job shadowing experiences, apprenticeable occupations as defined in section 15B.2, and other workplace learning opportunities for students, ~~particularly including those related to occupations in~~ science, technology, engineering, or mathematics occupations, occupations related to critical infrastructure, and commercial and residential construction, or and targeted industries as defined in section 15.102.

e. Integrate services provided through the program with other career exploration-related activities, which may include but are not limited to ~~the a student's~~ a student's career and academic plans and career information and decision-making systems ~~utilized in accordance with~~ under section 279.61.

f. Facilitate the attainment of portable credentials of value to employers such as the national career readiness certificate, where appropriate.

g. Develop work-based capacity with employers.

h. Provide core services, which may include student job shadowing, student internships, and teacher or student tours.

3. a. The department of workforce development shall establish and facilitate a steering committee comprised of ~~representatives from the department of workforce development~~ education, the economic development authority, the community colleges, the institutions under the control of the state board of regents, accredited private institutions, area education agencies, school districts, the workplace learning connection, and an apprenticeship sponsor as defined in section 15B.2. The steering committee shall be responsible for the development and implementation of the statewide work-based learning intermediary network.

4. b. The steering committee shall develop a design for a statewide network comprised of fifteen regional work-based learning intermediary networks. The design shall include network specifications, strategic functions, and desired outcomes. The steering committee shall recommend program parameters and reporting requirements to the department of workforce development.

5. 4. Each regional network shall establish an advisory council to provide advice and assistance to the regional network. The advisory council shall include representatives of

business and industry, including construction trade industry professionals, and shall meet at least annually.

~~6.~~ 5. Each regional network or consortium of networks shall annually submit a work-based learning plan to the department of workforce development. Each plan shall include provisions to provide core services referred to in subsection 2, paragraph "h", to all school districts within the region and for the integration of job shadowing and other work-based learning activities into secondary career and technical education programs.

~~7.~~ 6. a. ~~Moneys~~ Upon approval by the department of workforce development of a region's work-based learning plan submitted pursuant to subsection 5, moneys deposited in the statewide work-based learning intermediary network fund created in subsection 1 shall be distributed annually by the department of workforce development to each region for the implementation of the statewide work-based learning intermediary network ~~upon approval by the department of the region's work-based learning plan submitted pursuant to subsection 6.~~

~~b.~~ If the balance in the statewide work-based learning intermediary network fund on July 1 of a fiscal year is one million five hundred thousand dollars or less, the department of workforce development shall distribute moneys in the fund to regions or consortiums of regions on a competitive basis. If the balance in the statewide work-based learning intermediary network fund on July 1 of a fiscal year is greater than one million five hundred thousand dollars, the department of workforce development shall distribute one hundred thousand dollars to each region and distribute the remaining moneys pursuant to the same formula established for distribution of funds by the department of education in section 260C.18C.

~~8.~~ 7. The department of workforce development shall provide oversight of the statewide work-based learning intermediary network. The department of workforce development shall require each region to submit an annual report on its the region's ongoing implementation of the statewide work-based learning intermediary network program to the department.

~~9.~~ 8. Each regional network shall match the moneys received pursuant to subsection 7 ~~6~~ with financial resources equal to at least twenty-five percent of the amount of the moneys received pursuant to subsection 7 ~~6~~. The financial resources used to provide the match may include private donations, in-kind contributions, or public moneys other than the moneys received pursuant to subsection 7 ~~6~~.

~~10.~~ 9. ~~The state board of education~~ department of workforce development shall adopt rules under chapter 17A for the administration of this section.

Sec. 2200. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 256.40, as amended in this division of this Act, to section 84A.16.

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.

INDUSTRIAL NEW JOBS TRAINING

Sec. 2201. Section 15A.7, subsection 3, Code 2023, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the laborshed wage, ~~as calculated by the authority pursuant to section 15.327, subsection 15.~~ For purposes of this subsection, "laborshed wage" means the wage level represented by those wages within two standard deviations from the mean wage within the laborshed area in which the eligible business is located, as calculated by the department of workforce development by rule, using the most current covered wage and employment data available to the department for the laborshed area. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 2202. Section 260E.7, Code 2023, is amended to read as follows:

260E.7 Program review by ~~economic development authority~~ department of workforce development.

1. ~~The economic development authority~~ department of workforce development, in consultation with the department of education, and the department of revenue, ~~and the~~

department of workforce development, shall coordinate and review the new jobs training program. The ~~economic development authority~~ department of workforce development shall adopt, amend, and repeal rules under chapter 17A that the community college will use in developing projects with new and expanding industrial new jobs training proposals and that the ~~economic development authority~~ department of workforce development shall use to review and report on the new jobs training program as required in this section.

2. a. The ~~authority~~ department of workforce development, in consultation with the community colleges participating in the new jobs training program pursuant to this chapter, shall identify the information necessary to effectively coordinate and review the program, and the community colleges shall provide such information to the ~~authority~~ department. Using the information provided, the ~~authority~~ department, in consultation with the community colleges, shall issue a report on the effectiveness of the program.

b. In coordinating and reviewing the program, ~~the department of workforce development shall give due regard~~ shall be given to the confidentiality of certain information provided by the community colleges, ~~and the authority shall comply with the provisions of section 15.118 to the extent that such provisions are applicable to the new jobs training program.~~

3. The ~~authority~~ department of workforce development is authorized to make any rule that is adopted, amended, or repealed effective immediately upon filing with the administrative rules coordinator or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication.

Sec. 2203. Section 403.21, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The community college shall send a copy of the final agreement prepared pursuant to section 260E.3 to the ~~economic development authority~~ department of workforce development. For each year in which incremental property taxes are used to pay job training certificates issued for a project creating new jobs, the community college shall provide to the ~~economic development authority~~ department of workforce development a report of the incremental property taxes and new jobs credits from withholding generated for that year, a specific description of the training conducted, the number of employees provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

3. For each year in which incremental property taxes are used to retire debt service on a jobs training advance issued for a project creating new jobs, the community college shall provide to the ~~economic development authority~~ department of workforce development a report of the incremental property taxes and new jobs credits from withholding generated for that year, a specific description of the training conducted, the number of employees provided services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

Sec. 2204. Section 422.16A, Code 2023, is amended to read as follows:

422.16A Job training withholding — certification and transfer.

Upon the completion by a business of its repayment obligation for a training project funded under chapter 260E, including a job training project funded under section 15A.8 or repaid in whole or in part by the supplemental new jobs credit from withholding under section 15A.7 or section 15E.197, Code 2014, the sponsoring community college shall report to the ~~economic development authority~~ department of workforce development the amount of withholding paid by the business to the community college during the final twelve months of withholding payments. The ~~economic development authority~~ department of workforce development shall notify the department of revenue of that amount. The department of revenue shall credit to the workforce development fund account established in section 15.342A twenty-five percent of that amount each quarter for a period of ten years. If the amount of withholding from the business or employer is insufficient, the department of revenue shall prorate the quarterly amount credited to the workforce development fund account. The maximum amount from all employers which shall be transferred to the workforce development fund account in any year is seven million seven hundred fifty thousand dollars.

Sec. 2205. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:
 - a. Section 15A.7 to section 260J.1.
 - b. Section 15A.8 to section 260J.2.
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.

JOB TRAINING

Sec. 2206. Section 260F.2, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2207. Section 260F.2, subsections 4, 5, and 11, Code 2023, are amended to read as follows:

4. “*Date of commencement of the project*” means the date of the preliminary agreement or the date an application for assistance is received by the authority department.

5. “*Eligible business*” or “*business*” means a business training employees which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services and which meets the other criteria established by the authority department. “*Eligible business*” does not include a business whose training costs can be economically funded under chapter 260E, a business which closes or substantially reduces its employment base in order to relocate substantially the same operation to another area of the state, or a business which is involved in a strike, lockout, or other labor dispute in Iowa.

11. “*Project*” means a training arrangement which is the subject of an agreement entered into between the community college and a business to provide program services. “*Project*” also means a training arrangement which is sponsored by the authority department and administered under sections 260F.6A and 260F.6B.

Sec. 2208. Section 260F.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. “*Department*” means the department of workforce development.

Sec. 2209. Section 260F.3, subsection 5, Code 2023, is amended to read as follows:

5. Other criteria established by the department of education.

Sec. 2210. Section 260F.6, subsections 1 and 2, Code 2023, are amended to read as follows:

1. There is established for the community colleges a job training fund in the ~~economic development authority~~ department of workforce development in the workforce development fund established in section 15.342A. The job training fund consists of moneys appropriated for the purposes of this chapter plus the interest and principal from repayment of advances made to businesses for program costs, plus the repayments, including interest, of loans made from that retraining fund, and interest earned from moneys in the job training fund.

2. To provide funds for the present payment of the costs of a training program by the business, the community college may provide to the business an advance of the moneys to be used to pay for the program costs as provided in the agreement. To receive the funds for this advance from the job training fund established in subsection 1, the community college shall submit an application to the authority department. The amount of the advance shall not exceed fifty thousand dollars for any business site, or one hundred thousand dollars within a three-fiscal-year period for any business site. If the project involves a consortium of businesses, the maximum award per project shall not exceed one hundred thousand dollars. Participation in a consortium does not affect a business site’s eligibility for individual project assistance. Prior to approval a business shall agree to match program amounts in accordance with criteria established by the authority department.

Sec. 2211. Section 260F.6A, Code 2023, is amended to read as follows:

260F.6A Business network training projects.

The community colleges and the authority department are authorized to fund business network training projects which include five or more businesses and are located in two or more community college districts. A business network training project must have a designated organization or lead business to serve as the administrative entity that will coordinate the training program. The businesses must have common training needs and develop a plan to meet those needs. The authority department shall adopt rules governing this section's operation and participant eligibility.

Sec. 2212. Section 260F.6B, Code 2023, is amended to read as follows:

260F.6B High technology apprenticeship program.

The community colleges and the authority department are authorized to fund high technology apprenticeship programs which comply with the requirements specified in section 260C.44 and which may include both new and statewide apprenticeship programs. Notwithstanding the provisions of section 260F.6, subsection 2, relating to maximum award amounts, moneys allocated to the community colleges with high technology apprenticeship programs shall be distributed to the community colleges based upon contact hours under the programs administered during the prior fiscal year as determined by the department of education. The authority department shall adopt rules governing this section's operation and participant eligibility.

Sec. 2213. Section 260F.7, Code 2023, is amended to read as follows:

260F.7 Authority to coordinate Coordination — department of workforce development.

The authority department, in consultation with the department of education ~~and the department of workforce development~~, shall coordinate the jobs training program. A project shall not be funded under this chapter unless the authority department approves the project. The authority department shall adopt rules pursuant to chapter 17A governing the program's operation and eligibility for participation in the program. The authority department shall establish by rule criteria for determining what constitutes an eligible business.

Sec. 2214. Section 260F.8, subsection 1, Code 2023, is amended to read as follows:

1. For each fiscal year, the authority department shall make funds available to the community colleges. The authority department shall allocate by formula from the moneys in the fund an amount for each community college to be used to provide the financial assistance for proposals of businesses whose applications have been approved by the authority department. The financial assistance shall be provided by the authority department from the amount set aside for that community college. If any portion of the moneys set aside for a community college have not been used or committed by May 1 of the fiscal year, that portion is available for use by the authority department to provide financial assistance to businesses applying to other community colleges. The authority department shall adopt by rule a formula for this set-aside.

Sec. 2215. TRANSITION PROVISIONS.

1. A project that is entered into by a community college and a business under section 260F.3 prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement and shall be administered by the department of workforce development.

2. A project sponsored by and administered under section 260F.6A or 260F.6B by the economic development authority prior to the effective date of this division of this Act shall be valid and continue as provided by the terms of the training arrangement and shall be administered by the department of workforce development.

WORKFORCE DEVELOPMENT FUND PROGRAM

Sec. 2216. Section 15.108, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2217. Section 15.341, Code 2023, is amended to read as follows:

15.341 Workforce development fund program.

This ~~part~~ chapter shall be known as the “*Workforce Development Fund*” program.

Sec. 2218. Section 15.342, Code 2023, is amended to read as follows:

15.342 Purpose.

The purpose of this ~~part~~ chapter shall be to provide a mechanism for funding workforce development programs listed in section 15.343, subsection 2, in order to more efficiently meet the needs identified within those individual programs.

Sec. 2219. Section 15.342A, Code 2023, is amended to read as follows:

15.342A Workforce development fund account.

1. A workforce development fund account is established in the office of the treasurer of state under the control of the ~~authority~~ department of workforce development. The account shall receive funds pursuant to section 422.16A.

2. For the fiscal year beginning July 1, ~~2014~~ 2023, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the apprenticeship training program fund created in section 15B.3 three million dollars for the purposes of chapter 15B.³³

3. For the fiscal year beginning July 1, ~~2014~~ 2023, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the job training fund created in section 260F.6 four million seven hundred fifty thousand dollars for the purposes of chapter 260F.

Sec. 2220. Section 15.343, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *a.* A workforce development fund is created as a revolving fund in the state treasury under the control of the ~~authority~~ department of workforce development consisting of any moneys appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the ~~authority~~ department of workforce development from the federal government or private sources for placement in the fund. The fund shall also include moneys appropriated to the fund from the workforce development fund account established in section 15.342A.

b. Notwithstanding section 8.33, moneys in the workforce development fund at the end of each fiscal year shall not revert to any other fund but shall remain in the workforce development fund for expenditure for subsequent fiscal years.

2. The assets of the fund shall be used by the ~~authority~~ department of workforce development for the following programs and purposes:

a. Projects under chapter 260F. The ~~authority~~ department of workforce development shall require a match from all businesses participating in a training project under chapter 260F.

b. Apprenticeship programs under section 260C.44, including new or statewide building trades apprenticeship programs.

c. ~~To cover the costs of the administration of workforce development programs and services available through the authority. A portion of these funds may be used to~~ To support efforts by the community colleges to provide workforce services to Iowa employers.

Sec. 2221. Section 15.344, Code 2023, is amended to read as follows:

15.344 Common system — assessment and tracking.

The ~~authority~~ department of workforce development shall use information from the customer tracking system ~~administered by the department of workforce development~~ under section 84A.5 to determine the economic impact of the programs. To the extent possible, the ~~authority~~ department shall track individuals and businesses who have received assistance or services through the fund to determine whether the assistance or services have resulted in increased wages paid to the individuals or paid by the businesses.

Sec. 2222. CODE EDITOR DIRECTIVE.

³³ See chapter 119, §§ herein

1. The Code editor is directed to make the following transfers:
 - a. Section 15.341 to section 84F1.
 - b. Section 15.342 to section 84F2.
 - c. Section 15.342A to section 84F3.
 - d. Section 15.343 to section 84F4.
 - e. Section 15.344 to section 84F5.
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.

ACCELERATED CAREER EDUCATION PROGRAM

Sec. 2223. Section 260G.3, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An agreement may include reasonable and necessary provisions to implement the accelerated career education program. If an agreement is entered into, the community college and the employer shall notify the department of revenue as soon as possible. The community college shall also file a copy of the agreement with the ~~economic development authority~~ department of workforce development as required in section 260G.4B. The agreement shall provide for program costs, including deferred costs, which may be paid from any of the following sources:

Sec. 2224. Section 260G.4B, Code 2023, is amended to read as follows:

260G.4B Maximum statewide program job credit.

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed five million four hundred thousand dollars. A community college shall file a copy of each agreement with the ~~economic development authority~~ department of workforce development. The ~~authority~~ department of workforce development shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the ~~authority~~ department of workforce development shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the ~~authority~~ department of workforce development shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

2. ~~For the fiscal years beginning July 1, 2000, and July 1, 2001, the department of economic development shall allocate eighty thousand dollars of the first one million two hundred thousand dollars of program job credits authorized and available for that fiscal year to each community college. This allocation shall be used by each community college to provide funding for approved programs. For the fiscal year beginning July 1, 2002~~ 2023, and for every fiscal year thereafter, the ~~economic development authority~~ department of workforce development shall divide equally among the community colleges thirty percent of the program job credits available for that fiscal year for allocation to each community college to be used to provide funding for approved programs. If any portion of the allocation to a community college under this subsection has not been committed by April 1 of the fiscal year for which the allocation is made, the uncommitted portion is available for use by other community colleges. Once a community college has committed its allocation for any fiscal year under this subsection, the community college may receive additional program job credit allocations from those program job credits authorized and still available for that fiscal year.

Sec. 2225. Section 260G.4C, Code 2023, is amended to read as follows:

260G.4C ~~Facilitator~~ Administration and reporting.

The ~~economic development authority~~ department of workforce development shall administer the statewide allocations of program job credits to accelerated career education

programs. The authority department of workforce development shall provide information about the accelerated career education programs ~~in accordance with its annual reporting requirements in section 15.107B~~ to the general assembly annually on or before March 15.

Sec. 2226. Section 260G.6, subsection 1, Code 2023, is amended to read as follows:

1. An accelerated career education fund is established in the state treasury under the control of the department of workforce development consisting of moneys appropriated to the fund for purposes of funding the cost of accelerated career education program capital projects.

Sec. 2227. TRANSITION PROVISIONS.

1. On the effective date of this division of this Act, all unencumbered and unobligated moneys remaining in the accelerated career education fund established in section 260G.6 shall be under the control of the department of workforce development.

2. a. All agreements entered into by a community college under section 260G.3 prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

b. Job credits shall be honored per an agreement entered into under paragraph "a" that includes a provision for program job credits.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

Sec. 2228. Section 231.23A, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2229. Section 231.51, Code 2023, is amended to read as follows:

231.51 Older American community service employment program.

1. The department of workforce development shall direct and administer the older American community service employment program as authorized by the federal ~~Act in coordination with the department of workforce development~~ Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

2. The purpose of the program is to foster individual economic self-sufficiency and to increase the number of participants placed in unsubsidized employment in the public and private sectors while maintaining the community service focus of the program.

3. Funds appropriated to the department of workforce development from the United States department of labor shall be distributed to subgrantees in accordance with federal requirements.

4. The department of workforce development shall require such uniform reporting and financial accounting by subgrantees as may be necessary to fulfill the purposes of this section.

5. The older American community service employment program shall be coordinated with the federal Workforce Innovation and Opportunity Act administered by the department of workforce development.

Sec. 2230. REPEAL. Section 231.53, Code 2023, is repealed.

Sec. 2231. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:
Section 231.51 to section 84A.17.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2232. TRANSITION PROVISIONS. On the effective date of this division of this Act, all unencumbered and unobligated moneys remaining in any account or fund under the control of the department on aging and relating to this division of this Act shall be transferred to a comparable fund or account under the control of the department of workforce development for purposes of this division of this Act. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which the moneys are appropriated or transferred.

VOCATIONAL REHABILITATION

Sec. 2233. Section 19B.2, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 2234. Section 84A.1, subsection 4, Code 2023, is amended to read as follows:

4. The department of workforce development shall include the division of ~~labor services,~~ ~~the division of workers' compensation,~~ vocational rehabilitation services, and other divisions as appropriate.

Sec. 2235. Section 84A.1A, subsection 1, paragraph a, subparagraph (7), Code 2023, is amended to read as follows:

(7) The administrator of the division of Iowa vocational rehabilitation services of the department of ~~education~~ workforce development or the administrator's designee.

Sec. 2236. Section 84A.4, subsection 2, paragraph b, subparagraph (4), subparagraph division (a), subparagraph subdivision (iii), Code 2023, is amended to read as follows:

(iii) The members shall include at least one appropriate representative of the programs carried out under Tit. I of the federal Rehabilitation Act of 1973, as codified at 29 U.S.C. §720 et seq., relating to vocational rehabilitation services, excluding 29 U.S.C. §732 and 741, serving the local workforce development area and nominated by the administrator of the division of vocational rehabilitation services of the department of ~~education~~ workforce development or director of the department for the blind, as appropriate.

Sec. 2237. Section 85.70, subsection 1, Code 2023, is amended to read as follows:

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 "n", 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~~ workforce development. 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.

Sec. 2238. Section 256.1, subsection 1, paragraph d, Code 2023, is amended by striking the paragraph.

Sec. 2239. Section 256.35A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. In addition, representatives of the department of education, the division of vocational rehabilitation of the department of ~~education~~ workforce development, the department

of public health, the department of human services, the Iowa developmental disabilities council, the division of insurance of the department of commerce, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

Sec. 2240. Section 259.2, Code 2023, is amended to read as follows:

259.2 Custodian of funds.

1. The treasurer of state is custodian of moneys received by the state from appropriations made by the Congress of the United States for the vocational rehabilitation of individuals with disabilities, and may receive and provide for the proper custody of the moneys and make disbursement of ~~them~~ the moneys upon the requisition of the director of the department of ~~education~~ workforce development.

2. The treasurer of state is appointed custodian of moneys paid by the federal government to the state for the purpose of carrying out the agreement relative to making determinations of disability under Tit. II and Tit. XVI of the federal Social Security Act as amended, 42 U.S.C. ch. 7, and may receive the moneys and make disbursements of ~~them~~ the moneys upon the requisition of the director of the department of ~~education~~ workforce development.

Sec. 2241. Section 259.3, Code 2023, is amended to read as follows:

259.3 ~~Board and division~~ Division of vocational rehabilitation services.

The division of vocational rehabilitation services is established in the department of ~~education~~ workforce development. The director of the department of ~~education~~ workforce development shall cooperate with the United States secretary of education in carrying out the federal law cited in sections 259.1 and 259.2 providing for the vocational rehabilitation of individuals with disabilities. ~~The state board of education shall adopt rules under chapter 17A for the administration of this chapter.~~

Sec. 2242. Section 259.5, Code 2023, is amended to read as follows:

259.5 Report to governor.

The division of vocational rehabilitation services shall report biennially to the governor the condition of vocational rehabilitation within the state, designating the educational institutions, establishments, plants, factories, and other agencies in which training is being given, and include a detailed statement of expenditures of the state and federal funds in the rehabilitation of individuals with disabilities.

Sec. 2243. Section 259.6, Code 2023, is amended to read as follows:

259.6 Gifts and donations.

The division of vocational rehabilitation services may receive gifts and donations from either public or private sources offered unconditionally or under conditions related to the vocational rehabilitation of individuals with disabilities that are consistent with this chapter.

Sec. 2244. Section 259.7, Code 2023, is amended to read as follows:

259.7 Fund.

All the moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of individuals with disabilities, to be used by the director of the department of ~~education~~ workforce development in carrying out the provisions of this chapter or for related purposes.

Sec. 2245. Section 259.8, Code 2023, is amended to read as follows:

259.8 Report of gifts.

A ~~full~~ report of all gifts and donations offered and accepted, together with the ~~names of the donors~~ name of each donor and the ~~respective amounts~~ amount contributed by each donor, and all disbursements from the special fund for the vocational rehabilitation of individuals with disabilities shall be submitted ~~at call or~~ biennially to the governor ~~of the state~~ by the ~~division~~ department of workforce development.

Sec. 2246. NEW SECTION. **259.10 Rules.**

The department of workforce development shall adopt rules under chapter 17A for the administration of this chapter.

Sec. 2247. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:
 - a. Section 259.1 to section 84G.1.
 - b. Section 259.2 to section 84G.2.
 - c. Section 259.3 to section 84G.3.
 - d. Section 259.4 to section 84G.4.
 - e. Section 259.5 to section 84G.5.
 - f. Section 259.6 to section 84G.6.
 - g. Section 259.7 to section 84G.7.
 - h. Section 259.8 to section 84G.8.
 - i. Section 259.9 to section 84G.9.
 - j. Section 259.10 to section 84G.10.
2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2248. TRANSITION PROVISION. The agreement between the director of the department of education and the commissioner of the United States social security administration under section 259.9 shall remain in full force and effect until amended, repealed, or supplemented by the United States social security administration or by the department of workforce development.

APPRENTICESHIP TRAINING PROGRAM

Sec. 2249. Section 15.106A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

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, 15C,~~ 15E, and 15J.

Sec. 2250. Section 15B.2, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2251. Section 15B.2, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Department*" means the department of workforce development.

NEW SUBSECTION. 9A. "*Targeted industries*" means the industries of advanced manufacturing, biosciences, and information technology.³⁴

Sec. 2252. Section 15B.2, subsection 7, Code 2023, is amended to read as follows:

7. "*Financial assistance*" means assistance provided only from the funds, rights, and assets legally available to the ~~authority~~ department and includes but is not limited to assistance in the forms of grants, loans, forgivable loans, and royalty payments.

Sec. 2253. Section 15B.3, subsections 1, 2, 3, and 4, Code 2023, are amended to read as follows:

1. An apprenticeship training program fund is created as a revolving fund in the state treasury under the control of the ~~authority~~ department.

2. The fund shall consist of moneys appropriated for purposes of the apprenticeship training program, and any other moneys lawfully available to the ~~authority~~ department for purposes of this chapter.

3. Moneys in the fund are appropriated to the ~~authority~~ department for the purposes of this chapter.

³⁴ See chapter 110, §20 herein

4. No more than two percent of the total moneys deposited in the fund on July 1 of a fiscal year is appropriated to the authority department for the purposes of administering this chapter.

Sec. 2254. Section 15B.3, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2255. Section 15B.4, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An apprenticeship sponsor or lead apprenticeship sponsor that conducts an apprenticeship program that is registered with the United States department of labor, office of apprenticeship, through Iowa, for apprentices who will be employed at worksites located in this state may apply to the authority department for financial assistance under this section if the apprenticeship program includes a minimum of one hundred contact hours per apprentice for each training year of the apprenticeship program.

Sec. 2256. Section 15B.4, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The authority department shall provide financial assistance in the form of training grants to eligible apprenticeship sponsors or lead apprenticeship sponsors in the following manner:

Sec. 2257. Section 15B.4, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An apprenticeship sponsor or lead apprenticeship sponsor seeking financial assistance under this section shall provide the following information to the authority department:

Sec. 2258. Section 15B.4, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Any other information the authority department reasonably determines is necessary.

Sec. 2259. Section 15B.4, subsection 4, Code 2023, is amended to read as follows:

4. The apprenticeship sponsor or lead apprenticeship sponsor and the authority department shall enter into an agreement regarding the provision of any financial assistance to the apprenticeship sponsor or lead apprenticeship sponsor.

Sec. 2260. **NEW SECTION. 15B.5 Rules.**

The department shall adopt rules to administer this chapter.

Sec. 2261. 2021 Iowa Acts, chapter 45, section 5, is amended to read as follows:

SEC. 5. APPLICABILITY. This Act applies to financial assistance provided by the economic development authority to apprenticeship sponsors and lead apprenticeship sponsors that apply for financial assistance on or after July 1, 2021, and on or before June 30, 2023.

Sec. 2262. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 15B.1 to section 84D.1.
- b. Section 15B.2 to section 84D.2.
- c. Section 15B.3 to section 84D.3.
- d. Section 15B.4 to section 84D.4.
- e. Section 15B.5 to section 84D.5.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2263. TRANSITION PROVISION. All agreements entered into by an apprenticeship sponsor or lead apprenticeship sponsor and the economic development authority regarding the provision of any financial assistance to the apprenticeship sponsor or lead apprenticeship sponsor prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM

Sec. 2264. Section 15C.1, subsection 1, paragraph f, Code 2023, is amended by striking the paragraph and inserting in lieu thereof the following:

f. “*Department*” means the department of workforce development.

Sec. 2265. Section 15C.1, subsection 1, paragraphs g and h, Code 2023, are amended to read as follows:

g. “*Eligible apprenticeable occupation*” means an apprenticeable occupation identified by the workforce development board or a community college pursuant to section 84A.1B, subsection 14, as a high-demand job, ~~after consultation with the authority.~~

h. “*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the ~~authority~~ department and includes but is not limited to assistance in the form of a reimbursement grant to support the costs associated with establishing a new eligible apprenticeable occupation or an additional eligible apprenticeable occupation in an applicant’s apprenticeship program.

Sec. 2266. Section 15C.1, subsection 2, Code 2023, is amended to read as follows:

2. *Program created.* Subject to an appropriation of funds by the general assembly for this purpose, a future ready Iowa registered apprenticeship development program is created which shall be administered by the ~~authority~~ department. The purpose of the program is to provide financial assistance to incentivize small and medium-sized apprenticeship sponsors to establish new or additional eligible apprenticeable occupations in the apprenticeship sponsor’s apprenticeship program in order to support the growth of apprenticeship programs and expand high-quality work-based learning experiences in high-demand fields and careers for persons who are employed in eligible apprenticeable occupations in Iowa.

Sec. 2267. Section 15C.1, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An apprenticeship sponsor may apply to the ~~authority~~ department, on forms provided by the ~~authority~~ department and in accordance with the ~~authority’s~~ department’s instructions, to receive financial assistance under the program. The ~~authority~~ department shall provide upon request and on the ~~authority’s~~ department’s internet site information about the program, the application, application instructions, and the application period established each year for funding available under the program. The application shall include a description of how the financial assistance awarded under this section would be used to establish an apprenticeship program or add new or additional apprenticeable occupations to the apprenticeship sponsor’s apprenticeship program and the anticipated program expenses identified by the applicant.

Sec. 2268. Section 15C.1, subsection 3, paragraph a, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Twenty or fewer apprentices are registered in the existing apprenticeship program as of December 31 of the calendar year prior to the date the ~~authority~~ department receives the apprenticeship sponsor’s application.

(2) More than seventy percent of the applicant’s apprentices ~~shall be~~ are residents of Iowa, and the remainder of the applicant’s apprentices ~~shall be~~ are residents of states contiguous to Iowa. In determining the number of apprentices in an applicant’s apprenticeship program, the ~~authority~~ department may calculate the average number of apprentices in the program within the most recent two-year period.

Sec. 2269. Section 15C.1, subsections 4 and 5, Code 2023, are amended to read as follows:

4. *Rules.* The ~~authority~~ department shall adopt rules pursuant to chapter 17A establishing a staff review and application approval process, application scoring criteria, the minimum score necessary for approval of financial assistance, procedures for notification of an award of financial assistance, the terms of agreement between the apprenticeship sponsor and the ~~authority~~ department, and any other rules deemed necessary for the implementation and administration of this section.

5. *Agreement.* Prior to distributing financial assistance under this section, the authority department shall enter into an agreement with the apprenticeship sponsor awarded financial assistance in accordance with this section, and the financial assistance recipient shall confirm the expenses for establishing the program or adding the additional occupations as identified in the approved application, and shall meet all terms established by the authority department for receipt of financial assistance under this section.

Sec. 2270. Section 15C.1, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. Notwithstanding section 8.33, moneys appropriated to the authority department by the general assembly for purposes of this section that remain unencumbered or unobligated at the end of the fiscal year shall not revert to the general fund but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 2271. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 15C.1 to section 84E.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section, including references to chapter 15C.

Sec. 2272. TRANSITION PROVISION. All agreements entered into by an apprenticeship sponsor and the economic development authority under section 15C.1, subsection 5, prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

FUTURE READY IOWA EXPANDED REGISTERED APPRENTICESHIP OPPORTUNITIES PROGRAM

Sec. 2273. Section 15C.2, subsection 1, paragraph e, Code 2023, is amended by striking the paragraph and inserting in lieu thereof the following:

e. “*Department*” means the department of workforce development.

Sec. 2274. Section 15C.2, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. “*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority department and includes but is not limited to assistance in the form of a reimbursement grant of one thousand dollars per apprentice in an eligible apprenticeable occupation.

Sec. 2275. Section 15C.2, subsection 2, Code 2023, is amended to read as follows:

2. *Program created.* Subject to an appropriation of funds by the general assembly for this purpose, a future ready Iowa expanded registered apprenticeship opportunities program is created which shall be administered by the authority department. The purpose of the program is to provide financial assistance to encourage apprenticeship sponsors of apprenticeship programs with twenty or fewer apprentices to maintain apprenticeship programs in high-demand occupations.

Sec. 2276. Section 15C.2, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An eligible apprenticeship sponsor may apply to the authority department, on forms provided by the authority department and in accordance with the authority’s department’s instructions, to receive financial assistance under the program. The authority department shall provide upon request and on the authority’s department’s internet site information about the program, the application, application instructions, and the application period established each year for funding available under the program.

Sec. 2277. Section 15C.2, subsection 3, paragraph a, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Twenty or fewer apprentices are registered in the apprenticeship program as of December 31 of the calendar year prior to the date the authority department receives the eligible apprenticeship sponsor's application.

(2) More than seventy percent of the applicant's apprentices are residents of Iowa, and the remainder of the applicant's apprentices are residents of states contiguous to Iowa. In determining the number of apprentices in an applicant's apprenticeship program, the authority department may calculate the average number of apprentices in the program within the most recent two-year period.

Sec. 2278. Section 15C.2, subsections 4 and 5, Code 2023, are amended to read as follows:

4. *Rules.* The authority department shall adopt rules pursuant to chapter 17A establishing a staff review and application approval process, application scoring criteria, the minimum score necessary for approval of financial assistance, procedures for notification of an award of financial assistance, the terms of agreement between the apprenticeship sponsor and the authority department, and any other rules deemed necessary for the implementation and administration of this section.

5. *Agreement.* Prior to distributing financial assistance under this section, the authority department shall enter into an agreement with the eligible apprenticeship sponsor awarded financial assistance in accordance with this section, and the financial assistance recipient shall confirm the number of apprentices in eligible apprenticeable occupations as identified in the approved application, and shall meet all terms established by the authority department for receipt of financial assistance under this section.

Sec. 2279. Section 15C.2, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. Notwithstanding section 8.33, moneys appropriated to the authority department by the general assembly for purposes of this section that remain unencumbered or unobligated at the end of the fiscal year shall not revert to the general fund but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 2280. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 15C.2 to section 84E.2.

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, including references to chapter 15C.

Sec. 2281. TRANSITION PROVISION. All agreements entered into by an apprenticeship sponsor and the economic development authority under section 15C.2, subsection 5, regarding the provision of any financial assistance to the apprenticeship sponsor prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

EMPLOYMENT AGENCIES

Sec. 2282. Section 94A.1, subsection 2, Code 2023, is amended to read as follows:

2. "~~Commissioner~~" "Director" means the ~~labor commissioner, appointed pursuant to section 91.2,~~ director of the department of workforce development or the ~~labor commissioner's~~ director's designee.

Sec. 2283. Section 94A.2, Code 2023, is amended to read as follows:

94A.2 Licensing.

1. An employment agency shall obtain a license from the ~~commissioner~~ director prior to transacting any business. Licenses expire on June 30 of each year.

2. A license application shall be in the form prescribed by the ~~commissioner~~ director and shall be accompanied by all of the following:

- a. A surety company bond in the sum of thirty thousand dollars, to be approved by the ~~commissioner~~ director and conditioned to pay any damages that may accrue to any person due to a wrongful act or violation of law on the part of the applicant in the conduct of business.
 - b. The schedule of fees to be charged by the employment agency.
 - c. All contract forms to be signed by an employee.
 - d. An application fee of seventy-five dollars.
3. The ~~commissioner~~ director shall grant or deny a license within thirty days from the filing date of a completed application.
4. The ~~commissioner~~ director may revoke, suspend, or annul a license ~~in accordance with chapter 17A~~ upon good cause pursuant to rules adopted by the director.

Sec. 2284. Section 94A.4, subsection 4, paragraph d, Code 2023, is amended to read as follows:

- d. Charge an employee any fee greater than the fee schedule on file with the ~~commissioner~~ director without prior consent of the ~~commissioner~~ director.

Sec. 2285. Section 94A.5, Code 2023, is amended to read as follows:

94A.5 Powers and duties of the ~~commissioner~~ director.

- 1. ~~At any time, the commissioner~~ The director may examine the records, books, and any papers relating to the conduct and operation of an employment agency at any time.
- 2. ~~The commissioner shall adopt rules pursuant to chapter 17A to administer this chapter.~~

Sec. 2286. Section 94A.6, Code 2023, is amended to read as follows:

94A.6 Violations.

- 1. A person who violates a provision of this chapter or who refuses the ~~commissioner~~ director access to records, books, and papers pursuant to an examination under section 94A.5 shall be guilty of a simple misdemeanor.
- 2. If a person violates a provision of this chapter or refuses the ~~commissioner~~ director access to records, books, and papers pursuant to an examination under section 94A.5, the ~~commissioner~~ director shall assess a civil penalty against the person in an amount not greater than two thousand dollars.

Sec. 2287. **NEW SECTION. 94A.7 Rules.**

- 1. The ~~director~~ shall adopt rules pursuant to chapter 17A to administer this chapter.
- 2. The ~~director~~ may establish rules pursuant to chapter 17A to assess and collect interest on fees and penalties owed to the department of workforce development. The ~~director~~ may delay or, following written notice, deny the issuance of a license, if the applicant for the license owes a debt to the department of workforce development.

Sec. 2288. **CODE EDITOR DIRECTIVE.**

- 1. The Code editor is directed to make the following transfers:
 - a. Section 94A.1 to section 84H.1.
 - b. Section 94A.2 to section 84H.2.
 - c. Section 94A.3 to section 84H.3.
 - d. Section 94A.4 to section 84H.4.
 - e. Section 94A.5 to section 84H.5.
 - f. Section 94A.6 to section 84H.6.
 - g. Section 94A.7 to section 84H.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.

REPORTS AND RECORDS

Sec. 2289. Section 91.12, Code 2023, is amended to read as follows:

91.12 Reports and records ~~to division of labor services~~.

- 1. An owner, operator, or manager of every factory, mill, workshop, mine, store, railway, business house, public or private work, or any other establishment where labor is employed, shall submit to the ~~division of labor services~~ department of workforce development reports in

the form and manner prescribed by the ~~commissioner~~ director of the department of workforce development by rule, for the purpose of compiling labor statistics. The owner, operator, or business manager shall submit the reports within sixty days from receipt of notice, and shall certify under oath the accuracy of the reports. For purposes of this section, “factory”, “mill”, “workshop”, “mine”, “store”, “railway”, “business house”, and “public or private work” shall mean any factory, mill, workshop, mine, store, railway, business house, or public or private work where wage earners are employed for compensation.

2. Notwithstanding chapter 22, records ~~containing~~ submitted under subsection 1 that contain identifiable financial institution or credit card account numbers obtained by the commissioner shall be kept confidential.

3. *a.* Any officer or employee of the department of workforce development who makes unlawful use of a report submitted under subsection 1 shall be guilty of a serious misdemeanor.

b. Any person who has access to a report submitted under subsection 1 who makes unlawful use of the report shall be guilty of a serious misdemeanor.

c. Any owner, operator, or manager of a factory, mill, workshop, mine, store, railway, business house, or public or private work who fails to submit the report required under subsection 1 shall be guilty of a simple misdemeanor.

4. The director of the department of workforce development shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2290. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 91.12 to section 84A.18.

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.

ADULT EDUCATION

Sec. 2291. NEW SECTION. 84A.19 Adult education and literacy programs.

1. For purposes of this section, unless the context otherwise requires:

a. “*Adult education and literacy programs*” means adult basic education, adult education leading to a high school equivalency diploma under chapter 259A, English as a second language instruction, and workplace and family literacy instruction.

b. “*Community colleges*” means the same as defined in section 260C.2.

2. The department of workforce development and community colleges shall jointly implement adult education and literacy programs to assist adults and youths sixteen years of age and older who are not in school in obtaining the knowledge and skills necessary for further education, work, and community involvement.

3. The department of workforce development, in consultation with community colleges, shall prescribe standards for adult education and literacy programs including but not limited to contextualized and integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.

4. The department of workforce development, in consultation with community colleges, shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2292. Section 260C.50, Code 2023, is amended to read as follows:

260C.50 Adult education and literacy programs.

1. For purposes of this section, “*adult education and literacy programs*” means ~~adult basic education, adult education leading to a high school equivalency diploma under chapter 259A, English as a second language instruction, workplace and family literacy instruction, or integrated basic education and technical skills instruction.~~

2. The department and the community colleges shall jointly implement adult education ~~and literacy programs~~ to assist adults and youths sixteen years of age and older who are not in school in obtaining the knowledge and skills necessary for further education, work, and community involvement.

3. The state board, in consultation with the community colleges, shall prescribe standards for adult education ~~and literacy programs~~ including but not limited to contextualized and

integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.

4. The state board, in consultation with the community colleges, shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION XII
DEPARTMENT OF REVENUE

IOWA LOTTERY

Sec. 2293. Section 7E.6, subsection 3, Code 2023, is amended to read as follows:

3. Any position of membership on the ~~board of the Iowa lottery authority~~ board created in section 99G.8 shall receive compensation of fifty dollars per day and expenses.

Sec. 2294. Section 68B.35, subsection 2, paragraph e, Code 2023, 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~~ board created in section 99G.8, 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. 2295. Section 99B.1, subsection 22, Code 2023, is amended to read as follows:

22. "Merchandise" means goods or services that are bought and sold in the regular course of business. "Merchandise" includes lottery tickets or shares sold or authorized under chapter 99G. The value of the lottery ticket or share is the price of the lottery ticket or share as established by the ~~Iowa lottery authority~~ department of revenue pursuant to chapter 99G. "Merchandise" includes a gift card if the gift card is not redeemable for cash.

Sec. 2296. Section 99G.1, Code 2023, is amended to read as follows:

99G.1 Title.

This chapter may be cited as the "Iowa Lottery ~~Authority~~ Act".

Sec. 2297. Section 99G.2, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2298. Section 99G.3, subsections 2 and 4, Code 2023, are amended by striking the subsections.

Sec. 2299. Section 99G.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Administrator" means the administrator of the Iowa lottery appointed pursuant to section 99G.5.

NEW SUBSECTION. 4A. "Department" means the department of revenue.

NEW SUBSECTION. 4B. "Director" means the director of the department of revenue or the director's designee.

NEW SUBSECTION. 4C. "Division" means the Iowa lottery division of the department of revenue.

Sec. 2300. Section 99G.3, subsections 3, 7, 14, and 18, Code 2023, are amended to read as follows:

3. “*Board*” means the board of directors of the authority Iowa lottery created in section 99G.8.

7. “*Lottery*”, “*lotteries*”, “*lottery game*”, “*lottery games*”, or “*lottery products*” means any game of chance approved ~~by the board~~ and operated pursuant to this chapter and games using mechanical or electronic devices, provided that the authority division shall not authorize a monitor vending machine or a player-activated gaming machine that utilizes an internal randomizer to determine winning and nonwinning plays and that upon random internal selection of a winning play dispenses coins, currency, or a ticket, credit, or token to the player that is redeemable for cash or a prize, and excluding gambling or gaming conducted pursuant to chapter 99B, 99D, or 99F.

14. “*Retailer*” means a person who sells lottery tickets or shares on behalf of the authority division pursuant to a license issued by the authority department.

18. “*Vendor*” means a person who provides or proposes to provide goods or services to the authority department pursuant to a major procurement contract, but does not include an employee of the authority department under this chapter, a retailer, or a state agency or instrumentality thereof.³⁵

Sec. 2301. Section 99G.3, subsection 8, Code 2023, is amended by striking the subsection.³⁶

Sec. 2302. Section 99G.4, Code 2023, is amended to read as follows:

99G.4 Iowa lottery authority created.

1. An Iowa lottery authority is created, effective September 1, 2003, which shall administer the state lottery be administered by the division. The authority shall be deemed to be a public authority and an instrumentality of the state, and not a state agency. However, the authority shall be considered a state agency for purposes of chapters 17A, 21, 22, 28E, 68B, 91B, 97B, 509A, and 669.

2. The income and property of the authority department under this chapter shall be exempt from all state and local taxes, and the sale of lottery tickets and shares issued and sold by the authority division and its retail licensees shall be exempt from all state and local sales taxes.

Sec. 2303. Section 99G.5, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

99G.5 Lottery administrator.

1. An administrator of the lottery under this chapter shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The administrator shall be qualified by training and experience to manage a lottery.

2. The salary of the lottery administrator shall be set by the governor within the applicable salary range established by the general assembly.

3. The lottery administrator shall be an employee of the department and shall direct the day-to-day operations and management of the lottery under this chapter as specified by the director.

Sec. 2304. Section 99G.6, Code 2023, is amended to read as follows:

99G.6 Power to administer oaths and take testimony — subpoena.

The ~~chief executive officer administrator~~ or the ~~chief executive officer’s administrator’s~~ designee if authorized to conduct an inquiry, investigation, or hearing under this chapter may administer oaths and take testimony under oath relative to the matter of inquiry, investigation, or hearing. At a hearing ordered by the ~~chief executive officer administrator~~, the ~~chief executive officer administrator~~ or the designee may subpoena witnesses and require the production of records, paper, or documents pertinent to the hearing.

³⁵ See chapter 108, §53 herein

³⁶ See chapter 108, §59 herein

Sec. 2305. Section 99G.7, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The chief executive officer of the authority administrator~~ shall direct and supervise all administrative and technical activities in accordance with the provisions of this chapter and with the administrative rules, policies, and procedures adopted by the board. ~~The chief executive officer administrator~~ shall do all of the following:

Sec. 2306. Section 99G.7, subsection 1, paragraphs b and c, Code 2023, are amended by striking the paragraphs.

Sec. 2307. Section 99G.7, subsection 1, paragraphs d, e, f, g, and i, Code 2023, are amended to read as follows:

d. Promote or provide for promotion of the lottery and any functions related to the authority division under this chapter.

e. Prepare a budget for the approval of the board director for activities of the division under this chapter.

f. Require bond from such retailers and vendors in such amounts as required by the board division.

g. Report semiannually to the general assembly's standing committees on government oversight regarding the operations of the authority division.

i. Perform other duties generally associated with a chief executive officer of an authority of an entrepreneurial nature as necessary to administer this chapter.

Sec. 2308. Section 99G.7, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. The ~~chief executive officer administrator~~ shall conduct an ongoing study of the operation and administration of lottery laws similar to this chapter in other states or countries, of available literature on the subject, of federal laws and regulations which may affect the operation of the lottery and of the reaction of citizens of this state to existing or proposed features of lottery games with a view toward implementing improvements that will tend to serve the purposes of this chapter.

3. The ~~chief executive officer director~~ may for good cause suspend, revoke, or refuse to renew any contract entered into in accordance with the provisions of this chapter or the administrative rules, policies, and procedures of the board.

4. The ~~chief executive officer or the chief executive officer's designee administrator or the administrator's designee~~ may conduct hearings and administer oaths to persons for the purpose of assuring the security or integrity of lottery operations or to determine the qualifications of or compliance by vendors and retailers.

Sec. 2309. Section 99G.8, subsections 1, 4, 6, and 13, Code 2023, are amended to read as follows:

1. ~~The authority shall be administered by a~~ A board of directors comprised of five members appointed by the governor subject to confirmation by the senate is created within the department. Board members appointed when the senate is not in session shall serve only until the end of the next regular session of the general assembly, unless confirmed by the senate.

4. No officer or employee of the authority department shall be a member of the board.

6. A majority of members in office shall constitute a quorum for the transaction of any business and for the exercise of any power or function of the authority board.

13. Board members shall not have any direct or indirect interest in an undertaking that puts their personal interest in conflict with that of the authority department under this chapter including but not limited to an interest in a major³⁷ procurement contract or a participating retailer.

Sec. 2310. Section 99G.8, subsection 15, Code 2023, is amended by striking the subsection.

³⁷ See chapter 108, §54 herein

Sec. 2311. Section 99G.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall provide the ~~chief executive officer~~ director and the administrator with private-sector perspectives of a large marketing enterprise. The board shall do all of the following:

Sec. 2312. Section 99G.9, subsections 1 and 5, Code 2023, are amended by striking the subsections.

Sec. 2313. Section 99G.9, subsection 2, Code 2023, is amended to read as follows:

2. Approve, disapprove, amend, or modify the terms of ~~major~~³⁸ lottery procurements recommended by the ~~chief executive officer~~ administrator.

Sec. 2314. Section 99G.9, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Adopt policies and procedures and promulgate administrative rules pursuant to chapter 17A relating to the management and operation of the ~~authority~~ Iowa lottery. The administrative rules promulgated pursuant to this subsection may include but shall not be limited to the following:

Sec. 2315. Section 99G.9, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. The number and amount of prizes, including but not limited to prizes of free tickets or shares in lottery games conducted by the ~~authority~~ division and merchandise prizes. The ~~authority~~ division shall maintain and make available for public inspection at its offices during regular business hours a detailed listing of the estimated number of prizes of each particular denomination that are expected to be awarded in any game that is on sale or the estimated odds of winning the prizes and, after the end of the claim period, shall maintain and make available a listing of the total number of tickets or shares sold in a game and the number of prizes of each denomination that were awarded.

Sec. 2316. Section 99G.9, subsection 3, paragraph j, Code 2023, is amended by striking the paragraph.

Sec. 2317. Section 99G.9, subsection 4, Code 2023, is amended to read as follows:

4. Adopt game specific rules. The promulgation of game specific rules shall not be subject to the requirements of chapter 17A. However, game specific rules shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the ~~authority~~ division.

Sec. 2318. Section 99G.10, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

99G.10 Lottery personnel.

1. An employee of the division shall not have a financial interest in any vendor doing business or proposing to do business with the department under this chapter. However, an employee may own shares of a mutual fund which may hold shares of a vendor corporation provided the employee does not have the ability to influence the investment functions of the mutual fund.

2. An employee of the division with decision-making authority under this chapter shall not participate in any decision involving a retailer with whom the employee has a financial interest.

3. A background investigation shall be conducted by the department of public safety, division of criminal investigation, on each applicant who has reached the final selection process prior to employment by the department under this chapter. For positions not designated as sensitive by the department, the investigation may consist of a state criminal history background check, work history, and financial review. The department shall identify

³⁸ See chapter 108, §55 herein

those sensitive positions of the division which require full background investigations, which positions shall include, at a minimum, any officer of the division, and any employee with operational management responsibilities, security duties, or system maintenance or programming responsibilities related to the division's data processing or network hardware, software, communication, or related systems under this chapter. In addition to a work history and financial review, a full background investigation may include a national criminal history check through the federal bureau of investigation. The screening of employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history repository to the federal bureau of investigation. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

4. A person who has been convicted of a felony or bookmaking or other form of illegal gambling or of a crime involving moral turpitude shall not be employed by the department under this chapter.

5. The department shall bond employees with access to Iowa lottery funds or lottery revenue under this chapter in such an amount as provided by the department and may bond other employees under this chapter as deemed necessary.

Sec. 2319. Section 99G.11, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. A member of the board, any officer, or other employee of the authority division shall not directly or indirectly, individually, as a member of a partnership or other association, or as a shareholder, director, or officer of a corporation have an interest in a business that contracts for the operation or marketing of the lottery as authorized by this chapter, unless the business is controlled or operated by a consortium of lotteries in which the authority division has an interest.

2. Notwithstanding the provisions of chapter 68B, a person contracting or seeking to contract with the state to supply gaming equipment or materials for use in the operation of the lottery, an applicant for a license to sell tickets or shares in the lottery, or a retailer shall not offer a member of the board, any officer, or other employee of the authority division, or a member of their immediate family a gift, gratuity, or other thing having a value of more than the limits established in chapter 68B, other than food and beverage consumed at a meal. For purposes of this subsection, "*member of their immediate family*" means a spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or step-parent of the board member, the officer, or other employee who resides in the same household in the same principal residence of the board member, officer, or other employee.

3. If a board member, officer, or other employee of the authority division violates a provision of this section, the board member, officer, or employee shall be immediately removed from the office or position.

Sec. 2320. Section 99G.12, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. The self-service kiosk shall be owned or leased by the authority department.

b. The self-service kiosk shall only be located in a retail location licensed by the authority division pursuant to this chapter. The authority division shall determine, in its sole discretion, the placement of the self-service kiosk.

Sec. 2321. Section 99G.21, subsections 1, 3, 4, and 5, Code 2023, are amended to read as follows:

1. Funds of the state shall not be used or obligated to pay the expenses or prizes of the authority department under this chapter.

3. Notwithstanding any other provision of law, any purchase of real property and any borrowing of more than one million dollars by the authority department for purposes of this chapter shall require written notice from the authority department to the general assembly's standing committees on government oversight and the prior approval of the executive council.

4. The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in this chapter and no such powers limit or restrict any other powers of the ~~authority department~~ under this chapter.

5. Departments, boards, commissions, or other agencies of this state shall provide reasonable assistance and services to the ~~authority department~~ for purposes of this chapter upon the request of the ~~chief executive officer~~ director.

Sec. 2322. Section 99G.21, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The authority shall have any and all powers necessary or convenient to carry out and effectuate department, in carrying out the purposes and provisions of this chapter which are not in conflict with the Constitution of the State of Iowa, including, but without limiting the generality of the foregoing, shall have the following powers:~~

Sec. 2323. Section 99G.21, subsection 2, paragraphs h, i, l, p, and q, Code 2023, are amended by striking the paragraphs.

Sec. 2324. Section 99G.22, subsections 1, 3, 4, and 6, Code 2023, are amended to read as follows:

1. The ~~authority department~~ shall investigate the financial responsibility, security, and integrity of any lottery system vendor who is a finalist in submitting a bid, proposal, or offer as part of a ~~major~~ procurement contract. Before a ~~major~~ procurement contract is awarded, the division of criminal investigation of the department of public safety shall conduct a background investigation of the vendor to whom the contract is to be awarded. ~~The chief executive officer and board administrator~~ shall consult with the division of criminal investigation and shall provide for the scope of the background investigation and due diligence to be conducted in connection with ~~major~~ procurement contracts. At the time of submitting a bid, proposal, or offer to the ~~authority department~~ on a ~~major~~ procurement contract, ~~the authority shall require that each vendor shall be required to submit to the division of criminal investigation appropriate investigation authorization to facilitate this investigation, together with an advance of funds to meet the anticipated investigation costs.~~ If the division of criminal investigation determines that additional funds are required to complete an investigation, the vendor will be so advised. The background investigation by the division of criminal investigation may include a national criminal history check through the federal bureau of investigation. The screening of vendors or their employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history repository to the federal bureau of investigation.

3. A ~~major~~ procurement contract shall not be entered into with any lottery system vendor who has not complied with the disclosure requirements described in this section, and any contract with such a vendor is voidable ~~at the option of the authority~~. Any contract with a vendor that does not comply with the requirements for periodically updating such disclosures during the tenure of the contract as may be specified in such contract may be terminated ~~by the authority~~. The provisions of this section shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the ~~authority department~~ of the competence, integrity, background, and character of vendors for ~~major~~ procurements.

4. A ~~major~~ procurement contract shall not be entered into with any vendor who has been found guilty of a felony related to the security or integrity of the lottery in this or any other jurisdiction.

6. If, based on the results of a background investigation, the ~~board department~~ determines that the best interests of the ~~authority department~~, including but not limited to the ~~authority's department's~~ reputation for integrity, would be served thereby, the ~~board department~~ may disqualify a potential vendor from contracting with the ~~authority department~~ for a ~~major~~ procurement contract or from acting as a subcontractor in connection with a contract for a ~~major~~ procurement contract.³⁹

³⁹ See chapter 108, §56 herein

Sec. 2325. Section 99G.22, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2326. Section 99G.23, Code 2023, is amended to read as follows:

99G.23 Vendor bonding, ~~and tax filing, and competitive bidding.~~

1. ~~The authority may purchase, lease, or lease-purchase such goods or services as are necessary for effectuating the purposes of this chapter.~~ The authority division may make procurements that integrate functions such as lottery game design, lottery ticket distribution to retailers, supply of goods and services, and advertising. In all procurement decisions under this chapter, the authority division shall take into account the particularly sensitive nature of the lottery and shall act to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objectives of raising net proceeds for state programs.

2. Each vendor shall, at the execution of the contract with the authority division, post a performance bond or letter of credit from a bank or credit provider acceptable to the authority division in an amount as deemed necessary by the authority division for that particular bid or contract.

3. Each vendor shall be qualified to do business in this state and shall file appropriate tax returns as provided by the laws of this state.

4. ~~All major procurement contracts must be competitively bid pursuant to policies and procedures approved by the board unless there is only one qualified vendor and that vendor has an exclusive right to offer the service or product.~~

Sec. 2327. Section 99G.24, Code 2023, is amended to read as follows:

99G.24 Retailer compensation — licensing.

1. The general assembly recognizes that to conduct a successful lottery, the authority department must develop and maintain a statewide network of lottery retailers that will serve the public convenience and promote the sale of tickets or shares and the playing of lottery games while ensuring the integrity of the lottery operations, games, and activities.

2. The board shall determine the compensation to be paid to licensed retailers. Compensation may include provision for variable payments based on sales volume or incentive considerations.

3. The authority department shall issue a license certificate to each person with whom it contracts as a retailer for purposes of display as provided in this section. Every lottery retailer shall post its license certificate, or a facsimile thereof, and keep it conspicuously displayed in a location on the premises accessible to the public. No license shall be assignable or transferable. Once issued, a license shall remain in effect until canceled, suspended, or terminated by the authority department.

4. A licensee under this section shall cooperate with the authority department by using point-of-purchase materials, posters, and other marketing material when requested to do so by the authority department. Lack of cooperation is sufficient cause for revocation of a retailer's license.

5. The board shall develop a list of objective criteria upon which the qualification of lottery retailers shall be based. Separate criteria shall be developed to govern the selection of retailers of instant tickets and on-line retailers. In developing these criteria, the board shall consider such factors as the applicant's financial responsibility, security of the applicant's place of business or activity, accessibility to the public, integrity, and reputation. The criteria shall include but not be limited to the volume of expected sales and the sufficiency of existing licensees to serve the public convenience.

6. The applicant shall be current in filing all applicable tax returns to the state of Iowa and in payment of all taxes, interest, and penalties owed to the state of Iowa, excluding items under formal appeal pursuant to applicable statutes. The department ~~of revenue~~ is authorized and directed to provide this information to ~~the authority~~ those employees of the division designated to receive this information.

7. A person, partnership, unincorporated association, authority, or other business entity shall not be selected as a lottery retailer if the person or entity meets any of the following conditions:

a. Has been convicted of a criminal offense related to the security or integrity of the lottery in this or any other jurisdiction.

b. Has been convicted of any illegal gambling activity, false statements, perjury, fraud, or a felony in this or any other jurisdiction.

c. Has been found to have violated the provisions of this chapter or any regulation, policy, or procedure of the ~~authority or of the lottery~~ division unless either ten years have passed since the violation or the board finds the violation both minor and unintentional in nature.

d. Is a vendor or any employee or agent of any vendor doing business with the ~~authority~~ department under this chapter or the division.

e. Resides in the same household as an officer of the ~~authority~~ division.

f. Is less than eighteen years of age.

g. Does not demonstrate financial responsibility sufficient to adequately meet the requirements of the proposed enterprise.

h. Has not demonstrated that the applicant is the true owner of the business proposed to be licensed and that all persons holding at least a ten percent ownership interest in the applicant's business have been disclosed.

i. Has knowingly made a false statement of material fact to the ~~authority~~ department.

8. Persons applying to become lottery retailers may be charged a uniform application fee for each lottery outlet.

9. Any lottery retailer contract executed pursuant to this section may, for good cause, be suspended, revoked, or terminated by the ~~chief executive officer~~ director or the ~~chief executive officer's~~ director's designee if the retailer is found to have violated any provision of this chapter or objective criteria established by the board. Cause for suspension, revocation, or termination may include, but is not limited to, sale of tickets or shares to a person under the age of twenty-one and failure to pay for lottery products in a timely manner.

Sec. 2328. Section 99G.25, Code 2023, is amended to read as follows:

99G.25 License not assignable.

Any lottery retailer license certificate or contract shall not be transferable or assignable. The ~~authority~~ department may issue a temporary license when deemed in the best interests of the state. A lottery retailer shall not contract with any person for lottery goods or services, except with the approval of the board.

Sec. 2329. Section 99G.26, Code 2023, is amended to read as follows:

99G.26 Retailer bonding.

The ~~authority~~ department may require any retailer to post an appropriate bond, as determined by the ~~authority~~ department, using a cash bond or an insurance company acceptable to the ~~authority~~ department.

Sec. 2330. Section 99G.27, Code 2023, is amended to read as follows:

99G.27 Lottery retail licenses — cancellation, suspension, revocation, or termination.

1. A lottery retail license issued by the ~~authority~~ department pursuant to this chapter may be canceled, suspended, revoked, or terminated by the ~~authority~~ department for reasons including, but not limited to, any of the following:

a. A violation of this chapter, a regulation, or a policy or procedure of the ~~authority~~ division.

b. Failure to accurately or timely account or pay for lottery products, lottery games, revenues, or prizes as required by the ~~authority~~ division.

c. Commission of any fraud, deceit, or misrepresentation.

d. Insufficient sales.

e. Conduct prejudicial to public confidence in the lottery.

f. The retailer filing for or being placed in bankruptcy or receivership.

g. Any material change as determined in the sole discretion of the ~~authority~~ department in any matter considered by the ~~authority~~ department in executing the contract with the retailer.

h. Failure to meet any of the objective criteria established by the ~~authority~~ division pursuant to this chapter.

i. Other conduct likely to result in injury to the property, revenue, or reputation of the ~~authority~~ department under this chapter.

2. A lottery retailer license may be temporarily suspended by the authority department without prior notice if the ~~chief executive officer~~ director or designee determines that further sales by the licensed retailer are likely to result in immediate injury to the property, revenue, or reputation of the authority department.

3. The board shall adopt administrative rules governing appeals of lottery retailer licensing disputes.

Sec. 2331. Section 99G.28, Code 2023, is amended to read as follows:

99G.28 Proceeds held in trust.

All proceeds from the sale of the lottery tickets or shares shall constitute a trust fund until paid to the authority division directly, through electronic funds transfer to the authority division, or through the authority's division's authorized collection representative. A lottery retailer and officers of a lottery retailer's business shall have a fiduciary duty to preserve and account for lottery proceeds and lottery retailers shall be personally liable for all proceeds. Proceeds shall include unsold products received but not paid for by a lottery retailer and cash proceeds of the sale of any lottery products net of allowable sales commissions and credit for lottery prizes paid to winners by lottery retailers. Sales proceeds of pull-tab tickets shall include the sales price of the lottery product net of allowable sales commission and prizes contained in the product. Sales proceeds and unused instant tickets shall be delivered to the authority division or its authorized collection representative upon demand.

Sec. 2332. Section 99G.29, Code 2023, is amended to read as follows:

99G.29 Retailer rental calculations — lottery ticket sales treatment.

If a lottery retailer's rental payments for the business premises are contractually computed, in whole or in part, on the basis of a percentage of retail sales and such computation of retail sales is not explicitly defined to include sales of tickets or shares in a state-operated or state-managed lottery, only the compensation received by the lottery retailer from the authority department may be considered the amount of the lottery retail sale for purposes of computing the rental payment.

Sec. 2333. Section 99G.30, Code 2023, is amended to read as follows:

99G.30 Ticket sales requirements — penalties.

1. Lottery tickets or shares may be distributed by the authority division for promotional purposes.

2. A ticket or share shall not be sold at a price other than that fixed by the authority division and a sale shall not be made other than by a retailer or an employee of the retailer who is authorized by the retailer to sell tickets or shares. A person who violates a provision of this subsection is guilty of a simple misdemeanor.

3. A ticket or share shall not be sold to a person who has not reached the age of twenty-one. Any person who knowingly sells a lottery ticket or share to a person under the age of twenty-one shall be guilty of a simple misdemeanor. It shall be an affirmative defense to a charge of a violation under this section that the retailer reasonably and in good faith relied upon presentation of proof of age in making the sale. A prize won by a person who has not reached the age of twenty-one but who purchases a winning ticket or share in violation of this subsection shall be forfeited. This section does not prohibit the lawful purchase of a ticket or share for the purpose of making a gift to a person who has not reached the age of twenty-one. The board shall adopt administrative rules governing the payment of prizes to persons who have not reached the age of twenty-one.

4. Except for the authority department, a retailer shall only sell lottery products on the licensed premises and not through the mail or by technological means except as the authority department may provide or authorize.

5. The retailer may accept payment by cash, check, money order, debit card, or electronic funds transfer. The retailer shall not extend or arrange credit for the purchase of a ticket or share. As used in this subsection, "cash" means United States currency.

6. Nothing in this chapter shall be construed to prohibit the authority department from designating certain of its agents and employees to sell or give lottery tickets or shares directly to the public.

7. No elected official's name shall be printed on tickets.

Sec. 2334. Section 99G.31, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~chief executive officer~~ administrator shall award the designated prize to the holder of the ticket or share upon presentation of the winning ticket or confirmation of a winning share. The prize shall be given to only one person as provided in this section; however, a prize shall be divided between holders of winning tickets if there is more than one winning ticket.

2. The ~~authority division~~ shall only pay prizes for lottery tickets or shares that the ~~authority~~ department determines were legally purchased, legally possessed, and legally presented.

Sec. 2335. Section 99G.31, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~authority board~~ shall adopt administrative rules, policies, and procedures to establish a system of verifying the validity of tickets or shares claimed to win prizes and to effect payment of such prizes, subject to the following requirements:

Sec. 2336. Section 99G.31, subsection 3, paragraphs b, d, f, g, h, and i, Code 2023, are amended to read as follows:

b. A prize shall not be paid arising from claimed tickets that are stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not received, or not recorded by the ~~authority division~~ within applicable deadlines; lacking in captions that conform and agree with the play symbols as appropriate to the particular lottery game involved; or not in compliance with such additional specific administrative rules, policies, and public or confidential validation and security tests of the ~~authority division~~ appropriate to the particular lottery game involved.

d. Unclaimed prize money for the prize on a winning ticket or share shall be retained for a period deemed appropriate by the ~~chief executive officer~~ administrator, subject to approval by the board. If a valid claim is not made for the money within the applicable period, the unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions. Notwithstanding this subsection, the disposition of unclaimed prize money from multijurisdictional games shall be made in accordance with the rules of the multijurisdictional game.

f. The ~~authority division~~ is discharged of all liability upon payment of a prize pursuant to this section.

g. No ticket or share issued by the ~~authority division~~ shall be purchased by and no prize shall be paid to any member of the board of directors; any officer or employee of the ~~authority~~ department under this chapter; or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person.

h. No ticket or share issued by the ~~authority division~~ shall be purchased by and no prize shall be paid to any officer, employee, agent, or subcontractor of any vendor or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person if such officer, employee, agent, or subcontractor has access to confidential information which may compromise the integrity of the lottery.

i. The proceeds of any lottery prize shall be subject to state and federal income tax laws. An amount deducted from the prize for payment of a state tax, pursuant to section 422.16, subsection 1, shall be transferred ~~by the authority~~ to the department of ~~revenue~~ on behalf of the prize winner.

Sec. 2337. Section 99G.32, Code 2023, is amended to read as follows:

99G.32 Authority Department legal representation — lottery.

The ~~authority department~~ shall retain the services of legal counsel to advise the ~~authority~~ department and the board under this chapter and to provide representation in legal proceedings. The ~~authority department~~ may retain the attorney general or a full-time assistant attorney general in that capacity and provide reimbursement for the cost of advising and representing the board and the ~~authority department~~.

Sec. 2338. Section 99G.33, Code 2023, is amended to read as follows:

99G.33 Law enforcement investigations.

The department of public safety, division of criminal investigation, shall be the primary state agency responsible for investigating criminal violations under this chapter. The ~~chief executive officer~~ director shall contract with the department of public safety for investigative services, including the employment of special agents and support personnel, and procurement of necessary equipment to carry out the responsibilities of the division of criminal investigation under the terms of the contract and this chapter.

Sec. 2339. Section 99G.34, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The records of the authority department under this chapter 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 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:

Sec. 2340. Section 99G.34, subsections 1, 4, and 7, Code 2023, are amended to read as follows:

1. Marketing plans, research data, and proprietary intellectual property owned or held by the authority department for purposes of this chapter under contractual agreements.

4. Security records pertaining to investigations and intelligence-sharing information between lottery security officers and those of other lotteries and law enforcement agencies, the security portions or segments of lottery requests for proposals, proposals by vendors to conduct lottery operations, and records of the security division of the authority department under this chapter pertaining to game security data, ticket validation tests, and processes.

7. Security reports and other information concerning bids or other contractual data, the disclosure of which would impair the efforts of the authority department to contract for goods or services on favorable terms under this chapter.

Sec. 2341. Section 99G.35, Code 2023, is amended to read as follows:

99G.35 Security.

1. The authority's department's chief security officer and investigators under this chapter shall be qualified by training and experience in law enforcement to perform their respective duties in support of the activities of the security office. The chief security officer and investigators shall not have sworn peace officer status. The lottery security office shall perform all of the following activities in support of the authority mission of the department under this chapter:

a. Supervise ticket or share validation and lottery drawings, provided that the authority department may enter into cooperative agreements with multijurisdictional lottery administrators for shared security services at drawings and game show events involving more than one participating lottery.

b. Inspect at times determined solely by the authority department the facilities of any vendor or lottery retailer in order to determine the integrity of the vendor's product or the operations of the retailer in order to determine whether the vendor or the retailer is in compliance with its contract.

c. Report any suspected violations of this chapter to the appropriate county attorney or the attorney general and to any law enforcement agencies having jurisdiction over the violation.

d. Upon request, provide assistance to any county attorney, the attorney general, the department of public safety, or any other law enforcement agency.

e. Upon request, provide assistance to retailers in meeting their licensing contract requirements and in detecting retailer employee theft.

f. Monitor authority division operations for compliance with internal security requirements.

g. Provide physical security at the authority's central operations facilities used by the department for purposes of this chapter.

h. Conduct on-press product production surveillance, testing, and quality approval for printed scratch and pull-tab tickets.

i. Coordinate employee and retailer background investigations conducted by the department of public safety, division of criminal investigation.

2. The authority department may enter into intelligence-sharing, reciprocal use, or restricted use agreements for purposes of this chapter with the federal government, law enforcement agencies, lottery regulation agencies, and gaming enforcement agencies of other jurisdictions which provide for and regulate the use of information provided and received pursuant to the agreement.

3. Records, documents, and information in the possession of the authority department received under this chapter pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into by the authority department with a federal department or agency, any law enforcement agency, or the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered investigative records of a law enforcement agency and are not subject to chapter 22 and shall not be released under any condition without the permission of the person or agency providing the record or information.

Sec. 2342. Section 99G.36, subsection 5, Code 2023, is amended to read as follows:

5. No person shall knowingly or intentionally make a material false statement in any lottery prize claim, make a material false statement in any application for a license or proposal to conduct lottery activities, or make a material false entry in any book or record which is compiled or maintained or submitted to the ~~authority or the board~~ department pursuant to the provisions of this chapter. Any person who violates the provisions of this subsection shall be guilty of a class “D” felony.

Sec. 2343. Section 99G.37, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

99G.37 Competitive bidding.

All procurement contracts under this chapter must be competitively bid in accordance with chapter 8A, subchapter III, part 2. Procurement contracts shall take into consideration the greatest integrity for the Iowa lottery. In any bidding process, the services of the department of administrative services shall be utilized.⁴⁰

Sec. 2344. Section 99G.38, Code 2023, is amended to read as follows:

99G.38 Authority Lottery finance — self-sustaining.

1. The authority department may borrow, or accept and expend, in accordance with the provisions of this chapter, such moneys as may be received from any source, including income from the authority’s department’s operations, for effectuating its business purposes under this chapter, including the payment of the initial expenses of initiation, administration, and operation of the authority department under this chapter and the lottery.

2. The authority department as it relates to the lottery shall be self-sustaining and self-funded. Moneys in the general fund of the state shall not be used or obligated to pay the expenses of the authority department under this chapter or prizes of the lottery, and no claim for the payment of an expense of the lottery or prizes of the lottery may be made against any moneys other than moneys credited to the authority department operating account pursuant to this chapter.

3. The state of Iowa offset program, as provided in section 8A.504, shall be available to the authority department to facilitate receipt of funds owed to the authority department under this chapter.

Sec. 2345. Section 99G.39, subsections 1 and 3, Code 2023, are amended to read as follows:

1. Upon receipt of any revenue,⁴¹ the ~~chief executive officer~~ director shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated

⁴⁰ See chapter 108, §57 herein

⁴¹ See chapter 108, §58 herein

for payment of prizes to the holders of winning tickets. After the payment of prizes, the expenses of conducting the lottery shall be deducted from the ~~authority's department's~~ authority department's revenue under this chapter prior to disbursement. Expenses for advertising production and media purchases shall not exceed four percent of the ~~authority's department's~~ authority department's gross revenue under this chapter for the year.

3. Two million five hundred thousand dollars in lottery revenues shall be transferred each fiscal year to the veterans trust fund established pursuant to section 35A.13 prior to deposit of the lottery revenues in the general fund pursuant to section 99G.40. However, if the balance of the veterans trust fund is fifty million dollars or more, the moneys shall be appropriated to the department of ~~revenue~~ for distribution to county directors of veteran affairs, with fifty percent of the moneys to be distributed equally to each county and fifty percent of the moneys to be distributed to each county based upon the population of veterans in the county, so long as the moneys distributed to a county do not supplant moneys appropriated by that county for the county director of veteran affairs.

Sec. 2346. Section 99G.39, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and lottery revenues that will become available during the remainder of the appropriate fiscal year for the purposes described in paragraph "a". The department of management and the department of ~~revenue~~ shall take appropriate actions to provide that the amount of gaming revenues and lottery revenues that will be available during the remainder of the appropriate fiscal year is sufficient to cover any anticipated deficiencies.

Sec. 2347. Section 99G.40, Code 2023, is amended to read as follows:

99G.40 Audits and reports — lottery fund.

1. To ensure the financial integrity of the lottery, the ~~authority~~ authority department shall do all of the following:

a. Submit quarterly and annual reports to the governor, state auditor, and the general assembly disclosing the total lottery revenues, prize disbursements, and other expenses of the ~~authority~~ authority department under this chapter during the reporting period. The fourth quarter report shall be included in the annual report made pursuant to this section. The annual report shall include a complete statement of lottery revenues, prize disbursements, and other expenses, and recommendations for changes in the law that the ~~chief executive officer~~ director deems necessary or desirable for purposes of this chapter. The annual report shall be submitted within one hundred twenty days after the close of the fiscal year. The ~~chief executive officer~~ director shall report immediately to the governor, the treasurer of state, and the general assembly any matters that require immediate changes in the law in order to prevent abuses or evasions of this chapter or rules adopted or to rectify undesirable conditions in connection with the administration or operation of the lottery.

b. Maintain weekly or more frequent records of lottery transactions, including the distribution of tickets or shares to retailers, revenues received, claims for prizes, prizes paid, prizes forfeited, and other financial transactions of the ~~authority~~ authority department under this chapter.

c. The ~~authority~~ authority department shall deposit in the lottery fund created in subsection 2 any moneys received by retailers from the sale of tickets or shares less the amount of any compensation due the retailers. The ~~chief executive officer~~ director may require licensees to file with the ~~authority~~ authority department reports of receipts and transactions in the sale of tickets or shares. The reports shall be in the form and contain the information the ~~chief executive officer~~ director requires.

2. A lottery fund is created in the office of the treasurer of state and shall exist as the recipient fund for ~~authority~~ authority department receipts under this chapter. The fund consists of all revenues received from the sale of lottery tickets or shares and all other moneys lawfully credited or transferred to the fund. The ~~chief executive officer~~ director shall certify quarterly that portion of the fund that has been transferred to the general fund of the state under this chapter and shall cause that portion to be transferred to the general fund of the state. However, upon the request of the ~~chief executive officer~~ director and subject to the approval

by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery fund. Prior to the quarterly transfer to the general fund of the state, the ~~chief executive officer~~ director may direct that lottery revenue shall be deposited in the lottery fund and in interest-bearing accounts designated by the treasurer of state. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the general fund of the state in the same manner as other lottery revenue.

3. The ~~chief executive officer~~ director shall certify before the last day of the month following each quarter that portion of the lottery fund resulting from the previous quarter's sales to be transferred to the general fund of the state.

~~4. For informational purposes only, the chief executive officer shall submit to the department of management by October 1 of each year a proposed operating budget for the authority for the succeeding fiscal year. This budget proposal shall also be accompanied by an estimate of the net proceeds to be deposited into the general fund during the succeeding fiscal year. This budget shall be on forms prescribed by the department of management. A copy of the information required to be submitted to the department of management pursuant to this subsection shall be submitted to the general assembly's standing committees on government oversight and the legislative services agency by October 1 of each year.~~

~~5.~~ 4. The authority shall adopt the same fiscal year as that used by state government and activities of the division shall be audited annually as part of the audit of the department by the auditor of state or a certified public accounting firm appointed by the auditor. The auditor of state or a designee conducting an audit of the activities of the division under this chapter shall have access and authority to examine any and all records of licensees necessary to determine compliance with this chapter and the rules adopted pursuant to this chapter. The cost of audits and examinations conducted by the auditor of state or a designee shall be paid for by the authority as provided in chapter 11.

Sec. 2348. Section 99G.41, Code 2023, is amended to read as follows:

99G.41 Prize offsets — garnishments.

1. Any claimant agency may submit to the authority department a list of the names of all persons indebted to such claimant agency or to persons on whose behalf the claimant agency is acting. The full amount of the debt shall be collectible from any lottery winnings due the debtor without regard to limitations on the amounts that may be collectible in increments through garnishment or other proceedings. Such list shall constitute a valid lien upon and claim of lien against the lottery winnings of any debtor named in such list. The list shall contain the names of the debtors, their social security numbers if available, and any other information that assists the authority department in identifying the debtors named in the list.

2. The authority department is authorized and directed to withhold any winnings paid out directly by the authority department subject to the lien created by this section and send notice to the winner. However, if the winner appears and claims winnings in person, the authority department shall notify the winner at that time by hand delivery of such action. The authority department shall pay the funds over to the agency administering the offset program.

3. Notwithstanding the provisions of section 99G.34 which prohibit disclosure by the authority department of certain portions of the contents of prize winner records or information, and notwithstanding any other confidentiality statute, the authority department may provide to a claimant agency all information necessary to accomplish and effectuate the intent of this section.

4. The information obtained by a claimant agency from the authority department in accordance with this section shall retain its confidentiality and shall only be used by a claimant agency in the pursuit of its debt collection duties and practices. Any employee or prior employee of any claimant agency who unlawfully discloses any such information for any other purpose, except as otherwise specifically authorized by law, shall be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the authority department under this chapter.

5. Except as otherwise provided in this chapter, attachments, garnishments, or executions authorized and issued pursuant to law shall be withheld if timely served upon the authority department.

6. The provisions of this section shall only apply to prizes paid directly by the authority department and shall not apply to any retailers authorized by the board department to pay prizes of up to six hundred dollars after deducting the price of the ticket or share.

Sec. 2349. Section 99G.42, Code 2023, is amended to read as follows:

99G.42 Compulsive gamblers — treatment program information.

The authority department shall cooperate with the gambling treatment program administered by the Iowa department of public health and human services to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the authority department pursuant to this chapter.

Sec. 2350. IOWA LOTTERY — TRANSITION PROVISIONS.

1. For purposes of this section, unless the context otherwise requires:

a. “Department” means the department of revenue.

b. “Iowa lottery authority” means the Iowa lottery authority established pursuant to 2003 Iowa Acts, chapter 178, section 66.

2. The department shall be the legal successor to the Iowa lottery authority and, as such, shall assume all rights, privileges, obligations, and responsibilities of the Iowa lottery authority. The promulgated rules of the Iowa lottery authority shall remain in full force and effect as the rules of the department until amended or repealed by the department. In addition, the department may continue the security practices and procedures utilized by the Iowa lottery authority until amended or repealed by the department.

3. At 12:01 a.m. on July 1, 2023, the department shall become the legal successor to the Iowa lottery authority.

4. Personnel of the Iowa lottery authority employed on July 1, 2023, shall transition to the department as department employees under chapter 99G. The chief executive officer of the Iowa lottery authority on July 1, 2023, shall be the lottery administrator, as provided in this Act, on that date without the requirement to be reappointed by the governor.

5. The department shall function as the legal successor to the Iowa lottery authority and shall assume all of the assets and obligations of the Iowa lottery authority, and funds of the state shall not be used or obligated to pay the expenses or prizes of the department or its predecessor, the Iowa lottery authority.

6. In order to effect an immediate and efficient transition of the lottery from the Iowa lottery authority to the department, as soon as practicable, the department shall do all of the following:

a. Take such steps and enter into such agreements as the director of the department may determine are necessary and proper in order to effect the transfer, assignment, and delivery to the department from the Iowa lottery authority of all the tangible and intangible assets constituting the lottery, including the exclusive right to operate the lottery and the assignment to and assumption by the department of all agreements, covenants, and obligations of the Iowa lottery authority and other agencies of the state, relating to the operation and management of the lottery.

b. Receive as transferee from the Iowa lottery authority all of the tangible and intangible assets constituting the lottery including, without limitation, the exclusive authorization to operate a lottery in the state of Iowa and ownership of annuities and bonds purchased prior to the date of transfer and held in the name of the Iowa lottery for payment of lottery prizes, and shall assume and discharge all of the agreements, covenants, and obligations of the Iowa lottery authority entered into and constituting part of the operation and management of the lottery. In consideration for such transfer and assumption, the department shall transfer to the state all net profits of the department under chapter 99G, at such times and subject to such financial transfer requirements as are provided in this division of this Act.

ALCOHOLIC BEVERAGE CONTROL

Sec. 2351. Section 123.3, subsections 1 and 19, Code 2023, are amended by striking the subsections.

Sec. 2352. Section 123.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 16A. “*Department*” means the department of revenue.

NEW SUBSECTION. 17A. “*Director*” means the director of the department of revenue or the director’s designee.

Sec. 2353. Section 123.3, subsections 6, 14, 16, 26, 29, 30, and 38, Code 2023, are amended to read as follows:

6. “*Application*” means a written request for the issuance of a permit, license, or certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the ~~administrator~~ director.

14. “*Commercial establishment*” means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the ~~division~~ department.

16. “*Completed application*” means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the ~~division~~ department, and the application meets the requirements of section 123.92, subsection 2, if applicable.

26. The terms “*in accordance with the provisions of this chapter*”, “*pursuant to the provisions of this title*”, or similar terms shall include all rules and regulations of the ~~division~~ department adopted to aid in the administration or enforcement of those provisions.

29. “*Licensed premises*” or “*premises*” means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the ~~administrator~~ director where alcoholic beverages, wine, or beer is sold or consumed under authority of a retail alcohol 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.

30. “*Local authority*” means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail alcohol licenses; empowered to recommend that such licenses be granted and issued by the ~~division~~ department; and empowered to take other actions reserved to them by this chapter.

38. “*Permit*” or “*license*” means an express written authorization issued by the ~~division~~ department for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

Sec. 2354. Section 123.3, subsection 40, paragraphs a and d, Code 2023, are amended to read as follows:

a. The person has such financial standing and good reputation as will satisfy the ~~administrator~~ director that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person’s operations under this chapter. However, the ~~administrator~~ director shall not require the person to post a bond to meet the requirements of this paragraph.

d. The person has not been convicted of a felony. However, if the person’s conviction of a felony occurred more than five years before the date of the application for a license or permit, and if the person’s rights of citizenship have been restored by the governor, the ~~administrator~~ director may determine that the person is of good moral character notwithstanding such conviction.

Sec. 2355. Section 123.4, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

123.4 Alcoholic beverage control.

The department of revenue shall administer and enforce the laws of this state concerning alcoholic beverage control.

Sec. 2356. Section 123.5, subsection 1, Code 2023, is amended to read as follows:

1. An alcoholic beverages commission is created within the ~~division~~ department. The commission is composed of five members, not more than three of whom shall belong to the same political party.

Sec. 2357. Section 123.6, Code 2023, is amended to read as follows:

123.6 Commission meetings.

The commission shall meet on or before July 1 of each year for the purpose of selecting one of its members as chairperson for the succeeding year. The commission shall otherwise meet quarterly or at the call of the chairperson or ~~administrator~~ director or when three members file a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum.

Sec. 2358. Section 123.7, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

123.7 Duties of director.

The director shall supervise the daily operations of the department under this chapter and shall execute the alcoholic beverage control policies of the department.

Sec. 2359. Section 123.8, Code 2023, is amended to read as follows:

123.8 Duties of commission and administrator.

1. The commission, in addition to the duties specifically enumerated in this chapter, shall act as a ~~division~~ policy-making body under this chapter and serve in an advisory capacity to the ~~administrator~~ director and department. ~~The administrator shall supervise the daily operations of the division and shall execute the policies of the division as determined by the commission.~~

2. The commission may review and affirm, reverse, or amend all actions of the ~~administrator~~ director under this chapter, including but not limited to the following instances:

- a. Purchases of alcoholic liquor for resale by the ~~division~~ department.
- b. The establishment of wholesale prices of alcoholic liquor.

Sec. 2360. Section 123.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director, in executing ~~divisional~~ the alcoholic beverage control functions of the department, shall have the following duties and powers:

Sec. 2361. Section 123.9, subsections 1, 4, and 7, Code 2023, are amended to read as follows:

1. To receive alcoholic liquors on a bailment system for resale by the ~~division~~ department in the manner set forth in this chapter.

4. To appoint clerks, agents, or other employees required for carrying out the provisions of this chapter; to dismiss employees for cause; to assign employees to divisions and bureaus as created by the administrator ~~director~~ within the division department; and to designate their title, duties, and powers. All employees of the ~~division~~ department for purposes of this chapter are subject to chapter 8A, subchapter IV, unless exempt under section 8A.412.

7. To accept alcoholic liquors ordered delivered to the ~~alcoholic beverages division~~ department pursuant to chapter 809A, and offer for sale and deliver the alcoholic liquors to class "E" retail alcohol licensees, unless the ~~administrator~~ director determines that the alcoholic liquors may be adulterated or contaminated. If the ~~administrator~~ director determines that the alcoholic liquors may be adulterated or contaminated, the ~~administrator~~ director shall order their destruction.

Sec. 2362. Section 123.10, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director, with the approval of the commission and subject to chapter 17A, may adopt rules as necessary to carry out this chapter. The ~~administrator's~~ director's authority under this chapter extends to, but is not limited to, the following:

Sec. 2363. Section 123.10, subsections 1, 6, 14, and 15, Code 2023, are amended to read as follows:

1. Prescribing the duties of officers, clerks, agents, or other employees of the ~~division department~~ under this chapter and regulating their conduct while in the discharge of their duties.

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

14. Prescribing the uniform fee to be assessed against a retail alcohol licensee, except a class “B”, special class “B”, or class “E” retail alcohol licensee, to cover the administrative costs incurred by the ~~division department~~ resulting from the failure of the licensee to maintain dramshop liability insurance coverage pursuant to section 123.92, subsection 2, paragraph “a”.

15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee under this chapter for a contested case hearing conducted by the ~~division department~~ or by an administrative law judge from the department of inspections and appeals which results in administrative action taken against the licensee or permittee by the ~~division department~~.

Sec. 2364. Section 123.11, Code 2023, is amended to read as follows:

123.11 Compensation and expenses.

Members of the commission, the ~~administrator~~ director, and other employees of the ~~division department~~ shall be allowed their actual and necessary expenses while traveling on business of the ~~division department~~ under this chapter outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the ~~administrator~~ director. If such account is paid, the same shall be filed with the ~~division department~~ and be and remain a part of its permanent records. Each member appointed to the commission is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6. All expenses and salaries of commission members, the ~~administrator~~ director, and other employees shall be paid from appropriations for such purposes and the ~~division department~~ shall be subject to the budget requirements of chapter 8.

Sec. 2365. Section 123.12, Code 2023, is amended to read as follows:

123.12 Exemption from suit.

~~No~~ A commission member or officer or employee of the ~~division department~~ shall not be personally liable for damages sustained by any person due to the act of such member, officer, or employee performed in the reasonable discharge of the member’s, officer’s, or employee’s duties as enumerated in this chapter.

Sec. 2366. Section 123.13, Code 2023, is amended to read as follows:

123.13 Prohibitions on commission members and employees.

1. Commission members, officers, and employees of the ~~division department~~ under this chapter shall not, while holding such office or position, do any of the following:

a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States.

b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under this chapter.

c. Directly or indirectly, use their office or employment to influence, persuade, or induce any other officer, employee, or person to adopt their political views or to favor any particular candidate for an elective or appointive public office.

d. Directly or indirectly, solicit or accept, in any manner or way, any money or other thing of value for any person seeking an elective or appointive public office, or to any political party or any group of persons seeking to become a political party.

2. Except as provided in section 123.5, subsection 3, a commission member or ~~division~~ department employee under this chapter shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this subsection does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

3. Any officer or employee violating this section or any other provisions of this chapter shall, in addition to any other penalties provided by law, be subject to suspension or discharge from employment. Any commission member shall, in addition to any other penalties provided by law, be subject to removal from office as provided by chapter 66.

Sec. 2367. Section 123.14, Code 2023, is amended to read as follows:

123.14 Alcoholic beverage control law enforcement.

1. The department of public safety is the primary alcoholic beverage control law enforcement authority for this state.

2. The county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the ~~alcoholic beverages division of the department of commerce~~, shall be supplementary aids to the department of public safety for purposes of alcoholic beverage control law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section shall be sufficient cause for the peace officer's removal as provided by law. This section shall not be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

3. The department of public safety shall have full access to all records, reports, audits, tax reports and all other documents and papers in the ~~alcoholic beverages division~~ department pertaining to liquor licensees and wine and beer permittees and their business.

Sec. 2368. Section 123.16, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~commission~~ department shall cause to be prepared an annual report to the governor of the state, ending with June 30 of each fiscal year, on the operation and financial position of the ~~division~~ department under this chapter for the preceding fiscal year. The report shall include but is not limited to the following information:

Sec. 2369. Section 123.16, subsections 1 and 7, Code 2023, are amended to read as follows:

1. Amount of profit or loss from ~~division~~ department operations under this chapter.

7. Amount of fees paid to the ~~division~~ department from retail alcohol licenses, wine permits, and beer permits, in gross, and the amount of retail alcohol license fees returned to local subdivisions of government as provided under this chapter.

Sec. 2370. Section 123.17, Code 2023, is amended to read as follows:

123.17 Beer and liquor control fund — allocations to substance abuse programs — use of civil penalties.

1. There shall be established within the office of the treasurer of state a fund to be known as the beer and liquor control fund. The fund shall consist of any moneys appropriated by the general assembly for deposit in the fund and moneys received from the sale of alcoholic liquors by the ~~division~~ department, from the issuance of permits and licenses, and of moneys and receipts received by the ~~division~~ department from any other source under this chapter.

2. a. The director of the department of administrative services shall periodically transfer from the beer and liquor control fund to the general fund of the state those revenues of the ~~division~~ department which are not necessary for the purchase of liquor for resale by the ~~division~~ department, or for remittances to local authorities or other sources as required by this chapter, or for other obligations and expenses of the ~~division~~ department which are paid from such fund.

b. All moneys received by the ~~division~~ department from the issuance of vintner's certificates of compliance and wine permits shall be transferred by the director of the department of administrative services to the general fund of the state.

3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection 5, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of ~~commerce~~ shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

5. After any transfer provided for in subsection 3 is made, the department of ~~commerce~~ shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the ~~division~~ department from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

6. After any transfers provided for in subsections 3 and 5, the department of ~~commerce~~ shall receive a transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the ~~division~~ department for collecting and properly disposing of the liquor containers.

7. After any transfers provided for in subsections 3, 5, and 6, and before any other transfer to the general fund, the department of ~~commerce~~ shall transfer to the economic development authority from the beer and liquor control fund two million dollars annually for statewide tourism marketing services and efforts pursuant to section 15.275.

8. After any transfers provided for in subsections 3, 5, 6, and 7, and before any other transfer to the general fund, the department of ~~commerce~~ shall transfer from the beer and liquor control fund one million dollars to the Iowa department of public health for distribution pursuant to section 125.59.

9. Civil penalties imposed and collected by the ~~division~~ department under this chapter shall be credited to the general fund of the state. The moneys from the civil penalties shall be used by the ~~division~~ department, subject to appropriation by the general assembly, for the purposes of providing educational programs, information and publications for alcoholic beverage licensees and permittees, local authorities, and law enforcement agencies

regarding the laws and rules which govern the alcoholic beverages industry, and for promoting compliance with alcoholic beverage laws and rules.

Sec. 2371. Section 123.18, Code 2023, is amended to read as follows:

123.18 Appropriations.

~~Division~~ Department appropriations for purposes of this chapter shall be paid by the treasurer of state upon the orders of the ~~administrator~~ director, in such amounts and at such times as the ~~administrator~~ director deems necessary to carry on operations in accordance with the terms of this chapter.

Sec. 2372. Section 123.22, subsection 1, Code 2023, is amended to read as follows:

1. The ~~division~~ department 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 nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to this subsection shall be 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~~ department, except as otherwise provided in this chapter. This section vests in the ~~division~~ department 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~~ department shall receive alcoholic liquor on a bailment system for resale by the ~~division~~ department in the manner set forth in this chapter. The ~~division~~ department shall act as the sole wholesaler of alcoholic liquor to class "E" retail alcohol licensees.

Sec. 2373. Section 123.23, subsections 1, 2, 3, and 5, Code 2023, are amended to read as follows:

1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the ~~administrator~~ director for that purpose. No brand of alcoholic liquor shall be sold by the ~~division~~ department in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the ~~administrator~~ director unless otherwise suspended or revoked for cause. Each completed application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the ~~administrator~~ director, and shall be accompanied by a fee of two hundred dollars payable to the ~~division~~ department. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by ~~divisional~~ departmental rules adopted under this chapter.

2. At the time of applying for a certificate of compliance, each applicant shall submit to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, 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 by the certificate holder as necessary to keep the listing current with the ~~division~~ department.

3. The ~~administrator~~ director and the attorney general are authorized to require any certificate holder or person listed as the certificate holder's representative, employee, or attorney to disclose such financial and other records and transactions as may be considered relevant in discovering violations of this chapter or of rules and regulations of the ~~division~~ department under this chapter or of any other provision of law by any person.

5. This section shall not require the listing of those persons who are employed on premises where alcoholic liquors are manufactured, processed, bottled, or packaged in Iowa or persons who are thereafter engaged in the transporting of such alcoholic liquors to the division department.

Sec. 2374. Section 123.24, Code 2023, is amended to read as follows:

123.24 Alcoholic liquor sales by the division department — dishonored payments — liquor prices.

1. The division department shall sell alcoholic liquor at wholesale only. The division department shall sell alcoholic liquor to class “E” retail alcohol licensees only. The division department shall offer the same price on alcoholic liquor to all class “E” retail alcohol licensees without regard for the quantity of purchase or the distance for delivery.

2. The price of alcoholic liquor sold by the division department shall consist of the following:

a. The manufacturer’s price.

b. A markup of up to fifty percent of the wholesale price paid by the division department for the alcoholic liquor. The division department may increase the markup on selected kinds of alcoholic liquor sold by the division department if the average return to the division department on all sales of alcoholic liquor does not exceed the wholesale price paid by the division department and the fifty percent markup.

c. A split case charge in an amount determined by the division department when alcoholic liquor is sold in quantities which require a case to be split.

d. A bottle surcharge in an amount sufficient, when added to the amount not refunded to class “E” retail alcohol licensees pursuant to section 455C.2, to pay the costs incurred by the division department for collecting and properly disposing of the liquor containers. The amount collected pursuant to this paragraph, in addition to any amounts not refunded to class “E” retail alcohol licensees pursuant to section 455C.2, shall be deposited in the beer and liquor control fund established under section 123.17.

3. a. The division department may accept from a class “E” retail alcohol licensee electronic funds transferred by automated clearing house, wire transfer, or another method deemed acceptable by the administrator director, in payment of alcoholic liquor. If a payment is subsequently dishonored, the division department shall cause a notice of nonpayment and penalty to be served upon the class “E” retail alcohol licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored payment is not made within ten days of the service of notice, the licensee’s retail alcohol license may be suspended under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the administrator director, and shall be sent by certified mail.

b. If upon notice and hearing under section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the administrator director determines that the class “E” retail alcohol licensee failed to satisfy the obligation for which the payment was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph “a” of this subsection, the administrator director may suspend the licensee’s class “E” retail alcohol license for a period not to exceed ten days.

4. The administrator director may refuse to sell alcoholic liquor to a class “E” retail alcohol licensee who tenders a payment which is subsequently dishonored until the outstanding obligation is satisfied.

Sec. 2375. Section 123.25, Code 2023, is amended to read as follows:

123.25 Consumption on premises.

An officer, clerk, agent, or employee of the division department employed in a state-owned warehouse under this chapter shall not allow any alcoholic beverage to be consumed on the premises, nor shall a person consume any alcoholic liquor on the premises except for testing or sampling purposes only.

Sec. 2376. Section 123.26, Code 2023, is amended to read as follows:

123.26 Restrictions on sales — seals — labeling.

Alcoholic liquor shall not be sold by a class “E” retail alcohol licensee except in a sealed container with identifying markers as prescribed by the ~~administrator~~ director and affixed in the manner prescribed by the ~~administrator~~ director, and no such container shall be opened upon the premises of a state warehouse. The ~~division~~ department shall cooperate with the department of natural resources so that only one identifying marker or mark is needed to satisfy the requirements of this section and section 455C.5, subsection 1. Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of this chapter except as provided in section 123.22.

Sec. 2377. Section 123.27, Code 2023, is amended to read as follows:

123.27 Sales and deliveries prohibited.

It is unlawful to transact the sale or delivery of alcoholic liquor in, on, or from the premises of a state warehouse:

1. After the closing hour as established by the ~~administrator~~ director.
2. On any legal holiday except those designated by the ~~administrator~~ director.
3. During other periods or days as designated by the ~~administrator~~ director.

Sec. 2378. Section 123.28, subsections 1 and 2, Code 2023, are amended to read as follows:

1. It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the ~~division~~ department to a state warehouse or depot established by the ~~division~~ department or from one such place to another and, when so permitted by this chapter, it is lawful for the ~~division~~ department, 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~~ department shall deliver alcoholic liquor purchased by class “E” retail alcohol licensees. Class “E” retail alcohol licensees may deliver alcoholic liquor purchased by class “C”, class “D”, or class “F” retail alcohol licensees, and class “C”, class “D”, or class “F” retail alcohol licensees may transport alcoholic liquor purchased from class “E” retail alcohol licensees.

Sec. 2379. Section 123.29, subsection 1, Code 2023, is amended to read as follows:

1. This chapter does not prohibit the sale of patent and proprietary medicines, tinctures, food products, extracts, toiletries, perfumes, and similar products, which are not susceptible of use as a beverage, but which contain alcoholic liquor, wine, or beer as one of their ingredients. These products may be sold through ordinary wholesale and retail businesses without a license or permit issued by the ~~division~~ department.

Sec. 2380. Section 123.30, subsections 1 and 2, Code 2023, are amended to read as follows:

1. a. A retail alcohol license may be issued to any person who is of good moral character as defined by this chapter.

b. As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the ~~division~~ department and of the department of inspections and appeals; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under section 421.17 or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

c. As a further condition for the issuance of a class “E” retail alcohol 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~~ department; however, a bond shall not be required if all purchases of alcoholic liquor from the ~~division~~ department by the licensee are made by means that ensure that the ~~division~~ department will receive full payment in advance of delivery of the alcoholic liquor.

d. A class “E” retail alcohol license may be issued to a city council for premises located within the limits of the city if there are no class “E” retail alcohol licensees operating within the limits of the city and no other applications for a class “E” license for premises located within the limits of the city at the time the city council’s application is filed. If a class “E” retail alcohol license is subsequently issued to a private person for premises located within the limits of the city, the city council shall surrender its license to the ~~division~~ department within one year of the date that the class “E” retail alcohol licensee begins operating, liquidate any remaining assets connected with the liquor store, and cease operating the liquor store.

2. A retail alcohol license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the ~~administrator~~ director in the form of a living quarters permit.

Sec. 2381. Section 123.30, subsection 3, paragraph d, subparagraphs (1) and (5), Code 2023, are amended to read as follows:

(1) A class “E” retail alcohol license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the ~~division~~ department only, wine from a class “A” wine permittee only, and beer from a class “A” beer permittee only; to sell alcoholic liquor, wine, and beer in original unopened containers at retail to patrons for consumption off the licensed premises; and to sell alcoholic liquor and high alcoholic content beer at wholesale to other retail alcohol licensees, provided the holder has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(5) The ~~division~~ department may issue a class “E” retail alcohol license for premises covered by a retail alcohol license for on-premises consumption under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” retail alcohol license has been issued by the ~~division~~ department, and no other application for a class “E” retail alcohol license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of this chapter to the contrary, the premises covered by a retail alcohol license is a grocery store that is at least five thousand square feet.

Sec. 2382. Section 123.31, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a retail alcohol license shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2383. Section 123.31, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director 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.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2384. Section 123.31, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. 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 and that the applicant shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the ~~administrator~~ director in the form of a living quarters permit.

Sec. 2385. Section 123.31A, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to the rules of the ~~division~~ department, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

Sec. 2386. Section 123.31A, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. The container to be sold shall be securely sealed by a method authorized by the ~~division~~ department 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 or wine has been tampered with or the sealed container has otherwise been reopened.

Sec. 2387. Section 123.31A, subsection 4, Code 2023, is amended to read as follows:

4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of subsection 3 and the ~~division's~~ department's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 2388. Section 123.32, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A completed application for a class "D" retail alcohol license and for any of the following certificates, licenses, or permits shall be submitted to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, which shall proceed in the same manner as in the case of an application approved by local authorities:

Sec. 2389. Section 123.32, subsections 2, 6, 7, 8, and 9, Code 2023, are amended to read as follows:

2. *Action by local authorities.* The local authority shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the ~~division~~ department. There is no limit upon the number of retail alcohol licenses which may be approved for issuance by local authorities.

6. *Action by ~~administrator~~ director.*

a. Upon receipt of an application having been disapproved by the local authority, the ~~administrator~~ director shall notify the applicant that the applicant may appeal the disapproval of the application to the ~~administrator~~ director. The applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant.

b. Upon receipt of an application having been approved by the local authority, the ~~division~~ department shall make an investigation as the ~~administrator~~ director deems necessary to determine that the applicant complies with all requirements for holding a license, 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. If the ~~administrator~~ director 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~~ director may appoint a member of the ~~division~~ department 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. The ~~administrator~~ director may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license. If the application is approved by the ~~administrator~~ director, the license shall be issued. If the application is disapproved by the ~~administrator~~ director, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the ~~administrator~~ director.

7. *Appeal to ~~administrator~~ director*. An applicant for a retail alcohol license may appeal from the local authority's disapproval of an application for a license or permit to the ~~administrator~~ director. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to chapter 17A that the applicant complies with all of the requirements for holding the license or permit. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license or permit. The ~~administrator~~ director may affirm, reverse, or modify the proposed decision. If the ~~administrator~~ director determines that the applicant complies with all of the requirements for holding a license or permit, the ~~administrator~~ director shall order the issuance of the license or permit. If the ~~administrator~~ director determines that the applicant does not comply with the requirements for holding a license or permit, the ~~administrator~~ director shall disapprove the issuance of the license or permit.

8. *Judicial review*. The applicant or the local authority may seek judicial review of the action of the ~~administrator~~ director in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated.

9. *Suspension by local authority*. A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the ~~administrator~~ director. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The ~~administrator~~ director may review the proposed decision upon the motion of a party to the appeal or upon the ~~administrator's~~ director's own motion in accordance with chapter 17A. Upon review of the proposed decision, the ~~administrator~~ director may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or a local authority aggrieved by a decision of the ~~administrator~~ director may seek judicial review of the decision pursuant to chapter 17A.

Sec. 2390. Section 123.33, Code 2023, is amended to read as follows:

123.33 Records.

Every holder of a license or permit under this chapter shall maintain records, in printed or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the ~~administrator~~ director 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. 2391. Section 123.34, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue eight-month seasonal class "C", special class "C", class "D", and class "F" retail alcohol licenses.

Sec. 2392. Section 123.34, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue fourteen-day class "C", special class "C", class "D", and class "F" retail alcohol licenses.

Sec. 2393. Section 123.34, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue five-day class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses.

Sec. 2394. Section 123.35, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding section 123.31 and any other provision of this chapter to the contrary, a class “E” retail alcohol license shall automatically renew without the endorsement of a local authority or approval by the ~~administrator~~ director upon collection of the annual fee by the ~~division~~ department, provided all of the following conditions are met since the preceding license was issued:

Sec. 2395. Section 123.35, subsection 2, paragraphs a, e, and h, Code 2023, are amended to read as follows:

a. The licensee has given written consent to the ~~division~~ department to have the license automatically renewed as provided in this section.

e. The licensee has not submitted payment for alcoholic liquor to the ~~division~~ department that was subsequently dishonored.

h. A local authority has not notified the ~~division~~ department, in a manner established by the ~~division~~ department and made available to local authorities, that automatic renewal should not occur and that further review of the licensee by the ~~division~~ department and the applicable local authority is warranted.

Sec. 2396. Section 123.35, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding sections 123.23, 123.135, 123.180, and any other provision of this chapter to the contrary, a distiller’s, brewer’s, or vintner’s certificate of compliance shall automatically renew without approval by the ~~administrator~~ director upon collection of the annual fee by the ~~division~~ department, provided all of the following conditions are met since the preceding certificate was issued:

Sec. 2397. Section 123.35, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The certificate holder has given written consent to the ~~division~~ department to have the certificate automatically renewed as provided in this section.

Sec. 2398. Section 123.35, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding section 123.187 and any other provision of this chapter to the contrary, a wine direct shipper’s permit shall automatically renew without approval by the ~~administrator~~ director upon collection of the annual fee by the ~~division~~ department, provided all of the following conditions are met since the preceding permit was issued:

Sec. 2399. Section 123.35, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The permittee has given written consent to the ~~division~~ department to have the permit automatically renewed as provided in this section.

Sec. 2400. Section 123.36, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The following fees shall be paid to the ~~division~~ department annually for retail alcohol licenses issued under section 123.30:

Sec. 2401. Section 123.36, subsection 2, Code 2023, is amended to read as follows:

2. The ~~division~~ department shall credit all fees to the beer and liquor control fund. The ~~division~~ department shall remit to the appropriate local authority a sum equal to sixty-five percent of the fees collected for each class “B”, class “C”, or class “F” license except special

class “C” licenses or class “E” licenses, covering premises located within the local authority’s jurisdiction. The ~~division~~ department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class “C” license covering premises located within the local authority’s jurisdiction. Those fees collected for each class “E” retail alcohol license shall be credited to the beer and liquor control fund.

Sec. 2402. Section 123.37, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. The ~~administrator~~ director may compromise and settle doubtful and disputed claims for taxes imposed under this chapter or for taxes of doubtful collectibility, notwithstanding section 7D.9. The ~~administrator~~ director may enter into informal settlements pursuant to section 17A.10 to compromise and settle doubtful and disputed claims for taxes imposed under this chapter. The ~~administrator~~ director may make a claim under a licensee’s or permittee’s penal bond for taxes of doubtful collectibility. Whenever a compromise or settlement is made, the ~~administrator~~ director shall make a complete record of the case showing the tax assessed, reports and audits, if any, the licensee’s or permittee’s grounds for dispute or contest, together with all evidence of the dispute or contest, and the amounts, conditions, and settlement or compromise of the dispute or contest.

3. A licensee or permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the ~~administrator~~ director.

4. The ~~administrator~~ director shall adopt rules establishing procedures for payment of disputed taxes imposed under this chapter. If it is determined that the tax is not due in whole or in part, the ~~division~~ department shall promptly refund the part of the tax payment which is determined not to be due.

Sec. 2403. Section 123.38, subsection 1, Code 2023, is amended to read as follows:

1. A retail alcohol license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the ~~administrator of the division~~ director may in the ~~administrator’s~~ director’s discretion allow the executor or administrator of the estate of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

Sec. 2404. Section 123.38, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Any licensee or permittee, or the executor or administrator of the estate of a licensee or permittee, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee’s or permittee’s creditors, may voluntarily surrender a license or permit to the ~~division~~ department. When a license or permit is surrendered, the ~~division~~ department shall notify the local authority, and the ~~division~~ department or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the ~~division~~ department or the local authority for the license or permit as follows:

Sec. 2405. Section 123.38, subsection 2, paragraphs b and c, Code 2023, are amended to read as follows:

b. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph “a”, subparagraphs (1) and (2), shall not be deemed received either by the ~~division~~ department or by a local authority.

c. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the ~~division~~ department or local authority charging the licensee or permittee with a violation of this chapter.

Sec. 2406. Section 123.38, subsection 3, Code 2023, is amended to read as follows:

3. The local authority may in its discretion authorize a licensee or permittee to transfer the license or permit from one location to another within the same incorporated city, or within a county outside the corporate limits of a city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law. All transfers authorized, and the particulars of same, shall be reported to the ~~administrator~~ director by the local authority. The ~~administrator~~ director may by rule establish a uniform transfer fee to be assessed by all local authorities upon licensees or permittees to cover the administrative costs of such transfers, such fee to be retained by the local authority involved.

Sec. 2407. Section 123.38A, Code 2023, is amended to read as follows:

123.38A Confidential investigative records.

In order to assure a free flow of information for accomplishing the purposes of section 123.4 and section 123.9, subsection 6, all complaint information, investigation files, audit files, and inspection files, other investigation reports, and other investigative information in the possession of the ~~division~~ department or employees acting under the authority of the ~~administrator~~ director under this chapter are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release before administrative or criminal charges are filed. However, investigative information in the possession of ~~division~~ department employees under this chapter may be disclosed to the licensing authorities of a city or county within this state, in another state, the District of Columbia, or territory or county in which the licensee or permittee is licensed or permitted or has applied for a license or permit. In addition, the investigative information can be shared with any law enforcement agency or other state agency that also has investigative, regulatory, or enforcement jurisdiction authorized by law. Records received by the ~~division~~ department for purposes of this chapter from other agencies which would be confidential if created by the ~~division~~ department are considered confidential.

Sec. 2408. Section 123.39, subsections 1 and 4, Code 2023, are amended to read as follows:

1. a. (1) The ~~administrator~~ director or the local authority may suspend a class "B", special class "B" native wine, class "C", special class "C", class "E", or class "F" retail alcohol license, or charity beer, spirits, and wine special event license for a period not to exceed one year, revoke the license, or impose a civil penalty not to exceed one thousand dollars per violation.

(2) The ~~administrator~~ director may suspend a certificate of compliance, a class "D" retail alcohol license, a manufacturer's license, a broker's permit, a class "A" native distilled spirits license, a class "A" or special class "A" beer permit, a class "A" wine permit, a wine direct shipper's permit, or a wine carrier permit for a period not to exceed one year, revoke the license, permit, or certificate, or impose a civil penalty not to exceed one thousand dollars per violation.

b. A license, permit, or certificate of compliance issued under this chapter may be suspended or revoked, or a civil penalty may be imposed for any of the following causes:

(1) Misrepresentation of any material fact in the application for the license, permit, or certificate.

(2) Violation of any of the provisions of this chapter.

(3) Any change in the ownership or interest in the business operated under a retail alcohol license which change was not previously reported in a manner prescribed by the ~~administrator~~ director within thirty days of the change and subsequently approved by the local authority, when applicable, and the ~~division~~ department.

(4) An event which would have resulted in disqualification from receiving the license, permit, or certificate when originally issued.

(5) Any sale, hypothecation, or transfer of the license, permit, or certificate.

(6) The failure or refusal on the part of any license, permit, or certificate holder to render any report or remit any taxes to the ~~division~~ department under this chapter when due.

c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this section.

d. A local authority which acts pursuant to this section, section 123.32, or section 123.50 shall notify the ~~division~~ department in writing of the action taken, and shall notify the license or permit holder of the right to appeal a suspension, revocation, or imposition of a civil penalty to the ~~division~~ department.

e. Before suspension, revocation, or imposition of a civil penalty by the ~~administrator~~ director, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the ~~administrator's~~ director's own motion, the ~~administrator~~ director may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the ~~administrator~~ director may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the ~~administrator~~ director may seek judicial review of the ~~administrator's~~ director's decision in accordance with chapter 17A.

f. Civil penalties imposed and collected by the local authority under this section shall be retained by the local authority. Civil penalties imposed and collected by the ~~division~~ department under this section shall be credited to the general fund of the state pursuant to section 123.17, subsection 9.

4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph "h", the ~~administrator~~ director or local authority shall impose a civil penalty in the amount of five hundred dollars in lieu of suspension of the license or permit.

Sec. 2409. Section 123.41, subsections 1, 2, 3, and 4, Code 2023, are amended to read as follows:

1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, and shall be accompanied by a fee of three hundred dollars payable to the ~~division~~ department. The ~~administrator~~ director may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the ~~division~~ department and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the ~~division~~ department.

4. A person who holds a manufacturer's license shall file with the ~~division~~ department, on or before the fifteenth day of each calendar month, all documents filed by the manufacturer with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

Sec. 2410. Section 123.42, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Prior to representing or promoting alcoholic liquor products in the state, the broker shall submit a completed application to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, for a broker's permit. The ~~administrator~~ director may in accordance with this chapter issue a broker's permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter.

2. At the time of applying for a broker's permit, each applicant shall submit to the ~~division~~ department a list of names and addresses of all manufacturers, distillers, and importers whom the applicant has been appointed to represent in the state of Iowa for any purpose. The listing

shall be amended by the broker as necessary to keep the listing current with the division department.

Sec. 2411. Section 123.43, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a class “A” native distilled spirits license shall submit an application electronically, or in a manner prescribed by the administrator director, which shall set forth under oath the following:

Sec. 2412. Section 123.43, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the administrator director, and in such form and containing such information as the administrator director 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.

g. Any other information as required by the administrator director.

Sec. 2413. Section 123.43, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided in this chapter, the administrator director shall issue a class “A” native distilled spirits license to any applicant who establishes all of the following:

Sec. 2414. Section 123.43, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. That the applicant has filed with the division department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

Sec. 2415. Section 123.43A, subsections 1, 3, 4, and 5, Code 2023, are amended to read as follows:

1. Subject to rules of the division department, a native distillery holding a class “A” native distilled spirits license issued pursuant to section 123.43 may sell or offer for sale 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 native distillery that manufactures native distilled spirits. All sales intended for resale in this state shall be made through the state’s wholesale distribution system.

3. A native distillery shall not sell native distilled spirits other than as permitted in this chapter and shall not allow native distilled spirits sold for consumption off the premises to be consumed upon the premises of the native distillery. However, native distilled spirits may be tasted pursuant to the rules of the division department on the premises where fermented, distilled, or matured, when no charge is made for the tasting.

4. The sale of native distilled spirits to the division department for wholesale disposition and sale by the division department shall be subject to the requirements of this chapter regarding such disposition and sale.

5. A native distillery issued a class “A” native distilled spirits license shall file with the division department, on or before the fifteenth day of each calendar month, all documents filed by the 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.

Sec. 2416. Section 123.44, Code 2023, is amended to read as follows:

123.44 Gifts prohibited.

A manufacturer or broker shall not give away alcoholic liquor at any time in connection with the manufacturer’s or broker’s business except for testing or sampling purposes only. A manufacturer, distiller, vintner, brewer, broker, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, who deals in alcoholic beverages subject to regulation under this chapter shall not offer or give anything of value to

a commission member, official or employee of the ~~division~~ department under this chapter, or directly or indirectly contribute in any manner any money or thing of value to a person seeking a public or appointive office or a recognized political party or a group of persons seeking to become a recognized political party.

Sec. 2417. Section 123.46A, subsection 2, Code 2023, is amended to read as follows:

2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with this chapter or the rules of the ~~division~~ department. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license or permit.

Sec. 2418. Section 123.46A, subsection 3, paragraph g, Code 2023, is amended to read as follows:

g. Delivery of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be made by the licensee, the licensee's employee, or a third party, provided the licensee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. Each licensee shall submit to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. The licensee shall provide the ~~division~~ department with amendments to the list as necessary to ensure the ~~division~~ department possesses an accurate, current list.

Sec. 2419. Section 123.49, subsection 2, paragraph d, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the ~~division~~ department, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph "d". This prohibition does not apply to holders of a class "D" retail alcohol license or to alcoholic liquor delivered in accordance with section 123.46A.

(2) Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subparagraph pursuant to rules adopted by the ~~division~~ department. The rules shall provide that the mixed drinks or cocktails be stored, for no longer than seventy-two hours, in a labeled container in a quantity that does not exceed three gallons. The rules shall also provide that added flavors and other nonbeverage ingredients included in the mixed drinks or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine. The rules shall also require that the licensee keep records as to when the contents in a particular container were mixed and the recipe used for that mixture. In addition, mixed drinks or cocktails mixed on the premises pursuant to this subparagraph may be sold for consumption off the licensed premises as provided in and subject to the requirements of subparagraph (3).

(3) Mixed drinks or cocktails mixed on premises covered by a class "C" retail alcohol license for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately filled in a sealed container and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold in a sealed container in compliance with the requirements of this subparagraph and rules adopted by the ~~division~~ department 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.

Sec. 2420. Section 123.50, subsection 2, Code 2023, is amended to read as follows:

2. The conviction of any retail alcohol licensee for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license or permit by the ~~division~~ department or the local authority. However, if any retail alcohol licensee is convicted of any violation of section 123.49, subsection 2, paragraph “a” or “e”, or any retail alcohol licensee, excluding a special class “B” or class “D” retail alcohol licensee, is convicted of a violation of section 123.49, subsection 2, paragraph “d”, the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the ~~division~~ department. However, the ~~division~~ department shall retain only that portion of the bond equal to the amount the ~~division~~ department determines the license holder owes the ~~division~~ department.

Sec. 2421. Section 123.50, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If any retail alcohol licensee or employee of a licensee is convicted or found in violation of section 123.49, subsection 2, paragraph “h”, the ~~administrator~~ director or local authority shall, in addition to criminal penalties fixed for violations by this section, assess a civil penalty as follows:

Sec. 2422. Section 123.50, subsection 4, Code 2023, is amended to read as follows:

4. In addition to any other penalties imposed under this chapter, the ~~division~~ department shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” retail alcohol licensee when the class “E” retail alcohol license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the ~~division~~ department. However, the ~~division~~ department shall retain only that portion of the bond equal to the amount the ~~division~~ department determines the license or permit holder owes the ~~division~~ department.

Sec. 2423. Section 123.50A, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. If sufficient funding is appropriated, the ~~division~~ department shall develop an alcohol compliance employee training program, not to exceed two hours in length for employees and prospective employees of licensees and permittees, to inform the employees about state laws and regulations regarding the sale of alcoholic beverages to persons under legal age, and compliance with and the importance of laws regarding the sale of alcoholic beverages to persons under legal age. In developing the alcohol compliance employee training program, the ~~division~~ department may consult with stakeholders who have expertise in the laws and regulations regarding the sale of alcoholic beverages to persons under legal age.

2. The alcohol compliance employee training program shall be made available to employees and prospective employees of licensees and permittees at no cost to the employee, the prospective employee, or the licensee or permittee, and in a manner which is as convenient and accessible to the extent practicable throughout the state so as to encourage attendance. Contingent upon the availability of specified funds for provision of the program, the ~~division~~ department shall schedule the program on at least a monthly basis and the program shall be available at a location in at least a majority of counties.

4. The ~~division~~ department shall also offer periodic continuing employee training and recertification for employees who have completed initial training and received an initial certificate of completion as part of the alcohol compliance employee training program.

Sec. 2424. Section 123.56, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Upon filing a suit in equity in district court pursuant to subsection 2, the county attorney or city attorney shall notify the ~~administrator~~ director of the action. Upon receiving notice, the ~~administrator~~ director shall issue an order reducing the hours during which alcoholic beverages may be sold or consumed at retail on the licensed premises to between 6:00 a.m. and 10:00 p.m. each day of the week during the pendency of the action in equity. The county attorney or city attorney shall notify the ~~administrator~~ director of any final action or judgment entered resulting from the action.

4. In an action seeking abatement of a public safety nuisance as provided in this section, evidence of other current violations of this chapter may be received by the court and considered in determining the remedial provisions of any abatement order. In addition, evidence of prior sanctions, violations of law, nuisance behavior, or general reputation relating to the licensed premises may be admissible in determining the reasonableness of remedial provisions of an abatement order. However, evidence of a prior conviction of the licensee, managers, employees, or contemporaneous patrons and guests is not necessary for purposes of considering or issuing an abatement order under this section. In an action under this section, the ~~administrator~~ director may submit to the court a report as evidence on behalf of the ~~division~~ department regarding the compliance history of the licensee or permittee for consideration by the court.

Sec. 2425. Section 123.57, Code 2023, is amended to read as follows:

123.57 Examination of accounts.

The financial condition and transactions of all offices, departments, warehouses, and depots ~~of concerning the division alcohol beverage control activities of the department~~ shall be examined at least once each year by the state auditor and at shorter periods if requested by the ~~administrator~~ director, governor, commission, or the general assembly's standing committees on government oversight.

Sec. 2426. Section 123.58, Code 2023, is amended to read as follows:

123.58 Auditing.

All provisions of sections 11.6, 11.11, 11.14, 11.21, 11.31, and 11.41, relating to auditing of financial records of governmental subdivisions which are not inconsistent with this chapter are applicable to the ~~division~~ department and its offices, warehouses, and depots under this chapter.

Sec. 2427. Section 123.92, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Subject to the limitation amount specified in paragraph "c", if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly against any licensee or permittee, whether or not the license or permit was issued by the ~~division~~ department or by the licensing authority of any other state, who sold and served any alcoholic beverage directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service.

Sec. 2428. Section 123.92, subsection 2, paragraphs a and c, Code 2023, are amended to read as follows:

a. Every retail alcohol licensee, except a class "B", special class "B", or class "E" retail alcohol licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the ~~division~~ department. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee at that location during that thirty-month period of time.

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees serving patrons any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee shall meet the minimum insurance coverage requirements as determined by the ~~division~~ department and is a mandatory condition for holding a license.

Sec. 2429. Section 123.95, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The holder of an annual class “C” retail alcohol license may act as the agent of a private social host for the purpose of providing and serving alcoholic beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the ~~division~~ department. The holder of an annual special class “C” retail alcohol license shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class “C” retail alcohol license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license.

Sec. 2430. Section 123.125, Code 2023, is amended to read as follows:

123.125 Issuance of beer permits.

The ~~administrator~~ director shall issue class “A” and special class “A” beer permits and may suspend or revoke permits for cause as provided in this chapter.

Sec. 2431. Section 123.126A, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding any provision of this chapter to the contrary, a manufacturer of beer may obtain and possess alcoholic liquor from the ~~division~~ department for the purpose of manufacturing canned cocktails.

Sec. 2432. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a class “A” or special class “A” beer permit shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2433. Section 123.127, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director 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.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2434. Section 123.127, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall issue a class “A” or special class “A” beer permit to any applicant who establishes all of the following:

Sec. 2435. Section 123.127, subsection 2, paragraphs d and g, Code 2023, are amended to read as follows:

d. That the applicant has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of beer.

g. That the applicant has submitted a bond in the amount of ten thousand dollars in a manner prescribed by the ~~administrator~~ director with good and sufficient sureties to be approved by the ~~division~~ department conditioned upon compliance with this chapter.

Sec. 2436. Section 123.130, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Any person holding a class “A” beer permit issued by the ~~division~~ department 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 a subsisting class

“A” beer permit, or retail alcohol licenses, excluding a special class “B” retail native wine license, issued in accordance with the provisions of this chapter. However, a person holding a class “A” beer permit issued by the division department who also holds a brewer’s notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee authorized under this chapter to sell beer at retail.

Sec. 2437. Section 123.130, subsection 5, Code 2023, is amended to read as follows:

5. A manufacturer of beer issued a class “A” or special class “A” beer permit shall file with the division department, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all brewer’s operation and excise tax return reports.

Sec. 2438. Section 123.135, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

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” beer permittee, shall first make application for and be issued a brewer’s certificate of compliance by the administrator director 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 director unless otherwise revoked for cause. Each completed application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the administrator director, and shall be accompanied by a fee of two hundred dollars payable to the division department. Each holder of a certificate of compliance shall furnish the information in a manner the administrator director requires.

2. At the time of applying for a certificate of compliance, each applicant shall file with the division department a list of all class “A” 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” beer permittees and geographic area as filed with the division department shall be amended by the holder of a certificate of compliance as necessary to keep the listing current with the division department.

3. All class “A” 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 director, the employee’s or agent’s name and address with the division department.

Sec. 2439. Section 123.137, subsection 1, Code 2023, is amended to read as follows:

1. A person holding a class “A” or special class “A” 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 department electronically, or in a manner prescribed by the administrator director, 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 director requires, and beer permit holders shall at the time of filing a report pay to the division department the amount of tax due at the rate fixed in section 123.136.

Sec. 2440. Section 123.138, Code 2023, is amended to read as follows:

123.138 Records required — keg identification label.

1. Each class “A” or special class “A” 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 director and to other persons pursuant to section 123.30, subsection 1. Each retail alcohol licensee as described in section 123.30 shall keep proper records showing each purchase of beer made by the 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 licensee.

2. *a.* Each retail alcohol licensee who sells beer for off-premises consumption shall affix to each keg of beer an identification label provided by the ~~administrator~~ director. The label provided shall allow for its full removal when common external keg cleaning procedures are performed. For the purposes of this subsection, “keg” means all durable and disposable containers with a liquid capacity of five gallons or more. Each retail alcohol licensee shall also keep a record of the identification label number of each keg of beer sold by the licensee with the name and address of the purchaser and the number of the purchaser’s driver’s license, nonoperator’s identification card, or military identification card, if the military identification card contains a picture and signature. This information shall be retained by the licensee for a minimum of ninety days. The records kept pursuant to this subsection shall be available for inspection by any law enforcement officer during normal business hours.

b. (1) The ~~division~~ department shall provide the keg identification labels described in paragraph “*a*” and shall, prior to utilizing a label, notify licensed brewers and licensed beer importers of the type of label to be utilized. Each label shall contain a number and the following statement:

It is unlawful to sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age. Any person who defaces this label shall be guilty of criminal mischief punishable pursuant to section 716.6.

(2) The identification label shall be placed on the keg at the time of retail sale. The licensee shall obtain the labels referred to in this subsection from the ~~division~~ department. The cost of the labels to licensees shall not exceed the ~~division’s~~ department’s cost of producing and distributing the labels. The moneys collected by the ~~division~~ department relating to the sale of labels shall be credited to the beer and liquor control fund.

c. The provisions of this subsection shall be implemented uniformly throughout the state. The provisions of this subsection shall preempt any local county or municipal ordinance regarding keg registration or the sale of beer in kegs. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding keg registration or the sale of beer in kegs.

Sec. 2441. Section 123.143, subsection 1, Code 2023, is amended to read as follows:

1. All permit fees collected by the ~~division~~ department under this subchapter shall accrue to the beer and liquor control fund, except as otherwise provided. All taxes collected by the ~~division~~ department under this subchapter shall accrue to the state general fund, except as otherwise provided.

Sec. 2442. Section 123.173, subsection 3, Code 2023, is amended to read as follows:

3. A class “A” wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class “A” wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the ~~division~~ department upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee’s premises, or from one licensed retail alcohol licensee’s premises to another licensed retail alcohol licensee’s premises, even if there is common ownership of all of the premises by one retail permittee, is prohibited.

Sec. 2443. Section 123.173A, subsection 2, Code 2023, is amended to read as follows:

2. Upon application to the ~~division~~ department and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the requirements of this section.

Sec. 2444. Section 123.173A, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the ~~division~~ department.

Sec. 2445. Section 123.173A, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The retail alcohol license number issued by the ~~division~~ department for the premises where a charity event is to be conducted, if applicable.

Sec. 2446. Section 123.174, Code 2023, is amended to read as follows:

123.174 Issuance of wine permits.

The ~~administrator~~ director shall issue wine permits as provided in this chapter, and may suspend or revoke a wine permit for cause as provided in this chapter.

Sec. 2447. Section 123.175, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a class “A” wine permit shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2448. Section 123.175, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2449. Section 123.175, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall issue a class “A” wine permit to any applicant who establishes all of the following:

Sec. 2450. Section 123.175, subsection 2, paragraphs d and g, Code 2023, are amended to read as follows:

d. That the applicant has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine.

g. That the applicant has submitted a bond in the amount of five thousand dollars in a manner prescribed by the ~~administrator~~ director with good and sufficient sureties to be approved by the ~~division~~ department conditioned upon compliance with this chapter.

Sec. 2451. Section 123.176, subsections 1, 2, 7, and 8, Code 2023, are amended to read as follows:

1. Subject to rules of the ~~division~~ department, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class “A” wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. Notwithstanding section 123.24, subsection 2, paragraph “b”, or any other provision of this chapter, manufacturers of native wine may obtain and possess grape brandy from the ~~division~~ department for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class “A” or retail alcohol licensees as authorized by sections 123.30 and 123.177. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the ~~division~~ department on the premises where made, when no charge is made for the tasting.

7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” wine permit shall be issued to each

manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the ~~division~~ department. Notwithstanding subsection 5, not more than one class “C” retail alcohol license shall be issued to a premises with alternating proprietorships.

8. A manufacturer of native wines shall file with the ~~division~~ department, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all wine premises operations and excise tax return reports.

Sec. 2452. Section 123.180, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. A manufacturer, vintner, bottler, importer, or vendor of wine, or an agent thereof, desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class “A” permittee shall first make application for and shall be issued a vintner’s certificate of compliance by the ~~administrator~~ director for that purpose. The vintner’s certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the ~~administrator~~ director unless otherwise revoked for cause. Each completed application for a vintner’s certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the ~~administrator~~ director, and shall be accompanied by a fee of two hundred dollars payable to the ~~division~~ department. Each holder of a vintner’s certificate of compliance shall furnish the information required by the ~~administrator~~ director in the form the ~~administrator~~ director requires. A vintner or wine bottler whose plant is located in Iowa and who otherwise holds a class “A” wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner’s certificate of compliance may also hold a class “A” wine permit.

2. At the time of applying for a vintner’s certificate of compliance, each applicant shall file with the ~~division~~ department 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~~ department shall be amended by the holder of the certificate of compliance as necessary to keep the listing current with the ~~division~~ department.

3. All class “A” wine permit holders shall sell only those brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current vintner’s certificate of compliance. An employee or agent working for or representing the holder of a vintner’s certificate of compliance within this state shall register the employee’s or agent’s name and address with the ~~division~~ department. These names and addresses shall be filed with the ~~division’s~~ department’s copy of the certificate of compliance issued except that this provision does not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented, or bottled in Iowa or the listing of those persons who are thereafter engaged in the transporting of the wine.

Sec. 2453. Section 123.184, Code 2023, is amended to read as follows:

123.184 Report of gallonage sales — penalty.

1. Each class “A” wine permit holder 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 permit, shall make a report under oath to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, showing the exact number of gallons of wine and fractional parts of gallons sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the ~~administrator~~ director requires. The permit holder at the time of filing this report shall pay to the ~~division~~ department the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection.

2. Each wine direct shipper license holder shall make a report under oath to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, on or before the tenth day of the calendar months of June and December, showing the exact number of gallons of wine and fractional parts of gallons sold and shipped pursuant to

section 123.187 during the preceding six-month calendar period. The report shall also state whatever reasonable additional information the ~~administrator~~ director requires. The license holder at the time of filing this report shall pay to the ~~division~~ department the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of this amount shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection.

Sec. 2454. Section 123.186, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~division~~ department shall adopt as rules the substance of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R. pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11.

2. The ~~division~~ department shall adopt as rules the substance of 27 C.F.R. §6.88, to permit a manufacturer of alcoholic beverages, wine, or beer, or an agent of such manufacturer, to provide to a retailer without charge wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters. The rules shall provide that the manufacturer shall be responsible for paying the costs of any filters provided.

Sec. 2455. Section 123.187, subsection 2, paragraphs b and d, Code 2023, are amended to read as follows:

b. A wine manufacturer applying for a wine direct shipper permit shall submit an application for the permit electronically, or in a manner prescribed by the ~~administrator~~ director, accompanied by a true copy of the manufacturer's current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer's basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

d. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the ~~administrator~~ director in a manner prescribed by the ~~administrator~~ director, accompanied by the twenty-five dollar permit fee.

Sec. 2456. Section 123.187, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be conspicuously labeled with alternative wording preapproved by the ~~administrator~~ director.

Sec. 2457. Section 123.187, subsections 4 and 5, Code 2023, are amended to read as follows:

4. A wine direct shipper permittee shall remit to the ~~division~~ department an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the time and in the manner provided in section 123.184, subsection 2, and the ten percent penalty specified therein shall be applicable.

5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the ~~division~~ department or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A permit holder shall allow the ~~division~~ department to perform an audit of shipping records upon request.

Sec. 2458. Section 123.188, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the ~~administrator~~ director, which shall be accompanied by a fee in the amount of one hundred dollars.

2. The ~~administrator~~ director may in accordance with this chapter issue a wine carrier permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter.

3. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the ~~administrator~~ director in a manner prescribed by the ~~administrator~~ director, accompanied by the one hundred dollar permit fee.

Sec. 2459. Section 123.188, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. A wine carrier permittee shall maintain records of wine shipped which include the permit number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the ~~division~~ department on a monthly basis in a form and manner to be determined by the ~~division~~ department.

Sec. 2460. Section 321.19, subsection 1, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Persons in the department of justice, ~~the alcoholic beverages division of the department of commerce~~, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 2461. Section 453A.2, subsections 4, 6, and 7, Code 2023, are amended to read as follows:

4. ~~The alcoholic beverages division of the department of commerce~~, a county, or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority which issued the permit against a permit holder violating this section.

6. If a county or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the ~~alcoholic beverages division of the department of commerce~~. Following transfer of the matter, if the violation is contested, the ~~alcoholic beverages division of the department of commerce~~ shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of section 10A.801, to adjudicate the matter pursuant to chapter 17A.

7. A tobacco compliance employee training fund is created in the office of the treasurer of state. The fund shall consist of civil penalties assessed by the ~~alcoholic beverages division of the department of commerce~~ under section 453A.22 for violations of this section. Moneys in the fund are appropriated to the ~~alcoholic beverages division of the department of commerce~~ and shall be used to develop and administer the tobacco compliance employee training program under section 453A.5. Moneys deposited in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund.

Sec. 2462. Section 453A.5, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 2463. Section 453A.13, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. ~~The department, or a~~ A city or county, shall submit a duplicate of any application for a retail permit 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 last day of each quarter of a state fiscal year.~~

Sec. 2464. Section 453A.22, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If a retailer or employee of a retailer has violated section 453A.2 or section 453A.36, subsection 6, the department or local authority, ~~or the alcoholic beverages division of the department of commerce following transfer of the matter to the alcoholic beverages division of the department of commerce pursuant to section 453A.2, subsection 6,~~ in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

Sec. 2465. Section 453A.22, subsection 6, Code 2023, is amended to read as follows:

6. ~~The department or local authority shall report the suspension or revocation of a retail permit under this section to the alcoholic beverages division of the department of commerce within thirty days of the suspension or revocation of the retail permit.~~

Sec. 2466. Section 453A.47A, subsection 6, Code 2023, is amended to read as follows:

6. *Issuance.* Cities may issue retail permits to retailers located within their respective limits. County boards of supervisors 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 to the ~~alcoholic beverages division of the department of commerce~~ within thirty days of issuance of a permit. ~~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 last day of each quarter of a state fiscal year.~~

Sec. 2467. Section 455C.3, subsections 2 and 5, Code 2023, are amended to read as follows:

2. A distributor shall accept and pick up from a participating dealer served by the distributor or a redemption center for a dealer served by the distributor at least weekly, or when the distributor delivers the beverage product if deliveries are less frequent than weekly, any empty beverage container of the kind, size, and brand sold by the distributor, and shall pay to the participating dealer or redemption center the refund value of a beverage container and the reimbursement as provided under section 455C.2 within one week following pickup of the containers or when the participating dealer normally pays the distributor for the deposit on beverage products purchased from the distributor if less frequent than weekly. A distributor or employee or agent of a distributor is not in violation of this subsection if a redemption center is closed when the distributor attempts to make a regular pickup of empty beverage containers. This subsection does not apply to a distributor selling alcoholic liquor to the ~~alcoholic beverages division of the department of commerce~~ revenue.

5. ~~The alcoholic beverages division of the department of commerce~~ revenue shall provide for the disposal of empty beverage containers as required under subsection 2. ~~The division department of revenue shall give priority consideration to the recycling of the empty beverage containers to the extent possible, before any other appropriate disposal method is considered or implemented.~~

CONFORMING CHANGES

Sec. 2468. Section 7E.5, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. The department of revenue, created in section 421.2, which has primary responsibility for revenue collection and revenue law compliance, the Iowa lottery, and alcoholic beverage control.

Sec. 2469. Section 421.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Administer chapters 99G and 123.

Sec. 2470. REPEAL. Section 546.9, Code 2023, is repealed.

DIVISION XIII
DEPARTMENT FOR THE BLIND

Sec. 2471. Section 216B.2, subsection 1, Code 2023, is amended to read as follows:

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. ~~The members of the commission shall appoint officers for the commission.~~ A majority of the members of the commission shall constitute a quorum.

Sec. 2472. NEW SECTION. **216B.3A Director — duties.**

1. The director of the department shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly.

2. The director shall be the executive officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.

Sec. 2473. Section 216B.5, Code 2023, is amended to read as follows:

216B.5 Commission employees.

The commission may employ staff who shall be qualified by experience to assume the responsibilities of the offices. ~~The director shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.~~

Sec. 2474. APPOINTMENT OF DIRECTOR. On or before July 1, 2023, the governor shall appoint a director of the department for the blind, effective July 1, 2023, as provided in this division of this Act.

Sec. 2475. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
DEPARTMENT OF EDUCATION

IOWA EDUCATIONAL SERVICES FOR THE BLIND AND VISUALLY IMPAIRED AND
IOWA SCHOOL FOR THE DEAF

Sec. 2476. Section 70A.14, subsection 3, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 2477. Section 70A.17A, subsection 1, paragraph d, subparagraph (3), Code 2023, is amended by striking the subparagraph.

Sec. 2478. Section 235A.15, subsection 2, paragraph c, subparagraph (4), Code 2023, is amended by striking the subparagraph.

Sec. 2479. NEW SECTION. **256.95 Iowa educational services for the blind and visually impaired and Iowa school for the deaf.**

The department shall do all of the following:

1. Administer the Iowa educational services for the blind and visually impaired program.
2. Govern the Iowa school for the deaf.

3. Establish a hall of fame for distinguished graduates of the Iowa school for the deaf, distinguished graduates of the Iowa braille and sight saving school, and distinguished participants in the Iowa educational services for the blind and visually impaired program.

Sec. 2480. NEW SECTION. **256.103 Employees — contracts — termination and discharge procedures.**

Sections 279.12 through 279.19 and section 279.27 apply to employees of the ⁴² Iowa school for the deaf, who are licensed pursuant to subchapter VII, part 3. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the department.

Sec. 2481. NEW SECTION. **256.104 Students residing on state-owned land.**

The department shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the department. Such payments shall be made from moneys appropriated to the department.

Sec. 2482. NEW SECTION. **256.105 Transfer of a student to the university of Iowa hospitals and clinics.**

The department may send any student of the Iowa school for the deaf to the university of Iowa hospitals and clinics for treatment and care. The department shall pay the traveling expenses of such student, and when necessary the traveling expenses of an attendant for the student, out of funds appropriated for the use of the department.

Sec. 2483. NEW SECTION. **256.107 Administrative rules.**

The state board shall adopt rules pursuant to chapter 17A to administer this subchapter.

Sec. 2484. Section 256B.2, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under ~~chapters~~ chapter 263, 269, and 270 or chapter 256, subchapter V, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the ~~board of regents~~ department of education to provide the services required by this chapter.

Sec. 2485. Section 256B.3, subsection 9, Code 2023, is amended to read as follows:

9. To cooperate with existing agencies such as the department of human services, the Iowa department of public health, the Iowa school for the deaf, ~~the Iowa braille and sight saving school~~, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 2486. Section 256B.10, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. ~~The department of education~~ shall work with the ~~state~~ Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the ~~state~~ Iowa school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

⁴² See chapter 111, §33 herein

Sec. 2487. Section 256B.10, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The duties of the department of ~~education~~ shall, at a minimum, include all of the following:

Sec. 2488. Section 256B.10, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~education~~, in consultation with the state Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

Sec. 2489. Section 256B.10, subsections 4 and 7, Code 2023, are amended to read as follows:

4. The department of ~~education~~ shall disseminate the parent resource developed pursuant to this section to parents and guardians of deaf and hard-of-hearing children and, consistent with federal law, shall disseminate the educator tools and assessments selected pursuant to subsection 3 to early hearing detection and intervention programs, area education agencies, school districts, accredited nonpublic schools, and the state Iowa school for the deaf for use in the development and modification of individualized family service or individualized education program plans, and shall provide materials and training on the use of such materials to assist deaf and hard-of-hearing children in kindergarten readiness using American sign language or English, or both, from birth through age eight.

7. The department of ~~education~~ shall annually compile, and publish on the department's internet site, a report using existing data reported in compliance with the state performance plan on pupils with disabilities, required under federal law, that is specific to language and literacy development in deaf and hard-of-hearing children from birth through age eight, including those children who are deaf or hard of hearing and have other disabilities, relative to the children's peers who are not deaf or hard of hearing.

Sec. 2490. Section 256B.10, subsection 5, paragraphs a, b, and e, Code 2023, are amended to read as follows:

a. If moneys are appropriated by the general assembly for a fiscal year for the purpose provided in this subsection, the department of ~~education~~ shall develop guidelines for a comprehensive family support mentoring program that meets the language and communication needs of families.

b. The department of ~~education~~ shall work with the early hearing detection and intervention program in the Iowa department of public health, the state Iowa school for the deaf, and the area education agencies when developing the guidelines. The department of ~~education~~, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

e. The department of ~~education~~ shall coordinate family support mentoring activities with the early hearing detection and intervention program in the Iowa department of public health, the state Iowa school for the deaf, the area education agencies, and nonprofit organizations that provide family support mentoring to parents with deaf or hard-of-hearing children.

Sec. 2491. Section 256B.10, subsection 5, paragraph d, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In establishing the family support mentoring program, the department of ~~education~~ may do all of the following:

Sec. 2492. Section 261E.2, subsection 8, Code 2023, is amended to read as follows:

8. "*Student*" means any individual enrolled in grades nine through twelve in a school district who meets the criteria in section 261E.3, subsection 1. "*Student*" includes an individual attending an accredited nonpublic school or the Iowa school for the deaf ~~or the Iowa braille and sight saving school~~ for purposes of sections 261E.4 and 261E.6.

Sec. 2493. Section 261E.6, subsections 3, 4, and 6, Code 2023, are 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. 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.

4. *Credits.*

a. A school district, the Iowa school for the deaf, ~~the Iowa braille and sight saving school,~~ or accredited nonpublic school shall grant high school credit to an eligible student enrolled in a course under this chapter if the eligible student successfully completes the course as determined by the eligible postsecondary institution. The board of directors of the school district, ~~the board of regents~~ department of education for the Iowa school for the deaf ~~and the Iowa braille and sight saving school,~~ or authorities in charge of an accredited nonpublic school shall determine the number of high school credits that shall be granted to an eligible student who successfully completes a course. Eligible students may take up to seven semester hours of credit during the summer months when school is not in session and receive credit for that attendance, if the student pays the cost of attendance for those summer credit hours.

b. The high school credits granted to an eligible student under this section shall count toward the graduation requirements and subject area requirements of the school district of residence, the Iowa school for the deaf, ~~the Iowa braille and sight saving school,~~ or accredited nonpublic school of the eligible student. Evidence of successful completion of each course and high school credits and college credits received shall be included in the student's high school transcript.

6. *Definition.* For purposes of this section and section 261E.7, unless the context otherwise requires, "eligible student" means a student classified by the board of directors of a school district, by the ~~state board of regents~~ department of education for pupils of the Iowa school for the deaf ~~and the Iowa braille and sight saving school,~~ or by the authorities in charge of an accredited nonpublic school as a ninth or tenth grade student who is identified according to the school district's gifted and talented criteria and procedures, pursuant to section 257.43, as a gifted and talented child, or an eleventh or twelfth grade student, during the period the student is participating in the postsecondary enrollment options program.

Sec. 2494. Section 261E.7, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to a postsecondary institution that has enrolled its resident eligible students under this chapter, unless the eligible student is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the date specified in section 257.6, subsection 1, or the district in which the child was counted under section 257.6, subsection 1, paragraph "a", subparagraph (6). For students enrolled at the Iowa school for the deaf ~~and the Iowa braille and sight saving school,~~ the state board of regents department of education

shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

Sec. 2495. Section 262.7, subsections 4 and 5, Code 2023, are amended by striking the subsections.

Sec. 2496. Section 262.9, subsection 2, Code 2023, is amended to read as follows:

2. Elect a president of each of the institutions of higher learning; ~~a superintendent of each of the other institutions;~~ a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa braille and sight saving school and the Iowa school for the deaf, who are licensed pursuant to chapter 272. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the board of regents.

Sec. 2497. Section 262.9, subsection 21, Code 2023, is amended by striking the subsection.

Sec. 2498. Section 262.43, Code 2023, is amended to read as follows:

262.43 Students residing on state-owned land.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, shall be made from the funds of the respective institutions other than state appropriations, ~~and for the two noncollegiate institutions, the Iowa braille and sight saving school and the Iowa school for the deaf, the payments and costs shall be paid from moneys appropriated to the state board of regents.~~

Sec. 2499. Section 263.21, Code 2023, is amended to read as follows:

263.21 Transfer of patients from state institutions.

The director of the department of human services, in respect to institutions under the director's control, the administrator of any of the divisions of the department, in respect to the institutions under the administrator's control, and the director of the department of corrections, in respect to the institutions under the department's control, ~~and the state board of regents, in respect to the Iowa braille and sight saving school and the Iowa school for the deaf,~~ may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of human services, and the department of corrections, ~~and the state board of regents~~ shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 2500. Section 269.1, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

269.1 Iowa educational services for the blind and visually impaired program.

Any resident of the state under twenty-one years of age who is blind or visually impaired shall be entitled to receive the services of the Iowa educational services for the blind and visually impaired program. The department shall coordinate with area education agencies and school districts on the provision of these services for any eligible student.

Sec. 2501. Section 270.3, Code 2023, is amended to read as follows:

270.3 Admission — Iowa school for the deaf.

Any resident of the state less than twenty-one years of age who has a hearing loss which is too severe to acquire an education in the public schools is eligible to attend the Iowa school for the deaf. Nonresidents similarly situated may be admitted to ~~an education therein~~ the Iowa

school for the deaf upon such terms as may be fixed by the state board of regents department. The fee for nonresidents shall be set by the state board of regents department.

Sec. 2502. Section 270.4, Code 2023, is amended to read as follows:

270.4 Clothing and prescriptions.

The superintendent of the Iowa school for the deaf shall provide students, who would otherwise be without, with clothing or prescription refills, and shall bill the student's parent or guardian, if the student is a minor, or the student if the student has attained the age of majority, for any clothing or prescription refills provided. The bill shall be presumptive evidence in all courts.

Sec. 2503. Section 270.8, Code 2023, is amended to read as follows:

270.8 Residence during vacation.

The residence of indigent or homeless children may, by order of the state board of regents department, be continued during vacation months.

Sec. 2504. Section 270.9, Code 2023, is amended to read as follows:

270.9 Iowa school for the deaf and the Iowa braille and sight saving school — transportation reimbursement.

Funds appropriated to the Iowa school for the deaf and the Iowa braille and sight saving school for payments to the parents or guardians of pupils in either that institution shall be expended as follows:

1. Transportation reimbursement at a rate established annually by the state board of regents department to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.

2. Transportation reimbursement at a rate established annually by the state board of regents department to the parents or guardians for transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution.

Sec. 2505. Section 270.10, Code 2023, is amended to read as follows:

270.10 Merger Closure requirements.

1. The state board of regents department shall not merge close the Iowa 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:

a. 1. 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 facility. 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 or hard-of-hearing 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 Iowa school for the deaf in Council Bluffs and comparable state programs in the state of Nebraska.

b. 2. The general assembly has studied the plans, programs, and fiscal analysis and has reviewed their impact on the programs.

c. 3. 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. 2506. Section 280.16, subsection 7, Code 2023, is amended to read as follows:

7. The ~~Iowa braille and sight saving school, the Iowa school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1~~ are exempt from the provisions of this section.

Sec. 2507. Section 321.1, subsection 8, paragraph i, Code 2023, is amended to read as follows:

i. If authorized to transport students or clients by the superintendent of the ~~Iowa braille and sight saving school or of the Iowa school for the deaf, or the superintendent's respective designee, an employee of the Iowa braille and sight saving school or the Iowa school for the deaf~~ is not a chauffeur when transporting the students or clients.

Sec. 2508. Section 331.381, subsection 9, Code 2023, is amended to read as follows:

9. Comply with ~~chapters 269 and 270~~ chapter 256, subchapter V, in regard to the payment of costs for pupils at the ~~Iowa braille and sight saving school and the Iowa school for the deaf.~~

Sec. 2509. Section 331.424, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code 2023, is amended to read as follows:

(b) Clothing, transportation, medical, or other services provided persons attending the ~~Iowa braille and sight saving school, the Iowa school for the deaf, or the university of Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4.~~

Sec. 2510. Section 331.552, subsection 13, Code 2023, is amended to read as follows:

13. Make transfer payments to the state for school expenses for ~~blind and deaf and hard-of-hearing children and support of persons with mental illness as provided in sections section 230.21 and 269.2.~~

Sec. 2511. Section 483A.24, subsection 7, Code 2023, is amended to read as follows:

7. A license shall not be required of minor pupils of the ~~Iowa braille and sight saving school, Iowa school for the deaf, or of minor residents of other state institutions under the control of an administrator of a division of the department of human services. In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a resident of the state of Iowa shall not be required to have a license to hunt or fish in this state. The military person shall carry the person's leave papers and a copy of the person's current earnings statement showing a deduction for Iowa income taxes while hunting or fishing. In lieu of carrying the person's earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. A license shall not be required of residents of county care facilities or any person who is receiving supplementary assistance under chapter 249.~~

Sec. 2512. REPEAL. Section 269.2, Code 2023, is repealed.

Sec. 2513. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 256B.10 to section 256.106.
- b. Section 269.1 to section 256.96.
- c. Section 270.1 to section 256.98.
- d. Section 270.3 to section 256.97.
- e. Section 270.4 to section 256.99.
- f. Section 270.8 to section 256.100.
- g. Section 270.9 to section 256.101.
- h. Section 270.10 to section 256.102.

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.

3. The Code editor may designate sections 256.95 through 256.107, as amended or enacted in this division of this Act, as new subchapter V within chapter 256, entitled “Iowa educational services for the blind and visually impaired program and Iowa school for the deaf”.

Sec. 2514. TRANSITION PROVISIONS.

1. The property and records in the custody of the state board of regents relating to the Iowa braille and sight saving school, the Iowa school for the deaf,⁴³ the hall of fame for distinguished graduates at the Iowa braille and sight saving school, and the hall of fame for distinguished graduates at the Iowa school for the deaf shall be transferred to the department of education.

2. All employees of the Iowa school for the deaf established pursuant to chapter 270 shall be considered employees of the department of education on the effective date of this division of this Act without incurring any loss in salary, benefits, or accrued years of service.

INNOVATION DIVISION

Sec. 2515. Section 268.7, Code 2023, is amended to read as follows:

268.7 Science, Innovation division — science, technology, engineering, and mathematics collaborative initiative.

1. The innovation division of the department of education is created. The chief administrative officer of the division is the administrator who shall be a highly qualified science, technology, engineering, and mathematics advocate and shall be appointed by the director.

2. The administrator shall do all of the following:

a. Direct and organize the activities of the division, including the science, technology, engineering, and mathematics collaborative initiative created in subsection 3.

b. Control all property of the division.

c. Perform other duties imposed by law.

~~3. A science, technology, engineering, and mathematics collaborative initiative is established at the university of northern Iowa within the innovation division for purposes of supporting activities directly related to recruitment of prekindergarten through grade twelve mathematics and science teachers for ongoing mathematics and science programming for students enrolled in prekindergarten through grade twelve.~~

~~4. The collaborative initiative shall prioritize student interest in achievement in science, technology, engineering, and mathematics; reach every student and teacher in every school district in the state; identify, recruit, prepare, and support the best mathematics and science teachers; and sustain exemplary programs through the university's Iowa mathematics and science education partnership. The university innovation division shall collaborate with the community colleges to develop science, technology, engineering, and mathematics professional development programs for community college instructors and for purposes of science, technology, engineering, and mathematics curricula development.~~

~~5. Subject to an appropriation of funds moneys by the general assembly, the initiative innovation division shall administer the following:~~

a. ~~Regional science, technology, engineering, and mathematics networks for Iowa, the purpose of which is to equalize science, technology, engineering, and mathematics education enrichment opportunities available to learners statewide. The initiative innovation division shall establish six geographically similar regional science, technology, engineering, and mathematics networks across Iowa that complement and leverage existing resources, including but not limited to extension service assets, area education agencies, state accredited postsecondary institutions, informal educational centers, school districts, economic development zones, and existing public and private science, technology, engineering, and mathematics partnerships. Each network shall be managed by a highly qualified science, technology, engineering, and mathematics advocate positioned at a network hub to be determined through a competitive application process. Oversight for each regional network shall be provided by a regional advisory board. Members of the board shall be appointed~~

⁴³ See chapter 111, §35 herein

by the governor. The membership shall represent prekindergarten through grade twelve school districts and schools, and higher education, business, nonprofit organizations, youth agencies, and other appropriate stakeholders.

b. A focused array of the best science, technology, engineering, and mathematics enrichment opportunities, selected through a competitive application process, that can be expanded to meet future needs. A limited, focused list of selected exemplary programs shall be made available to each regional network.

c. Statewide science, technology, engineering, and mathematics programming designed to increase participation of students and teachers in successful learning experiences; to increase the number of science, technology, engineering, and mathematics-related teaching majors offered by the state's universities; to elevate public awareness of the opportunities; and to increase collaboration and partnerships.

4. 6. The ~~initiative~~ innovation division shall evaluate the effectiveness of programming to document best practices.

7. The state board shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2516. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 268.7 to section 256.111.

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.

3. The Code editor may designate section 256.111, as enacted in this division of this Act, as new subchapter VI within chapter 256, entitled "Innovation Division".

Sec. 2517. TRANSITION PROVISIONS.

1. The property and records in the custody of the state board of regents or the university of northern Iowa relating to the science, technology, engineering, and mathematics collaborative initiative shall be transferred to the department of education on or before the effective date of this division of this Act.

2. All employees of the university of northern Iowa whose primary workplace is located at the university of northern Iowa under the science, technology, engineering, and mathematics collaborative initiative established pursuant to section 268.7 shall be considered employees of the innovation division of the department of education on the effective date of this division of this Act without incurring any loss in salary, benefits, or accrued years of service.

3. The state board of regents and the university of northern Iowa shall assist the department of education in implementing this division of this Act by providing for an effective transition of powers and duties from one entity to another under section 268.7, chapters 256 and 262, and related administrative rules. To the extent requested by the department of education, such assistance shall include assisting in cooperating with federal agencies such as the United States department of education.

4. Any contract issued or entered into by the state board of regents or the university of northern Iowa relating to the provisions of section 268.7, in effect on the effective date of this division of this Act, shall continue in full force and effect pending transfer of such contract to the innovation division of the department of education.

5. Federal funds utilized by the state board of regents or the university of northern Iowa prior to the effective date of this division of this Act to employ personnel necessary for the administration of the science, technology, engineering, and mathematics collaborative initiative established pursuant to section 268.7 shall be applied to and be available for the transfer of such personnel from the state board of regents or the university of northern Iowa to the innovation division of the department of education.

HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES

Sec. 2518. Section 256.1, subsection 1, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. The Iowa educational services for the blind and visually impaired program.

NEW PARAGRAPH. h. The Iowa school for the deaf.

NEW PARAGRAPH. i. The science, technology, engineering, and mathematics collaborative initiative within the innovation division of the department.

NEW PARAGRAPH. j. The college student aid commission within the higher education division of the department.

NEW PARAGRAPH. k. The board of educational examiners within the higher education division of the department.

NEW PARAGRAPH. l. Career and technical education programs offered by school districts or community colleges.

Sec. 2519. Section 256.7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except for the ~~college student aid commission, the commission of libraries and division of library services,~~ higher education division; the bureaus, boards, and commissions within the higher education division; and the public broadcasting board and division, the state board shall:

Sec. 2520. Section 256.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except for the ~~college student aid commission, the commission of libraries and division of library services,~~ higher education division; the bureaus, boards, and commissions within the higher education division; and the public broadcasting board and division, the director shall:

Sec. 2521. **NEW SECTION. 256.121 Higher education division created.**

1. The higher education division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by the director.

2. The administrator shall do all of the following:

a. Administer and coordinate all of the following bureaus, boards, and commissions within the higher education division:

- (1) The community colleges and post-secondary readiness bureau under part 2.
- (2) The board of educational examiners under part 3.
- (3) The college student aid commission under part 4.
- (4) The community colleges bureau under chapter 260C.

b. Direct and organize the activities of the division.

c. Control all property of the division.

d. Hire and control the personnel employed by the division.

e. Perform other duties imposed by law.

Sec. 2522. **CODE EDITOR DIRECTIVE.** The Code editor may designate section 256.121 as new subchapter VII within chapter 256, entitled "Higher Education Division", and new part 1 within new subchapter VII entitled "General Provisions".

COMMUNITY COLLEGES AND POST-SECONDARY READINESS BUREAU

Sec. 2523. Section 256.7, subsection 2, Code 2023, is amended to read as follows:

2. ~~Constitute the state board for career and technical education under chapter 258 subchapter VII, part 2.~~

Sec. 2524. Section 256.11, subsection 5, paragraph h, subparagraph (2), Code 2023, is amended to read as follows:

(2) Instructional programs provided under subparagraph (1) shall comply with the provisions of ~~chapter 258 subchapter VII, part 2,~~ relating to career and technical education, and shall be articulated with postsecondary programs of study and include field, laboratory, or on-the-job training. Each sequential unit shall contain a portion of a career and technical education program approved by the department. Standards for instructional programs shall include but not be limited to new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills.

Sec. 2525. Section 257.51, subsection 3, Code 2023, is amended to read as follows:

3. The department of education shall adopt rules to establish and administer a career academy grant program to provide for the allocation of money in the fund in the form of competitive grants, not to exceed one million dollars per grant, to school corporations for career academy infrastructure, career academy equipment, or both, in accordance with the goals of this section and to further the goals of the establishment and operation of career academies under section 258.15. The rules adopted by the department of education shall specify the eligibility of applicants and eligible items for grant funding. Priority for grants shall first be given to applications to establish new career academies that are organized as regional centers pursuant to chapter 258 256, subchapter VII, part 2. Subsequent priority shall be given to applications for expanding existing career academies.

Sec. 2526. Section 258.3, Code 2023, is amended to read as follows:

258.3 Personnel Community colleges and post-secondary readiness bureau — personnel.

The director of the department of education shall appoint the bureau chief of the community colleges and post-secondary readiness bureau, and the bureau chief shall direct the work of personnel as necessary to carry out this chapter part.

Sec. 2527. Section 258.3A, subsection 3, Code 2023, is amended to read as follows:

3. Adopt rules prescribing standards for approval of school district career and technical education programs; and community colleges with career and technical education programs; and practitioner preparation schools, departments, and classes, applying for federal and state moneys under this chapter part.

Sec. 2528. Section 258.4, subsection 10, Code 2023, is amended to read as follows:

10. Notwithstanding the accreditation process contained in section 256.11, permit school districts that provide a program which does not meet the standards for accreditation for career and technical education to cooperate with the regional career and technical education planning partnership and contract for an approved program under this chapter part without losing accreditation. A school district that fails to cooperate with the regional career and technical education planning partnership and contract for an approved program shall, however, be subject to section 256.11.

Sec. 2529. Section 258.6, Code 2023, is amended to read as follows:

258.6 Definitions.

As used in this chapter part:

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 bureau⁴⁴ which meets the standards for career and technical education programs adopted by the state board under this chapter part.

2. “Approved practitioner preparation school, department, or class” means a school, department, or class approved by the state board as entitled under this chapter part 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.

4. “Career academy” means a career academy established under section 258.15.

5. “Career and technical education service area” means any one of the service areas specified in section 256.11, subsection 5, paragraph “h”.

6. “Department” means the department of education.

7. “Director” means the director of the department of education.

8. 6. “Sector partnership” means a regional industry sector partnership established pursuant to section 260H.7B.

⁴⁴ See chapter 111, §34 herein

9. 7. “*State board*” means the state board for career and technical education as provided in section 258.2.

~~10.~~ 8. “*Work-based learning*” means opportunities and experiences that include but are not limited to tours, job shadowing, rotations, mentoring, entrepreneurship, service learning, internships, and apprenticeships.

~~11.~~ 9. “*Work-based learning intermediary network*” means the statewide work-based learning intermediary network established pursuant to section 256.40.

Sec. 2530. Section 258.9, subsection 1, Code 2023, 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~~ part 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. 2531. Section 258.11, Code 2023, is amended to read as follows:

258.11 Salary and expenses for administration.

The director may make expenditures for salaries and other expenses as necessary to the proper administration of this ~~chapter~~ part.

Sec. 2532. Section 260C.14, subsection 1, Code 2023, is amended to read as follows:

1. Determine the curriculum to be offered in such school or college subject to approval of the director and ensure that all career and technical education offerings are competency-based, provide any minimum competencies required by the department of education, comply with any applicable requirements in ~~chapter 258~~ 256, ~~subchapter VII, part 2~~, and are articulated with local school district career and technical education programs. If an existing private educational institution or an existing vocational institution offering a career and technical education program within the merged area has facilities and curriculum of adequate size and quality which would duplicate the functions of the area school, the board of directors shall discuss with the institution the possibility of entering into contracts to have the existing institution offer facilities and curriculum to students of the merged area. The board of directors shall consider any proposals submitted by the private institution for providing such facilities and curriculum. The board of directors may enter into such contracts. In approving curriculum, the director shall ascertain that all courses and programs submitted for approval are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining whether duplication would actually exist, the director shall consider the needs of the area and consider whether the proposed programs are competitive as to size, quality, tuition, purposes, and area coverage with existing public and private educational or vocational institutions within the merged area. If the board of directors of the merged area chooses not to enter into contracts with private institutions under this subsection, the board shall submit a list of reasons why contracts to avoid duplication were not entered into and an economic impact statement relating to the board’s decision.

Sec. 2533. Section 598.21B, subsection 2, paragraph e, subparagraph (1), subparagraph division (c), Code 2023, is amended to read as follows:

(c) The parent is attending a career and technical education program approved pursuant to ~~chapter 258~~ 256, ~~subchapter VII, part 2~~.

Sec. 2534. EMERGENCY RULES. The state board of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act pertaining to the community colleges

and post-secondary readiness bureau 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. 2535. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:
 - a. Section 258.1 to section 256.126.
 - b. Section 258.2 to section 256.127.
 - c. Section 258.3 to section 256.128.
 - d. Section 258.3A to section 256.129.
 - e. Section 258.4 to section 256.130.
 - f. Section 258.5 to section 256.131.
 - g. Section 258.6 to section 256.125.
 - h. Section 258.9 to section 256.132.
 - i. Section 258.10 to section 256.133.
 - j. Section 258.11 to section 256.134.
 - k. Section 258.12 to section 256.135.
 - l. Section 258.14 to section 256.136.
 - m. Section 258.15 to section 256.137.
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.
3. The Code editor may designate sections 256.125 through 256.137, as amended or enacted in this division of this Act, as new part 2 entitled "Community Colleges and Post-Secondary Readiness Bureau" within the subchapter entitled "Higher Education Division" as enacted by another division of this Act.

Sec. 2536. TRANSITION PROVISIONS.

1. Any contract issued or entered into by the state board of education or the department of education relating to the provisions of chapter 258, in effect on the effective date of this division of this Act, shall continue in full force and effect pending transfer of such contract to the higher education division of the department of education.
2. All employees of the department of education who work under the career and technical education program established pursuant to chapter 258 shall be considered employees of the community colleges and post-secondary readiness bureau of the higher education division of the department of education on the effective date of this division of this Act without incurring any loss in salary, benefits, or accrued years of service.

BOARD OF EDUCATIONAL EXAMINERS

Sec. 2537. Section 20.17, subsection 10, paragraph a, Code 2023, is amended to read as follows:

- a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 272 256, subchapter VII, part 3, and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the arbitrator's award can be reasonably made by May 31.

Sec. 2538. Section 20.19, subsection 1, Code 2023, is amended to read as follows:

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred

twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter ~~272~~ 256, subchapter VII, part 3, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 and 20.22 shall apply.

Sec. 2539. Section 20.20, Code 2023, is amended to read as follows:

20.20 Mediation.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter ~~272~~ 256, subchapter VII, part 3, and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. If the public employer is not subject to the budget certification requirements of section 24.17 or other applicable sections and in the absence of an impasse agreement negotiated pursuant to section 20.19, or the failure of either party to utilize its procedures, one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as a mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 2540. Section 235A.15, subsection 2, paragraph e, subparagraph (9), Code 2023, is amended to read as follows:

(9) To the board of educational examiners created under chapter ~~272~~ 256 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

Sec. 2541. Section 235B.6, subsection 2, paragraph e, subparagraph (13), Code 2023, is amended to read as follows:

(13) To the board of educational examiners created under chapter ~~272~~ 256 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

Sec. 2542. Section 256.7, subsection 26, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) The rules shall allow a school district or accredited nonpublic school to award high school credit to an enrolled student upon the demonstration of required competencies for a course or content area, as approved by a teacher licensed under ~~chapter 272~~ subchapter VII, part 3. The school district or accredited nonpublic school shall determine the assessment methods by which a student demonstrates sufficient evidence of the required competencies.

Sec. 2543. Section 256.7, subsection 32, paragraph c, Code 2023, is amended to read as follows:

c. Rules adopted pursuant to this subsection shall require that online learning coursework offered by school districts, accredited nonpublic schools, and area education agencies be rigorous, high-quality, aligned with the Iowa core and core content requirements and standards and the national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and taught by a teacher licensed under ~~chapter 272 subchapter VII, part 3~~, who has specialized training or experience in online learning, including but not limited to an online-learning-for-iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework.

Sec. 2544. Section 256.9, subsection 55, Code 2023, is amended to read as follows:

55. Develop and maintain a list of approved online providers that provide course content through an online learning platform taught by a teacher licensed under ~~chapter 272 subchapter VII, part 3~~, who has specialized training or experience in online learning including but not limited to an online-learning-for-iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework, and whose online learning coursework meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph “c”. Providers shall apply for approval annually or as determined by the department.

Sec. 2545. Section 256.11, subsections 9, 9A, and 9B, Code 2023, are amended to read as follows:

9. Beginning July 1, 2006, each school district shall have a qualified teacher librarian who shall be licensed by the board of educational examiners under ~~chapter 272 subchapter VII, part 3~~. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners under ~~chapter 272 subchapter VII, part 3~~. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master’s degree in library and information studies shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.

9A. Beginning July 1, 2007, each school district shall have a qualified guidance counselor who shall be licensed by the board of educational examiners under ~~chapter 272 subchapter VII, part 3~~. Each school district shall work toward the goal of having one qualified guidance counselor for every three hundred fifty students enrolled in the school district. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve guidance and counseling program.

9B. Beginning July 1, 2007, each school district shall have a school nurse to provide health services to its students. Each school district shall work toward the goal of having one school nurse for every seven hundred fifty students enrolled in the school district. For purposes of this subsection, “school nurse” means a person who holds an endorsement or a statement of professional recognition for school nurses issued by the board of educational examiners under ~~chapter 272 subchapter VII, part 3~~.

Sec. 2546. Section 256.11, subsection 17, paragraph a, subparagraph (1), subparagraph division (a), Code 2023, is amended to read as follows:

(a) The school district or accredited nonpublic school makes every reasonable and good faith effort to employ a teacher licensed under ~~chapter 272 subchapter VII, part 3~~, for the specified subject and is unable to employ such a teacher.

Sec. 2547. Section 256.11, subsection 17, paragraph c, subparagraphs (1) and (3), Code 2023, are amended to read as follows:

(1) An online learning platform if the course is developed by the school district or accredited nonpublic school itself or is developed by a partnership or consortium of schools that have developed the course individually or cooperatively, provided the course is taught and supervised by a teacher licensed under ~~chapter 272 subchapter VII, part 3~~, who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph “c”. A partnership or consortium of schools may include two or more school districts or accredited nonpublic schools, or any combination thereof.

(3) An online learning platform offered, subject to the initial availability of federal funds, by the department in collaboration with one or more area education agencies or in partnership with school districts and accredited nonpublic schools. The online learning platform may deliver distance education to students, including students receiving competent private instruction under chapter 299A, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under ~~chapter 272 subchapter VII, part 3~~, who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph “c”. The department and the area education agencies operating online learning programs pursuant to section 273.16 shall coordinate to ensure the most effective use of resources and delivery of services. Federal funds, if available, may be used to offset what would otherwise be costs to school districts for participation in the program.

Sec. 2548. Section 256.16, subsection 2, Code 2023, is amended to read as follows:

2. A person initially applying for a license shall successfully complete a practitioner preparation program approved under section 256.7, subsection 3, and containing the subject matter specified in this section, before the initial action by the board of educational examiners under ~~chapter 272 subchapter VII, part 3~~, takes place.

Sec. 2549. Section 256.41, subsection 2, Code 2023, is amended to read as follows:

2. Online learning curricula shall be provided and supervised by a teacher licensed under ~~chapter 272 subchapter VII, part 3~~.

Sec. 2550. Section 256.43, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. High-quality online instruction taught by teachers licensed under ~~chapter 272 subchapter VII, part 3~~.

Sec. 2551. Section 256.43, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under ~~chapter 272 subchapter VII, part 3~~.

Sec. 2552. Section 256.43, subsection 3, Code 2023, is amended to read as follows:

3. *Grading.* Grades in online courses shall be based, at a minimum, on whether a student mastered the subject, demonstrated competency, and met the standards established by the school district. Grades shall be conferred only by teachers licensed under ~~chapter 272 subchapter VII, part 3~~.

Sec. 2553. Section 256C.3, subsection 2, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) The individual is appropriately licensed under ~~chapter 272~~ 256, subchapter VII, part 3, and meets requirements under chapter 284.

Sec. 2554. Section 256E.7, subsection 4, paragraph b, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) An administrator who holds a valid license under chapter 272 256, subchapter VII, part 3.

(2) A teacher who holds a valid license under chapter 272 256, subchapter VII, part 3.

(3) An individual who holds an authorization to be a charter school administrator issued by the board of educational examiners under chapter 272 256, subchapter VII, part 3. The board of educational examiners shall adopt rules for the issuance of such authorizations not later than December 31, 2021, and such authorizations shall only be valid for service or employment as a charter school administrator.

Sec. 2555. Section 257.11, subsection 3, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The school district has made every reasonable and good faith effort to employ a teacher licensed under chapter 272 256, subchapter VII, part 3, for the science or mathematics unit, as applicable, and is unable to employ such a teacher. For purposes of this paragraph “c”, “*good faith effort*” means the same as defined in section 279.19A, subsection 9.

Sec. 2556. Section 260C.48, subsection 1, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) For purposes of subparagraph (1), subparagraph divisions (b) and (c), if the instructor is a licensed practitioner who holds a career and technical endorsement under chapter 272 256, subchapter VII, part 3, relevant work experience in the occupational area includes but is not limited to classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

Sec. 2557. Section 261.1, subsection 2, paragraph d, subparagraph (5), Code 2023, is amended to read as follows:

(5) One member shall represent practitioners licensed under chapter 272 256, subchapter VII, part 3. When appointing this member, the governor shall give careful consideration to any person nominated by an Iowa teacher association or other education stakeholder organization.

Sec. 2558. Section 261E.4, subsection 3, Code 2023, is amended to read as follows:

3. A school district shall ensure that advanced placement course teachers or instructors are appropriately licensed by the board of educational examiners in accordance with chapter 272 256, subchapter VII, part 3, and meet the minimum certification requirements of the national organization that administers the advanced placement program.

Sec. 2559. Section 261H.2, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. If it is determined, after exhaustion of all available administrative and judicial appeals, that a faculty member knowingly and intentionally restricts the protected speech or otherwise penalizes a student in violation of this subsection, the faculty member shall be subject to discipline by the institution through the normal disciplinary processes of the institution, and such discipline may include termination depending on the totality of the facts. If the faculty member is licensed by the board of educational examiners under chapter 272 256, subchapter VII, part 3, the board of educational examiners shall conduct a hearing pursuant to section 272.13, and the faculty member may be subject to disciplinary action by the board.

Sec. 2560. Section 272.1, Code 2023, is amended to read as follows:

272.1 Definitions.

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

1. “*Administrator*” means a person who is licensed to coordinate, supervise, or direct an educational program or the activities of other practitioners.

2. “*Board*” means the board of educational examiners.

3. “*Certificate*” means limited recognition to perform instruction and instruction-related duties in school, other than those duties for which practitioners are licensed. A certificate is nonexclusive recognition and does not confer the exclusive authority of a license.

~~4.~~ “*Department*” means the state department of education.

~~5.~~ 4. “*License*” means the authority that is given to allow a person to legally serve as a practitioner, a school, an institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, courses of study, or area education agencies. A license is the exclusive authority to perform these functions.

~~6.~~ 5. “*Offense directly relates*” refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

~~7.~~ 6. “*Para-educator*” means a person who is certified to assist a teacher in the performance of instructional tasks to support and assist classroom instruction and related school activities.

~~8.~~ 7. “*Practitioner*” means an administrator, teacher, or other licensed professional, including an individual who holds a statement of professional recognition, who provides educational assistance to students.

~~9.~~ 8. “*Practitioner preparation program*” means a program approved by the state board of education which prepares a person to obtain a license as a practitioner.

~~10.~~ 9. “*Principal*” means a licensed member of a school’s instructional staff who serves as an instructional leader, coordinates the process and substance of educational and instructional programs, coordinates the budget of the school, provides formative evaluation for all practitioners and other persons in the school, recommends or has effective authority to appoint, assign, promote, or transfer personnel in a school building, implements the local school board’s policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school’s student activities program.

~~11.~~ 10. “*Professional development program*” means a course or program which is offered by a person or agency for the purpose of providing continuing education for the renewal or upgrading of a practitioner’s license.

~~12.~~ 11. “*School*” means a school under section 280.2, an area education agency, and a school operated by a state agency for special purposes.

~~13.~~ 12. “*School administration manager*” means a person who is authorized to assist a school principal in performing noninstructional administrative duties.

~~14.~~ 13. “*School service personnel*” means those persons holding a practitioner’s license who provide support services for a student enrolled in school or to practitioners employed in a school.

~~15.~~ 14. “*Student*” means a person who is enrolled in a course of study at a school or practitioner preparation program, or who is receiving direct or indirect assistance from a practitioner.

~~16.~~ 15. “*Superintendent*” means an administrator who promotes, demotes, transfers, assigns, or evaluates practitioners or other personnel, and carries out the policies of a governing board in a manner consistent with professional practice and ethics.

~~17.~~ 16. “*Teacher*” means a licensed member of a school’s instructional staff who diagnoses, prescribes, evaluates, and directs student learning in a manner which is consistent with professional practice and school objectives, shares responsibility for the development of an instructional program and any coordinating activities, evaluates or assesses student progress before and after instruction, and who uses the student evaluation or assessment information to promote additional student learning.

~~18.~~ 17. “*Work-based learning program supervisor*” means a person who is certified pursuant to section 272.16 to supervise students’ opportunities and experiences related to workplace tours, job shadowing, rotations, mentoring, entrepreneurship, service learning, internships, and apprenticeships.

Sec. 2561. Section 272.2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board of educational examiners is created within the higher education division of the department of education to exercise the exclusive authority to:

Sec. 2562. Section 272.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. License practitioners, which includes the authority to establish do all of the following:

(1) Establish criteria for the licenses; ~~establish.~~

(2) Establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means; ~~create.~~

(3) Create application and renewal forms; ~~create.~~

(4) Create licenses that authorize different instructional functions or specialties; ~~develop.~~

(5) Develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the all of the following:

(a) The failure of a practitioner to fulfill contractual obligations under section 279.13, ~~the.~~ In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

(b) The failure of an administrator to protect the safety of staff and students, ~~the.~~

(c) The failure of an administrator to meet mandatory reporter obligations, ~~the.~~

(d) The refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan, ~~and habitual.~~

(e) Habitual nonparticipation in professional development; ~~and develop.~~

(f) The development of any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

Sec. 2563. Section 272.2, subsections 4 and 24, Code 2023, are amended to read as follows:

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with this chapter part.

24. By August 1, 2021, adopt rules pursuant to chapter 17A, ~~developed in consultation with the department,~~ establishing a statement of professional recognition for behavior analysts licensed under chapter 154D.

Sec. 2564. Section 272.2, subsection 7, Code 2023, is amended by striking the subsection.

Sec. 2565. Section 272.2, subsection 14, paragraph d, Code 2023, is amended to read as follows:

d. An applicant for a license or certificate under this chapter part shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant. However, if the executive director of the board receives notice from the director of the department of education under section 256.9, subsection 17, that an error in the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department of education shall be sufficient evidence to correct such error.

Sec. 2566. Section 272.3, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board of educational examiners consists of twelve members. Two ~~must~~ shall be members of the general public, one ~~must~~ shall be the director of the department of education or the director's designee, and the remaining nine members ~~must~~ shall be licensed practitioners. One of the public members shall have served on a school board. The public members shall never have held a practitioner's license, but shall have a demonstrated interest in education. The nine practitioners shall be selected from the following areas and specialties of the teaching profession:

Sec. 2567. Section 272.3, subsection 2, Code 2023, is amended to read as follows:

2. A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of six members. Members shall elect a chairperson of the board. Members, except for the director of the department of education or the director's designee, shall be appointed by the governor subject to confirmation by the senate.

Sec. 2568. Section 272.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Members, except for the director of the department of education or the director's designee, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director of the department of education or the director's designee, who shall serve until the director's term of office expires. A member of the board, except for the two public members and the director of the department of education or the director's designee, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

Sec. 2569. Section 272.5, subsection 2, Code 2023, is amended to read as follows:

2. The ~~governor~~ director shall appoint an executive director of the board of educational examiners ~~subject to confirmation by the senate~~. The executive director shall possess a background in education licensure and administrative experience ~~and shall serve at the pleasure of the governor~~. The board of educational examiners director shall set the salary of the executive director ~~within the range established for the position by the general assembly~~.

Sec. 2570. Section 272.9, subsection 1, Code 2023, is amended to read as follows:

1. A certificate which was issued by the board of educational examiners to a practitioner before July 1, 1989, continues to be in force as long as the certificate complies with the rules and statutes in effect on July 1, 1989. Requirements for the renewal of licenses, under this ~~chapter part~~, do not apply retroactively to renewal of certificates. However, this section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts.

Sec. 2571. Section 272.9A, subsection 3, Code 2023, is amended to read as follows:

3. An administrator formerly employed by an accredited nonpublic school or formerly employed as an administrator in another state or country is exempt from the mentoring and induction requirement under subsection 1 if the administrator can document two years of successful administrator experience and meet or exceed the requirements contained in rules adopted pursuant to this ~~chapter part~~ for endorsement and licensure. However, if an administrator cannot document two years of successful administrator experience when hired by a school district, the administrator shall meet the requirements of subsection 1.

Sec. 2572. Section 272.10, subsections 1, 2, and 5, Code 2023, are amended to read as follows:

1. It is the intent of the general assembly that licensing fees established by the board of educational examiners be sufficient to finance the activities of the board under this ~~chapter part~~.

2. Licensing fees are payable to the treasurer of state and shall be deposited with the executive director of the board. The executive director shall deposit twenty-five percent of the fees collected annually with the treasurer of state and the fees shall be credited to the general fund of the state. The remaining licensing fees collected during the fiscal year shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, licensing fees retained by and appropriated to the board pursuant to 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 activities of the board as provided in this ~~chapter~~ part until the close of the succeeding fiscal year.

5. The fees established by the board for the administrative costs of processing complaints and conducting hearings pursuant to section 272.2, subsection 23, may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, transcription service or court reporter fee, and other fees assessed as costs by the board. The fees collected annually in accordance with this subsection shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, fees retained by and appropriated to the board 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 activities of the board as provided in this ~~chapter~~ part until the close of the succeeding fiscal year.

Sec. 2573. Section 272.11, Code 2023, is amended to read as follows:

272.11 Expenditures and refunds.

Expenditures and refunds made by the board under this ~~chapter~~ part shall be certified by the executive director of the board to the director of the department of administrative services, and if found correct, the director of the department of administrative services shall approve the expenditures and refunds and draw warrants upon the treasurer of state from the funds appropriated for that purpose.

Sec. 2574. Section 272.12, Code 2023, is amended to read as follows:

272.12 Para-educator certificates.

The board of ~~educational examiners~~ shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.2, subsection 14, or in administrative rule. Notwithstanding section 272.2, subsection 14, paragraph "b", subparagraph (2), the board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this ~~chapter~~ part shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this ~~chapter~~ part or chapter 279.

Sec. 2575. Section 272.15, subsections 2 and 4, Code 2023, are amended to read as follows:

2. If, in the course of performing official duties, an employee of the department becomes aware of any alleged misconduct by an individual licensed under this ~~chapter~~ part, the employee shall report the alleged misconduct to the board of ~~educational examiners~~ under rules adopted pursuant to subsection 1.

4. If the executive director of the board verifies through a review of official records that a teacher who holds a practitioner's license under this ~~chapter~~ part is assigned instructional duties for which the teacher does not hold the appropriate license or endorsement, either by grade level or subject area, by a school district or accredited nonpublic school, the executive director may initiate a complaint against the teacher and the administrator responsible for the inappropriate assignment of instructional duties.

Sec. 2576. Section 272.16, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. The board of ~~educational examiners~~ shall adopt rules pursuant to chapter 17A relating to a certification system for work-based learning program supervisors. The rules shall

specify rights, responsibilities, levels, and qualifications for the certificate. The certificate shall not require more than fifteen contact hours, which shall be available over the internet and which shall provide instruction related to fundamentals in career education, curriculum, assessment, and the evaluation of student participation.

2. Applicants shall be disqualified for any reason specified in section 272.2, subsection 14, or in rules adopted by the board of ~~educational examiners~~.

3. A certificate issued pursuant to this section shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this ~~chapter part~~ or chapter 279.

Sec. 2577. Section 272.20, Code 2023, is amended to read as follows:

272.20 National certification.

The board of ~~educational examiners~~ shall review the standards for teacher's certificates adopted by the national board for professional teaching standards, a nonprofit corporation created as a result of recommendations of the task force on teaching as a profession of the Carnegie forum on education and the economy. In those cases in which the standards required by the national board for an Iowa endorsement or license meet or exceed the requirements contained in rules adopted under this ~~chapter part~~ for that endorsement or license, the board of ~~educational examiners~~ shall issue endorsements or licenses to holders of certificates issued by the national board who request the endorsement or license.

Sec. 2578. Section 272.28, subsection 2, Code 2023, is amended to read as follows:

2. A teacher from an accredited nonpublic school or another state or country is exempt from the requirement of subsection 1 if the teacher can document three years of successful teaching experience and meet or exceed the requirements contained in rules adopted under this ~~chapter part~~ for endorsement and licensure.

Sec. 2579. Section 272.29, Code 2023, is amended to read as follows:

272.29 Annual administrative rules review — triennial report.

The executive director of the board shall annually review the administrative rules adopted pursuant to this ~~chapter part~~ and related state laws. The executive director shall submit the executive director's findings and recommendations in a report every three years to the board and the general assembly by January 15.

Sec. 2580. Section 272C.15, subsection 1, Code 2023, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, except for chapter 272 256, subchapter VII, part 3, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to subsection 4.

Sec. 2581. Section 273.3, subsections 11 and 25, Code 2023, are amended to read as follows:

11. Employ personnel to carry out the functions of the area education agency which shall include the employment of an administrator who shall possess a license issued under chapter 272 256, subchapter VII, part 3. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24, and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator. Section 279.13 applies to the area education agency board and to all teachers employed by the area education agency. Sections 279.23, 279.24, and 279.25 apply to the area education board and to all administrators employed by the area education agency. Section 279.69 applies to the area education agency board and employees of the board, including part-time, substitute, or contract employees, who provide services to a school or school district.

25. Require, by July 1, 2024, any person employed by the area education agency who holds a license, certificate, statement of recognition, or authorization other than a coaching authorization, issued by the board of educational examiners under chapter ~~272~~ 256,

subchapter VII, part 3, to complete the Iowa reading research center dyslexia overview module. Such persons employed after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

Sec. 2582. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272 256, subchapter VII, part 3, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant for employment as a teacher.

Sec. 2583. Section 279.19B, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board of directors of a school district may employ for head coach of any interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the board of educational examiners or possesses a teaching license with a coaching endorsement issued pursuant to chapter 272 256, subchapter VII, part 3. However, a board of directors of a school district shall consider applicants with qualifications described below, in the following order of priority:

Sec. 2584. Section 279.50A, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The school district has made every reasonable and good faith effort to employ a teacher licensed under chapter 272 256, subchapter VII, part 3, for the unit of science or mathematics, as applicable, and is unable to employ such a teacher. For purposes of this subsection, "good faith effort" means the same as defined in section 279.19A, subsection 9.

Sec. 2585. Section 279.72, Code 2023, is amended to read as follows:

279.72 Training on dyslexia.

By July 1, 2024, the board of directors of a school district shall require all persons employed by the school district who hold a teaching license with an endorsement for prekindergarten, prekindergarten or elementary special education, or prekindergarten through grade three levels issued under chapter 272 256, subchapter VII, part 3, all practitioners and paraprofessionals assigned as Title I teachers and Title I paraprofessionals under the federal Every Student Succeeds Act, Pub. L. No. 114-95, and all practitioners endorsed to teach English as a second language to complete the Iowa reading research center dyslexia overview module. Such persons employed by the school district after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

Sec. 2586. Section 279.73, subsection 2, Code 2023, is amended to read as follows:

2. If the board of directors of the school district or a court finds that an employee of the school district who holds a license, certificate, statement of recognition, or authorization issued by the board of educational examiners under chapter 272 256, subchapter VII, part 3, discriminated against a student or employee in violation of this section, the employee found to be in violation under this section shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action and the employee's employment may be terminated.

Sec. 2587. Section 284.2, subsections 1, 7, and 11, Code 2023, are amended to read as follows:

1. "Beginning teacher" means an individual serving under an initial or intern license, issued under chapter 272 256, subchapter VII, part 3, who is assuming a position as a

teacher. “*Beginning teacher*” includes an individual who is an initial teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to section 284.5, “*beginning teacher*” also includes preschool teachers who are licensed under chapter 272 256, subchapter VII, part 3, and are employed by a school district or area education agency. “*Beginning teacher*” does not include a teacher whose employment with a school district or area education agency is probationary unless the teacher is serving under an initial or teacher intern license issued under chapter 272 256, subchapter VII, part 3.

7. “*Mentor*” means an individual employed by a school district or area education agency as a teacher or a retired teacher who holds a valid license issued under chapter 272 256, subchapter VII, part 3. The individual must have a record of three years of successful teaching practice, must be employed on a nonprobationary basis, and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers.

11. “*Teacher*” means an individual who holds a practitioner’s license issued under chapter 272 256, subchapter VII, part 3, or a statement of professional recognition issued under chapter 272 256, subchapter VII, part 3, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position.

Sec. 2588. Section 284.10, subsection 2, Code 2023, is amended to read as follows:

2. An administrator licensed under chapter 272 256, subchapter VII, part 3, who conducts evaluations of teachers for purposes of this chapter shall complete the evaluator training program. A practitioner licensed under chapter 272 256, subchapter VII, part 3, who is not an administrator may enroll in the evaluator training program. Enrollment preference shall be given to administrators. Upon successful completion, the provider shall certify that the administrator or other practitioner is qualified to conduct evaluations for employment, make recommendations for licensure, and make recommendations that a teacher is qualified to advance from one career path level to the next career path level pursuant to this chapter. Certification is for a period of five years and may be renewed.

Sec. 2589. Section 284.15, subsection 2, paragraph a, subparagraph (1), Code 2023, 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 272 256, subchapter VII, part 3, shall be at least thirty-three thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

Sec. 2590. Section 284.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A career teacher is a teacher who holds a statement of professional recognition issued under chapter 272 256, subchapter VII, part 3, or who meets all of the following requirements:

Sec. 2591. Section 284.15, subsection 2, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) Holds a valid license issued under chapter 272 256, subchapter VII, part 3.

Sec. 2592. Section 284.15, subsection 2, paragraphs d and e, Code 2023, are amended to read as follows:

d. *Mentor teacher*. A mentor teacher is a teacher who is evaluated by the school district as demonstrating the competencies and superior teaching skills of a mentor teacher, and has been recommended for a one-year assignment as a mentor teacher by a site-based review council appointed pursuant to subsection 4. In addition, a mentor teacher shall hold a valid license issued under chapter 272 256, subchapter VII, part 3, participate in teacher professional development as outlined in this chapter, demonstrate continuous improvement in teaching, and possess the skills and qualifications to assume leadership roles. A mentor

teacher shall have a teaching load of not more than seventy-five percent student instruction to allow the teacher to mentor other teachers. A school district shall designate at least ten percent of its teachers as mentor teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to mentor teachers shall exceed by ten days the terms of teaching contracts issued under section 279.13 to career teachers, and the ten additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A mentor teacher shall receive annually a salary supplement of at least five thousand dollars.

e. Lead teacher. A lead teacher is a teacher who holds a valid license issued under chapter 272 256, subchapter VII, part 3, and has been recommended for a one-year assignment as a lead teacher by a site-based review council appointed pursuant to subsection 4. The recommendation from the council must assert that the teacher possesses superior teaching skills and the ability to lead adult learners. A lead teacher shall assume leadership roles that may include but are not limited to the planning and delivery of professional development activities designed to improve instructional strategies; the facilitation of an instructional leadership team within the lead teacher's building, school district, or other school districts; the mentoring of other teachers; and participation in the evaluation of student teachers. A lead teacher shall have a teaching load of not more than fifty percent student instruction to allow the lead teacher to spend time on co-teaching; co-planning; peer reviews; observing career teachers, model teachers, and mentor teachers; and other duties mutually agreed upon by the superintendent and the lead teacher. A school district shall designate at least five percent of its teachers as lead teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to lead teachers shall exceed by fifteen days the terms of teaching contracts issued under section 279.13 to career teachers, and the fifteen additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A lead teacher shall receive annually a salary supplement of at least ten thousand dollars.

Sec. 2593. Section 284.16, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an intern teacher license issued under chapter 272 256, subchapter VII, part 3.

(2) Holds an initial or intern teacher license issued under chapter 272 256, subchapter VII, part 3.

Sec. 2594. Section 284.16, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A career teacher is a teacher who holds a statement of professional recognition issued under chapter 272 256, subchapter VII, part 3, or who meets the following requirements:

Sec. 2595. Section 284.16, subsection 1, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) Holds a valid license issued under chapter 272 256, subchapter VII, part 3.

Sec. 2596. Section 284A.2, subsections 1, 2, and 7, Code 2023, are amended to read as follows:

1. "Administrator" means an individual holding a professional administrator license issued under chapter 272 256, subchapter VII, part 3, who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.23 and is engaged in instructional leadership. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position.

2. “*Beginning administrator*” means an individual serving under an administrator license, issued by the board of educational examiners under chapter 272 256, subchapter VII, part 3, who is assuming a position as a school district principal or superintendent for the first time.

7. “*Mentor*” means an individual employed by a school district or area education agency as a school district administrator or a retired administrator who holds a valid license issued under chapter 272 256, subchapter VII, part 3. The individual must have a record of four years of successful administrative experience and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning administrators.

Sec. 2597. Section 284A.6, subsection 2, Code 2023, is amended to read as follows:

2. In cooperation with the administrator’s evaluator, the administrator who has a professional administrator license issued by the board of educational examiners pursuant to chapter 272 256, subchapter VII, part 3, and is employed by a school district or area education agency in a school district administrative position shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator, the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and the student achievement goals of the attendance center and the school district as outlined in the comprehensive school improvement plan.

Sec. 2598. Section 284A.7, Code 2023, is amended to read as follows:

284A.7 Evaluation requirements for administrators.

A school district shall conduct an annual evaluation of an administrator who holds a professional administrator license issued under chapter 272 256, subchapter VII, part 3, for purposes of assisting the administrator in making continuous improvement, documenting continued competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, or to determine whether the administrator’s practice meets school district expectations. The evaluation shall include, at a minimum, an assessment of the administrator’s competence in meeting the Iowa standards for school administrators and the goals of the administrator’s individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator’s professional development plan.

Sec. 2599. Section 299A.2, Code 2023, is amended to read as follows:

299A.2 Competent private instruction by licensed practitioner.

If a licensed practitioner provides competent instruction to a school-age child, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 272 256, subchapter VII, part 3, and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include but is not limited to a home school assistance program which provides instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district as provided in section 257.6. Sections 299A.3 through 299A.7 do not apply to competent private instruction provided by a licensed practitioner under this section. However, the reporting requirement contained in section 299A.3, subsection 1, shall apply to competent private instruction provided by licensed practitioners that is not part of a home school assistance program offered through an accredited nonpublic school or public school district.

Sec. 2600. Section 622.10, subsection 8, Code 2023, is amended to read as follows:

8. A qualified school guidance counselor, who is licensed by the board of educational examiners under chapter 272 256, subchapter VII, part 3, and who obtains information by reason of the counselor’s employment as a qualified school guidance counselor, shall not be allowed, in giving testimony, to disclose any confidential communications properly entrusted

to the counselor by a pupil or the pupil's parent or guardian in the counselor's capacity as a qualified school guidance counselor and necessary and proper to enable the counselor to perform the counselor's duties as a qualified school guidance counselor.

Sec. 2601. Section 709.15, subsection 1, paragraph g, subparagraph (1), subparagraph divisions (a) and (b), Code 2023, are amended to read as follows:

(a) A person who holds a license, certificate, or statement of professional recognition issued under chapter 272 256, subchapter VII, part 3.

(b) A person who holds an authorization issued under chapter 272 256, subchapter VII, part 3.

Sec. 2602. Section 714.19, subsection 4, Code 2023, is amended to read as follows:

4. Private and nonprofit elementary or secondary schools recognized by the department of education or the board of directors of a school district for the purpose of complying with chapter 299 and employing teachers licensed under chapter 272 256, subchapter VII, part 3.

Sec. 2603. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 272.1 to section 256.145.
- b. Section 272.2 to section 256.146.
- c. Section 272.3 to section 256.147.
- d. Section 272.4 to section 256.148.
- e. Section 272.5 to section 256.149.
- f. Section 272.6 to section 256.150.
- g. Section 272.7 to section 256.151.
- h. Section 272.8 to section 256.152.
- i. Section 272.9 to section 256.153.
- j. Section 272.9A to section 256.154.
- k. Section 272.10 to section 256.155.
- l. Section 272.11 to section 256.156.
- m. Section 272.12 to section 256.157.
- n. Section 272.13 to section 256.158.
- o. Section 272.14 to section 256.159.
- p. Section 272.15 to section 256.160.
- q. Section 272.16 to section 256.161.
- r. Section 272.20 to section 256.162.
- s. Section 272.28 to section 256.163.
- t. Section 272.29 to section 256.164.
- u. Section 272.31 to section 256.165.

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.

3. The Code editor may designate sections 256.145 through 256.165, as enacted in this division of this Act, as new part 3 entitled "Board of Educational Examiners" within the subchapter entitled "Higher Education Division" as enacted by another division of this Act.

Sec. 2604. TRANSITION PROVISIONS.

1. Any license, certificate, or authorization issued by the board of education examiners pursuant to chapter 272 prior to the effective date of this division of this Act is valid and shall continue as provided in the terms of the license, certificate, or authorization.

2. Federal funds utilized by the board of educational examiners prior to the effective date of this division of this Act to employ personnel necessary for the administration of the board of educational examiners' programs shall be applied to and be available for the transfer of such personnel from the board of educational examiners to the higher education division of the department of education.

Sec. 2605. APPLICABILITY. This ⁴⁵ division of this Act applies to individuals appointed as the executive director of the board of educational examiners before, on, or after the effective date of this division of this Act.

COLLEGE STUDENT AID COMMISSION

Sec. 2606. Section 8A.504, subsection 1, paragraph d, subparagraph (2), Code 2023, is amended to read as follows:

(2) An amount that is due because of a default on a loan under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2607. Section 8A.504, subsection 4, Code 2023, is amended to read as follows:

4. The director shall have the authority to enter into reciprocal agreements with the departments of revenue of other states that have enacted legislation that is substantially equivalent to the setoff procedure provided in this section for the recovery of an amount due because of a default on a loan under chapter ~~261~~ 256, subchapter VII, part 4. A reciprocal agreement shall also be approved by the college student aid commission. The agreement shall authorize the department to provide by rule for the setoff of state income tax refunds or rebates of defaulters from states with which Iowa has a reciprocal agreement and to provide for sending lists of names of Iowa defaulters to the states with which Iowa has a reciprocal agreement for setoff of that state's income tax refunds.

Sec. 2608. Section 261.1, subsection 1, Code 2023, is amended to read as follows:

1. There is hereby created within the higher education division of the department a commission to be known as the "*College Student Aid Commission*" of the state of Iowa.

Sec. 2609. Section 261.1, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. A member of the state board of regents to be named by the state board of regents, or the executive director of the state board of regents if so appointed by the state board of regents, who shall serve for a four-year term or until the expiration of the member's term of office.

b. The director of the department ~~of education~~ or the director's designee.

Sec. 2610. Section 261.1, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. Vacancies on the commission shall be filled for the unexpired term of such vacancies, if applicable, in the same manner as the original appointment.

Sec. 2611. Section 261.1, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 5. The director shall appoint an executive director of the commission. The director shall set the salary of the executive director.

Sec. 2612. Section 261.2, subsection 2, Code 2023, is amended to read as follows:

2. Administer the tuition grant program under this ~~chapter~~ part.

Sec. 2613. Section 261.3, Code 2023, is amended to read as follows:

261.3 Organization — bylaws.

~~1. The commission is an autonomous state agency which is attached to the department of education for organizational purposes only.~~

~~2.~~ 1. The commission, under the authority of the higher education division of the department, shall ~~determine its own organization~~, draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this ~~chapter~~ part, including the housing, ~~employment~~, and fixing the ~~compensation and bond of persons required to carry out its functions and responsibilities~~. A decision of the commission is final agency action under chapter 17A.

⁴⁵ See chapter 119, §32 herein

3. 2. The commission shall function at the seat of government or such other place as ~~it~~ the commission might designate.

Sec. 2614. Section 261.5, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding any other provision of this ~~chapter part~~, in the event of a national emergency declared by the president of the United States by reason of terrorist attack, the commission may waive or modify any statutory or regulatory provision applicable to state financial aid programs established pursuant to this ~~chapter part~~ to ensure, with regard to affected individuals, that the following occurs:

Sec. 2615. Section 261.5, subsection 3, Code 2023, is amended to read as follows:

3. Notwithstanding any other provision of this ~~chapter part~~, in the event of a national emergency declared by the president of the United States by reason of terrorist attack, the commission may grant temporary relief from requirements rendered infeasible or unreasonable, including due diligence requirements and reporting deadlines, by the national emergency, to an institution of higher education under the state board of regents, a community college, an accredited private institution as defined in section 261.9, eligible lenders, and other entities participating in the state student assistance programs in accordance with this ~~chapter part~~, that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any federal, state, or local official in connection with the national emergency. If the commission issues a waiver in accordance with this section, the report prepared by the commission pursuant to section 17A.9A, subsection 5, shall include examples of measures that a postsecondary institution may take in the appropriate exercise of discretion, as provided in 20 U.S.C. §1087tt, to adjust financial need and aid eligibility determinations for affected individuals.

Sec. 2616. Section 261.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

When used in this ~~subchapter subpart~~, unless the context otherwise requires:

Sec. 2617. Section 261.9, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Is accredited by the higher learning commission, is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and annually provides a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received in a fiscal year by the institution's students for Iowa tuition grant assistance under this ~~chapter part~~. Commencing with the fiscal year beginning July 1, 2006, the matching aggregate amount of institutional financial aid shall increase by the percentage of increase each fiscal year of funds appropriated for Iowa tuition grants under section 261.25, subsection 1, to a maximum match of one hundred percent. The institution shall file annual reports with the commission prior to receipt of tuition grant moneys under this ~~chapter part~~. An institution whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant money in the fiscal year beginning July 1, 2003, shall meet the match requirements of this paragraph no later than June 30, 2005.

Sec. 2618. Section 261.9, subsection 8, Code 2023, is amended to read as follows:

8. "*Tuition grant*" means an award by the state of Iowa to a qualified student under this ~~subchapter subpart~~.

Sec. 2619. Section 261.15, subsection 2, Code 2023, is amended to read as follows:

2. Adopt rules and regulations for determining financial need, defining tuition and mandatory fees, defining residence for the purposes of this ~~subchapter subpart~~, processing and approving applications for tuition grants, and determining priority of grants. The commission may provide for proration of funds if the available funds are insufficient to pay all approved grants. Such proration shall take primary account of the financial need of the

applicant. In determining who is a resident of Iowa, the commission's rules shall be at least as restrictive as those of the board of regents.

Sec. 2620. Section 261.16A, subsection 7, Code 2023, is amended to read as follows:

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~~ part.

Sec. 2621. Section 261.17, subsection 5, Code 2023, is amended to read as follows:

5. A vocational-technical tuition grant shall be awarded on an annual basis, requiring reapplication by the student for each year. Payments under the grant shall be allocated equally among the semesters or quarters of the year upon certification by the institution that the student is in full-time or part-time attendance in a vocational-technical or career option program, as defined under rules of the department of ~~education~~. If the student discontinues attendance before the end of any term after receiving payment of 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 institution to the state.

Sec. 2622. Section 261.20, subsection 1, Code 2023, is amended to read as follows:

1. A scholarship and tuition grant reserve fund is created to assure that financial assistance will be available to all students who are awarded scholarships or tuition grants through programs funded under this ~~chapter~~ part. The fund is created as a separate fund in the state treasury, and moneys in the fund shall not revert to the general fund unless, and then only to the extent that, the funds exceed the maximum allowed balance.

Sec. 2623. Section 261.35, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter~~ subpart, unless the context otherwise requires:

Sec. 2624. Section 261.36, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The commission shall have necessary powers to carry out its purposes and duties under this ~~subchapter~~ subpart, including but not limited to the power to:

Sec. 2625. Section 261.37, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The duties of the commission under this ~~subchapter~~ subpart shall be as follows:

Sec. 2626. Section 261.37, subsections 5 and 7, Code 2023, are amended to read as follows:

5. To adopt rules pursuant to chapter 17A to implement the provisions of this ~~subchapter~~ subpart, including establishing standards for educational institutions, lenders, and individuals to become eligible institutions, lenders, and borrowers. Notwithstanding any contrary provisions in chapter 537, the rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965.

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of administrative services to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a loan made under this ~~subchapter~~ subpart. The commission shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the student loan setoff program as established under section 8A.504. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. §1071 et seq., for all delinquent loans, including loans authorized under section 261.38, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 261.38.

Sec. 2627. Section 261.42, Code 2023, is amended to read as follows:

261.42 Short title.

This ~~subchapter~~ subpart shall be known and may be cited as the “*Iowa Guaranteed Loan Program*”.

Sec. 2628. Section 261.43A, Code 2023, is amended to read as follows:

261.43A Security interest in education loans.

A nonprofit organization qualifying for tax-exempt status under the Internal Revenue Code, as defined in section 422.3, that provides or acquires education loans in the organization’s normal course of business shall, notwithstanding any contrary provision of chapter 554 or other state law, establish and perfect a security interest and establish priority over other security interests in such education loans by filing in the same manner as provided for perfecting a security interest in a student loan pursuant to 20 U.S.C. §1082(m)(1)(E). This section applies to education loans provided under this ~~chapter~~ part by such nonprofit organizations and other education loans provided by such nonprofit organizations.

Sec. 2629. Section 261.87, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter~~ subpart, unless the context otherwise requires:

Sec. 2630. Section 261.102, subsection 7, Code 2023, is amended to read as follows:

7. “*Program*” means the Iowa minority academic grants for economic success program established in this ~~subchapter~~ subpart.

Sec. 2631. Section 261.110, subsections 1 and 5, Code 2023, are amended to read as follows:

1. A teach Iowa scholar program is established to provide teach Iowa scholar grants to selected high-caliber teachers. ~~The commission shall administer the program in collaboration with the department of education.~~

5. The commission, ~~in collaboration with the department of education,~~ shall adopt rules pursuant to chapter 17A to administer this section. The rules shall include but shall not be limited to a process for use by the commission to determine which eligible applicants will receive teach Iowa scholar grants.

Sec. 2632. Section 261.110, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The applicant was in the top twenty-five percent academically of students exiting a teacher preparation program approved by the state board ~~of education~~ pursuant to section 256.7, subsection 3, or a similar teacher preparation program in another state, or had earned other comparable academic credentials.

Sec. 2633. Section 261.111, subsection 2, Code 2023, is amended to read as follows:

2. The director ~~of the department of education~~ shall annually designate the areas in which teacher shortages are anticipated. The director shall periodically conduct a survey of school districts, accredited nonpublic schools, and approved practitioner preparation programs to determine current shortage areas and predict future shortage areas.

Sec. 2634. Section 261.112, subsections 1 and 2, Code 2023, are 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~~ part 3, 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.

2. The director of the department of education shall annually designate the geographic or subject areas experiencing teacher shortages. The director shall periodically conduct a survey of school districts, accredited nonpublic schools, and approved practitioner preparation programs to determine current shortage areas.

Sec. 2635. Section 261.130, subsection 2, Code 2023, is amended to read as follows:

2. Skilled workforce shortage tuition grants shall be awarded only to students pursuing a career-technical or career option program in an industry identified as having a shortage of skilled workers by a community college after conducting a regional skills gap analysis or as being a high-demand job by the department of workforce development in the department's department of workforce development's most recent list of high-demand jobs. If a community college no longer identifies the industry as having a shortage of skilled workers or the department of workforce development no longer identifies the industry as a high-demand job, an eligible student who received a grant for a career-technical or career option program based on that identification shall continue to receive the grant until achieving a postsecondary credential, up to an associate degree, as long as the student is continuously enrolled in that program and continues to meet all other eligibility requirements.

Sec. 2636. Section 261.131, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. "Approved state-recognized work-based learning program" means a structured educational and training program that includes authentic worksite training and is approved by the department of education according to a process established under rules adopted pursuant to section 256.7, subsection 34.

Sec. 2637. Section 261.132, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. "Eligible program" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with the eligible institution, that leads to a bachelor's degree aligned with a high-demand job designated by the workforce development board pursuant to section 84A.1B, subsection 14. If the department of workforce development removes a high-demand job from the list created under section 84A.1B, subsection 14, an eligible student who received a grant for a program based on that high-demand job shall continue to receive the grant until achieving a bachelor's degree as long as the student continues to meet all other eligibility requirements.

Sec. 2638. Section 261B.11A, subsection 1, Code 2023, is amended to read as follows:

1. Students attending schools required to register under this chapter are ineligible for state student financial aid programs established under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2639. Section 261F.1, subsection 5, paragraph e, Code 2023, is amended to read as follows:

e. State education grants, scholarships, or financial aid funds administered under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2640. Section 261G.4, subsections 1, 2, and 5, Code 2023, are amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, a participating nonresident institution shall not be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter ~~261~~ 256, subchapter VII, part 4, or chapter 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of an interstate reciprocity agreement prohibit such registration or compliance.

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter ~~261~~ 256, subchapter VII, part 4, or chapter 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section

714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of the interstate reciprocity agreement require such registration or compliance.

5. Students attending a participating nonresident institution are ineligible for state student financial aid programs established under ~~chapter 261~~ ⁴⁶ 256, subchapter VII, part 4.

Sec. 2641. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 261.1 to section 256.176.
- b. Section 261.2 to section 256.177.
- c. Section 261.3 to section 256.178.
- d. Section 261.4 to section 256.179.
- e. Section 261.5 to section 256.180.
- f. Section 261.7 to section 256.181.
- g. Section 261.8 to section 256.182.
- h. Section 261.9 to section 256.183.
- i. Section 261.10 to section 256.184.
- j. Section 261.11 to section 256.185.
- k. Section 261.12 to section 256.186.
- l. Section 261.13 to section 256.187.
- m. Section 261.14 to section 256.188.
- n. Section 261.15 to section 256.189.
- o. Section 261.16 to section 256.190.
- p. Section 261.16A to section 256.191.
- q. Section 261.17 to section 256.192.
- r. Section 261.20 to section 256.193.
- s. Section 261.25 to section 256.194.
- t. Section 261.35 to section 256.195.
- u. Section 261.36 to section 256.196.
- v. Section 261.37 to section 256.197.
- w. Section 261.38 to section 256.198.
- x. Section 261.42 to section 256.199.
- y. Section 261.43 to section 256.200.
- z. Section 261.43A to section 256.201.
- aa. Section 261.62 to section 256.202.
- ab. Section 261.71 to section 256.203.
- ac. Section 261.72 to section 256.204.
- ad. Section 261.73 to section 256.205.
- ae. Section 261.81 to section 256.206.
- af. Section 261.83 to section 256.207.
- ag. Section 261.84 to section 256.208.
- ah. Section 261.85 to section 256.209.
- ai. Section 261.86 to section 256.210.
- aj. Section 261.86A to section 256.211.
- ak. Section 261.87 to section 256.212.
- al. Section 261.101 to section 256.213.
- am. Section 261.102 to section 256.214.
- an. Section 261.103 to section 256.215.
- ao. Section 261.104 to section 256.216.
- ap. Section 261.105 to section 256.217.
- aq. Section 261.110 to section 256.218.
- ar. Section 261.111 to section 256.219.
- as. Section 261.112 to section 256.220.
- at. Section 261.113 to section 256.221.
- au. Section 261.114 to section 256.222.
- av. Section 261.115 to section 256.223.

⁴⁶ See chapter 119, §26 herein

- aw. Section 261.116 to section 256.224.
- ax. Section 261.117 to section 256.225.
- ay. Section 261.120 to section 256.226.
- az. Section 261.130 to section 256.227.
- ba. Section 261.131 to section 256.228.
- bb. Section 261.132 to section 256.229.

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.

3. a. The Code editor may designate sections 256.176 through 256.229, as enacted in this division of this Act, as new part 4 entitled “College Student Aid Commission” within the subchapter entitled “Higher education division” as enacted by another division of this Act.

b. The Code editor shall designate sections 256.176 through 256.229 into the following subparts:

(1) Sections 256.176 through 256.182 shall be designated as subpart A and entitled “General Provisions”.

(2) Sections 256.183 through 256.194 shall be designated as subpart B and entitled “Tuition Grants to Students”.

(3) Sections 256.195 through 256.201 shall be designated as subpart C and entitled “Iowa Guaranteed Loan Program”.

(4) Section 256.202 shall be designated as subpart D and entitled “Iowa State Fair Scholarship”.

(5) Sections 256.203 through 256.205 shall be designated as subpart E and entitled “Chiropractic Graduate Student Forgivable Loan Program”.

(6) Sections 256.206 through 256.209 shall be designated as subpart F and entitled “Work-Study Program”.

(7) Sections 256.210 through 256.211 shall be designated as subpart G and entitled “National Guard Educational Assistance”.

(8) Section 256.212 shall be designated as subpart H and entitled “All Iowa Opportunity Scholarships”.

(9) Sections 256.213 through 256.217 shall be designated as subpart I and entitled “Minority Academic Grants for Economic Success”.

(10) Sections 256.218 through 256.220 shall be designated as subpart J and entitled “Teach Iowa Scholar Grants and Teacher Shortage Forgivable Loan and Loan Forgiveness Programs”.

(11) Sections 256.221 through 256.226 shall be designated as subpart K and entitled “Other Loan Repayment and Forgiveness Programs — Health Professions”.

(12) Sections 256.227 through 256.229 shall be designated as subpart L and entitled “Skilled Workforce Shortage Tuition Grant Program”.

Sec. 2642. TRANSITION PROVISIONS.

1. Any scholarship, loan, or grant awarded under a program administered by the college student aid commission in accordance with chapter 261 prior to the effective date of this division of this Act is valid and shall continue as provided in the terms of the scholarship, loan, or grant.

2. Federal funds utilized by the college student aid commission prior to the effective date of this division of this Act to employ personnel necessary for the administration of the college student aid commission’s programs shall be applied to and be available for the transfer of such personnel from the college student aid commission to the higher education division of the department of education.

Sec. 2643. APPLICABILITY. This⁴⁷ division of this Act applies to individuals appointed as the executive director of the college student aid commission before, on, or after the effective date of this division of this Act.

⁴⁷ See chapter 119, §33 herein

COMMUNITY COLLEGES BUREAU

Sec. 2644. Section 256.9, subsection 36, Code 2023, is amended by striking the subsection.

Sec. 2645. Section 260C.2, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 01. “*Bureau*” means the community colleges bureau of the higher education division of the department established under section 260C.6.

NEW SUBSECTION. 001. “*Bureau chief*” means the bureau chief of the community colleges bureau of the higher education division of the department.

Sec. 2646. Section 260C.5, Code 2023, is amended to read as follows:

260C.5 Duties of director Community colleges bureau — duties of bureau chief.

The director shall appoint the bureau chief, and the bureau chief shall direct the work of the personnel as necessary to carry out this chapter. The bureau chief shall do all of the following:

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.

2. Change boundaries of director districts in a merged area when the board fails to change boundaries as required by law.

3. Make changes in boundaries of merged areas with the approval of the board of directors of each merged area affected by the change. When the boundaries of a merged area are changed, the director of ~~the department of education~~ may authorize the board of directors of the merged area to levy additional taxes upon the property within the merged area, or any part of the merged area, and distribute the taxes so that all parts of the merged area are paying their share toward the support of the college.

4. Administer, allocate, and disburse federal or state funds made available to pay a portion of the cost of acquiring sites for and constructing, acquiring, or remodeling facilities for community colleges, and establish priorities for the use of such funds.

5. Administer, allocate, and disburse federal or state funds available to pay a portion of the operating costs of community colleges.

6. Propose administrative rules to carry out this chapter subject to approval of the state board.

7. Enter into contracts with local school boards within the area that have and maintain a career and technical education program and with private schools or colleges in the cooperative or merged areas to provide courses or programs of study in addition to or as a part of the curriculum made available in the community college.

8. Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in career and technical education programs and advanced college placement courses and obtain credit for such participation for application toward the completion of a high school diploma. The granting of credit is subject to the approval of the director ~~of the department of education.~~

9. Prescribe a uniform system of accounting for community colleges.

10. Ensure that community colleges that provide intercollegiate athletics as a part of their program comply with section 216.9.

11. Develop an application and review process for approval of administrative and program sharing agreements between two or more community colleges or a community college and an institution of higher education under the board of regents entered into pursuant to section 260C.46.

Sec. 2647. Section 260C.6, Code 2023, is amended to read as follows:

260C.6 Community colleges ~~division in department~~ bureau in the higher education division.

A community colleges ~~division bureau~~ shall be established within the higher education division of the department of education. The ~~division bureau~~ shall exercise the powers and perform the duties conferred by law upon the department with respect to community colleges.

Sec. 2648. Section 260C.18, subsection 1, Code 2023, is amended to read as follows:

1. Federal funds made available and administered by the director of the department of ~~education~~, for purposes provided by federal laws, rules, and regulations.

Sec. 2649. Section 260C.46, Code 2023, is amended to read as follows:

260C.46 Program and administrative sharing.

~~By September 1, 1990, the~~ The department shall establish guidelines and an approval process for program sharing agreements and for administrative sharing agreements entered into by two or more community colleges or by a community college and a higher education institution under the control of the board of regents. Guidelines established shall be designed to increase student access to programs, enhance educational program offerings throughout the state, and enhance interinstitutional cooperation in program offerings.

DIVISION XV
COMMERCE

CONSUMER ADVOCATE

Sec. 2650. Section 475A.3, subsections 1 and 3, Code 2023, are amended to read as follows:

1. *Office.* The office of consumer advocate shall be a separate division of the department of justice and located at the same location as the utilities ~~division of the department of commerce board~~. Administrative support services may be provided to the consumer advocate division by the ~~department of commerce utilities board~~.

3. *Salaries, expenses, and appropriation.* The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~department of commerce revolving fund~~ created in section 546.12.

Sec. 2651. Section 475A.4, Code 2023, is amended to read as follows:

475A.4 Utilities ~~division board~~ records.

The consumer advocate has free access to all the files, records, and documents in the office of the utilities ~~division board~~ except:

1. Personal information in confidential personnel records of the utilities ~~division board~~.

2. Records which represent and constitute the work product of the general counsel of the utilities board, and records of confidential communications between utilities board members and their general counsel, where the records relate to a proceeding before the board in which the consumer advocate is a party or a proceeding in any state or federal court in which both the board and the consumer advocate are parties.

3. Customer information of a confidential nature which could jeopardize the customer's competitive status and is provided by the utility to the ~~division board~~. Such information shall be provided to the consumer advocate by the ~~division board~~, if the board determines it to be in the public interest.

Sec. 2652. Section 475A.6, Code 2023, is amended to read as follows:

475A.6 Certification of expenses to utilities ~~division board~~.

1. *a.* The consumer advocate shall determine the advocate's expenses, including a reasonable allocation of general office expenses, directly attributable to the performance of the advocate's duties involving specific persons subject to direct assessment, and shall certify the expenses to the utilities ~~division board~~ not less than quarterly. The expenses shall

then be includable in the expenses of the ~~division~~ board subject to direct assessment under section 476.10.

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

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

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

IOWA UTILITIES BOARD

Sec. 2653. Section 6A.21, subsection 2, Code 2023, 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.

Sec. 2654. Section 6B.42, subsection 2, paragraphs b and d, Code 2023, are amended to read as follows:

b. A person aggrieved by a determination made by a utility as to eligibility for relocation assistance, a payment, or the amount of the payment, upon application, may have the matter reviewed by the utilities ~~division of the department of commerce~~ board.

d. A utility or railroad subject to this section that proposes to displace a person shall inform the person of the person's right to receive relocation assistance and payments, and of an aggrieved person's right to appeal to the utilities ~~division of the department of commerce~~ board or the state department of transportation.

Sec. 2655. Section 6B.45, subsection 1, Code 2023, is amended to read as follows:

1. When any real property or interest in real property is to be purchased, or in lieu thereof to be condemned, the acquiring agency or its agent shall submit to the person, corporation, or entity whose property or interest in the property is to be taken, by ordinary mail, at least ten days prior to the date upon which the acquiring agency or its agent contacts the property owner to commence negotiations, a copy of the appraisal in its entirety upon such real property or interest in such real property prepared for the acquiring agency or its agent, which shall include, at a minimum, an itemization of the appraised value of the real property or interest in the property, any buildings on the property, all other improvements including fences, severance damages, and loss of access. In determining fair market value

of property, the acquiring agency shall not consider only the assessed value assigned to such property for purposes of property taxation. The appraisal sent to the condemnee shall be that appraisal upon which the condemnor will rely to establish an amount which the condemnor believes to be just compensation for the real property. All other appraisals made on the property as a result of the condemnation proceeding shall be made available to the condemnee upon request. In lieu of an appraisal, a utility or person under the jurisdiction of the utilities board of the ~~department of commerce~~, or any other utility conferred the right by statute to condemn private property, shall provide in writing by certified mail to the owner of record thirty days prior to negotiations, the methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component. An acquiring agency may obtain a signed written waiver from the landowner to allow negotiations to commence prior to the expiration of the applicable waiting period for the commencement of negotiations.

Sec. 2656. Section 6B.54, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Real property shall be appraised as required by section 6B.45 before the initiation of negotiations, and the owner or the owner's designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during an inspection of the property, except that an acquiring agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value. In lieu of an appraisal, a utility or person under the jurisdiction of the utilities board of the ~~department of commerce~~, or any other utility conferred the right by statute to condemn private property, shall provide in writing by certified mail to the owner of record thirty days before negotiations, the methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component.

3. Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation for the real property, and shall make a prompt offer to acquire the property for the full amount established by the agency. In no event shall the amount be less than the fair market value the acquiring agency has established for the property or property interest pursuant to the appraisal required in section 6B.45 or less than the value determined under the acquiring agency's waiver procedure established pursuant to subsection 2. A purchase offer made by an acquiring agency shall include provisions for payment to the owner of expenses, including relocation expenses, expenses listed in subsection 10, and other expenses required by law to be paid by an acquiring agency to a condemnee. However, in the alternative, the acquiring agency may make, and the owner may accept, a purchase offer from the acquiring agency that is an amount equal to one hundred thirty percent of the appraisal amount plus payment to the owner of expenses listed in subsection 10, once those expenses have been determined. If the owner accepts such a purchase offer, the owner is barred from claiming payment from the acquiring agency for any other expenses allowed by law. In the case of a utility or person under the jurisdiction of the utilities board of the ~~department of commerce~~, or any other utility conferred the right by statute to condemn private property, the amount shall not be less than the amount indicated by the methods and factors used in arriving at an offered price for a voluntary easement. The option to make an alternative purchase offer does not apply when property is being acquired for street and highway projects undertaken by the state, a county, or a city.

Sec. 2657. Section 8C.2, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The utilities ~~division of the department of commerce~~ board.

Sec. 2658. Section 12.10, Code 2023, is amended to read as follows:

12.10 Deposits by state officers.

Except as otherwise provided, all elective and appointive state officers, boards, commissions, and departments shall, within ten days succeeding the collection, deposit with the treasurer of state, or to the credit of the treasurer of state in any depository designated by the treasurer of state, ninety percent of all fees, commissions, and moneys collected

or received. The balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand dollars and money collected shall not be held more than thirty days. This section does not apply to the state fair board, the state board of regents, the utilities board ~~of the department of commerce~~, the director of the department of human services, the Iowa finance authority or to the funds received by the state racing and gaming commission under sections 99D.7 and 99D.14.

Sec. 2659. Section 15H.6, subsection 1, Code 2023, is amended to read as follows:

1. The commission, in collaboration with the department of natural resources, the department of workforce development, and the utilities board ~~of the department of commerce~~, shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to section 15H.5.

Sec. 2660. Section 22.7, subsection 71, Code 2023, is amended to read as follows:

71. 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. 2661. Section 313.4, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The costs of serving freeway lighting for each utility providing the service shall be determined by the utilities ~~division of the department of commerce~~ board, and rates for such service shall be no higher than necessary to recover these costs. Funds received under the provisions of this subsection shall be used solely for the operation and maintenance of a freeway lighting system.

Sec. 2662. Section 320.4, subsection 1, Code 2023, is amended to read as follows:

1. To lay gas mains in highways outside cities to local municipal distributing plants or companies, but not to pipeline companies. This section shall not apply to or include pipeline companies required to obtain a license from the utilities ~~division of the department of commerce~~ board.

Sec. 2663. Section 357A.19, Code 2023, is amended to read as follows:

357A.19 Not exempt from other requirements.

This chapter does not exempt any district from the requirements of any other statute, whether enacted prior to or subsequent to July 1, 1970, under which the district is required to obtain the permission or approval of, or to notify, the department, the utilities ~~division of the department of commerce~~ board, or any other agency of this state or of any of its political subdivisions prior to proceeding with construction, acquisition, operation, enlargement, extension, or alteration of any works or facilities which the district is authorized to undertake pursuant to this chapter.

Sec. 2664. Section 364.3, subsection 13, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) Paragraph “a” does not apply to an ordinance, motion, resolution, or amendment relating to the rates, services, or governance of a public utility providing gas service to the public for compensation and subject to the jurisdiction of the utilities board ~~of the department of commerce~~ pursuant to section 476.1B.

Sec. 2665. Section 364.23, Code 2023, is amended to read as follows:

364.23 Energy-efficient lighting required.

All city-owned exterior flood lighting, including but not limited to street and security lighting but not including era or period lighting which has a minimum efficiency rating of fifty-eight lumens per watt and not including stadium or ball park lighting, shall be replaced, when worn-out, exclusively with high pressure sodium lighting or lighting with equivalent or better energy efficiency as approved in rules adopted by the utilities board ~~within the utilities division of the department of commerce~~. In lieu of the requirements established for replacement lighting under this section, stadium or ball park lighting shall be replaced, when worn-out, with the most energy-efficient lighting available at the time of replacement which may include metal halide, high-pressure sodium, or other light sources which may be developed.

Sec. 2666. Section 384.84, subsection 3, paragraph a, Code 2023, is amended to read as follows:

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 is subject to rules adopted by the utilities board ~~of the department of commerce~~.

Sec. 2667. Section 422.93, Code 2023, is amended to read as follows:

422.93 Public utility accounting method.

Nothing in this chapter shall be construed to require the utilities board ~~of the department of commerce~~ to allow or require the use of any particular method of accounting by any public utility to compute its tax expense, depreciation expense, or operating expense for purposes of establishing its cost of service for rate-making purposes and for reflecting operating results in its regulated books of account.

Sec. 2668. Section 474.1, Code 2023, is amended to read as follows:

474.1 Creation of ~~division and board~~ — organization.

1. A ~~utilities division~~ board is created ~~within the department of commerce~~. ~~The policymaking body for the division is the utilities board which is created within the division.~~ The board ~~is composed~~ shall consist of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party. Each member appointed shall serve for six-year staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled for the unexpired portion of the term in the same manner as full-term appointments are made.

2. a. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the ~~utilities division~~ board. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

b. The board shall appoint a chief operating officer to manage the operations of the ~~utilities division as directed by the board~~. The board shall set the salary of the chief operating officer within the limits of the pay plan for exempt positions provided for in section 8A.413, subsection 3, unless otherwise provided by the general assembly. The board may employ additional personnel as it finds necessary.

3. The utilities board shall regulate and supervise public utilities operating in the state. The board shall enforce and implement chapters 476, 476A, 477C, 478, 479, 479A, and 479B and shall perform other duties assigned to it by law.

~~3.~~ 4. As used in this chapter and chapters 475A, 476, 476A, 477C, 478, 479, 479A, and 479B, ~~“division” “board” and “utilities division”~~ “utilities board” mean the Iowa utilities ~~division of the department of commerce~~ board.

Sec. 2669. Section 476.1, subsection 1, Code 2023, is amended to read as follows:

1. The utilities board ~~within the utilities division of the department of commerce~~ shall regulate the rates and services of public utilities to the extent and in the manner hereinafter provided.

Sec. 2670. Section 476.1, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2671. Section 476.1A, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Assessment of fees for the support of the ~~division~~ board and the office of consumer advocate, pursuant to section 476.10.

Sec. 2672. Section 476.1B, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Assessment of fees for the support of the ~~division~~ board and the office of consumer advocate, as set forth in section 476.10.

Sec. 2673. Section 476.3, subsection 2, Code 2023, is amended to read as follows:

2. If, as a result of a review procedure conducted under section 476.31, a review conducted under section 476.32, a special audit, an investigation by ~~division~~ board staff, or an investigation by the consumer advocate, a petition is filed with the board by the consumer advocate, alleging that a utility's rates are excessive, the disputed amount shall be specified in the petition. The public utility shall, within the time prescribed by the board, file a bond or undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected after the date of filing of the petition in excess of rates or charges finally determined by the board to be lawful. If upon hearing the board finds that the utility's rates are unlawful, the board shall order a refund, with interest, of amounts collected after the date of filing of the petition that are determined to be in excess of the amounts which would have been collected under the rates finally approved. However, the board shall not order a refund that is greater than the amount specified in the petition, plus interest, and if the board fails to render a decision within ten months following the date of filing of the petition, the board shall not order a refund of any excess amounts that are collected after the expiration of that ten-month period and prior to the date the decision is rendered.

Sec. 2674. Section 476.10, Code 2023, is amended to read as follows:

476.10 Investigations — expense — appropriation.

1. a. In order to carry out the duties imposed upon it by law, the board may, at its discretion, allocate and charge directly the expenses attributable to its duties to the person bringing a proceeding before the board, to persons participating in matters before the board, or to persons subject to inspection by the board. The board shall ascertain the certified expenses incurred and directly chargeable by the consumer advocate division of the department of justice in the performance of its duties. The board and the consumer advocate separately may decide not to charge expenses to persons who, without expanding the scope of the proceeding or matter, intervene in good faith in a board proceeding initiated by a person subject to the board's jurisdiction, the consumer advocate, or the board on its own motion. For assessments in any proceedings or matters before the board, the board and the consumer advocate separately may consider the financial resources of the person, the impact of assessment on participation by intervenors, the nature of the proceeding or matter, and the contribution of a person's participation to the public interest. The board may present a bill for expenses under this subsection to the person, either at the conclusion of a proceeding or matter, or from time to time during its progress. Presentation of a bill for expenses under this subsection constitutes notice of direct assessment and request for payment in accordance with this section.

b. The board shall ascertain the total of the ~~division's~~ board's expenses incurred during each fiscal year in the performance of its duties under law. The board shall add to the total of the ~~division's~~ board's expenses the certified expenses of the consumer advocate as provided under section 475A.6. The board shall deduct all amounts charged directly to any person from the total expenses of the board and the consumer advocate. The board may assess the

amount remaining after the deduction to all persons providing service over which the board has jurisdiction in proportion to the respective gross operating revenues of such persons from intrastate operations during the last calendar year over which the board has jurisdiction. For purposes of determining gross operating revenues under this section, the board shall not include gross receipts received by a cooperative corporation or association for wholesale transactions with members of the cooperative corporation or association, provided that the members are subject to assessment by the board based upon the members' gross operating revenues, or provided that such a member is an association whose members are subject to assessment by the board based upon the members' gross operating revenues. If any portion of the remainder can be identified with a specific type of utility service, the board shall assess those expenses only to the entities providing that type of service over which the board has jurisdiction. The board may make the remainder assessments under this paragraph to some or all persons providing service over which the board has jurisdiction, based upon estimates of the expenditures for the fiscal year for the utilities ~~division board~~ and the consumer advocate. Not more than ninety days following the close of the fiscal year, the utilities ~~division board~~ shall conform the amount of the prior fiscal year's assessments to the requirements of this paragraph. For gas and electric public utilities exempted from rate regulation pursuant to this chapter, and for providers of telecommunications service required to register with the board pursuant to section 476.95A that are exempted from rate regulation pursuant to this chapter, the remainder assessments under this paragraph shall be computed at one-half the rate used in computing the assessment for other persons.

2. a. A person subject to a charge or assessment shall pay the ~~division board~~ the amount charged or assessed against the person within thirty days from the time the ~~division board~~ provides notice to the person of the amount due, unless the person files an objection in writing with the board setting out the grounds upon which the person claims that such charge or assessment is excessive, unreasonable, erroneous, unlawful, or invalid. Upon receipt of an objection, the board shall set the matter for hearing and issue its order in accordance with its findings in the proceeding.

b. The order shall be subject to review in the manner provided in this chapter. All amounts collected by the ~~division board~~ pursuant to the provisions of this section shall be deposited with the treasurer of state and credited to the ~~department of~~ commerce revolving fund created in section 546.12. Such amounts shall be spent in accordance with the provisions of chapter 8.

3. Whenever the board shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under section 476.6, investigations under section 476.3, or review proceedings under section 476.31, the board may employ additional temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under this section. Beginning on July 1, 1991, there is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the board to hire additional staff and contract for services under this section. The board shall increase quarterly assessments specified in subsection 1, paragraph "b", by amounts necessary to enable the board to hire additional staff and contract for services under this section. The authority to hire additional temporary or permanent staff that is granted to the board by this section shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to this section by express reference to this section. Before the board expends or encumbers an amount in excess of the funds budgeted for rate regulation and before the board increases quarterly assessments pursuant to this subsection, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly to the board for rate regulation and that the board does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management the board may expend and encumber funds for the excess expenses, and increase quarterly

assessments to raise the additional funds. The board and the office of consumer advocate may add additional personnel or contract for additional assistance to review and evaluate energy efficiency plans and the implementation of energy efficiency programs including, but not limited to, professionally trained engineers, accountants, attorneys, skilled examiners and inspectors, and secretaries and clerks. The board and the office of consumer advocate may also contract for additional assistance in the evaluation and implementation of issues relating to telecommunication competition. The board and the office of the consumer advocate may expend additional sums beyond those sums appropriated. However, the authority to add additional personnel or contract for additional assistance must first be approved by the department of management. The additional sums for energy efficiency shall be provided to the board and the office of the consumer advocate by the utilities subject to the energy efficiency requirements in this chapter. Telephone companies shall pay any additional sums needed for assistance with telecommunication competition issues. The assessments shall be in addition to and separate from the quarterly assessment.

4. a. Fees paid to the utilities ~~division~~ board shall be deposited in the ~~department of commerce~~ revolving fund created in section 546.12. These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities ~~division~~ board and the consumer advocate division of the department of justice.

b. The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities board and the consumer advocate ~~divisions~~ division by the laws of this state and each separate duty shall be fiscally self-sustaining.

c. All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from funds appropriated for those purposes.

Sec. 2675. Section 476.48, subsections 2 and 6, Code 2023, are amended to read as follows:

2. *Program established.*

a. The utilities ~~division~~ board shall establish and administer a small wind innovation zone program to optimize local, regional, and state benefits from wind energy and to facilitate and expedite interconnection of small wind energy systems with electric utilities throughout this state. Pursuant to the program, the owner of a small wind energy system located within a small wind innovation zone desiring to interconnect with an electric utility shall benefit from a streamlined application process, may utilize a model interconnection agreement, and can qualify under a model ordinance.

b. A political subdivision seeking to be designated a small wind innovation zone shall apply to the ~~division~~ board upon a form developed by the ~~division~~ board. The ~~division~~ board shall approve an application which documents that the applicable local government has adopted the model ordinance or is in the process of amending an existing zoning ordinance to comply with the model ordinance and that an electric utility operating within the political subdivision has agreed to utilize the model interconnection agreement to contract with the small wind energy system owners who agree to its terms.

6. *Reporting requirements.* The ~~division~~ board shall prepare a report summarizing the number of applications received from political subdivisions seeking to be designated a small wind innovation zone, the number of applications granted, the number of small wind energy systems generating electricity within each small wind innovation zone, and the amount of wind energy produced, and shall submit the report to the members of the general assembly by January 1 annually.

Sec. 2676. Section 476.51, subsection 5, Code 2023, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties

collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the ~~department of~~ commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 2677. Section 476.63, Code 2023, is amended to read as follows:

476.63 Energy efficiency programs.

The ~~division~~ board shall consult with the economic development authority in the development and implementation of public utility energy efficiency programs.

Sec. 2678. Section 476.87, subsection 3, Code 2023, is amended to read as follows:

3. The board shall allocate the costs and expenses reasonably attributable to certification and dispute resolution in this section to persons identified as parties to such proceeding who are engaged in or who seek to engage in providing natural gas services or other persons identified as participants in such proceeding. The funds received for the costs and the expenses of certification and dispute resolution shall be remitted to the treasurer of state for deposit in the ~~department of~~ commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 2679. Section 476.95B, subsection 2, Code 2023, is amended to read as follows:

2. In proceedings under 47 U.S.C. §251 – 254, the board shall allocate the costs and expenses of the proceedings to persons identified as parties in the proceeding who are engaged in or who seek to engage in providing telecommunications service or other persons identified as participants in the proceeding. The funds received for the costs and the expenses shall be remitted to the treasurer of state for deposit in the ~~department of~~ commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 2680. Section 476.103, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. A civil penalty collected pursuant to this subsection shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the ~~department of~~ commerce revolving fund created in section 546.12 and to be used only for consumer education programs administered by the board.

Sec. 2681. Section 476A.1, subsection 2, Code 2023, is amended to read as follows:

2. "Board" means the utilities board ~~within the utilities division of the department of~~ commerce.

Sec. 2682. Section 476A.10, Code 2023, is amended to read as follows:

476A.10 Costs of proceeding.

The applicant for a certificate, or an amendment to certificate, shall pay all the costs and expenses incurred by the ~~division~~ board in reaching a decision on the application including the costs of examinations of the site, the hearing, publishing of notice, ~~division~~ board staff salaries, the cost of consultants employed by the ~~division~~ board, and other expenses reasonably attributable to the proceeding.

Sec. 2683. Section 476A.14, subsection 1, Code 2023, is amended to read as follows:

1. Any person who commences to construct a facility as provided in this subchapter without having first obtained a certificate, or who constructs, operates, or maintains any facility other than in compliance with a certificate issued by the board or a certificate amended pursuant to this subchapter, or who causes any of these acts to occur, shall be liable for a civil penalty of not more than ten thousand dollars for each violation or for each day of continuing violation. Civil penalties collected pursuant to this subsection shall be forwarded by the clerk of court to the treasurer of state for deposit in the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2684. Section 476B.1, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2685. Section 476C.1, subsection 4, Code 2023, is amended to read as follows:

4. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2686. Section 477A.1, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2687. Section 477C.2, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the department of commerce~~ created in section 474.1.

Sec. 2688. Section 478.1, subsection 1, Code 2023, is amended to read as follows:

1. A person shall not construct, erect, maintain, or operate a transmission line, wire, or cable that is capable of operating at an electric voltage of sixty-nine kilovolts or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current without first procuring from the utilities board ~~within the utilities division of the department of commerce~~ a franchise granting authority as provided in this chapter.

Sec. 2689. Section 478.4, Code 2023, is amended to read as follows:

478.4 Franchise — hearing.

The utilities board shall consider the petition and any objections filed to it in the manner provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear testimony as may aid it in determining the propriety of granting the franchise. It may grant the franchise in whole or in part upon the terms, conditions, and restrictions, and with the modifications as to location and route as may seem to it just and proper. Before granting the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and expenses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the ~~department of commerce~~ revolving fund created in section 546.12 as provided in section 476.10.

Sec. 2690. Section 478A.7, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding subsection 1, commencing January 1, 1990, a person may sell or offer for sale in this state a decorative gas lamp manufactured after December 31, 1978, if the utilities board ~~within the utilities division of the department of commerce~~ determines, after notice and an opportunity for interested persons to comment at an oral presentation, that the sale or offer for sale of decorative gas lamps does not violate the public interest.

Sec. 2691. Section 479.2, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2692. Section 479.16, Code 2023, is amended to read as follows:

479.16 Receipt of funds.

All moneys received under this chapter shall be remitted monthly to the treasurer of state and credited to the ~~department of commerce~~ revolving fund created in section 546.12 as provided in section 476.10.

Sec. 2693. Section 479A.2, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2694. Section 479A.9, Code 2023, is amended to read as follows:

479A.9 Deposit of funds.

Moneys received under this chapter shall be credited to the ~~department of~~ commerce revolving fund created in section 546.12 as provided in section 476.10.

Sec. 2695. Section 479B.2, subsection 1, Code 2023, is amended to read as follows:

1. “Board” means the utilities board ~~within the utilities division of the department of commerce.~~

Sec. 2696. Section 479B.2, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2697. Section 479B.12, Code 2023, is amended to read as follows:

479B.12 Use of funds.

All moneys received under this chapter, other than civil penalties collected pursuant to section 479B.21, shall be remitted monthly to the treasurer of state and credited to the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2698. Section 657.1, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding subsection 1, in an action to abate a nuisance against an electric utility, an electric utility may assert a defense of comparative fault as set out in section 668.3 if the electric utility demonstrates that in the course of providing electric services to its customers it has complied with engineering and safety standards as adopted by the utilities board ~~of the department of commerce~~, and if the electric utility has secured all permits and approvals, as required by state law and local ordinances, necessary to perform activities alleged to constitute a nuisance.

Sec. 2699. Section 714D.2, subsection 9, Code 2023, is amended to read as follows:

9. “Unfair practice” means the same as defined in section 714.16, subsection 1, and also means any failure of a person to comply with the Telecommunications Act or with any statute or rule enforced by the utilities board ~~within the utilities division of the department of commerce~~ relating to a telecommunications service selection or change.

Sec. 2700. Section 714D.6, subsection 2, Code 2023, is amended to read as follows:

2. A cause of action under this section shall not apply unless, prior to filing the action, the consumer has submitted a complaint to the utilities board ~~within the utilities division of the department of commerce~~, the utilities board has failed to resolve the complaint to the consumer’s satisfaction within one hundred twenty days of the date the complaint was submitted, and the consumer dismisses the complaint before the utilities board. The requirement that a consumer complaint be submitted to the utilities board and resolved by the utilities board to the consumer’s satisfaction within one hundred twenty days of filing before the consumer may file an action pursuant to this section shall not apply to an action by the attorney general to recover moneys for the consumer pursuant to section 714D.7 or any other law. A finding by the utilities board that a respondent has complied with rules governing carrier selection procedures adopted by the utilities board shall be an affirmative defense to any claim brought under this section or section 476.103 or 714D.7 that an unauthorized change in service has occurred.

Sec. 2701. Section 714D.7, subsection 4, Code 2023, is amended to read as follows:

4. The attorney general shall not file a civil enforcement action under this chapter or under section 714.16 against a person for an act which is the subject of an administrative proceeding to impose a civil penalty which has been initiated against the person by the utilities board ~~within the utilities division of the department of commerce~~. This subsection shall not be construed to limit the authority of the attorney general to file a civil enforcement or other

enforcement action against a person for violating a prior agreement entered into by the person with the attorney general or a court order obtained by the attorney general against the person. This subsection shall not be construed to limit the authority of the attorney general to file a civil enforcement or other enforcement action against the person for acts which are not the subject of an administrative proceeding which has been initiated against the person by the utilities board.

Sec. 2702. REPEAL. Section 546.7, Code 2023, is repealed.

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Sec. 2703. Section 7E.5, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The department of ~~commerce~~ insurance and financial services, created in section 546.2, which has primary responsibility for ~~business and professional regulatory, service, and licensing~~ insurance and financial services functions.

Sec. 2704. Section 7E.5, subsection 2, paragraph a, Code 2023, 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, an Iowa utilities board, and an Iowa law enforcement academy.

Sec. 2705. Section 8A.412, subsections 18 and 19, Code 2023, are amended to read as follows:

18. The ~~administrator and the deputy administrator~~ superintendent and deputy superintendent of the credit union division of the department of ~~commerce~~ insurance and financial services, all members of the credit union review board, and all employees of the credit union division.

19. The superintendent of the banking division of the department of ~~commerce~~ insurance and financial services, all members of the state banking council, and all employees of the banking division except for employees of the professional licensing and regulation bureau of the division.

Sec. 2706. Section 8A.438, subsection 1, Code 2023, 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~~ insurance and financial services. 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~~ insurance and financial services, 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.

Sec. 2707. Section 8E.103, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Each division within the department of ~~commerce~~ insurance and financial services is considered an agency, and each bureau within a division of the department of ~~commerce~~ insurance and financial services is considered a division, as otherwise provided in chapter 7E.

Sec. 2708. Section 8F.2, subsection 8, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) A contract concerning an entity that has contracted with the state and is licensed and regulated by the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2709. Section 11.5B, subsection 1, Code 2023, is amended to read as follows:

1. Department of ~~commerce~~ insurance and financial services.

Sec. 2710. Section 11.6, subsection 1, paragraph c, subparagraph (6), Code 2023, is amended to read as follows:

(6) A joint investment trust organized pursuant to chapter 28E shall file the audit reports required by this chapter with the administrator of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services within ten days of receipt from the auditor. The auditor of a joint investment trust shall provide written notice to the administrator of the time of delivery of the reports to the joint investment trust.

Sec. 2711. Section 15E.17, subsection 4, Code 2023, is amended to read as follows:

4. Subsections 2 and 3 do not apply to the following:

a. The utilities ~~division of the department of commerce~~ board insofar as the information relates to public utilities.

b. The banking division of the department of ~~commerce~~ insurance and financial services.

c. The credit union division of the department of ~~commerce~~ insurance and financial services.

Sec. 2712. Section 16.45, subsection 5, Code 2023, is amended to read as follows:

5. For purposes of this section, “*financial institutions*” means the same as defined in section 12C.1, “*lender*” means a lender as defined in section 537.1301 that is licensed by the banking division of the department of ~~commerce~~ insurance and financial services, and “*manufactured home*” or “*manufactured housing*” means the same as the definition of manufactured home in section 435.1.

Sec. 2713. Section 16.91, subsection 3, Code 2023, is amended to read as follows:

3. With the approval of the authority board the division and its board shall consult with the insurance division of the department of ~~commerce~~ insurance and financial services in developing a guaranty contract acceptable to the secondary market and developing any other feature of the program with which the insurance division may have special expertise. Except as provided in this subsection, the Iowa title guaranty program is not subject to the jurisdiction of or regulation by the insurance division or the commissioner of insurance.

Sec. 2714. Section 20.4, subsections 10 and 11, Code 2023, are amended to read as follows:

10. Persons employed by the credit union division of the department of ~~commerce~~ insurance and financial services.

11. Persons employed by the banking division of the department of ~~commerce~~ insurance and financial services.

Sec. 2715. Section 68B.2, subsection 23, Code 2023, is amended to read as follows:

23. “*Regulatory agency*” means the department of agriculture and land stewardship, department of workforce development, department of ~~commerce~~ insurance and financial services, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections and appeals, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, utilities board, and department of natural resources.

Sec. 2716. Section 85.70, subsection 2, paragraph f, Code 2023, is amended to read as follows:

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~~ insurance and financial services, and all community colleges that are participating in the new career 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. 2717. Section 87.11, subsection 2, Code 2023, is amended to read as follows:

2. An employer seeking relief from the insurance requirements of this chapter shall pay to the insurance division of the department of ~~commerce~~ insurance and financial services the following fees:

a. A fee of one hundred dollars, to be submitted annually along with an application for relief.

b. A fee of one hundred dollars for issuance of the certificate relieving the employer from the insurance requirements of this chapter.

c. A fee of fifty dollars, to be submitted with each filing required by the commissioner of insurance, including but not limited to the annual and quarterly financial statements, and material change statements.

Sec. 2718. Section 97B.49B, subsection 1, paragraph e, subparagraph (13), Code 2023, is amended to read as follows:

(13) An employee of the insurance division of the department of ~~commerce~~ insurance and financial services who as a condition of employment is required to be certified by the Iowa law enforcement academy and who is required to perform the duties of a peace officer as provided in section 507E.8.

Sec. 2719. Section 100A.1, subsection 1, paragraph j, Code 2023, is amended to read as follows:

j. The fraud bureau within the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2720. Section 256.35A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. In addition, representatives of the department of education, the division of vocational rehabilitation of the department of education, the department of public health, the department of human services, the Iowa developmental disabilities council, the division of insurance of the department of ~~commerce~~ insurance and financial services, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

Sec. 2721. Section 502.102, subsection 27A, Code 2023, is amended to read as follows:

27A. "*Securities and regulated industries bureau*" means the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2722. Section 502.321A, subsection 8, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) An offer in which the target company is an insurance company or insurance holding company subject to regulation by the commissioner of insurance, a financial institution subject to regulation by the superintendent of banking ~~or the superintendent of savings~~

and loan associations, or a public utility subject to regulation by the utilities division of the department of commerce board.

Sec. 2723. Section 502.601, subsection 1, Code 2023, is amended to read as follows:

1. *Administration.* This chapter shall be administered by the commissioner of insurance of this state. The administrator shall appoint a deputy administrator who shall be exempt from the merit system provisions of chapter 8A, subchapter IV. The deputy administrator is the principal operations officer of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services. The deputy administrator is responsible to the administrator for the routine administration of this chapter and the management of the securities and regulated industries bureau. In the absence of the administrator, whether because of vacancy in the office, by reason of absence, physical disability, or other cause, the deputy administrator shall be the acting administrator and shall, for that period, have and exercise the authority conferred upon the administrator. The administrator may by order delegate to the deputy administrator any or all of the functions assigned to the administrator under this chapter. The administrator shall employ officers, attorneys, accountants, and other employees as needed for the administration of this chapter.

Sec. 2724. Section 502A.1, subsection 1, Code 2023, is amended to read as follows:

1. “*Administrator*” means the administrator of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2725. Section 502A.15, subsection 1, Code 2023, is amended to read as follows:

1. This chapter shall be administered by the administrator of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2726. Section 505.1, Code 2023, is amended to read as follows:

505.1 Insurance division created.

An insurance division is created within the department of ~~commerce~~ insurance and financial services to regulate and supervise the conducting of the business of insurance in the state. The commissioner of insurance is the chief executive officer of the division. As used in this subtitle and chapter 502, “*division*” means the insurance division.

Sec. 2727. Section 505.2, Code 2023, is amended to read as follows:

505.2 Appointment and term of commissioner.

1. The governor shall appoint subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to qualifications and fitness to discharge the duties of this position, devote the entire time to such duties, and serve for four years beginning and ending as provided by section 69.19. The governor may remove the commissioner for malfeasance in office, or for any cause that renders the commissioner ineligible, incapable, or unfit to discharge the duties of the office.

2. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the regular term.

3. The commissioner of insurance shall also serve as the director of the department of insurance and financial services pursuant to section 546.2.

Sec. 2728. Section 505.5, Code 2023, is amended to read as follows:

505.5 Expenses — salary.

The commissioner shall be entitled to reimbursement of actual necessary expenses in attending meetings of insurance commissioners of other states, and in the performance of the duties of the office. ~~The commissioner’s salary shall be as fixed by the general assembly.~~

Sec. 2729. Section 505.7, subsections 1 and 3, Code 2023, are amended to read as follows:

1. All fees and charges which are required by law to be paid by insurance companies, associations, and other regulated entities shall be payable to the commissioner of the

insurance division of the department of ~~commerce~~ insurance and financial services or department of revenue, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the ~~department of commerce~~ revolving fund created in section 546.12.

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue in connection with the regulation of insurance companies or other entities subject to the regulatory jurisdiction of the division shall be deposited in the ~~department of commerce~~ revolving fund created in section 546.12 and shall be subject to annual appropriation to the division for its operations and is also subject to expenditure under subsection 6. The remaining nonexamination revenues payable to the division of insurance or the department of revenue shall be deposited in the general fund of the state.

Sec. 2730. Section 507.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. “*Division*” means the division of insurance of the department of ~~commerce~~ insurance and financial services.

Sec. 2731. Section 507E.8, Code 2023, is amended to read as follows:

507E.8 Law enforcement authority.

1. An individual employed by the division and designated as a peace officer shall be considered a law enforcement officer as that term is defined in section 80B.3, and shall exercise the powers of a law enforcement officer as follows:

a. For purposes of an arrest resulting from a criminal violation of any provision of the Code subject to the jurisdiction of the commissioner established as a result of an investigation pursuant to this chapter or chapter 502, 502A, 507A, 523A, 523C, 523D, or 523I.

b. While conducting an investigation or engaged in an assignment authorized by this chapter or ordered by the commissioner chapter 502, 502A, 507A, 523A, 523C, 523D, or 523I.

c. To protect life if a public offense is committed in the presence of the peace officer.

d. While providing assistance to a law enforcement agency or another law enforcement officer.

e. ~~While providing assistance at the request of a member of the public.~~

2. Laws applicable to an arrest of an individual by a law enforcement officer of the state shall apply to an individual employed by the division and designated as a peace officer. An individual employed by the division and designated as a peace officer shall have the power to execute arrest warrants and search warrants, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through the course of an investigation conducted pursuant to this section, and arrest upon probable cause without warrant a person found in the act of committing a violation of ~~this chapter~~ or a law of this state.

Sec. 2732. Section 514H.2, subsection 2, Code 2023, is amended to read as follows:

2. The insurance division of the department of ~~commerce~~ insurance and financial services shall administer the program in cooperation with the division responsible for medical services within the department of human services. Each agency shall take all necessary actions, including filing an appropriate medical assistance state plan amendment to the state Medicaid plan to take full advantage of the benefits and features of the Deficit Reduction Act of 2005.

Sec. 2733. Section 514H.9, Code 2023, is amended to read as follows:

514H.9 Rules.

The insurance division of the department of ~~commerce~~ insurance and financial services in cooperation with the department of human services shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 2734. Section 514I.2, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. An entity licensed by the division of insurance of the department of ~~commerce~~ insurance and financial services to provide health insurance in Iowa that has contracted with the department to provide health insurance coverage to eligible children under this chapter.

Sec. 2735. Section 515A.6, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. The commissioner shall provide notice of the filing of the proposed rates at least thirty days before the effective date of the proposed rates by publishing a notice on the internet site of the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2736. Section 521H.6, subsection 1, Code 2023, is amended to read as follows:

1. Documents, materials, or other information, including a corporate governance annual disclosure, in the possession or control of the insurance division of the department of ~~commerce~~ insurance and financial services, that is obtained by, created by, or disclosed to the commissioner or to any other person pursuant to this chapter, is recognized in this state as being proprietary and containing trade secrets. All such documents, materials, or other information, including the disclosure, shall be confidential and privileged, shall not be subject to chapter 22, shall be considered confidential under chapter 507, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use such documents, materials, or other information, including the disclosure, in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information, including the disclosure, public without the prior written consent of the insurer or insurance group that provided the documents, materials, or other information, including the disclosure. Nothing in this section shall be construed to require written consent of the insurer or insurance group before the commissioner may share or receive confidential documents, materials, or other information related to governance of an insurer or insurance group pursuant to subsection 3 to assist in the performance of the commissioner's regular duties.

Sec. 2737. Section 522.8, subsection 1, Code 2023, is amended to read as follows:

1. Documents, materials, or other information, including an own risk and solvency assessment summary report, in the possession or control of the insurance division of the department of ~~commerce~~ insurance and financial services, that are obtained by, created by, or disclosed to the commissioner or to any other person pursuant to this chapter, are recognized in this state as being proprietary and containing trade secrets. All such documents, materials, or other information, including the summary report, shall be confidential and privileged, shall not be subject to chapter 22, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use such documents, materials, or other information, including the summary report, in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information, including the summary report, public without the prior written consent of the insurer that provided the documents, materials, or other information, including the summary report.

Sec. 2738. Section 523A.807, subsection 4, Code 2023, is amended to read as follows:

4. The commissioner shall post on the internet site of the division of insurance of the department of ~~commerce~~ insurance and financial services a list of all persons licensed under this chapter and an index of orders issued by the commissioner pertaining to such persons.

Sec. 2739. Section 524.201, Code 2023, is amended to read as follows:

524.201 Superintendent of banking.

1. The governor shall appoint, subject to confirmation by the senate, a superintendent of banking. The appointee shall be selected solely with regard to qualification and fitness to discharge the duties of office, and a person shall not be appointed who has not had at least five years' experience as an executive officer in a bank. The superintendent shall serve at the pleasure of the governor.

~~2. The superintendent shall have an office at the seat of government. The regular term of office shall be four years beginning and ending as provided by section 69.19 The superintendent shall receive a salary set by the governor within a range established by the general assembly.~~

Sec. 2740. Section 524.206, Code 2023, is amended to read as follows:

524.206 Banking division created.

The banking division is created within the department of ~~commerce~~ insurance and financial services.

Sec. 2741. Section 524.207, subsections 1, 2, 5, and 6, Code 2023, are amended to read as follows:

1. Except as otherwise provided by statute, all expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of ~~commerce insurance and financial services~~, the superintendent, and the state banking council by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~department of commerce~~ revolving fund created in section 546.12. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12.

2. All fees and assessments generated as the result of a national bank or federal savings association converting to a state bank on or after December 31, 2015, and thereafter, are payable to the superintendent. The superintendent shall pay all the fees and assessments received by the superintendent pursuant to this subsection to the treasurer of state within the time required by section 12.10 and the fees and assessments shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12. An amount equal to such fees and assessments deposited into the ~~department of commerce~~ revolving fund is appropriated from the ~~department of commerce~~ revolving fund to the banking division of the department of ~~commerce insurance and financial services~~ for succeeding fiscal years for purposes related to the discharge of the duties and responsibilities imposed upon the banking division of the department of ~~commerce insurance and financial services~~, the superintendent, and the state banking council by the laws of this state. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. If a state bank converts to a national bank or federal savings association, any appropriation made pursuant to this subsection for the following fiscal year shall be reduced by the amount of the assessment paid by the state bank during the fiscal year in which the state bank converted to a national bank or federal savings association.

5. All fees and moneys collected shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from moneys in the ~~department of commerce~~ revolving fund and appropriated for those purposes.

6. All moneys received by the superintendent pursuant to a multi-state settlement with a provider of financial services such as a mortgage lender, a mortgage servicer, or any other person regulated by the banking division of the department of ~~commerce insurance and financial services~~ shall be deposited into the ~~department of commerce~~ revolving fund created in section 546.12 and an amount equal to the amount deposited into the fund is appropriated to the banking division of the department of ~~commerce insurance and financial services~~ for the fiscal year in which such moneys are received and in succeeding fiscal years for the purpose of promoting financial-related education and supporting those duties of the banking division related to financial regulation that are limited to nonrecurring expenses such as equipment purchases, training, technology, and retirement payouts related to the oversight of mortgage lending, state banks, and other financial services regulated by the banking division. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. The superintendent shall submit a report to the department of management and to the legislative services agency detailing the expenditure of moneys appropriated to the banking division pursuant to this subsection during each fiscal year. The initial report shall be submitted on or before September 15, 2016, and each September 15

thereafter. Moneys appropriated pursuant to this subsection are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection.

Sec. 2742. Section 527.2, subsection 2, Code 2023, is amended to read as follows:

2. “*Administrator*” means and includes the superintendent of banking and the superintendent of credit unions within the department of ~~commerce~~ insurance and financial services and the supervisor of industrial loan companies within the office of the superintendent of banking. However, the powers of administration and enforcement of this chapter shall be exercised only as provided in sections 527.3, 527.5, subsection 7, sections 527.11, 527.12, and any other pertinent provision of this chapter.

Sec. 2743. Section 528.2, subsection 1, Code 2023, is amended to read as follows:

1. “*Administrator*” means the superintendent of banking and the superintendent of credit unions within the department of ~~commerce~~ insurance and financial services.

Sec. 2744. Section 533.102, subsection 4, Code 2023, is amended to read as follows:

4. “*Credit union service organization*” means a corporation, limited partnership, or limited liability company organized under state law to provide financial and financial-related services for one or more credit unions, each of which owns part of the capital stock of the credit union service organization, as authorized under section 533.301, subsection 5, paragraph “f”, and which corporation, limited partnership, or limited liability company is subject to examination by the credit union division of the Iowa department of ~~commerce~~ insurance and financial services or a federal supervisory agency.

Sec. 2745. Section 533.103, Code 2023, is amended to read as follows:

533.103 Credit union division created.

A credit union division of the department of ~~commerce~~ insurance and financial services is created to administer this chapter.

Sec. 2746. Section 533.104, Code 2023, is amended to read as follows:

533.104 Superintendent of credit unions.

1. A superintendent of credit unions shall be appointed by the governor to serve at the pleasure of the governor, subject to confirmation by the senate, to regulate credit unions.

a. The appointee shall be selected solely with regard to qualification and fitness to discharge the duties of office.

b. ~~The~~ and the individual appointed shall have at least five years’ experience as a director or executive officer of a credit union, or comparable experience in the regulation or examination of credit unions. For purposes of this ~~paragraph~~ subsection, credit union membership does not qualify as credit union experience.

2. ~~The superintendent shall have an office at the seat of government. The superintendent’s term of office shall be four years beginning and ending as provided by section 69.19. The governor may remove the superintendent for malfeasance in office, or for any cause that renders the superintendent ineligible, incapable, or unfit to discharge the duties of the office.~~

3. The superintendent shall receive a salary set by the governor within a range established by the general assembly.

4. ~~A vacancy in the office of superintendent shall be filled for the unexpired portion of the regular term.~~

5. 3. The superintendent may adopt rules as necessary or appropriate to administer this chapter, subject to the prior approval of the rules by the review board.

Sec. 2747. Section 533.111, subsections 1, 4, and 5, Code 2023, are amended to read as follows:

1. a. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~department of commerce~~ revolving fund created in section 546.12.

b. All fees imposed under this chapter are payable to the superintendent, who shall pay all fees and other moneys received to the treasurer of state within the time required by section 12.10. The treasurer of state shall deposit such funds in the ~~department of~~ commerce revolving fund created in section 546.12.

4. a. All fees and other moneys collected shall be deposited into the ~~department of~~ commerce revolving fund created in section 546.12 and expenses required to be paid under this section shall be paid from moneys in the ~~department of~~ commerce revolving fund and appropriated for those purposes.

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of the department of administrative services, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

5. The credit union division may accept reimbursement of expenses related to the examination of a state credit union from the national credit union administration or any other guarantor or insurance plan authorized by this chapter. These reimbursements shall be deposited into the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2748. Section 533A.10, subsection 1, Code 2023, is amended to read as follows:

1. The superintendent may examine the condition and affairs of a licensee. In connection with any examination, the superintendent may examine on oath any licensee, and any director, officer, employee, customer, creditor, or stockholder of a licensee concerning the affairs and business of the licensee. The superintendent shall ascertain whether the licensee transacts its business in the manner prescribed by the law and applicable rules. The licensee shall pay the cost of the examination as determined by the superintendent based on the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services, including the proportionate share of the administrative expenses in the operation of the banking division attributable to the finance bureau, as determined by the superintendent, incurred in the discharge of duties imposed upon the superintendent by this chapter. Failure to pay the examination fee within thirty days of receipt of demand from the superintendent shall subject the licensee to a late fee of up to five percent per day of the amount of the examination fee for each day the payment is delinquent.

Sec. 2749. Section 533A.14, Code 2023, is amended to read as follows:

533A.14 Fees to state treasurer.

All moneys received by the superintendent from fees, licenses, and examinations pursuant to this chapter shall be deposited by the superintendent with the treasurer of state for deposit in the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2750. Section 533C.902, subsection 1, Code 2023, is amended to read as follows:

1. A financial services licensing fund is created as a separate fund in the state treasury under the authority of the banking division of the department of ~~commerce~~ insurance and financial services. Moneys deposited in the fund shall be used to pay for staffing necessary to perform examinations, audits, and other duties required of the superintendent and the banking division under this chapter.

Sec. 2751. Section 533D.11, subsection 3, Code 2023, is amended to read as follows:

3. The superintendent shall determine the cost of the examination or investigation based upon the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services, including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the superintendent, incurred in the discharge of duties imposed upon the superintendent by this chapter.

Sec. 2752. Section 535B.1, subsection 1, Code 2023, is amended to read as follows:

1. “Administrator” means the superintendent of the division of banking of the department of ~~commerce~~ insurance and financial services.

Sec. 2753. Section 535B.10, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. The licensee shall pay the cost of the examination or investigation as determined by the administrator based on the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services, including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the administrator, incurred in the discharge of duties imposed upon the administrator by this chapter.

Sec. 2754. Section 535C.11, unnumbered paragraph 1, Code 2023, is amended to read as follows:

This chapter does not apply to activities or arrangements expressly approved or regulated by the department of ~~commerce~~ insurance and financial services.

Sec. 2755. Section 535D.11, subsection 2, Code 2023, is amended to read as follows:

2. The payment of application and renewal fees for licenses through the nationwide mortgage licensing system and registry and any additional fees as determined by the superintendent based on the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services, including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the superintendent, incurred in the discharge of duties imposed by this chapter.

Sec. 2756. Section 536.10, subsection 3, Code 2023, is amended to read as follows:

3. A licensee subject to examination, supervision, and regulation by the superintendent shall pay to the superintendent an examination fee based on the actual cost of the operation of the regulated loan bureau of the banking division of the department of ~~commerce~~ insurance and financial services and the proportionate share of administrative expenses in the operation of the banking division attributable to the regulated loan bureau as determined by the superintendent. The fee shall apply equally to all licenses and shall not be changed more frequently than annually. A fee change shall be effective on January 1 of the year following the year in which the change is approved.

Sec. 2757. Section 536A.2, subsection 9, Code 2023, is amended to read as follows:

9. “*Superintendent*” means the superintendent of banking within the banking division of the department of ~~commerce~~ insurance and financial services.

Sec. 2758. Section 536A.15, subsection 4, Code 2023, is amended to read as follows:

4. The licensee shall be charged and shall pay the actual costs of the examination as determined by the superintendent based on the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the superintendent incurred in the discharge of the duties imposed upon the superintendent by this chapter. Failure to pay the examination fee within thirty days of receipt of demand from the superintendent shall subject the licensee to a late fee of five percent of the amount of the examination fee for each day the payment is delinquent.

Sec. 2759. Section 537.2501, subsection 2, paragraph b, subparagraph (3), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The premium rates have been affirmatively approved by the insurance division of the department of ~~commerce~~ insurance and financial services. In approving or establishing the rates, the division shall review the insurance company’s actuarial data to assure that the rates are fair and reasonable. The insurance commissioner shall either hire or contract with a qualified actuary to review the data. The insurance division shall obtain reimbursement from the insurance company for the cost of the actuarial review prior to approving the rates. In addition, the rates shall be made in accordance with the following provisions:

Sec. 2760. Section 546.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. "*Department*" means the department of ~~commerce~~ insurance and financial services.
2. "*Director*" means the director of the department of ~~commerce~~ insurance and financial services.

Sec. 2761. Section 546.2, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. A department of ~~commerce~~ insurance and financial services is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.

2. The chief administrative officer of the department is the director. The director shall be ~~appointed by the governor from among those individuals who serve as heads of the divisions within the department~~ the commissioner of insurance appointed pursuant to section 505.2. ~~A division head appointed to be the~~ The director shall fulfill the responsibilities and duties of the director of the department in addition to the ~~individual's~~ director's responsibilities and duties as the head of a the insurance division. ~~The director shall serve at the pleasure of the governor. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.~~

3. The department is administratively organized into the following divisions:

- a. Banking.
- b. Credit union.
- ~~c. Utilities.~~
- d. c. Insurance.
- ~~e. Alcoholic beverages.~~

Sec. 2762. Section 546.12, Code 2023, is amended to read as follows:

546.12 Department of insurance and financial services ~~commerce~~ revolving fund.

1. A ~~department of~~ commerce revolving fund is created in the state treasury. The fund shall consist of moneys collected by the banking division; credit union division; utilities ~~division board,~~ including moneys collected on behalf of the office of consumer advocate established in section 475A.3; and the insurance division of the department; and deposited into an account for that division, ~~board,~~ or office within the fund on a monthly basis. Except as otherwise provided by statute, all costs for operating the office of consumer advocate and the banking division, the credit union division, the utilities ~~division board,~~ and the insurance division of the department shall be paid from the division's accounts within the fund, subject to appropriation by the general assembly. The insurance division shall administer the fund and all other divisions shall work with the insurance division to make sure the fund is properly accounted and reported to the department of management and the department of administrative services. The divisions shall provide quarterly reports to the department of management and the legislative services agency on revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

2. To meet cash flow needs for the office of consumer advocate and the banking division, credit union division, utilities ~~division board,~~ or the insurance division of the department, the administrative head of that division, ~~board,~~ or office may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for that division, ~~board,~~ or office if those additional expenditures are fully reimbursable and the division, ~~board,~~ or office reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Notwithstanding any provision to the contrary, the divisions shall, to the fullest extent possible, make an estimate of billings and make such billings as early as possible in each fiscal year, so that the need for the use of general fund moneys is minimized to the lowest extent possible. Periodic billings shall be deemed sufficient to satisfy this requirement. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys credited or appropriated to the commerce revolving fund from any other fund.

4. The establishment of the commerce revolving fund pursuant to this section shall not be interpreted in any manner to compromise or impact the accountability of, or limit authority with respect to, an agency or entity under state law. Any provision applicable to, or responsibility of, a division, board, or office collecting moneys for deposit into the fund established pursuant to this section shall not be altered or impacted by the existence of the fund and shall remain applicable to the same extent as if the division, board, or office were receiving moneys pursuant to a general fund appropriation. The divisions of the department of ~~commerce~~ insurance and financial services shall comply with directions by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies that the governor deems appropriate.

Sec. 2763. Section 714E.6, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding any other provision of this section, an action shall not be brought on the basis of a violation of this chapter, except by an owner against whom the violation was committed or by the attorney general. This limitation does not apply to administrative action by either the attorney general or the superintendent of the banking division of the department of ~~commerce~~ insurance and financial services.

Sec. 2764. Section 714F.8, subsection 3, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Make a payment to the foreclosed homeowner such that the foreclosed homeowner has received consideration in an amount of at least eighty-two percent of the fair market value of the property, as the property was when the foreclosed homeowner vacated the property, within ninety days of either the eviction or voluntary relinquishment of possession of the property by the foreclosed homeowner. The foreclosure purchaser shall make a detailed accounting of the basis for the payment amount, or a detailed accounting of the reasons for failure to make a payment, including providing written documentation of expenses, within this ninety-day period. The accounting shall be on a form prescribed by the attorney general, in consultation with the superintendent of the banking division of the department of ~~commerce~~ insurance and financial services without being subject to the rulemaking procedures of chapter 17A.

Sec. 2765. Section 714F.8, subsection 3, paragraph b, subparagraph (2), subparagraph division (b), Code 2023, is amended to read as follows:

(b) The time for determining the fair market value amount shall be determined in the foreclosure reconveyance contract as either at the time of the execution of the foreclosure reconveyance contract or at resale. If the contract states that the fair market value shall be determined at the time of resale, the fair market value shall be the resale price if it is sold within sixty days of the eviction or voluntary relinquishment of the property by the foreclosed homeowner. If the contract states that the fair market value shall be determined at the time of resale, and the resale is not completed within sixty days of the eviction or voluntary relinquishment of the property by the foreclosed homeowner, the fair market value shall be determined by an appraisal conducted within one hundred eighty days of the eviction or voluntary relinquishment of the property by the foreclosed homeowner and payment, if required, shall be made to the foreclosed homeowner; but the fair market value shall be recalculated as the resale price on resale and an additional payment amount, if appropriate, based on the resale price, shall be made to the foreclosed homeowner within fifteen days of resale, and a detailed accounting of the basis for the payment amount, or a detailed accounting of the reasons for failure to make additional payment, shall be made within fifteen days of resale, including providing written documentation of expenses. The accounting shall be on a form prescribed by the attorney general, in consultation with the superintendent of the banking division of the department of ~~commerce~~ insurance and financial services, without being subject to the rulemaking procedures of chapter 17A.

Sec. 2766. Section 714F.9, subsection 1, Code 2023, is amended to read as follows:

1. *Remedies.* A violation of this chapter is an unlawful practice pursuant to section 714.16, and all the remedies of section 714.16 are available for such an action. A private cause of action brought under this chapter by a foreclosed homeowner is in the public interest. A foreclosed homeowner may bring an action for a violation of this chapter. If the court finds a violation of this chapter, the court shall award to the foreclosed homeowner actual damages, appropriate equitable relief, and the costs of the action, and shall award reasonable fees to the foreclosed homeowner's attorney. Notwithstanding any other provision of this section, an action shall not be brought on the basis of a violation of this chapter except by a foreclosed homeowner against whom the violation was committed or by the attorney general. This limitation does not apply to administrative action by the superintendent of the banking division of the department of ~~commerce~~ insurance and financial services.

Sec. 2767. REPEAL. Section 524.202, Code 2023, is repealed.

DIVISION XVI

DEPARTMENT OF CORRECTIONS — JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES AND COMMUNITY-BASED CORRECTIONAL PROGRAMS

Sec. 2768. Section 7E.5, subsection 1, paragraph n, Code 2023, is amended to read as follows:

n. The department of corrections, created in section 904.102, which has primary responsibility for corrections administration, corrections institutions, prison industries, judicial district departments of correctional services and the development, funding, and monitoring of community-based corrections programs.

Sec. 2769. Section 8D.2, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 14, a school corporation, a city library, a county library as provided in chapter 336, ~~or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 12,~~ an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 2770. Section 80D.1, subsection 1, Code 2023, is amended to read as follows:

1. The governing body of a city, a county, the state of Iowa, ~~or a judicial district department of correctional services~~ the Iowa department of corrections may provide, either separately or collectively through a chapter 28E agreement, for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body.

Sec. 2771. Section 80D.6, subsection 1, Code 2023, is amended to read as follows:

1. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, commissioner of public safety or the commissioner's designee, or director of the ~~judicial district department of correctional services~~ Iowa department of corrections or the director's designee, as the case may be.

Sec. 2772. Section 80D.7, Code 2023, is amended to read as follows:

80D.7 Carrying weapons.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the Iowa law enforcement academy council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, commissioner of public safety or the commissioner's designee, or director of the ~~judicial district department of correctional services~~ Iowa department of corrections or the director's designee, as the case may be.

Sec. 2773. Section 80D.9, Code 2023, is amended to read as follows:

80D.9 Supervision of reserve peace officers.

1. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, commissioner of public safety, or director of the ~~judicial district department of correctional services~~ Iowa department of corrections unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

2. Each department for which a reserve force is established shall appoint a certified peace officer as the reserve force coordinating and supervising officer. A reserve peace officer force established ~~in a judicial district department of correctional services~~ by the Iowa department of corrections must be directly supervised by a certified peace officer who is on duty. That certified peace officer shall report directly to the chief of police, sheriff, commissioner of public safety or the commissioner's designee, or director of the ~~judicial district department of correctional services~~ Iowa department of corrections or the director's designee, as the case may be.

Sec. 2774. Section 80D.11, Code 2023, is amended to read as follows:

80D.11 Employee — pay.

While performing official duties, each reserve peace officer shall be considered an employee of the governing body which the officer represents and shall be paid a minimum of one dollar per year. The governing body of a city, a county, the state, or a ~~judicial district department of correctional services~~ the Iowa department of corrections may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers.

Sec. 2775. Section 97B.49B, subsection 1, paragraph e, subparagraph (14), Code 2023, is amended to read as follows:

(14) An employee of a ~~judicial district~~ the Iowa department of ~~correctional services~~ corrections whose condition of employment requires the employee to be certified by the Iowa law enforcement academy and who is required to perform the duties of a parole officer as provided in section 906.2.

Sec. 2776. Section 97B.49B, subsection 3, paragraph f, Code 2023, is amended by striking the paragraph.

Sec. 2777. Section 331.211, subsection 1, Code 2023, is amended to read as follows:

1. The board, at its first meeting in each year, shall:

~~a. Organize by choosing~~ choose one of its members as chairperson who shall preside at all of its meetings during the year. The board may also select a vice chairperson who shall serve during the absence of the chairperson.

~~b. Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph "a", subparagraph (1).~~

Sec. 2778. Section 331.321, subsection 1, paragraph x, Code 2023, is amended by striking the paragraph.

Sec. 2779. Section 904.108, subsection 1, paragraph 1, Code 2023, is amended to read as follows:

1. Adopt rules, policies, and procedures, subject to the approval of the board, pertaining to community-based correctional programs, and the supervision of parole and work release.

Sec. 2780. NEW SECTION. 904.301A Appointment of directors.

The director shall appoint, subject to the approval of the board, a director for each judicial district department of correctional services established in section 905.2.

Sec. 2781. Section 905.1, Code 2023, is amended to read as follows:

905.1 Definitions.

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

~~1. “Administrative agent” means the county selected by the district board to perform accounting, budgeting, personnel, facilities management, insurance, payroll and other supportive services on the behalf of the district board, or the district department itself, if so designated by the district board.~~

~~2. 1. “Community-based correctional program” means correctional programs and services, under the direction of a director and the Iowa department of corrections, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901B.1, designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release. A community-based correctional program shall be designed by a district department, under the direction and control of the Iowa department of corrections, in a manner that provides services in a manner free of disparities based upon an individual’s race or ethnic origin.~~

~~3. 2. “Director” means the director of a judicial district department of correctional services, appointed by the director of the Iowa department of corrections, and employed by the Iowa department of corrections.~~

~~4. 3. “District advisory board” means the advisory board of directors of a judicial district department of correctional services.~~

~~5. 4. “District department” means a judicial district department of correctional services, under the direction and control of the Iowa department of corrections, established as required by section 905.2.~~

~~6. “Project” means a locally functioning part of a community-based correctional program, officed and operating in a physical location separate from the offices of the district department.~~

~~7. “Project advisory committee” means a committee of no more than seven persons which shall act in an advisory capacity to the director on matters pertaining to the planning, operation, and other pertinent functions of each project in the judicial district. The members of the project advisory committee for each project shall be initially appointed by the director from among the general public. Not more than one half of the project advisory committee shall hold public office or public employment during membership on the committee. A person who holds public office as a county supervisor and serves on the board of directors under section 905.3 shall not be a member of a project advisory committee under this section. The terms of the initial members of the project advisory committee shall be staggered to permit the terms of just over half of the members to expire in two years and those of the remaining members to expire in one year. Subsequent appointments to the project advisory committee shall be by vote of a majority of the whole project advisory committee for two-year terms.~~

Sec. 2782. Section 905.2, Code 2023, is amended to read as follows:

905.2 District departments established.

1. There is established in each judicial district in this state a public agency to be known as the “..... judicial district department of correctional services.” Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the needs of that judicial district requirements of the Iowa department of corrections.

2. The district department is under the direction of a board of directors the Iowa department of corrections, selected as provided in section 905.3, and shall be administered by a director employed by the board Iowa department of corrections. A district department is a state agency for purposes of chapter 669.

3. All employees of a district department shall be employees of the Iowa department of corrections.

Sec. 2783. Section 905.3, Code 2023, is amended to read as follows:

905.3 Board of directors — executive committee District advisory board — expenses reimbursed.

1. ~~a. The board of directors of~~ A district advisory board is established for each district department, which shall serve in an advisory capacity to a director without compensation, and shall be composed as follows:

(1) ~~One member shall be chosen~~ appointed annually by a director from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section 331.211.

(2) ~~One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January 15, by and from the project advisory committee. However, in lieu of the designation of project advisory committee members as members of the district board, the district board may~~ The director shall on or before December 31 appoint two citizen members to serve on the district advisory board for the following calendar year.

(3) ~~A number of members equal to the number of authorized board members from project advisory committees or equal to the number of citizen members shall be appointed by the chief judge of the judicial district no later than January 15 of each year on or before December 31 to serve on the district advisory board for the following calendar year.~~

~~b. Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson, and members of the executive committee as required by subsection 2. The district advisory board shall meet at least not more often than quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection 4, of the members of the board.~~

~~2. Each district board shall have an executive committee consisting of the chairperson and vice chairperson and at least one but no more than five other members of the district board. Either the chairperson or the vice chairperson shall be a supervisor, and the remaining representation on the executive committee shall be divided as equally as possible among supervisor members, project advisory committee members or citizen members, and judicially appointed members. The executive committee may exercise all of the powers and discharge all of the duties of the district board, as prescribed by this chapter, except those specifically withheld from the executive committee by action of the district board.~~

~~3. 2. The members of the district advisory board and of the executive committee shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings of those bodies, or while otherwise engaged on business of the district department.~~

~~4. Each member of the district board shall have one vote on the board. However, upon the request of any supervisory member, the vote on any matter before the board shall be taken by weighted vote. In each such case, the vote of the supervisor representative of the least populous county in the judicial district shall have a weight of one unit, and the vote of each of the other supervisor members shall have a weight which bears the same proportion to one unit as the population of the county that supervisor member represents bears to the population of the least populous county in the district. In the event of weighted vote, the vote of each member appointed from a project advisory committee or of each citizen member and of each judicially appointed member shall have a weight of one unit.~~

Sec. 2784. Section 905.4, Code 2023, is amended to read as follows:

905.4 Duties of the district advisory board.

The district advisory board shall:

1. ~~Adopt bylaws and rules for the conduct of its own business and for the government of the district department's community-based correctional program.~~

2. ~~Employ a director having the qualifications required by section 905.6 to head the district department's community-based correctional program and, within a range established by the Iowa department of corrections, fix the compensation of and have control over the director and the district department's staff. For purposes of collective bargaining under chapter 20, employees of the district board who are not exempt from chapter 20 are employees of the~~

state, and the employees of all of the district boards shall be included within one collective bargaining unit.

~~3. Designate one of the counties in the judicial district to serve as the district department's administrative agent to provide, in that capacity, all accounting, personnel, facilities management and supportive services needed by the district department, on terms mutually agreeable in regard to advancement of funds to the county for the added expense it incurs as a result of being so designated. However, the district board may designate the district department itself as the district department's administrative agent, if the district board determines that it would be more efficient and less costly than designating a county as the administrative agent.~~

~~4. File with the board of supervisors of each county in the district and with the Iowa department of corrections, within ninety days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.~~

~~5. 2. Arrange for, by contract or on such alternative basis as may be mutually acceptable, and equip. Advise the director concerning suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the board shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation and repair of facilities to a minimum. The district board shall not enter into lease purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease purchase obligation.~~

~~6. Have authority to accept property by gift, devise, bequest or otherwise and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection 5.~~

~~7. 3. Recruit, and promote, accept and use local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies and other lawful sources.~~

~~8. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.~~

~~9. Arrange, by contract or on an alternative basis mutually acceptable, and with approval of the director of the Iowa department of corrections or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and alcohol and drug abuse treatment and counseling. It is the intent of this chapter that a district board shall approve the development and maintenance of such resources by its own staff only if the resources are otherwise unavailable to the district department within reasonable proximity to the community where these services are needed in connection with the community-based correctional program.~~

~~10. Establish a project advisory committee to act in an advisory capacity on matters pertaining to the planning, operation, and other pertinent functions of each project in the judicial district.~~

~~11. Have authority to establish a force of reserve peace officers, either separately or collectively through a chapter 28E agreement, as provided in chapter 80D.~~

Sec. 2785. Section 905.6, Code 2023, is amended to read as follows:

905.6 Duties of director.

The director employed by the district board under section 905.4, subsection 2, Iowa department of corrections shall be qualified in the administration of correctional programs. The director shall:

1. Perform the duties and have the responsibilities delegated by the district board or specified by the Iowa department of corrections pursuant to this chapter.

2. Manage the district department's community-based correctional program, in accordance with the policies of the district board and the Iowa department of corrections.

3. Employ, with approval of the ~~district board~~ Iowa department of corrections, and supervise the employees of the district department, including reserve peace officers, if a force of reserve peace officers has been established.

4. Prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department. ~~The director may invest funds which are not needed for current expenses, jointly with one or more cities, city utilities, counties, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investment of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.~~

5. Act as secretary to the district advisory board, prepare its agenda and record its proceedings. The district shall provide a copy of minutes from each meeting of the district advisory board to the legislative services agency.

6. Develop and submit to the ~~district board~~ Iowa department of corrections a plan for the establishment, implementation, and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the Iowa department of corrections under this chapter and which conform to rules, policies, and procedures pertaining to the supervision of parole and work release adopted by the director of the Iowa department of corrections concerning the community-based correctional program.

7. Negotiate and, upon approval by the ~~district board~~ Iowa department of corrections, implement contracts or other arrangements for utilization of local treatment and service resources authorized by ~~section 905.4~~, subsection 9 15.

8. Administer the batterers' treatment program for domestic abuse offenders required in section 708.2B.

9. Notify the board of parole, thirty days prior to release, of the release from a residential facility operated by the district department of a person serving a sentence under section 902.12.

10. File with the director of the Iowa department of corrections, within ninety days after the close of each fiscal year, a report covering the district advisory board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

11. Arrange for, upon approval of the Iowa department of corrections, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the director shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation, and repair of facilities to a minimum. The director shall not enter into lease-purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease-purchase obligation.

12. Have authority to accept property by gift, devise, bequest, or otherwise, and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection 11.

13. Recruit, promote, accept, and use local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies, and other lawful sources.

14. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.

15. Arrange, by contract or on an alternative basis mutually acceptable, and with approval of the director of the Iowa department of corrections or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and substance use disorder treatment and counseling.

16. Have authority to establish a force of reserve peace officers, either separately or collectively through a chapter 28E agreement, as provided in chapter 80D.

Sec. 2786. Section 905.9, Code 2023, is amended to read as follows:

905.9 Report of review — sanction.

Upon completion of a review of a district community-based correctional program, made under section 905.8, the Iowa department of corrections shall submit its findings to the district advisory board in writing. If the Iowa department of corrections concludes that the district department's community-based correctional program fails to meet any of the requirements of this chapter and of the guidelines adopted under section 905.7, it shall also request in writing a response to this finding from the district advisory board. If a response is not received within sixty days after the date of that request, or if the response is unsatisfactory, the Iowa department of corrections may call a public hearing on the matter. If after the hearing, the Iowa department of corrections is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of this chapter and of the guidelines adopted under section 905.7, it may assume responsibility for administration of the district's community-based correctional program on an interim basis.

Sec. 2787. REPEAL. Section 905.5, Code 2023, is repealed.

Sec. 2788. TRANSITION PROVISIONS.

1. Any rule promulgated by a district board of a judicial district department of correctional services as required to administer and enforce the provisions of chapter 905 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the Iowa department of corrections.

2. Any contract entered into by a district board of a judicial district department of correctional services relating to the provisions of chapter 905 in effect on the effective date of this Act shall continue in full force and effect pending transfer of such contract to the Iowa department of corrections.

3. Any moneys remaining in any account or fund under the control of a district board of a judicial district department of correctional services on the effective date of this division of this Act and relating to the provisions of this division of this Act shall be transferred to a comparable fund or account under the control of the Iowa department of corrections. 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.

Sec. 2789. TRANSITION — APPOINTMENT AND TERM OF DISTRICT BOARD MEMBERS. This division of this Act shall not affect the appointment or term of a member serving on a district board of a judicial district department of correctional services immediately prior to the effective date of this division of this Act.

Sec. 2790. APPLICABILITY — VIOLATION OF CONDITIONS OF PAROLE OR PROBATION.

1. This division of this Act shall not be construed to affect a district department, probation officer, or parole officer's authority, having probable cause, to arrest a person on probation or parole that is believed to have violated the conditions of supervision, consistent with sections 907.2, 907.6, 908.1, and 908.11, and any administrative rules promulgated thereunder.

2. This division of this Act shall not be construed to affect a district department's ability to establish probation conditions that meet the approval of the chief judge of the district, consistent with section 907.6 and any administrative rules promulgated thereunder.

3. This division of this Act shall not be construed to affect the authority of the board of parole to establish and approve standard parole conditions.

DIVISION XVII
BOARD OF PAROLE

Sec. 2791. Section 904A.1, Code 2023, is amended to read as follows:

904A.1 Board of parole — organization.

1. The board of parole is created to consist of five members. Each member, ~~except the chairperson and the vice chairperson, shall be compensated on a day-to-day basis~~ shall be appointed by the governor subject to confirmation by the senate. Each member shall serve a term of four years beginning and ending as provided by section 69.19, except for members

appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. ~~The chairperson and vice chairperson~~ All members of the board shall be full-time, salaried members of the board. A majority of the members of the board constitutes a quorum to transact business.

2. The governor shall appoint a member of the board as the chairperson of the board, subject to confirmation by the senate. The appointment as chairperson shall serve at the pleasure of the governor.

Sec. 2792. Section 904A.6, Code 2023, is amended to read as follows:

904A.6 Salaries and expenses.

~~Each member, except the chairperson and the vice chairperson, of the board shall be paid per diem as determined by the general assembly. The chairperson and vice chairperson of the board shall be paid a salary as determined by the general assembly. Each member of the board and all employees are entitled to receive, in addition to their per diem or salary, their necessary maintenance and travel expenses while engaged in official business.~~

Sec. 2793. REPEAL. Sections 904A.2A and 904A.3, Code 2023, are repealed.

Sec. 2794. TRANSITION — APPOINTMENT AND TERM OF BOARD OF PAROLE MEMBERS. This division of this Act shall not affect the appointment or term of a member serving on the board of parole immediately prior to the effective date of this division of this Act.

DIVISION XVIII
SALARIES OF APPOINTED STATE OFFICERS

Sec. 2795. APPOINTED STATE OFFICERS — SALARY RANGES.

1. Unless otherwise provided by law, the governor shall establish a salary for nonelected persons appointed by the governor within the executive branch of state government. In establishing a salary for a person holding a position enumerated in subsection 3 within the range provided, the governor may consider, among other items, the experience of the person in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary of the consumer advocate, the chief justice of the supreme court shall establish the salary of the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, the Iowa public information board shall establish the salary of the executive director, the board of regents shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in subsection 3.

2. A person whose salary is established pursuant to this section and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this subsection does not apply to reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

3. a. The following annual salary ranges for appointed state officers are effective for the positions specified in this subsection for the fiscal year beginning July 1, 2023, effective for the pay period beginning June 23, 2023, and for subsequent fiscal years until otherwise provided by the general assembly. The governor or other person designated in subsection 1 shall determine the salary to be paid to the person indicated at a rate within the applicable salary range from moneys appropriated by the general assembly for that purpose.

SALARY RANGE	Minimum	Maximum
(1) Range 4	\$ 63,690	\$ 97,460
(2) Range 5	\$ 73,250	\$112,070
(3) Range 6	\$ 84,240	\$128,890
(4) Range 7	\$100,840	\$154,300

b. The following are range 4 positions: chairperson and members of the employment appeal board of the department of inspections, appeals, and licensing, director of the Iowa state civil rights commission, director of the department for the blind, executive director of the ethics and campaign disclosure board, executive director of the Iowa public information board, and chairperson, vice chairperson, and members of the board of parole.

c. The following are range 5 positions: state public defender, labor commissioner, workers' compensation commissioner, director of the law enforcement academy, and executive director of the public employment relations board.

d. The following are range 6 positions: superintendent of banking, superintendent of credit unions, consumer advocate, and chairperson and members of the utilities board.

e. The following are range 7 positions: administrator of the public broadcasting division of the department of education, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, lottery administrator of the department of revenue, and state court administrator.

Sec. 2796. Section 8A.102, subsection 2, Code 2023, is amended to read as follows:

2. The person appointed as director shall be professionally qualified by education and have no less than five years' experience in the field of management, public or private sector personnel administration including the application of merit principles in employment, financial management, and policy development and implementation. The appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in section 8A.416. The governor shall set the salary of the director ~~within pay grade nine~~.

Sec. 2797. Section 80.2, Code 2023, is amended to read as follows:

80.2 Commissioner — appointment.

The chief executive officer of the department of public safety is the commissioner of public safety. The governor shall appoint, subject to confirmation by the senate, a commissioner of public safety, who shall be a person of high moral character, of good standing in the community in which the commissioner lives, of recognized executive and administrative capacity, and who shall not be selected on the basis of political affiliation. The commissioner of public safety shall devote full time to the duties of this office; the commissioner shall not engage in any other trade, business, or profession, nor engage in any partisan or political activity. The commissioner shall serve at the pleasure of the governor, ~~at an annual salary as fixed by the general assembly~~.

Sec. 2798. Section 84A.1, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The governor shall set the salary of the director ~~within the applicable salary range established by the general assembly~~.

Sec. 2799. Section 256.10, subsection 1, Code 2023, is amended to read as follows:

1. The salary of the director shall be fixed by the governor ~~within a range established by the general assembly~~.

Sec. 2800. Section 307.11, subsection 2, Code 2023, is amended to read as follows:

2. The director shall receive a salary as fixed by the governor ~~within a salary range set by the general assembly~~.

Sec. 2801. Section 455A.3, Code 2023, is amended to read as follows:

455A.3 Director — qualifications.

The chief administrative officer of the department is the director who shall be appointed by the governor, subject to confirmation of the senate, and serve at the governor's pleasure. The governor shall make the appointment based on the appointee's training, experience, and capabilities. The director shall be knowledgeable in the general field of natural resource

management and environmental protection. The salary of the director shall be fixed by the governor ~~within salary guidelines or a range established by the general assembly.~~

Sec. 2802. EFFECTIVE DATE. This division of this Act takes effect June 23, 2023.

DIVISION XIX BOARDS AND COMMISSIONS

Sec. 2803. BOARDS AND COMMISSIONS REVIEW COMMITTEE — REPORT.

1. A boards and commissions review committee shall be established to study the efficiency and effectiveness of each board, council, commission, committee, or other similar entity of the state established by the Code. The committee shall evaluate the extent to which the goals and objectives of those entities are currently being met and make recommendations for the continuation, elimination, consolidation, or reorganization of those entities as needed.

2. The committee shall consist of six voting members and four ex officio, nonvoting members.

a. The voting members of the committee shall be composed of all of the following:

(1) One staff member of the governor's office, appointed by the governor.

(2) The administrative rules coordinator or the coordinator's designee.

(3) The director of the department of management or the director's designee.

(4) The director of the department of inspections, appeals, and licensing or the director's designee.

(5) One assistant attorney general, appointed by the governor upon recommendation of the attorney general.

(6) One member of the public, appointed by the governor.

b. The ex officio, nonvoting members of the committee shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. The office of the governor shall provide staffing for the committee. The committee may seek the expertise and services of individuals or entities outside of its membership for research, advice, consultation, support, or other needs in furtherance of its responsibilities.

4. The committee shall submit a report containing its findings and recommendations to the governor and the general assembly on or before September 30, 2023.

5. All departments, agencies, boards, councils, commissions, committees, or other similar entity of the state established by the Code shall cooperate fully with the committee in its review process.

6. This section is repealed January 1, 2024.

DIVISION XX MISCELLANEOUS PROVISIONS

Sec. 2804. IRRECONCILABLE AMENDMENTS. If an amendment to a statute in this Act is irreconcilable with an amendment made to the same statute that is contained in division I of this Act that implements the transition of the department of human services and the department of public health into the department of health and human services as required in 2022 Iowa Acts, chapter 1131, section 51, the amendment to the statute that is not contained in division I of this Act shall prevail over and shall be codified instead of the amendment to the same statute that is contained in division I of this Act that implements the transition of the department of human services and the department of public health into the department of health and human services.

Sec. 2805. TRANSITION PROVISIONS.

1. Administrative rules.

a. Any rule, regulation, form, order, or directive promulgated by any state agency mentioned in this Act, including any agency abolished, merged, or altered in this Act, and in effect on July 1, 2023, shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the appropriate state agency under the duties and

powers of state agencies as established in this Act and under the procedure established in paragraph “b”, if applicable.

b. In regard to updating references and format in the Iowa administrative code in order to correspond to the restructuring of state government as established in this Act, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

2. Legal obligations.

a. Any license or permit issued by any state agency mentioned in this Act, including any agency abolished, merged, or altered in this Act, and in effect on July 1, 2023, shall continue in full force and effect until expiration or renewal.

b. Any loan, grant, or item of value awarded, or contract entered into, as of July 1, 2023, by any state agency mentioned in this Act, including any agency abolished, merged, or altered in this Act, shall continue in full force and effect pursuant to the terms of the award of such loan, grant, item of value, or contract.

3. Funds. Any funds in any account or fund that is altered in this Act, or of a state agency abolished, merged, or altered in this Act, shall be transferred to the comparable fund or account or state agency as provided by this Act. Notwithstanding section 8.33, moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred.

4. Litigation. Any administrative hearing, cause of action, or statute of limitation relating to a state agency transferred to another state agency as provided by this Act shall not be affected as a result of the transfer and such cause or statute of limitation shall apply to the successor state agency.

5. Boards and commissions. The holder of any position of membership on any board, committee, commission, or council in state government shall continue to hold such position until the end of the member’s term of office, notwithstanding any change in the name or organizational location of such board, committee, commission, or council that is made by this Act.

6. Signs and insignia. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made due to the effect of this Act should be done as part of the normal replacement cycle for such items.

Sec. 2806. APPLICABILITY. The transition provisions in this division of this Act, to the extent not inconsistent with alternative provisions specifically provided by law or this Act, shall apply to this Act.

Approved April 4, 2023

CHAPTER 20

REGISTERED INTERIOR DESIGN

S.F. 135

AN ACT relating to registered interior design and providing penalties.

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

Section 1. Section 544C.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “Building equipment” means any mechanical¹ plumbing, electrical, or structural components, including a conveyance, designed for or located in a building or structure.

NEW SUBSECTION. 2A. “Conveyance” means an elevator, dumbwaiter, vertical reciprocating conveyor, escalator, or other motorized vertical transportation system.

NEW SUBSECTION. 2B. “Direct supervision and responsible charge” means a registered interior designer’s personal supervisory control of work of which the registered interior designer has detailed professional knowledge. In respect to preparing interior technical submissions, “direct supervision and responsible charge” means that the registered interior designer has the exercising, directing, guiding, and restraining power over the preparation of the interior technical submission, and exercises professional judgment in all matters embodied in the interior technical submission. “Direct supervision and responsible charge” does not mean reviewing the interior technical submission prepared by another person unless the reviewer actually exercises supervision and control and is in responsible charge of the interior technical submission.

NEW SUBSECTION. 2C. “Interior alteration or construction project” means a project for an interior space or area within a proposed or existing building or structure, including construction, modification, renovation, rehabilitation, or historic preservation, that involves changing or altering any of the following:

- a. The design function or layout of rooms.
- b. The state of permanent fixtures or equipment.

NEW SUBSECTION. 3A. “Interior nonstructural element” means an interior design element that does not require structural bracing and that is not load-bearing according to adopted code.

NEW SUBSECTION. 3B. “Interior technical submission” means a design, drawing, specification, study, or other technical report or calculation that establishes the scope of an interior alteration or construction project including a description of standards.

Sec. 2. Section 544C.1, subsection 3, Code 2023, is amended to read as follows:

3. a. “Interior design” “Registered interior design” means the design of interior spaces as a part of an interior alteration or construction project including the preparation of documents interior technical submissions relating to space planning, finish materials, furnishings, fixtures, and equipment, and the preparation of documents relating to interior construction that does not affect the mechanical or structural engineered systems of a building. “Interior design” does not include services that constitute the practice of architecture or the practice of professional engineering. “Registered interior design” includes all of the following:

(1) Programming, planning, pre-design analysis, and conceptual design of interior nonstructural elements, including but not limited to the selection of materials, furniture, fixtures, and equipment, but not building equipment.

(2) Alteration or construction of interior nonstructural elements and any interior technical submissions related to such alteration or construction.

(3) Preparation of a physical plan of space within a proposed or existing building or structure including all of the following:

- (a) Determinations of circulation systems or patterns.
- (b) Determinations of the location of exit requirements based on occupancy loads.
- (c) Assessment and analysis of interior safety factors to comply with building codes related to interior nonstructural elements.

(4) Application of building codes, fire codes, and accessibility standards, including but not limited to the federal Americans with Disabilities Act of 1990, as applicable to interior technical submissions for interior nonstructural elements.

(5) Rendering of designs, plans, drawings, specifications, contract documents, or other interior technical submissions and administration of interior nonstructural element

¹ See chapter 119, §45 herein

construction and contracts relating to nonstructural elements in interior alteration or construction of a proposed or existing building or structure.

b. "Registered interior design" does not include any of the following:

(1) Services that constitute the practice of professional engineering or professional architecture, except as otherwise provided in this chapter.

(2) The making of changes or additions to any of the following:

(a) The structural system of a building, including changing the building's live or dead load on the structural system.

(b) The building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.

(c) The mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.

(d) Means of egress systems, except for the exit access component.

(e) Construction that materially affects life safety systems pertaining to fire safety of structural elements or the fire protection of structural elements, smoke evacuation and compartmentalization systems, or fire-rated vertical shafts in multi-story structures.

(f) Changes of building use to occupancies not already allowed by the current building.

(g) The construction classification of the building or structure according to the international building code.

Sec. 3. Section 544C.2, subsection 1, Code 2023, is amended to read as follows:

1. An interior design examining board is established within the bureau. The board consists of seven members: five members who are interior designers who are registered under this chapter and who have been in the active practice of registered interior design for not less than five years, the last two of which shall have been in Iowa; and two members who are not registered under this chapter and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 4. Section 544C.5, subsection 2, paragraphs a, b, and c, Code 2023, are amended to read as follows:

a. Four years of interior design education plus two years of full-time work experience in registered interior design.

b. Three years of interior design education plus three years of full-time work experience in registered interior design.

c. Two years of interior design education plus four years of full-time work experience in registered interior design.

Sec. 5. Section 544C.12, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A person engaged in an activity traditionally performed by an interior designer, including a professional service limited to the planning, design, and implementation of kitchen and bathroom spaces or the specification of products for kitchen and bathroom areas, in a noncommercial setting.

NEW SUBSECTION. 5. A person not registered under this chapter acting under the instruction, control, or supervision of a registered interior designer, or a person executing the plans of a registered interior designer, provided that such a person shall not be in charge of interior technical submissions.

Sec. 6. **NEW SECTION. 544C.14 Registered interior designers — stamp and seal.**

1. A registered interior designer shall have a seal with which to identify all interior technical submissions issued by the registered interior designer for use in this state. The seal shall be of a design, content, and size prescribed by the board. A registered interior designer shall only sign and seal an interior technical submission within the scope of registered interior design.

2. Interior technical submissions prepared by a registered interior designer, or under a registered interior designer's direct supervision and responsible charge, shall be stamped with the impression of the registered interior designer's seal. A registered interior designer shall not impress the registered interior designer's seal on an interior technical submission if

the registered interior designer was not the author of the interior technical submission or if interior technical submission was not prepared under the registered interior designer's direct supervision and responsible charge.

3. A registered interior designer may sign and seal an interior technical submission covering the scope of the registered interior design and shall have the authority to submit such interior technical submission to a state or local governmental entity for the purpose of obtaining any requisite permit for an interior alteration or construction project.

4. The placement of the registered interior designer's signature and seal shall indicate the document or part thereof for which the seal applies. The seal and date may be affixed electronically. The registered interior designer may provide, at the sole discretion of the registered interior designer, an original signature in the handwriting of the registered interior designer, a scanned copy of the document bearing an original signature, or a computer-generated signature.

5. A registered interior designer shall not affix, or permit to be affixed, the registration number, seal, or signature of the registered interior designer to any interior technical submission that the registered interior designer is not competent to perform.

6. A registered interior designer shall not sign and seal an interior technical submission that was not prepared by the registered interior designer or under the direct supervision and responsible charge of the registered interior designer.

Sec. 7. NEW SECTION. 544C.15 Registered interior designer stamp and seal — conflicts of interest — penalties.

1. A person shall not intentionally do any of the following:

a. Affix the signature or seal of a registered interior designer to any interior technical submission without the permission of the registered interior designer.

b. Use or attempt to use the interior design registration or seal of another except as provided in section 544C.14.

c. Impersonate a registered interior designer.

d. Obtain or attempt to obtain registration from the board by fraud.

e. Make any willfully false oath or affirmation to the board.

f. As a registered interior designer, accept compensation from a client in connection with a registered interior design project, except as payment for the provision of registered interior design services, which would reasonably appear to compromise the registered interior designer's professional judgment in serving the best interests of the client or public.

2. A person who intentionally violates a provision of subsection 1 is guilty of a simple misdemeanor.

3. A registered interior designer shall avoid conflicts of interest.

a. If an unavoidable conflict of interests arises, a registered interior designer shall do all of the following:

(1) Immediately inform the client or employer of all circumstances that may interfere with or impair the obligation of the registered interior designer to provide professional services.

(2) Notify the client or employer and withdraw from employment at any time when it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

b. If an unavoidable conflict of interest arises, a registered interior designer shall not do any of the following:

(1) Agree to perform professional registered interior design services for a client or employer if the registered interior designer has a significant financial or other interest that would impair or interfere with the responsibility of the registered interior designer to faithfully discharge professional interior design services on behalf of the client or employer.

(2) Accept payment from any party other than a client or employer for a particular project and not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the client or employer approves of the conflict.

(3) Solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(4) Violate the confidences of a client or employer except as otherwise required by law.

(5) Perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

4. This section shall not limit the professional responsibility of a registered interior designer to an owner of a project when the registered interior designer is employed by a person under contract to engage in interior design practice for that project.

Sec. 8. NEW SECTION. 544C.16 **Submission of interior technical submissions.**

1. A registered interior designer may sign and seal an interior technical submission that is required for an interior alteration or construction project and that shall be kept as a public record.

2. If a political subdivision of the state requires a seal or stamp on an interior technical submission that is submitted for an interior alteration or construction project, the political subdivision shall accept an interior technical submission impressed with the seal or stamp of a registered interior designer consistent with the provisions of section 544C.14.

Sec. 9. REPEAL. Section 544C.13, Code 2023, is repealed.

Approved April 27, 2023

CHAPTER 21

REMOVAL OF HUMAN REMAINS — REMOVAL TECHNICIANS

S.F. 193

AN ACT relating to the removal of human remains by a removal technician.

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

Section 1. Section 156.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 8. “*Removal*” means the act of taking human remains from the place of death or place where the human remains are being held to a funeral establishment or other designated place.

NEW SUBSECTION. 9. “*Removal technician*” means a person registered with the board to perform removals.

Sec. 2. NEW SECTION. 156.5 **Removal technicians.**

The board shall adopt rules pursuant to chapter 17A to allow a funeral director, without first assuming custody of human remains, to delegate to a removal technician the ability to perform a removal regardless of whether the funeral director is present. The board shall consider the prerequisites for registration, including any required training that the removal technician shall complete prior to performing a removal.

Approved April 27, 2023

CHAPTER 22**VALUE-ADDED PRODUCTS OR SERVICES OFFERED BY INSURERS OR INSURANCE PRODUCERS**

H.F. 316

AN ACT relating to value-added products or services offered by insurers or producers.

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

Section 1. Section 507B.4, subsection 2, Code 2023, is amended to read as follows:

2. a. For purposes of subsection 3, paragraphs “k”, “l”, and “m”, “*personal lines property and casualty insurance*” means insurance sold to individuals and families primarily for noncommercial purposes as provided in chapter 522B.

b. For purposes of subsection 3, paragraph “i”, subparagraph (2), subparagraph division (d), “*customer*” means a policyholder, potential policyholder, certificate holder, potential certificate holder, an insured, potential insured, or an applicant.

Sec. 2. Section 507B.4, subsection 3, paragraph i, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~Nothing in paragraph “g” or subparagraph Subparagraphs (1) of this and (3), and paragraph “i” “g”, shall not be construed as including within the definition of to include any of the following practices in the definition of unfair discrimination or rebates any of the following practices:~~

Sec. 3. Section 507B.4, subsection 3, paragraph i, subparagraph (2), Code 2023, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) The offer or provision, at no or reduced cost, by an insurer or producer by or through an employee, affiliate, or third-party representative, of a value-added product or service that is not specified in the policy of insurance if the value-added product or service that is offered or provided meets all of the following criteria:

- (i) The product or service relates to the policy of insurance.
- (ii) The product or service is designed primarily to accomplish at least one of the following:
 - (A) Provide loss mitigation or loss control.
 - (B) Reduce the customer’s claim costs or claim settlement costs.
 - (C) Provide the customer with education regarding liability risks, or the risk of loss to persons or property.
 - (D) Monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risk.
 - (E) Enhance the customer’s health.
 - (F) Enhance the customer’s financial wellness through education or financial planning services.
 - (G) Provide the customer with post-loss services.
 - (H) Incentivize behavioral changes to improve the health of, or to reduce the risk of death or disability of, a customer.
 - (I) Assist in the administration of employee or retiree benefit insurance coverage.
- (iii) The cost to the insurer or producer offering or providing the product or service to a customer must be reasonable in comparison to the customer’s premiums and insurance coverage for the policy class.

(iv) If the insurer or producer provides the product or service offered, the insurer or producer shall ensure that the customer is provided with contact information for customer service or technical support personnel who can assist the customer with questions regarding the product or service.

(v) The availability of the value-added product or service shall be based on documented objective criteria and the value-added product or service must be offered to all customers in a nondiscriminatory manner. The documented objective criteria shall be maintained by the insurer or producer and provided to the commissioner upon request. If an insurer or producer does not have sufficient documented objective criteria, but has a good-faith belief

that the product or service meets the criteria under subparagraph subdivision (ii), the insurer or producer may offer or provide the product or service in a nondiscriminatory manner to customers as part of a pilot program or a test program for up to one year. Prior to launching the pilot program or test program, the insurer or producer must notify the commissioner. If the commissioner does not object to the pilot program or test program within twenty-one calendar days from the date of notice, the insurer or producer may proceed with the pilot program or test program.

(vi) The commissioner may adopt rules pursuant to chapter 17A to administer this subparagraph division.

Approved April 27, 2023

CHAPTER 23

ASSAULT OR DOMESTIC ABUSE ASSAULT ON PREGNANT PERSONS — DOMESTIC ABUSE ASSAULT SECOND OFFENSE

H.F. 570

AN ACT relating to assault including assault on a pregnant person and domestic abuse assault, and providing penalties.

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

Section 1. Section 708.2, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 3A. A person who commits a violation of subsection 3 against another person who the person knows or reasonably should know is a pregnant person is guilty of a class “D” felony.

Sec. 2. Section 708.2A, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A class “D” felony, if the domestic abuse assault is committed against a person who is known to be, or reasonably should be known to be, pregnant, and that is a violation of paragraph “c” or “d”.

Sec. 3. Section 708.2A, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A class “D” felony if the first offense was classified as a class “D” felony, and the second offense would otherwise be classified as an aggravated misdemeanor.

Approved April 27, 2023

CHAPTER 24

DENTIST AND DENTAL HYGIENIST INTERSTATE COMPACT

H.F. 656

AN ACT establishing the dentist and dental hygienist compact.

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

Section 1. NEW SECTION. **147G.1 Dentist and dental hygienist compact.**

1. *Title and purpose.* This chapter shall be known and cited as the dentist and dental hygienist compact. The purposes of this compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed. The compact does this by establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The compact:

a. Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states.

b. Promotes mobility and addresses workforce shortages through each participating state's acceptance of a compact privilege to practice in that state.

c. Increases public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states.

d. Enhances the ability of participating states to protect the public's health and safety.

e. Does not interfere with licensure requirements established by a participating state.

f. Facilitates the sharing of licensure and disciplinary information among participating states.

g. Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state.

h. Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege.

i. Promotes the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states.

j. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

2. *Definitions.* As used in this compact, unless the context requires otherwise, the following definitions shall apply:

a. "*Active military member*" means an individual in full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

b. "*Adverse action*" means any disciplinary action or encumbrance imposed on a licensee or compact privilege by a state licensing authority.

c. "*Alternative program*" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. "*Alternative program*" includes but is not limited to programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

d. "*Clinical assessment*" means an examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

e. "*Commissioner*" means the individual appointed by a participating state to serve as the member of the commission for that participating state.

f. "*Compact*" means this dentist and dental hygienist compact.

g. "*Compact privilege*" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state.

h. "*Continuing professional development*" means a requirement as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

i. "*Criminal background check*" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining the applicant's criminal history record information, as defined in 28 C.F.R. §20.3(d) from the

federal bureau of investigation and the state's criminal history record repository as defined in 28 C.F.R. §20.3(f).

j. "*Data system*" means the commission's repository of information about licensees, including but not limited to examinations, licensure, investigative information, compact privileges, adverse actions, and alternative programs.

k. "*Dental hygienist*" means an individual who is licensed by a state licensing authority to practice dental hygiene.

l. "*Dentist*" means an individual who is licensed by a state licensing authority to practice dentistry.

m. "*Dentist and dental hygienist compact commission*" or "*commission*" means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact.

n. "*Encumbered license*" means a license that a state licensing authority has limited in any way other than through an alternative program.

o. "*Executive board*" means the chair, vice chair, secretary, and treasurer, and any other commissioners as may be determined by commission rule or bylaw.

p. "*Jurisprudence requirement*" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

q. "*License*" means current authorization by a state, other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that state.

r. "*Licensee*" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

s. "*Model compact*" means the model for the dentist and dental hygienist compact on file with the council of state governments or other entity as designated by the commission.

t. "*Participating state*" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions of the compact and commission rules.

u. "*Qualifying license*" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

v. "*Remote state*" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

w. "*Rule*" means a regulation promulgated by an entity that has the force of law.

x. "*Scope of practice*" means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be established through means, including but not limited to statutes, regulations, case law, and other processes available to the state licensing authority or other government agency.

y. "*Significant investigative information*" means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue an adverse action against the licensee.

z. "*State*" means a state, commonwealth, district, or territory of the United States that regulates the practices of dentistry and dental hygiene.

aa. "*State licensing authority*" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

3. *State participation in the compact.*

a. In order to join the compact and thereafter continue as a participating state, a state must do all of the following:

(1) Enact a compact that is not materially different from the model compact, as determined in accordance with commission rules.

(2) Participate fully in the commission's data system.

(3) Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants.

(4) Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee or license applicant.

(5) Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check.

(6) Comply with commission rules applicable to a participating state.

(7) Accept the national board examinations of the joint commission on national dental examinations or another examination accepted by commission rule as a licensure examination.

(8) Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree.

(9) Accept for licensure that applicants for a dental hygienist license graduate from a dental hygiene program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs.

(10) Require for licensure that applicants successfully complete a clinical assessment.

(11) Have continuing professional development requirements as a condition for license renewal.

(12) Pay a participation fee to the commission as established by commission rule.

b. Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact.

c. When conducting a criminal background check the state licensing authority shall do all of the following:

(1) Consider that information in making a licensure decision.

(2) Maintain documentation of the criminal background check and background check information to the extent allowed by state and federal law.

(3) Report to the commission whether a state has completed the criminal background check and whether the individual was granted or denied a license.

d. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state shall be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. If a remote state has a jurisprudence requirement, a compact privilege will not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

4. *Compact privilege.*

a. To obtain and exercise the compact privilege under the terms and provisions of the compact, a licensee shall do all of the following:

(1) Have a qualifying license as a dentist or dental hygienist in a participating state.

(2) Be eligible for a compact privilege in any remote state in accordance with paragraphs "d", "g", and "h".

(3) Submit to an application process whenever the licensee is seeking a compact privilege.

(4) Pay any applicable commission and remote state fees for a compact privilege in the remote state.

(5) Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege.

(6) Have passed a national board examination of the joint commission on national dental examinations or another examination accepted by commission rule.

(7) For a dentist, have graduated from a predoctoral dental education program accredited by the commission on dental accreditation, or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree.

(8) For a dental hygienist, have graduated from a dental hygiene education program accredited by the commission on dental accreditation or another accrediting agency

recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs.

(9) Have successfully completed a clinical assessment for licensure.

(10) Report to the commission any adverse action taken by any nonparticipating state when applying for a compact privilege and otherwise within thirty days from the date the adverse action is taken.

(11) Report to the commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the commission any change in the address of the licensee's primary residence.

(12) Consent to accept service of process by mail at the licensee's primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state.

b. The licensee must comply with the requirements in paragraph "a" to maintain the compact privilege in the remote state. If those requirements are met, the compact privilege will continue as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.

c. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state.

d. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for removal of the compact privilege has passed and all encumbrance requirements are satisfied.

e. If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered.

f. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in a remote state.

g. If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until both of the following occur:

(1) The specified period of time for which the compact privilege was removed has ended.

(2) All conditions for removal of the compact privilege have been satisfied.

h. Once the requirements of paragraph "g" have been met, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in a remote state.

5. *Active military member or spouses.* An active military member and the spouse of an active military member shall not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to an active military member and the spouse of an active military member for a compact privilege.

6. *Adverse actions.*

a. A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

b. A participating state may take adverse action based on significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action.

c. Nothing in this compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

d. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

e. A remote state shall have the authority to do all of the following:

(1) Take adverse actions as set forth in subsection 4, paragraph "d", against a licensee's compact privilege in the state.

(2) In furtherance of its rights and responsibilities under the compact and commission's rules, issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses, or the production of evidence from another participating 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 where the witnesses or evidence are located.

(3) If otherwise permitted by state law, recover from the licensee the costs of investigation and disposition of cases resulting from any adverse action taken against that licensee.

f. *Joint investigations.*

(1) In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states.

(2) Participating states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

g. *Authority to continue investigation.*

(1) After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state.

(2) If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by subsection 8, paragraph "b", subparagraph (6), as if it was significant investigative information.

7. *Establishment and operation of the commission.*

a. The compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in subsection 11, paragraph "a".

b. *Participation, voting, and meetings.*

(1) Each participating state shall have and be limited to one commissioner selected by the participating state's state licensing authority or, if the state has more than one state licensing authority, selected collectively by the state licensing authorities.

(2) The commissioner shall be a member or designee of such authority or authorities.

(3) The commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

(4) The commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner.

(5) A participating state's state licensing authority or authorities, as applicable, shall fill any vacancy of its commissioner on the commission within sixty days of the vacancy.

(6) Each commissioner shall be entitled to one vote on all matters that are voted upon by the commission.

(7) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means.

c. The commission shall have the following powers:

(1) Establish the fiscal year of the commission.

(2) Establish a code of conduct and conflict of interest policies.

(3) Adopt rules and bylaws.

(4) Maintain its financial records in accordance with the bylaws.

(5) Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws.

(6) Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of a state licensing authority to sue or be sued under applicable law shall not be affected.

(7) Maintain and certify records and information provided to a participating state as the authenticated business records of the commission, and designate a person to do so on the commission's behalf.

(8) Purchase and maintain insurance and bonds.

(9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a participating state.

(10) Conduct an annual financial review.

(11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(12) As set forth in the commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege.

(13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein.

(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(16) Establish a budget or make expenditures.

(17) Borrow money.

(18) Appoint committees, including standing committees, which may be composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(19) Provide and receive information from, and cooperate with, law enforcement agencies.

(20) Elect a chair, vice chair, secretary, and treasurer, and such other officers of the commission as provided in the commission's bylaws.

(21) Establish and elect an executive board.

(22) Adopt and provide to the participating states an annual report.

(23) Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in the compact.

(24) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

d. Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to this paragraph shall be open to the public. Notice of public meetings shall be posted on the commission's internet site at least thirty days prior to the public meeting.

(2) Notwithstanding subparagraph (1), the commission may convene an emergency public meeting by providing at least twenty-four hours prior notice on the commission's internet site, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection 9, paragraph "l". The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(3) Notice of all commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

(4) The commission may convene in a closed, nonpublic meeting for the commission to receive legal advice or to discuss any of the following:

(a) Noncompliance of a participating state with its obligations under the compact.

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority.

(d) Current, threatened, or reasonably anticipated litigation.

(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(f) Accusing any person of a crime or formally censuring any person.

(g) Trade secrets or commercial or financial information that is privileged or confidential.

(h) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(i) Investigative records compiled for law enforcement purposes.

(j) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(k) Legal advice.

(l) Matters specifically exempted from disclosure to the public by federal or participating state law.

(m) Other matters as promulgated by the commission by rule.

(5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(6) 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 therefore, 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 only by a majority vote of the commission or order of a court of competent jurisdiction.

e. 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 accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) 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 participating state, except by and with the authority of the participating state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

f. The executive board.

(1) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive board shall include all of the following:

(a) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules, and bylaws.

(b) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to the compact participating states, fees charged to licensees, and other fees.

(c) Ensuring compact administration services are appropriately provided, including by contract.

(d) Preparing and recommending the budget.

(e) Maintaining financial records on behalf of the commission.

(f) Monitoring compact compliance of participating states and providing compliance reports to the commission.

(g) Establishing additional committees as necessary.

(h) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw.

(i) Other duties as provided in the rules or bylaws of the commission.

(2) The executive board shall be composed of up to seven members:

(a) The chair, vice chair, secretary, and treasurer of the commission, and any other members of the commission who serve on the executive board shall be voting members of the executive board.

(b) Other than the chair, vice chair, secretary, and treasurer of the commission, the commission may elect up to three voting members from the current membership of the commission.

(3) The commission may remove any member of the executive board as provided in the commission's bylaws.

(4) The executive board shall meet at least annually.

(a) An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under paragraph "d", subparagraph (4).

(b) The executive board shall give five business days' notice of its public meetings, posted on its internet site and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings.

(5) The executive board may hold an emergency meeting when acting for the commission to do any of the following:

(a) Meet an imminent threat to public health, safety, or welfare.

(b) Prevent a loss of commission or participating state funds.

(c) Protect public health and safety.

g. Qualified immunity, defense, and indemnification.

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and 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 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. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee, and 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 as determined by the commission 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 shall be construed to prohibit that person from retaining counsel at that person's own expense; 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) Notwithstanding subparagraph (1), should any member, officer, executive director, employee, or representative of the commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the commission, or that the person to whom the individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the commission, the commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of the individual.

(4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

8. *Data system.*

a. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states.

b. Notwithstanding any other provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following:

- (1) Identifying information.
- (2) Licensure data.
- (3) Adverse actions against a licensee, license applicant, or compact privilege, and information related thereto.

(4) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation.

(5) Any denial of an application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law.

(6) The presence of significant investigative information.

(7) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

c. The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state.

d. Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states.

e. It is the responsibility of the participating states to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state.

f. Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

g. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system.

9. *Rulemaking.*

a. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact or the powers granted hereunder, or based upon another applicable standard of review.

b. The rules of the commission shall have the force of law in each participating state, provided however that where the rules of the commission conflict with the laws of the participating state that establish the participating state's scope of practice as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

c. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified by the commission for each rule.

d. If a majority of the legislatures of the participating states rejects a commission rule or portion of a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact, within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact.

e. Rules shall be adopted at a regular or special meeting of the commission.

f. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

g. Prior to adoption of a proposed rule by the commission, and at least thirty days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking as follows:

(1) On the internet site of the commission or other publicly accessible platform.

(2) To persons who have requested notice of the commission's notices of proposed rulemaking.

(3) In such other ways as the commission may by rule specify.

h. The notice of proposed rulemaking shall include all of the following:

(1) The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule.

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking.

(3) The text of the proposed rule and the reason for the proposed rule.

(4) A request for comments on the proposed rule from any interested person.

(5) The manner in which interested persons may submit written comments.

i. All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

j. Nothing in this subsection shall be construed as requiring a separate hearing on each commission rule. Rules may be grouped for convenience of the commission at hearings required by this section.

k. The commission shall, by a majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

(1) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purposes of the proposed rule.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in paragraph "l", the effective date of the rule shall be no sooner than thirty days after the commission issuing the notice that it adopted or amended the rule.

l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with twenty-four hours' notice, with opportunity to comment, and provided that the usual rulemaking procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, but 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 participating state funds.

(3) Meet a deadline for the promulgation of a rule that is established by federal law or rule.

(4) Protect public health and safety.

m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule 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.

n. No participating state's rulemaking requirements shall apply under this compact.

10. *Oversight, dispute resolution, and enforcement.*

a. *Oversight.*

(1) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(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. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process 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 participating state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other participating states.

c. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state 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.

d. Termination of participation in the 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, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority or authorities, as applicable, and each of the participating states' state licensing authority or authorities, as applicable.

e. A state that 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.

f. Upon the termination of a state's participation in this compact, that state shall immediately provide notice to all licensees of the state, including licensees of other participating states issued a compact privilege to practice within that state, of such termination. The terminated state shall continue to recognize all compact privileges then in effect in that state for a minimum of one hundred eighty days after the date of said notice of termination.

g. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

h. 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 where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

i. Dispute resolution.

(1) Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating states and nonparticipating states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

j. Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(2) By a majority vote, the commission may initiate legal action against a participating state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. 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 attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting participating state's law.

(3) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. 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 attorney fees.

(4) No individual or entity other than a participating state may enforce this compact against the commission.

11. Effective date, withdrawal, and amendment.

a. The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state.

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, who shall be known as charter participating states, to determine if the statute enacted by each such charter participating state is materially different from the model compact.

(a) A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in subsection 10.

(b) If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be less than seven.

(2) Participating states enacting the compact subsequent to the charter participating states shall be subject to the process set forth in subsection 7, paragraph "c", subparagraph (23), to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(4) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

b. Any participating state may withdraw from this compact by enacting a statute repealing the state's enactment of the compact.

(1) A participating state's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of one hundred eighty days after the date of such notice of withdrawal.

c. Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact.

d. This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states.

12. *Construction and severability.*

a. This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

b. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

c. Notwithstanding paragraph "b", the commission may deny a state's participation in the compact or, in accordance with the requirements of subsection 10, paragraph "b", terminate a participating state's participation in the compact, if it determines that a constitutional

requirement of a participating state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

13. *Consistent effect and conflict with other state laws.*

a. Nothing herein shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with the compact.

b. Any laws, statutes, regulations, or other legal requirements in a participating state in conflict with the compact are superseded to the extent of the conflict.

c. All permissible agreements between the commission and the participating states are binding in accordance with their terms.

Approved April 27, 2023

CHAPTER 25

PROFESSIONAL LAND SURVEYORS — LICENSURE REQUIREMENTS

S.F. 197

AN ACT relating to licensure requirements for professional land surveyors, and including effective date and applicability provisions.

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

Section 1. Section 542B.14, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. As a professional land surveyor:

(1) ~~(a) Graduation from a college course of two years or more in, which shall include mathematics, physical sciences, mapping and surveying, or engineering in a school or college basic science courses, and six years of practical experience, all of which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental land surveying subjects.~~

~~(b) However, prior to July 1, 1988, in lieu of compliance with subparagraph division (a), the board may accept eight years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental land surveying subjects.~~

(2) Successfully passing an examination in fundamental land surveying subjects which is designed to show the knowledge of general land surveying principles.

(3) In addition to any other requirement, a specific record of four years or more of practical experience in land surveying work which is of a character satisfactory to the board.

(4) Successfully passing ~~an examination~~ examinations designed to determine the proficiency and qualifications to engage in the practice of land surveying. ~~No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in land surveying work.~~

Sec. 2. EFFECTIVE DATE. This Act takes effect on July 1, 2023.

Sec. 3. APPLICABILITY. This Act applies to applications for a license as a professional land surveyor submitted on or after the effective date of this Act.

Approved April 28, 2023

CHAPTER 26

WEIGHT LIMITS ON VEHICLES OR AXLES — SCHEDULED VIOLATIONS — CHARGING PROCEDURE

S.F. 359

AN ACT relating to the charging procedure for scheduled violations for exceeding weight limits on an axle or vehicle.

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

Section 1. Section 805.8A, subsection 12, paragraph e, Code 2023, is amended to read as follows:

e. (1) ~~Violations of the schedule of axle, and tandem axle, and gross or group of axle axles, and gross weight violations limits in section 321.463 shall be scheduled violations subject to the uniform citation and complaint provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the scheduled fine under that schedule.~~

~~(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.~~

~~(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.~~

~~(2) In all cases of charges under the schedule of weight violations, the charge citation and complaint shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.~~

Approved April 28, 2023

CHAPTER 27

LIVESTOCK HEALTH AND DISEASES — ADVISORY COUNCIL AND FUND

S.F. 473

AN ACT relating to livestock health, by providing for the livestock health advisory council and livestock disease research fund.

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

Section 1. Section 267.1, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

267.1 Definitions.

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

1. "College of veterinary medicine" means the Iowa state university of science and technology college of veterinary medicine.

2. "Council" means the livestock health advisory council created pursuant to section 267.2.

3. "Fund" means the livestock disease research fund created in section 267.8.

4. "Livestock" means the same as defined in section 717.1.

5. "Member organization" means an organization appointing one or more members to the council pursuant to sections 267.2 and 267.3.

6. “*Producer*” means a person engaged in the business of producing livestock for profit.

Sec. 2. Section 267.2, Code 2023, is amended to read as follows:

267.2 Livestock health advisory council creation and membership.

~~1. There is a A livestock health advisory council, referred to in this chapter as the council is created to support research of livestock diseases conducted by the college of veterinary medicine.~~

~~2. The council shall consist of all of the following:~~

~~1. a. Three cattle producers appointed by the Iowa cattlemen’s association, one of whom shall serve an initial term of one year, and one of whom shall serve an initial term of two years.~~

~~2. b. Three swine producers appointed by the Iowa pork producers association, one of whom shall serve an initial term of one year.~~

~~3. c. One sheep producer appointed by the Iowa sheep producers association who shall serve an initial term of one year.~~

~~4. d. One poultry producer appointed by the Iowa north central poultry association who shall serve an initial term of two years.~~

~~5. e. One turkey producer appointed by the Iowa turkey federation who shall serve an initial term of three years.~~

~~6. f. One milk producer appointed by the Iowa state dairy association who shall serve an initial term of two years; and,~~

~~7. g. One practicing veterinarian appointed by the Iowa veterinary medical association.~~

Sec. 3. Section 267.3, Code 2023, is amended to read as follows:

267.3 Terms and vacancies — expenses and compensation prohibited.

~~1. Except as provided in section 267.2, each member of the council shall be appointed by a member organization for a three-year term beginning on July 1 of the year of appointment. No A member shall not serve more than two terms, including any portion of a term served pursuant to the filling of a vacancy. ~~Vacancies~~ A vacancy shall be filled by the appropriate member organization in the same manner as appointing a full-term ~~members~~ member.~~

~~2. A member of the council is not entitled to receive expenses incurred in the discharge of the member’s duties on the council. A member is also not entitled to receive compensation as otherwise provided in section 7E.6.~~

Sec. 4. Section 267.5, Code 2023, is amended to read as follows:

267.5 Duties and objectives of council.

The livestock health advisory council shall do all of the following:

~~1. Elect a chairperson and such other officers as it deems advisable. Officers of the council shall serve for terms of one year. No A member may shall not serve in any one office for more than two terms.~~

~~2. Hold a meeting twice each year at Iowa state university of science and technology. The council shall meet with the Iowa state university faculty of the college of veterinary medicine. Hold The council may hold other such meetings as the council may determine necessary, or as required by section 267.6. No An action taken by the council shall not be valid unless agreed to by a majority of the council members.~~

~~3. a. Make By the beginning of each fiscal year, make recommendations to the Iowa state university college of veterinary medicine concerning the application expenditure of funds appropriated to the college of veterinary medicine moneys in the fund.~~

~~b. The Iowa state university college of veterinary medicine shall not expend any of the funds appropriated by this chapter until the recommendation of the council concerning that appropriation is adopted or sixty days following the effective date of the appropriation, whichever is earlier The college of veterinary medicine shall not obligate moneys in the fund for a fiscal year until the council makes timely recommendations for the expenditure of those moneys for that fiscal year as required in paragraph “a”.~~

~~4. File an annual report with the secretary of agriculture.~~

Sec. 5. Section 267.7, Code 2023, is amended to read as follows:

267.7 Other funds moneys.

In addition to the funds appropriated to it by this chapter moneys in the fund, the Iowa state university college of veterinary medicine may accept grants, gifts, matching funds moneys, or any other funds moneys for research into the diseases of affecting livestock. The moneys may be from any source, public or private.

Sec. 6. Section 267.8, Code 2023, is amended to read as follows:

267.8 Livestock disease research fund.

There is created in the office of the treasurer of state a fund to be known as the livestock disease research fund. Moneys in the fund are appropriated for use by the college of veterinary medicine to conduct research of diseases affecting livestock. Any balance in said fund on June 30 of each fiscal year shall revert to the general fund.

Sec. 7. REPEAL. Section 267.4, Code 2023, is repealed.

Approved April 28, 2023

CHAPTER 28

WRITTEN LAW ENFORCEMENT MOTOR VEHICLE ACCIDENT REPORTS — AUTHORIZED RECIPIENTS

S.F. 490

AN ACT relating to persons authorized to receive a copy of a written accident report filed by a law enforcement officer.

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

Section 1. Section 321.271, subsection 2, Code 2023, is amended to read as follows:

2. All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, other law enforcement agencies, or the attorney general, on written request and the payment of a fee. However, the attorney general and the federal motor carrier safety administration shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer.

Approved April 28, 2023

CHAPTER 29
REGULATION OF BANKING

H.F. 136

AN ACT relating to matters under the purview of the banking division of the department of commerce, including permissible investments, notice requirements, and requirements for a person obtaining control of a state bank.

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

Section 1. Section 524.533, subsection 1, Code 2023, is amended to read as follows:

1. Written notice stating the place, day, and hour of a meeting of the shareholders and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than sixty days before the date of the meeting, ~~either personally or by mail~~, by or at the direction of the president, the cashier, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at the meeting. ~~If mailed, the notice is deemed to be delivered when deposited in the United States mail addressed to the shareholder at the shareholder's address as it appears on the stock transfer books of the state bank with postage prepaid.~~ As used in this section, the term "notice" means as defined in section 490.141. The written notice required by this section may be given by any method of delivery that is permitted in section 490.141, and the notice shall be deemed to be delivered when the notice becomes effective pursuant to section 490.141, subsection 9.

Sec. 2. Section 524.544, subsection 1, Code 2023, is amended to read as follows:

1. Whenever any person proposes to purchase or otherwise acquire directly or indirectly any of the outstanding shares of a state bank, and the proposed purchase or acquisition would result in control or in a change in control of the state bank, the person proposing to purchase or acquire the shares shall first apply in writing to the superintendent for a certificate of approval for the proposed change of control. The superintendent shall grant the certificate if the superintendent is satisfied that the person who proposes to obtain control of the state bank is qualified by character, experience, and financial responsibility to control and operate the state bank in a sound and legal manner, and that the interests of the depositors, creditors, and shareholders of the state bank, and of the public generally, particularly the state bank's plans to accept deposits from, lend money in, and process payments in the area the state bank primarily serves, will not be jeopardized by the proposed change of control. A person which will become a bank holding company upon completion of an acquisition shall make application to the superintendent for a certificate of approval as provided in this section. Any other bank holding company shall comply with section 524.1804 in lieu of seeking a certificate of approval under this section. In any situation where the president or cashier of a state bank has reason to believe any of the foregoing requirements have not been complied with, it shall be the duty of the president or cashier to promptly report in writing such facts to the superintendent upon obtaining knowledge thereof.

Sec. 3. Section 524.607, subsection 2, Code 2023, is amended to read as follows:

2. A special meeting may be called by any executive officer or a director. Notice of a meeting shall be given to each director, ~~either personally or by mail~~, at least two days in advance of the meeting. Notice of a regular meeting shall not be required if the articles of incorporation, bylaws, or a resolution of the board of directors provide for a regular monthly meeting date. As used in this section, the term "notice" means as defined in section 490.141. The written notice required by this section may be given by any method of delivery that is permitted in section 490.141, and the notice is deemed to be delivered when the notice becomes effective pursuant to section 490.141, subsection 9.

Sec. 4. Section 524.901, subsection 7, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Tax equity financing transactions in which a state bank provides equity financing to fund a project or projects that generate tax credits or other tax

benefits and the equity-based structure of the transaction permits the transfer of such tax credits or other tax benefits to the state bank. A state bank may take a majority financial position in a project, but shall be a passive investor and shall not take a management position. The investment of state bank funds in a tax credit-generating project are subject to the following restrictions:

(a) The state bank shall not participate in the operation of any project or facility resulting from such a transaction or the sale of energy, if any, derived from the project.

(b) The state bank shall obtain a legal opinion or otherwise demonstrate a good-faith determination that the tax credits or other tax benefits are available before engaging in a tax equity financing transaction.

(c) The tax credits, tax benefits, or other payments the state bank receives from the transaction shall repay the state bank's investment and provide the expected rate of return at the time of the investment.

(d) Except as provided under subparagraph division (c), the state bank shall not share in any appreciation in value of its interests in the project or in any of the real or personal assets associated with the project.

Sec. 5. Section 524.901, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. A state bank's total investment in any combination of the shares or equity interests of the entities identified in paragraph "a", subparagraphs (1) through ~~(5)~~ (6) shall be limited to ~~fifteen~~ twenty percent of its aggregate capital.

Sec. 6. Section 524.901, subsection 12, Code 2023, is amended by striking the subsection.

Sec. 7. Section 524.1308A, subsection 5, Code 2023, is amended to read as follows:

5. As used in this section, the term "notice" means as defined in section 490.141. The written notice required by subsection 2 may be given by any method of delivery that is permitted in section 490.141, and the notice is deemed to be delivered when the notice becomes effective pursuant to section 490.141, subsection 9.

Approved April 28, 2023

CHAPTER 30

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM — CODING AND CONTRIBUTIONS FOR SERVICE RECLASSIFIED AS A PROTECTION OCCUPATION

H.F. 138

AN ACT providing for membership in a protection occupation under the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

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

Section 1. Section 97B.49B, subsection 1, paragraph e, subparagraph (2), Code 2023, is amended to read as follows:

(2) A marshal in a city not covered under chapter 400 or a fire fighter or police officer of a city covered employer not participating in the retirement systems established in chapter 410 or 411.

Sec. 2. SERVICE RECLASSIFICATION. Notwithstanding any provision of law to the contrary, a member of the Iowa public employees' retirement system whose prior regular service position is reclassified by this Act as a protective occupation service position shall

have service by such member prior to the effective date of this Act coded as service in a protection occupation by the Iowa public employees' retirement system if certified by the employer of the member as constituting protection occupation service under this Act. Membership service shall be reclassified as provided by this Act without any requirement to pay additional contributions for the payment of the related actuarial costs of such reclassified service.

Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to membership service under the Iowa public employees' retirement system on or after July 1, 2017.

Approved April 28, 2023

CHAPTER 31

REGULATION OF ALCOHOLIC BEVERAGES — PRODUCT PLACEMENT AND INDUCEMENTS BY MANUFACTURERS AND WHOLESALERS

H.F. 158

AN ACT relating to alcohol beverage control concerning product placement and inducements by manufacturers and wholesalers of alcoholic liquor, wine, or beer.

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

Section 1. Section 123.186, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. The department shall adopt as rules the substance of 27 C.F.R. §6.99 to permit, only with the explicit consent of the retailer, a manufacturer or a wholesaler of alcoholic liquor, wine, or beer to reset or rearrange another manufacturer's or wholesaler's alcoholic beverage products.

NEW SUBSECTION. 2B. The department shall adopt as rules the substance of 27 C.F.R. §10.21 to prohibit a manufacturer or a wholesaler of alcoholic liquor, wine, or beer from offering or giving, directly or indirectly or through an affiliate, a retailer free trips, bonuses, or prizes based on sales of the manufacturer's or wholesaler's alcoholic beverage products.

Approved April 28, 2023

CHAPTER 32

CONTINUOUS SEXUAL ABUSE OF A CHILD

H.F. 176

AN ACT relating to continuous sexual abuse of a child, and making penalties applicable.

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

Section 1. Section 709.23, subsections 1, 2, 3, and 6, Code 2023, are amended to read as follows:

1. A person eighteen years of age or older commits continuous sexual abuse of a child when the person engages in any combination of three or more acts of sexual abuse ~~in violation of section 709.3 or 709.4~~, with the same child, and at least thirty days have elapsed between the first and last acts of sexual abuse.

2. A person who commits continuous sexual abuse of a child is, upon conviction, guilty of a class “B” felony. Notwithstanding section 902.9, subsection 1, paragraph “b”, a person convicted of a violation of this section ~~involving any combination of three or more acts of sexual abuse that includes a violation of section 709.3 or 709.4~~ shall be confined for no more than fifty years.

3. If a jury is the trier of fact, members of the jury must unanimously agree that three or more acts of sexual abuse ~~in violation of section 709.3 or 709.4~~ were committed with the same child and at least thirty days have elapsed between the first and last acts of sexual abuse. The jury does not need to unanimously agree which specific acts were committed or the exact date when those acts were committed.

6. Each act of sexual abuse committed under section 709.3 ~~or 709.4~~ shall be considered a lesser included offense to the crime of continuous sexual abuse of a child under this section.

Sec. 2. Section 902.12, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Continuous sexual abuse of a child in violation of section 709.23.

Approved April 28, 2023

CHAPTER 33

PRESCRIBING PSYCHOLOGISTS OR PSYCHOLOGISTS WITH A CONDITIONAL PRESCRIPTION CERTIFICATE — REQUIREMENTS

H.F. 183

AN ACT relating to the requirements for a prescribing psychologist or a psychologist with a conditional prescription certificate.

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

Section 1. Section 154B.1, subsections 3 and 5, Code 2023, are amended to read as follows:

3. “*Collaborative relationship*” means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a ~~licensed physician in the provision of patient primary care provider as defined in section 280A.1 who oversees the patient’s general medical care~~, including diagnosis and cooperation in the management and delivery of physical and mental health care.

5. “*Physician*” means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state ~~who is board-certified~~ in family medicine, internal medicine, pediatrics, psychiatry, or another specialty who prescribes medications for the treatment of a mental disorder to patients in the normal course of the person’s clinical medical practice pursuant to joint rules adopted by the board of psychology and the board of medicine.

Sec. 2. Section 154B.10, subsection 1, paragraphs d and e, Code 2023, are amended to read as follows:

d. ~~Within five years immediately preceding the date of application, successfully~~ Successfully completed a postdoctoral master of science degree in clinical

psychopharmacology approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards. The program shall at a minimum include coursework in neuroscience, pharmacology, psychopharmacology, physiology, and appropriate and relevant physical and laboratory assessments.

~~e. Within five years immediately preceding the date of application, has~~ Has been certified by the applicant's supervising physician as having successfully completed a supervised and relevant clinical experience in clinical assessment and pathophysiology and an additional supervised practicum treating patients with mental disorders. The practica shall have been supervised by a trained physician. The board of psychology and the board of medicine, pursuant to joint rules adopted by the boards, shall determine sufficient practica to competently train the applicant in the treatment of a diverse patient population.

Sec. 3. Section 154B.12, subsection 2, Code 2023, is amended to read as follows:

2. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the ~~licensed physician~~ primary care provider as defined in section 280A.1 who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition, and significant changes in the patient's medical or psychological condition are discussed.

Approved April 28, 2023

CHAPTER 34

DEVELOPMENT OF OR UPDATES TO ELECTRIC POWER GENERATION FACILITY EMISSION PLANS AND PROJECTS

H.F. 248

AN ACT relating to electric power generating facility emission plans and projects, and including effective date and applicability provisions.

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

Section 1. Section 476.6, subsection 19, paragraph a, Code 2023, is amended to read as follows:

a. It is the intent of the general assembly that the state, through a collaborative effort involving state agencies and affected generation owners, provide for compatible statewide environmental and electric energy policies with respect to regulated emissions from rate-regulated electric power generating facilities in the state that are fueled by coal. Each rate-regulated public utility that is an owner of one or more electric power generating facilities fueled by coal and located in this state ~~on July 1, 2001, shall~~ may develop a multiyear plan and budget or update an existing plan and budget for managing regulated emissions from its facilities in a reasonably cost-effective manner as provided in this subsection.

(1) ~~The initial multiyear plan and budget shall be filed with the board by April 1, 2002. Updates to the plan and budget shall be filed at least every twenty-four months. A rate-regulated public utility in this state that is an owner of one or more electric power generating facilities fueled by coal may, in its sole discretion, file an update to a multiyear plan. The update may seek advanced review and approval of cost recovery for pollution and emissions control projects useful for managing the environmental regulatory requirements for pollutants or other emissions from such facilities in a reasonably cost-effective manner.~~

(2) Copies of the ~~initial~~ plan and budget, as well as any subsequent updates, shall be served on the department of natural resources.

(3) The initial multiyear plan and budget and any subsequent updates shall be considered. The board shall consider the plan or update in a contested case proceeding pursuant to chapter 17A. The department of natural resources and the consumer advocate shall participate as parties to the proceeding.

(3) A rate-regulated public utility electing to seek advanced review of an emissions control project shall submit an application for advanced review before the anticipated start of construction or installation of the project. If an electric power generating facility is owned by two or more rate-regulated public utilities, the operator of the electric power generating facility may file the application on behalf of all rate-regulated public utility owners.

(4) The department of natural resources shall state whether the plan or update meets applicable state environmental requirements for regulated emissions. If the plan or update does not meet these requirements, the department shall recommend amendments that outline actions necessary to bring the plan or update into compliance with the environmental requirements.

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

Sec. 3. APPLICABILITY. This Act applies to electric power generating facility emission plans or updates filed on or after the effective date of this Act.

Approved April 28, 2023

CHAPTER 35

VIDEO SERVICES FRANCHISES

H.F. 250

AN ACT relating to the application for a certificate of franchise authority applicable to the provision of video services and including effective date provisions.

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

Section 1. Section 477A.1, subsection 16, Code 2023, is amended to read as follows:

16. "Video service" means video programming services provided by a competitive video service provider through wireline facilities owned, controlled, constructed, or operated by the provider of such video service and located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology. "Video service" does not include any video of the following:

a. Video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. §332, or cable.

b. Cable service provided by an incumbent cable provider or a competitive cable service provider or any.

c. Video programming provided by a provider of direct-to-home satellite services as defined in 47 U.S.C. §303(v) and that are transmitted from a satellite directly to a customer's premises without using or accessing any portion of the public right-of-way.

d. Any video programming provided solely as part of, and accessed via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet, including digital audio-visual works.

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

Approved April 28, 2023

CHAPTER 36

REGULATION OF LIFE INSURANCE COMPANIES — INVESTMENTS

H.F. 271

AN ACT relating to investments of funds by life insurers, and including applicability provisions.

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

Section 1. Section 508.13, subsection 1, Code 2023, is amended to read as follows:

1. On receipt of an application for a certificate of authority or renewal of a certificate of authority, ~~the appropriate fees, the deposit provided in section 511.8, subsection 16, and the statement,~~ and the statement and evidence of investment of foreign companies, the commissioner of insurance shall issue a certificate or a renewal of a certificate setting forth the corporate name of the company, its home office, that it has fully complied with the laws of the state and is authorized to transact the business of life insurance for the ensuing year, which certificate shall expire on the first day of June of the ensuing year, or sooner upon thirty days' notice given by the commissioner, of the next annual valuation of its policies.

Sec. 2. Section 508.14, subsections 1 and 3, Code 2023, are amended to read as follows:

1. Upon a failure of a company organized under the laws of this state to ~~make the deposit provided in section 511.8, subsection 16,~~ or file the statement in the time stated in section 508.11, or to file in a timely manner any financial statement required by rule of the commissioner of insurance, the commissioner of insurance shall notify the attorney general of the default, ~~who~~ and the attorney general shall at once apply to the district court of the county where the home office of the company is located for an order requiring the company to show cause, upon reasonable notice ~~to be fixed as determined by the court,~~ why ~~its the company's~~ business shall not be discontinued. If, upon the hearing, sufficient cause is not shown, the court shall decree ~~its the dissolution of the company.~~

3. The commissioner may give notice to a company, ~~which that~~ that has failed to file evidence of deposit and all of the company's delinquent statements within the required time fixed, that the company is in violation of this section. If the company fails to ~~file evidence of deposit and all of the company's delinquent statements~~ file evidence of deposit within ten days of the date of the notice, the company ~~is shall be~~ subject to an additional administrative penalty of one hundred dollars for each day the failure continues.

Sec. 3. Section 508.29, Code 2023, is amended to read as follows:

508.29 Authority to write other insurance.

~~1.~~ Any life insurance company organized on the stock or mutual plan, ~~and that is~~ authorized by ~~its the company's~~ the company's charter or articles of incorporation ~~so to do,~~ may in addition to such life insurance, insure, either individually or on the group plan, the health of persons and against personal injuries, disablement or death, resulting from traveling or general accidents by land or water, and insure employers against loss in consequence of accidents or casualties of any kind to employees or other persons, or to property resulting from any act of the employee or any accident or casualty to persons or property, or both, occurring in or connected with ~~the transaction of their~~ transacting the employer's business, or from the operation of any machinery connected ~~therewith~~ with transacting the employer's business, but nothing contained in this section shall be construed to authorize any life insurance

company to insure against loss or injury to person, or property, or both, growing out of explosion or rupture of steam boilers. An insurer may contract with health care service providers and offer different levels of benefits to policyholders based upon the provider contracts.

~~2. A company insuring risks authorized by this section shall invest or hold in cash, funds equal to seventy-five percent of the aggregate reserves and policy and contract claims for such risks. Investments required by this subsection shall only be made in securities enumerated in section 511.8, and are subject to the same limitations as provided for the investment of legal reserve, and are subject to section 511.8, subsections 16, 17, and 21.~~

Sec. 4. Section 508C.8, subsection 9, paragraph c, Code 2023, is amended to read as follows:

c. Borrow money to effect the purposes of this chapter. Any notes or other evidence of indebtedness of the association held by domestic insurers and not in default qualify as investments eligible for deposit under section 511.8, ~~subsection 16.~~

Sec. 5. Section 511.8, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

511.8 Investment of funds.

1. *Definitions.* As used in this section unless the context otherwise requires:

a. “*Accounting practices and procedures manual*” means the most recent edition of the national association of insurance commissioner’s accounting practices and procedures manual.

b. “*Admitted assets*” means the assets permitted to be reported as admitted assets on an insurer’s most recent statutory financial statement required to be filed with the commissioner. “*Admitted assets*” shall include reinsurance funds withheld. “*Admitted assets*” shall not include assets held in nonguaranteed separate accounts.

c. “*Affiliate of*” means the same as defined in section 521A.1.

d. “*Business entity*” means a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or other similar form of business organization, whether organized for-profit or not-for-profit.

e. “*Capital and surplus*” means the sum of capital and surplus of an insurer that is required to be shown on an insurer’s most recent statutory financial statement required to be filed with the commissioner.

f. “*Collateral loan*” means an unconditional obligation for the payment of money that is secured by the pledge of any assets or investments permitted under this section. A collateral loan cannot be a mortgage loan, rated credit instrument, or other debt security as defined in this subsection.

g. “*Commissioner*” means the commissioner of insurance.

h. “*Equity interest*” means any of the following:

- (1) A common stock.
- (2) A trust certificate.
- (3) An equity investment in an investment company other than an SVO-listed fixed income or preferred stock fund.
- (4) An investment in a common trust fund with a bank that is regulated by a federal or state agency as trustee.
- (5) An ownership interest in minerals, oil, or gas, the rights to which have been separated from the underlying fee interest in the real estate where the minerals, oil, or gas are located.
- (6) An instrument that is mandatorily, or at the option of the issuer, convertible to equity.
- (7) A limited partnership interest or a general partnership interest as authorized under subsection 4.
- (8) An ownership interest in a limited liability company.
- (9) A warrant or other right to acquire an ownership interest that is created by the person that either owns or will issue the ownership interest to be acquired.
- (10) An investment categorized as an equity interest under subsection 5.

i. “*Foreign investment*” means an investment in a foreign jurisdiction, or an investment in an entity, real estate, or asset domiciled in a foreign jurisdiction. “*Foreign investment*” shall not include any of the following:

(1) An asset for which the issuing person or guarantor is the United States or Canada, or is domiciled in the United States or Canada.

(2) An asset for which the issuing person is domiciled in a foreign jurisdiction that has a sovereign debt rating of SVO 1, and the issuing person is a fund or other investment vehicle that invests, directly or indirectly, substantially all of its assets in investments which are not foreign investments. If an insurer invests in an asset under this subparagraph, the commissioner may require the insurer to disclose to the commissioner the investments held by the fund or other investment vehicle.

j. “*Hedging transaction*” means a derivative transaction entered into and maintained by an insurer to reduce any of the following:

(1) The risk of a change in the value, yield, price, cash flow, or quantity of assets or liabilities which the insurer has acquired or incurred, or anticipates acquiring or incurring.

(2) Currency exchange rate risk or the degree of exposure as to assets or liabilities that the insurer has acquired or incurred, or anticipates acquiring or incurring.

k. “*Income generation transaction*” means a derivative transaction that involves writing a covered call option, covered put option, covered cap, or covered floor, and that is intended to generate income or enhance return.

l. “*Insurer*” means a company organized as a life insurance company under chapter 508.

m. “*Investment company*” means an investment company as defined in section 3(a) of the federal Investment Company Act of 1940, as amended, and as codified at 15 U.S.C. §§80a-3 et seq., and a person described in section 3(c) of the federal Investment Company Act.

n. “*Investment subsidiary*” means a subsidiary of an insurer that is engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer.

o. “*Lower grade investment*” means a rated credit instrument that is designated 4, 5, or 6 by the SVO.

p. “*Medium grade investment*” means a rated credit instrument that is designated 3 by the SVO.

q. “*Mortgage loan*” means an obligation secured by a mortgage, deed of trust, trust deed, or other consensual lien on real estate. “*Mortgage loan*” includes a leasehold estate in real property if fifty years or more of the term, including renewals, is unexpired.

r. “*NAIC*” means the national association of insurance commissioners.

s. “*Nonguaranteed separate account*” means a separate account for which the insurer’s general account bears no risk related to performance of the separate account assets.

t. “*Other debt security*” means an investment in the form of a debt security that does not qualify as a bond, however, the investment does qualify as an admissible asset under the accounting practices and procedures manual.

u. “*Person*” means an individual, a business entity, a multilateral development bank, or a governmental or quasi-governmental body such as a political subdivision or a government-sponsored enterprise.

v. “*Rated credit instrument*” means an investment that is qualified as a bond under the accounting practices and procedures manual, such as evidence of indebtedness of a governmental unit or the instrumentality of the governmental unit, or of a private business entity. “*Rated credit instrument*” includes asset-backed securities, bank loans, and SVO-listed funds that have a SVO designation, and that qualify as a bond under the manual.

w. “*Real estate*” means any of the following:

(1) Real property.

(2) Interests in real property such as leaseholds, and minerals, oil, and gas that have not been separated from the underlying fee interest.

(3) Improvements and fixtures located on or in the real property.

(4) The buyer’s equity in a contract providing for a sale of real estate.

(5) An investment categorized as real estate under subsection 5.

x. “*Replication transaction*” means a derivative transaction entered into in conjunction with other investments in order to reproduce the investment characteristics of otherwise

permissible investments. “*Replication transaction*” does not include a derivative transaction that is entered into as a hedging transaction.

y. “*Securities valuation office*” or “*SVO*” means the securities valuation office of the NAIC, or a successor entity.

z. “*Short-term investment*” means a highly liquid investment or security that has a remaining term of maturity between ninety days and three hundred sixty-five days, and that is qualified as a short-term investment under the accounting practices and procedures manual.

2. *Prudence evaluation criteria.*

a. For all investments under this section, an insurer shall perform the insurer’s duties in good faith and with the degree of care that persons of reasonable prudence in a similar position exercise in a similar circumstance. The following factors shall be evaluated by the insurer and considered along with the insurer’s business to determine if an investment portfolio or an investment policy is prudent:

- (1) General economic conditions.
- (2) The expected tax consequences of an investment decision or strategy.
- (3) The fairness and reasonableness of the terms of an investment in relation to the investment’s risk and reward characteristics.
- (4) The effect of an investment on the characteristics of the insurer’s investment portfolio as a whole.
- (5) The extent of the diversification of the insurer’s investments among all of the following:
 - (a) Individual investments.
 - (b) Classes of investments.
 - (c) Industry concentrations.
 - (d) Issuers.
 - (e) Geographic areas.
- (6) The economic substance of investments in affiliates.
- (7) The investment exposure to each of the following risks, consistent with the insurer’s acceptable risk level identified under subsection 3:
 - (a) Liquidity.
 - (b) Credit and default.
 - (c) Market.
 - (d) Interest rate, including duration and convexity.
 - (e) Currency.
- (8) The amount of the insurer’s assets, premium writings and insurance in force, level of capitalization, and other appropriate characteristics.
- (9) The amount and adequacy of the insurer’s reported liabilities.
- (10) The relationship, and the risk of adverse changes, of the expected cash flows of the insurer’s assets and liabilities.
- (11) The relationship, and the risk of adverse changes, of the valuation of the insurer’s assets and liabilities.
- (12) The insurer’s level of expertise with various types of investments.
- (13) The ability of the insurer to model the underlying risks of an investment, with the modeling commensurate with the complexity of the investment.
- (14) The overall maturity of the insurer’s enterprise risk management and investment risk management frameworks.
- (15) The adequacy of the insurer’s capital and surplus to secure the liabilities of the insurer in consideration of the risk and potential magnitude of adverse experience or economic conditions.
- (16) The professional standards required by the insurer for the individuals who make day-to-day investment decisions on behalf of the insurer.
- (17) Any other factors relevant to whether an investment is prudent.

b. The commissioner shall consider each of the factors in paragraph “a”, subparagraphs (1) through (17), prior to making a determination that an insurer’s investment portfolio or investment policy is not prudent.

3. *Insurer investment policies.* In acquiring, investing, exchanging, holding, selling, and managing investments, an insurer shall establish and follow one or more written investment policies that shall be annually reviewed and approved by the insurer’s board of directors

or the board of directors' designee. The content and format of an insurer's investment policies are at the insurer's discretion; however, the investment policies must include written guidelines and controls appropriate to the insurer's business. An insurer shall consider all of the following:

a. Permissible asset types, including maximum or minimum internal limits regarding the composition of classes of investments.

b. Periodic evaluation of the investment portfolio as to the portfolio's risk and reward characteristics.

c. The relationship of investments to the insurer's insurance products and liabilities.

d. The manner in which the insurer intends to implement subsection 2.

e. The appropriate level of risk, based on quantitative measures, given the level of capitalization and expertise available to the insurer.

4. *Prohibited investments.* An insurer shall not, directly or indirectly, do any of the following:

a. Except as provided in subsection 5, invest in an obligation or security, or make a guarantee for the benefit of or in favor of an officer or director of the insurer.

b. Except as provided in chapter 521A or subsection 5, invest in an obligation or security of, make a guarantee for the benefit of or in favor of, or make other investments in, a business entity in which ten percent or more of the voting securities or equity interests are owned directly or indirectly by or for the benefit of one or more officers or directors of the insurer.

c. Engage on the insurer's own behalf, or through one or more affiliates, in a transaction or series of transactions intended to evade the prohibited investments under this subsection.

d. Act or invest as a general partner, with the following exceptions:

(1) If all other partners in the partnership are subsidiaries of the insurer.

(2) For the purpose of any of the following:

(a) Meeting cash calls committed to by the partnership prior to July 1, 2023.

(b) Completing specific projects or activities of the partnership in which the insurer was a general partner before July 1, 2023, and that had been undertaken before July 1, 2023.

(c) Making capital improvements to property owned by the partnership before July 1, 2023, if the insurer was a general partner before July 1, 2023.

e. Notwithstanding paragraphs "c" and "d", a subsidiary or an affiliate of an insurer shall not be prohibited from acting or investing as a general partner.

f. (1) Invest in or lend the insurer's funds upon the security of shares of the insurer's own stock, except that an insurer may acquire shares of its own stock for any of the following purposes:

(a) Conversion of a stock insurer into a mutual or reciprocal insurer, or a mutual or reciprocal insurer into a stock insurer.

(b) Issuance to the insurer's officers, employees, or agents in connection with a plan for converting a publicly held insurer into a privately held insurer, as approved by the commissioner under section 508B.7, or in connection with other stock option and employee benefit plans.

(c) In accordance with any other plan approved by the commissioner.

(2) Stocks acquired by an insurer under subparagraph (1) shall not be admitted assets of the insurer.

5. *Valuation and categorization of investments.*

a. Unless otherwise specified in this section, the valuation and categorization of, or the amount of, an insurer's investment acquired or held under subsections 6 through 20, shall be the classification and value at which the assets of an insurer are required to be reported for statutory accounting purposes, as determined in accordance with the accounting and valuation standards of the NAIC including all of the following:

(1) The most recently published purposes and procedures manual of the NAIC investment analysis office, or any successor purposes and procedures adopted by the NAIC investment analysis office.

(2) The most recently published valuation of securities manual, or any successor valuation of securities procedures adopted by the NAIC.

(3) The most recently published accounting practices and procedures manual, or any successor accounting practices and procedures adopted by the NAIC.

(4) The most recently published annual statement instructions, or any successor annual statement instructions adopted by the NAIC.

(5) Any successor valuation procedures adopted by the NAIC.

b. Upon approval of the commissioner, an insurer's investment in the equity interests of a business entity whose primary purpose is to directly or indirectly invest in and maintain assets and investments on behalf of the insurer and the insurer's affiliates, or on behalf of the insurer or the insurer's affiliates, may be deemed to be the insurer itself investing in such assets and investments of the business entity based on the insurer's pro-rata equity interest in the business entity.

6. *General five-percent diversification.*

a. Except as otherwise specified in this section, an insurer shall not directly or indirectly acquire an investment under this section if, as a result of and after giving effect to the investment, the insurer will hold more than five percent of the insurer's admitted assets in investments of all kinds issued, assumed, accepted, insured, or guaranteed by a single person.

b. Notwithstanding paragraph "a", an insurer shall not acquire an asset-backed security if, as a result of and after giving effect to the investment, the aggregate amount of asset-backed securities secured by or evidencing an interest in a single asset or single pool of assets held by a trust or other business entity then held by the insurer will exceed five percent of the insurer's admitted assets.

c. Notwithstanding paragraph "a", an insurer shall not acquire a mortgage loan under subsection 12 if, as a result of and after giving effect to the investment, the aggregate amount of mortgage loans covering any one secured location will exceed five percent of the insurer's admitted assets.

7. *Medium and lower grade investments.*

a. An insurer shall not acquire an investment under this section, including counterparty exposure net of collateral held, if, as a result of and after giving effect to the investment any of the following apply:

(1) The aggregate amount of medium and lower grade investments then held by the insurer will exceed twenty percent of the insurer's admitted assets.

(2) The aggregate amount of lower grade investments then held by the insurer will exceed ten percent of the insurer's admitted assets.

(3) The aggregate amount of investments designated 5 or 6 by the SVO then held by the insurer will exceed three percent of the insurer's admitted assets.

(4) The aggregate amount of investments designated 6 by the SVO then held by the insurer will exceed one percent of the insurer's admitted assets.

b. An insurer shall not acquire an investment under this section, including counterparty exposure net of collateral held, if, as a result of and after giving effect to the investment all of the following apply:

(1) The aggregate amount of medium and lower grade investments issued, assumed, guaranteed, accepted, or insured by any one person or, as to asset-backed securities secured by or evidencing an interest in a single asset or pool of assets, then held by the insurer will exceed one percent of the insurer's admitted assets.

(2) The aggregate amount of lower grade investments issued, assumed, guaranteed, accepted, or insured by any one person or, as to asset-backed securities secured by or evidencing an interest in a single asset or pool of assets, then held by the insurer will exceed one-half of one percent of the insurer's admitted assets.

c. If an insurer attains or exceeds the limit of any one designation category under this subsection, the insurer shall not be precluded from acquiring investments in other designation categories, subject to the specific and multi-category limits applicable to each of those investments.

8. *Cash or cash equivalents.* An insurer may acquire, without limitation, cash and cash equivalents as such terms are defined in the accounting practices and procedures manual.

9. *Rated credit instruments and short-term investments.* An insurer may acquire the following rated credit instruments and short-term investments subject to all of the following:

a. The following credit instruments acquired under this subsection shall be subject to subsection 6, paragraphs "b" and "c", and to subsection 7:

(1) Credit instruments issued, assumed, guaranteed, or insured by the United States or Canada.

(2) Credit instruments issued, assumed, guaranteed, or insured by a government-sponsored enterprise of the United States or Canada, if the credit instruments are assumed, guaranteed, or insured by the United States or Canada, or are otherwise backed or supported by the full faith and credit of the United States or Canada.

(3) Credit instruments, excluding asset-backed securities that are any of the following:

(a) Issued, assumed, guaranteed, or insured by a government-sponsored enterprise of a government other than the United States or Canada.

(b) Issued, assumed, guaranteed, or insured by a state, if the instruments are general obligations of the state.

b. Short-term investments acquired under this subsection shall be subject to subsection 6.

c. All other rated credit instruments acquired under this subsection shall be subject to subsections 6 and 7.

d. Foreign investments acquired under this subsection shall be subject to subsection 15.

10. *Equity interests.* An insurer may acquire equity interests subject to all of the following:

a. An insurer shall not acquire an investment under this subsection, if, as a result of and after giving effect to the investment the aggregate amount of investments then held by the insurer will exceed ten percent of the insurer's admitted assets.

b. Foreign investments acquired under this subsection shall be subject to subsection 15.

c. Equity interests in subsidiary corporations, as authorized by section 508.33, shall be eligible investments if the total investment does not exceed five percent of the insurer's admitted assets. Upon application to and approval of the commissioner, an insurer may acquire additional equity interests in direct or indirect subsidiary insurance companies that are domiciled in the United States, not to exceed an additional two percent of the insurer's admitted assets.

d. In addition to the investments authorized in paragraphs "a", "b", and "c", an insurer may acquire equity interests in subsidiary entities as permitted by, and as subject to the limitations of, section 521A.2.

11. *Tangible personal property.*

a. An insurer may acquire obligations secured by tangible personal property that is under contract of sale or lease for which contractual payments may reasonably be expected to return the principal of, and provide earnings on, the investment within the anticipated useful life of the tangible personal property.

b. An insurer shall not acquire an obligation under paragraph "a", if, as a result of and after giving effect to the investment, the aggregate amount of investments then held by the insurer under this subsection will exceed either of the following:

(1) Two percent of the insurer's admitted assets.

(2) One-half of one percent of the insurer's admitted assets as to any single item of tangible personal property.

12. *Mortgage loans.*

a. An insurer may acquire obligations secured by a mortgage or deed of trust that is a first or second lien upon otherwise unencumbered real estate, or upon leasehold estates in real property if fifty years or more of the term including renewals is unexpired, or other similar instruments, including mezzanine loans provided all of the following apply:

(1) The amount loaned by the insurer, together with any amount secured by an equal or prior security interest, whether of the insurer or another party, does not exceed ninety percent of the appraised value of the real estate and improvements at the time the insurer makes the investment, as evidenced by a current qualified external appraisal or an internal appraisal conducted using standards comparable to an external appraisal.

(2) The amount of an obligation required to be included in the calculation of the loan-to-value ratio may be reduced to the extent the obligation is insured or guaranteed by an agency of the United States government.

(3) A mezzanine loan acquired under this subsection shall not exceed four percent of an insurer's admitted assets.

b. This subsection shall not be construed to prevent any amount invested under this subsection that exceeds ninety percent of the appraised value of the real estate from being

an authorized asset under subsection 10, paragraph “a”, or subsection 20, subject to the limitations of subsection 10, paragraph “a”, and subsection 20.

13. *Real estate.* An insurer may acquire real estate either directly or through certificates evidencing participation with other investors.

a. An insurer may acquire real estate required for the insurer’s home offices, or to be otherwise occupied by the insurer or the insurer’s employees in transacting the insurer’s business, and the insurer may lease any unused space to other occupants. The value of an insurer’s investments under this paragraph shall not exceed ten percent of the insurer’s admitted assets.

b. Excluding investments under paragraph “a”, an insurer’s investments under this subsection shall not exceed fifteen percent of the insurer’s admitted assets.

c. An insurer’s aggregate investments under this subsection and subsection 12 shall not exceed forty-five percent of the insurer’s admitted assets.

14. *Securities lending, repurchase, reverse repurchase, and dollar roll transactions.* An insurer may enter into securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, provided that the insurer’s board of directors, or the board of directors’ designee, adopts a written plan that is consistent with the insurer’s investment policies under subsection 3, and that specifies guidelines and objectives including all of the following:

a. A description of how any cash received will either be invested or used for the insurer’s general corporate purposes.

b. Operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from repurchase transactions may be used in the ordinary course of business, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction.

c. The extent to which the insurer may engage in transactions under this subsection.

15. *Foreign investments.* An insurer may acquire foreign investments, or engage in investment practices with persons or business entities of or in foreign jurisdictions of substantially the same types as those investments that an insurer is permitted to acquire under this subsection, if, as a result and after giving effect to the investment the following apply:

a. The aggregate amount of foreign investments then held by the insurer under this subsection does not exceed twenty percent of the insurer’s admitted assets.

b. The aggregate amount of foreign investments under this subsection then held by the insurer in a single foreign jurisdiction that has a sovereign debt rating of SVO 1 does not exceed ten percent of the insurer’s admitted assets, or does not exceed three percent of the insurer’s admitted assets as to any other foreign jurisdiction.

c. Investments acquired under this subsection shall be aggregated with investments of the same type made in a similar manner under any other subsection of this section for purposes of determining compliance with any limitations contained in any other subsection of this section.

d. This subsection shall not authorize investments issued, assumed, or guaranteed by a foreign government which has engaged in a consistent pattern of gross violations of human rights.

16. *Derivative transactions.* An insurer may engage in derivative transactions if the insurer complies with all of the following conditions:

a. The insurer shall include all counterparty exposure amounts, net of collateral held, in determining compliance with the limitations of subsections 6 and 7.

b. The insurer shall have sufficient experience with derivatives such that the insurer’s performance and procedures reflect all of the following:

(1) That the insurer has a successful history of adequately identifying, measuring, monitoring, and limiting exposures associated with derivative transactions.

(2) That the insurer has adequate corporate controls over the activities in subparagraph (1).

(3) That the insurer has sufficient staff who are knowledgeable, competent, and skilled in the use of the sophisticated financial instruments necessary to execute subparagraph (1).

c. Prior to engaging in a derivative transaction under this subsection, the insurer shall develop guidelines and internal control procedures pursuant to rules promulgated by the commissioner.

d. An insurer may use derivative instruments to engage in any of the following:

(1) Hedging transactions, provided that the insurer shall be able to demonstrate the intended hedging characteristics and the ongoing effectiveness of the derivative transaction or combination of transactions through cash flow testing or other appropriate analysis.

(2) Income generation transactions, provided that the transaction is one of the following:

(a) A sale of a call option on assets, if during the entire period the option is outstanding, the insurer holds, or has a currently exercisable right to acquire, the underlying assets.

(b) A sale of a put option on assets, if during the entire period the option is outstanding, the insurer holds sufficient short-term liquidity to purchase the underlying assets on exercise of the option, the insurer has the ability to hold the underlying assets in the insurer's portfolio, and the total market value of the put options sold by the insurer does not exceed two percent of the insurer's admitted assets.

(c) A sale of a covered cap or floor, if the insurer holds in the insurer's portfolio the investments generating the cash flow necessary to make the required payments under the cap or floor during the complete term that cap or floor is outstanding.

(3) Replication transactions, provided that all of the following apply:

(a) The insurer is otherwise authorized to invest in the asset being replicated.

(b) The asset being replicated is subject to this section as if the transaction constitutes a direct investment by the insurer in the replicated asset.

(c) The transaction is filed timely with the SVO as a replicated synthetic asset transaction.

17. *Policy loans.* An insurer may make a loan on any of the insurer's policies in an amount not to exceed the reserve that the insurer is required to maintain on the policy on which a loan is made.

18. *Preferred stock.* An insurer may acquire preferred stock, if, as a result of and after giving effect to the investment, the aggregate amount of preferred stock held by the insurer does not exceed twenty-five percent of the insurer's admitted assets, and the aggregate amount of preferred stocks held by the insurer that are not designated P1 or P2 by the SVO does not exceed ten percent of the insurer's admitted assets.

19. *Collateral loans and other debt securities secured by collateral.* An insurer may acquire collateral loans or other debt securities secured by collateral consisting of any assets or investments permitted under this section, provided that the amount of the loan is not in excess of ninety percent of the value of the collateral. For the purpose of determining compliance with the quantitative limits in this subsection, the collateral pledged to the insurer shall be aggregated with the insurer's direct investments.

20. *Additional authorized investments.* An insurer may acquire investments not otherwise authorized under this section, or that exceed the limitation of this section in an amount in the aggregate not exceeding ten percent of the insurer's admitted assets.

a. Investments authorized under this subsection shall not include investments prohibited under subsection 4.

b. An insurer shall not make investments under this subsection if the insurer fails to maintain at least company action level risk-based capital as defined by the NAIC.

c. This subsection shall not be construed to permit any asset not allowed as an admitted asset under the requirements of the accounting practices and procedures manual to be considered an admitted asset under this section.

21. *Application of limitations.* An investment qualified, in whole or in part, for acquisition or holding as an admitted asset may be qualified or requalified, in whole or in part, by the insurer at either the time of acquisition or a later date under any subsection of this section if the relevant conditions contained in the applicable subsection are satisfied at the time of the insurer's qualification or requalification.

22. *Rules.* The commissioner may adopt rules pursuant to chapter 17A to administer this section.

23. *Enforcement.* Investments not conforming to this section shall not be admitted assets. The commissioner may take any enforcement action under the commissioner's authority to enforce compliance with this section.

Sec. 6. Section 511.8A, Code 2023, is amended to read as follows:

511.8A Agricultural land.

Agricultural land, as defined in section 9H.1, acquired as ~~provided in section 511.8, subsection 10, paragraph "b",~~ a result of foreclosure or in settlement or in satisfaction of any indebtedness by a life insurance company or association incorporated by or organized under the laws of this or any other state, shall be sold or otherwise disposed of by the company or association within five years after title is vested in the company or association. A life insurance company or association is a corporation for purposes of chapter 9H.

Sec. 7. Section 512B.21, Code 2023, is amended to read as follows:

512B.21 Investments.

A society shall invest ~~its~~ the society's funds only as authorized by the laws of this state for the investment of assets of life insurers and subject to the same limitations. A foreign or alien society permitted or seeking to do business in this state which invests its funds in accordance with the laws of the state or nation in which it ~~the foreign or alien society~~ is incorporated, shall be held to meet the requirements of this section for the investment of funds. ~~A society organized under the laws of this state shall deposit securities as required of life insurance companies pursuant to section 511.8, subsection 16.~~

Sec. 8. Section 514B.15, Code 2023, is amended to read as follows:

514B.15 Investments.

With the exception of investments made in accordance with section 514B.6, the investable funds of a health maintenance organization shall be invested only in securities or other investments permitted by section 511.8 for the investment of assets ~~constituting the legal reserves~~ of life insurance companies or such other securities or investments as the commissioner may permit. For purposes of this section, investable funds of a health maintenance organization are all moneys held in trust for the purpose of fulfilling the obligations incurred by a health maintenance organization in providing health care services to enrollees.

Sec. 9. Section 521A.2, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Investing, reinvesting, or trading in securities and ~~financial instruments as defined in~~ derivative transactions pursuant to section 511.8, subsection 22 16, for ~~its~~ the domestic insurer's own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary.

Sec. 10. Section 521A.2, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. Invest, reinvest, and trade in ~~financial instruments as defined in~~ derivative transactions pursuant to section 511.8, subsection 22 16, for ~~its~~ the domestic insurer's own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary.

Approved April 28, 2023

CHAPTER 37

STATE-FUNDED PSYCHIATRY RESIDENCY AND FELLOWSHIP PROGRAM

H.F. 274

AN ACT relating to a state-funded psychiatry residency and fellowship program.

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

Section 1. Section 135.180, Code 2023, is amended to read as follows:

135.180 State-funded psychiatry residency and fellowship program — fund — appropriations.

1. a. The university of Iowa hospitals and clinics shall administer a state-funded psychiatry residency and fellowship program in cooperation for up to nine residents and up to two fellows, annually. The university of Iowa hospitals and clinics shall expand the psychiatry residency program to provide additional residency positions by providing financial support for residency positions which are in excess of the federal residency cap established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

b. The university of Iowa hospitals and clinics shall cooperate with the state mental health institutes at Independence and Cherokee, the state resource center at Woodward, the state training school at Eldora, and the Iowa medical and classification center at Oakdale in administering the program. The university of Iowa hospitals and clinics shall expand the psychiatry residency program to provide additional residency positions by providing financial support for residency positions which are in excess of the federal residency cap established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33. Participating residents and fellows shall complete a portion of their psychiatry training at one of the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale. For accreditation-required clinical experiences not available at the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale, the residents of the psychiatry residency and fellowship program and its residents may utilize clinical rotations at the university of Iowa hospitals and clinics and its affiliates across the state.

2. The university of Iowa hospitals and clinics shall apply to the accreditation council for graduate medical education for approval of ~~twelve~~ nine additional residency positions for each class of residents and the psychiatry residency and fellowship program shall award the total number of residency positions approved for each class of residents. The university of Iowa hospitals and clinics shall approve and award up to two fellowship positions annually. Preference in the awarding of residency and fellowship positions shall be given to candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa.

3. A psychiatry residency and fellowship program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the psychiatry residency and fellowship program fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the university of Iowa hospitals and clinics to be used for the purposes of the program. For the fiscal years beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the psychiatry residency and fellowship program fund one hundred thousand dollars for each residency position approved and awarded under the program and one hundred fifty thousand dollars for each fellowship position approved and awarded under the program.

Approved April 28, 2023

CHAPTER 38

TAKING OF FUR-BEARING ANIMALS — RACCOONS, OPOSSUMS, OR SKUNKS ON AGRICULTURAL PROPERTY

H.F. 317

AN ACT relating to taking certain animals that are deemed a nuisance.

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

Section 1. Section 481A.87, Code 2023, is amended to read as follows:

481A.87 Open seasons.

1. Except as otherwise provided, a person shall not take, capture, kill, or have in possession a fur-bearing animal or any of its parts at any time except during the open season as set by the commission ~~except where~~.

2. A person may shoot, trap, or ensnare a fur-bearing animal when the killing, trapping, or ensnaring is for the protection of a person or public or private property with the prior permission of a duly appointed representative of the commission. If prior permission is impractical or impossible to obtain and the fur-bearing animal represents a threat to a person, domestic animal, or private property, the fur-bearing animal may be taken without prior permission.

3. Prior permission is not required for an owner or tenant of agricultural property or an associated residence located outside the corporate limits of a city to take, capture using a cage trap or dog-proof trap, shoot, or temporarily possess, for the purpose of destroying or disposing of, a raccoon, opossum, or skunk on the property if the owner or tenant in good faith deems the animal to be a nuisance. This subsection does not apply to animals listed pursuant to the federal Endangered Species Act or listed as endangered by the commission pursuant to section 481B.3.

4. All fur-bearing animals and all parts thereof taken as provided in ~~this section~~ subsection 2 or 3 shall be disposed of on the site or shall be relinquished to a representative of the commission.

Approved April 28, 2023

CHAPTER 39

GROUP CAPITAL CALCULATION FILINGS BY INSURANCE HOLDING COMPANY SYSTEMS

H.F. 320

AN ACT relating to group capital calculation filings by certain insurance holding company systems.

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

Section 1. Section 521A.4, subsection 13, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ultimate controlling person of every insurer subject to registration shall ~~concurrently file with the registration~~ an annual group capital calculation on or before June 30. The calculation must be completed in accordance with the group capital calculation instructions, and must be filed with the lead state commissioner of the insurance holding company system as determined by the procedures in the most recent financial analysis handbook published by the NAIC. As permitted by the group capital calculation instructions, the lead state commissioner may allow a controlling person, other than the ultimate controlling person, to file the group capital calculation. The following insurance holding company systems are exempt from filing the group capital calculation:

Approved April 28, 2023

CHAPTER 40**RESTRICTED COMMERCIAL DRIVER'S LICENSES FOR DESIGNATED FARM-RELATED SERVICE INDUSTRY EMPLOYEES***H.F. 335*

AN ACT relating to restricted commercial driver's licenses for certain persons employed in designated farm-related service industries.

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

Section 1. Section 321.176A, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2. Section 321.176B, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

321.176B Restricted commercial driver's license.

1. The department shall, upon application and payment of the required fee, issue a restricted commercial driver's license to a person who is employed in a designated farm-related service industry if the person qualifies for a restricted commercial driver's license under 49 C.F.R. §383.3(f).

2. A person issued a restricted commercial driver's license under this section may operate a commercial motor vehicle to the fullest extent authorized under 49 C.F.R. §383.3(f).

3. The department shall adopt rules pursuant to chapter 17A to implement this section.

Approved April 28, 2023

CHAPTER 41**ADMINISTRATION OF LOCAL ANESTHETICS BY LICENSED OPTOMETRISTS***H.F. 347*

AN ACT relating to the administration of injections by licensed optometrists.

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

Section 1. Section 154.1, subsection 3, paragraph b, subparagraph (1), Code 2023, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) Local anesthetics prior to a minor surgical procedure authorized by this chapter.

Approved April 28, 2023

CHAPTER 42

ELUDING OR ATTEMPTING TO ELUDE LAW ENFORCEMENT VEHICLES AND PEACE OFFICER AUTHORITY TO MAKE ARRESTS

H.F. 358

AN ACT relating to law enforcement, including eluding or attempting to elude a pursuing law enforcement vehicle, temporary restricted driver's licenses associated with that offense, and the authority of a peace officer to make an arrest for any public offense anywhere within the state, and providing penalties.

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

Section 1. Section 321.215, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under section 321.209, subsections 1 through 5 ~~or subsection 7~~; to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B or section 126.3; to a juvenile whose license has been suspended under section 321.213B; or to a person whose license has been suspended pursuant to a court order under section 714.7D. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 2. Section 321.215, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5, ~~or 6, or 7~~, or section 321.210, 321.210A, or 321.513; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

Sec. 3. Section 321.279, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The driver of a motor vehicle who commits a ~~second or subsequent~~ violation under this subsection and who has previously committed any violation under this section is, upon conviction, guilty of an aggravated misdemeanor.

Sec. 4. Section 321.279, subsection 2, Code 2023, is amended to read as follows:

2. a. The driver of a motor vehicle commits ~~an aggravated misdemeanor~~ a class "D" felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under this subsection and who has previously committed a violation under this subsection or subsection 3 section is, upon conviction, guilty of a class "~~D~~" "C" felony.

Sec. 5. Section 321.279, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 6. Section 321J.2, subsection 3, paragraph b, subparagraph (2), subparagraph division (f), Code 2023, is amended to read as follows:

(f) If the offense was committed while also in violation of section 321.279, subsection 3, paragraph “a”, subparagraph (2) 2.

Sec. 7. Section 804.7, Code 2023, is amended to read as follows:

804.7 Arrests by peace officers.

1. A peace officer may make an arrest ~~in obedience to a warrant delivered to the peace officer; and without a warrant~~ under any of the following circumstances:

1. a. For a public offense committed or attempted in the peace officer’s presence.

2. b. Where a public offense has in fact been committed, and the peace officer has reasonable ground grounds for believing that the person to be arrested has committed it.

3. c. Where the peace officer has reasonable ground grounds for believing that an indictable public offense has been committed and has reasonable ground grounds for believing that the person to be arrested has committed it.

4. d. Where the peace officer has received from the department of public safety, or from any other peace officer of this state or any other state or the United States an official communication by bulletin, radio, telegraph, telephone, or otherwise, informing the peace officer that a warrant has been issued and is being held for the arrest of the person to be arrested on a designated charge.

5. e. If the peace officer has reasonable grounds for believing that domestic abuse, as defined in section 236.2, has occurred and has reasonable grounds for believing that the person to be arrested has committed it.

6. f. As required by section 236.12, subsection 2.

2. A peace officer, as defined in section 801.4, shall have the authority to make an arrest pursuant to subsection 1 anywhere within the state. However, a peace officer shall not establish routine patrol outside of the jurisdiction of the peace officer’s employing agency.

Sec. 8. Section 804.7A, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A federal law enforcement officer has the same authority, as provided in section 804.7, subsection 3 1, paragraph “c”, and has the same immunity from suit in this state as a peace officer, as defined in section 801.4, subsection 11, when making an arrest in this state for a nonfederal crime if either of the following exists:

Sec. 9. Section 907.3, subsection 1, paragraph a, subparagraph (6), subparagraph division (f), Code 2023, is amended to read as follows:

(f) If the offense was committed while also in violation of section 321.279, subsection 3, paragraph “a”, subparagraph (2) 2.

Sec. 10. Section 907.3, subsection 2, paragraph a, subparagraph (2), subparagraph division (f), Code 2023, is amended to read as follows:

(f) The offense ~~is a~~ was committed while also in violation of section 321.279, subsection 3, paragraph “a”, subparagraph (2) 2.

Approved April 28, 2023

CHAPTER 43**340B DRUG PROGRAM — CONTRACT PHARMACIES AND COVERED ENTITIES —
DISCRIMINATION BY HEALTH INSURERS, THIRD-PARTY ADMINISTRATORS, AND
PHARMACY BENEFITS MANAGERS PROHIBITED***H.F. 423*

AN ACT relating to contract pharmacies and covered entities that participate in the 340B drug program.

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

Section 1. Section 507B.4, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *u. 340B drug program.* Any violation of chapter 510D by a group health plan, a health carrier that offers group or individual health insurance coverage, a third-party administrator, or a pharmacy benefits manager.

Sec. 2. **NEW SECTION. 510D.1 Definitions.**

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

1. “340B program” means the program created pursuant to the Veterans Health Care Act of 1992, Pub. L. No. 102-585, §602, and codified as section 340B of the federal Public Health Services Act.

2. “Commissioner” means the commissioner of insurance.

3. “Contract pharmacy” means a pharmacy that has executed a contract with a covered entity to dispense covered outpatient drugs, purchased by the covered entity through the 340B program, to eligible patients of the covered entity.

4. “Covered entity” means the same as defined in 42 U.S.C. §256b(a)(4).

5. “Group health plan” means the same as defined in section 513B.2.

6. “Medicaid managed care organization” means an entity acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A, and that meets the definition of “health maintenance organization” under section 514B.1.

7. “Pharmacy benefits manager” means the same as defined in section 510B.1.

8. “Similarly situated entity or pharmacy” means an entity or pharmacy located in Iowa that is of a generally comparable size, and that operates in a market with similar demographic characteristics, including population size, density, distribution, and vital statistics, and reasonably similar economic and geographic conditions.

9. “Third-party administrator” means the same as defined in section 510.11.

Sec. 3. **NEW SECTION. 510D.2 340B drug program — contract pharmacies and covered entities.**

1. Group health plans, health carriers that offer group or individual health insurance coverage, third-party administrators, and pharmacy benefits managers shall not discriminate against a covered entity or a contract pharmacy by reimbursing the covered entity or the contract pharmacy for a prescription drug or a dispensing fee in an amount less than the group health plan, health carrier, third-party administrator, or pharmacy benefits manager reimburses a similarly situated entity or pharmacy that is not a covered entity or a contract pharmacy.

2. a. Group health plans, health carriers that offer group or individual health insurance coverage, third-party administrators, and pharmacy benefits managers shall not, on the basis that an entity is a covered entity or that a pharmacy is a contract pharmacy, or that a covered entity or contract pharmacy participate in the 340B program, impose any of the following contractual terms and conditions on the covered entity or the contract pharmacy that differ from those imposed on a similarly situated entity or pharmacy that is not a covered entity or a contract pharmacy:

(1) Fees or other assessments that are not required by state law or the Iowa administrative code.

(2) Chargebacks, clawbacks, or other reimbursement adjustments that are not required by state law or the Iowa administrative code.

(3) Professional dispensing fees that are not required by state law or the Iowa administrative code.

(4) Restrictions or requirements related to participation in standard or preferred pharmacy networks.

(5) Requirements related to the frequency or scope of audits.

(6) Requirements related to inventory management systems that utilize generally accepted accounting principles.

(7) Requirements related to mandatory disclosure either directly or through a third party, except disclosures required by federal law, of prescription orders that are filled with covered outpatient drugs obtained through the 340B program.

b. Paragraph “a”, subparagraphs (1) and (2), shall not be construed to prohibit adjustments for overpayments or other errors associated with an adjudicated claim.

c. Paragraph “a”, subparagraph (7), shall not be construed to prohibit modifiers or other identifiers on claims to identify whether a drug was purchased through the 340B program or to prevent duplication of rebates.

3. Group health plans, health carriers that offer group or individual health insurance coverage, third-party administrators, and pharmacy benefits managers shall not do any of the following on the basis that an entity is a covered entity or that a pharmacy is a contract pharmacy, or that a covered entity or a contract pharmacy participates in the 340B program:

a. Place any restrictions or impose any requirements on an individual that chooses to obtain a covered outpatient drug from a covered entity or a contract pharmacy, whether in person, via courier or the United States post office, or any other form of delivery.

b. Refuse to contract with a covered entity or a contract pharmacy based on any criteria that is not applied equally to a contract with a similarly situated entity or pharmacy that does not participate in the 340B drug program.

c. Impose any restriction or condition on a covered entity that interferes with the covered entity’s ability to maximize the value of the discounts obtained by the covered entity through the covered entity’s participation in the 340B drug program.

Sec. 4. NEW SECTION. 510D.3 Enforcement.

1. The commissioner may take any enforcement action under the commissioner’s authority to enforce compliance with this chapter.

2. After notice and hearing, the commissioner may issue any order or impose any penalty pursuant to section 507B.7 upon a finding that a group health plan, a health carrier that offers group or individual health insurance coverage, a third-party administrator, or a pharmacy benefits manager violated this chapter.

3. A violation of this chapter shall be an unfair or deceptive act or practice in the business of insurance pursuant to section 507B.4, subsection 3.

Sec. 5. NEW SECTION. 510D.4 Rules.

The commissioner of insurance may adopt rules as necessary to implement the chapter.

Sec. 6. NEW SECTION. 510D.5 Conflict of laws.

If any provision of this chapter is inconsistent or in conflict with applicable state or federal law or rule, or the state Medicaid plan, the applicable state or federal law or rule, or the state Medicaid plan, shall prevail to the extent necessary to eliminate the inconsistency or conflict.

Sec. 7. NEW SECTION. 510D.6 Applicability.

This chapter shall apply to covered entities, contract pharmacies, group health plans, health carriers that offer group or individual health insurance coverage, third-party administrators, and pharmacy benefits managers, but shall not apply to their operations under a contract with the state Medicaid agency or a Medicaid managed care organization, regardless of whether

the covered entity or contract pharmacy is eligible to retain the 340B discounts generated by the covered entities and contract pharmacies.

Approved April 28, 2023

CHAPTER 44

SALES OF MIXED DRINKS OR COCKTAILS FOR CONSUMPTION OFF LICENSED PREMISES — CONTAINERS

H.F. 433

AN ACT relating to sales of mixed drinks or cocktails for consumption off the premises and including effective date provisions.

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

Section 1. Section 123.49, subsection 2, paragraph d, subparagraph (4), subparagraph division (a), Code 2023, is amended to read as follows:

(a) “*Sealed container*” means a vessel, ~~including a substantial or sturdy plastic container and a vacuum or heat-sealed pouch,~~ containing a mixed drink or cocktail that is designed to prevent consumption without removal of a tamper-evident lid, cap, or seal. “*Sealed container*” does not include a container with a sipping hole or other opening for a straw, ~~unless the hole or other opening includes a tamper-evident seal, but a straw may be separately provided with a sealed container to the consumer for off-premises consumption a cup made of plastic that is intended for one-time use, or a cup made of paper or polystyrene foam.~~

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

Approved April 28, 2023

CHAPTER 45

BOILER INSPECTIONS — FREQUENCY

H.F. 461

AN ACT relating to boiler inspections.

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

Section 1. Section 89.2, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 5A. “*National board inspection code*” means the manual for boiler and pressure vessel inspectors published by the national board of boiler and pressure vessel inspectors.

Sec. 2. Section 89.3, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 5A. *a.* The owner of an object that meets all of the criteria in subsection 4, paragraph “a”, may request from the director an internal inspection time period of longer than two years, but not to exceed seven years, if the object is an integral part of a continuous operation of a process that is covered by and compliant with the occupational

safety and health administration process safety management standard contained in 29 C.F.R. §1910.119 and has a planned outage schedule that is longer than two years.

b. The director may grant the longer inspection interval if the owner is able to demonstrate to the director that the object is in compliance with the process safety management standard contained in 29 C.F.R. §1910.119 and that the object is included as process safety management process equipment in the owner's process safety management program. In evaluating the request, the director shall also consider whether the object meets the requirements contained in the national board inspection code, the object is fit for service based on the year of fabrication and the estimated service life of the object as determined by part 2 of the national board inspection code, and the owner has implemented practices for managing consumable items and ancillary equipment of the object. Upon request by the director, the owner shall provide the director with the findings of any previous inspections of the object under this chapter.

c. If the director intends to deny the request, the director shall contact the owner prior to the denial and provide an opportunity for the owner to address the reasons for the intended denial. If the board has not adopted rules pursuant to section 89.14, subsection 11, the lack of adoption shall not be grounds for the director not to consider a request for a longer inspection interval pursuant to this subsection.

d. The owner of the object that is granted the longer inspection interval shall comply with the requirements contained in subsection 5, paragraph "b".

Sec. 3. Section 89.14, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 11. The board shall adopt rules to allow an extended internal inspection interval of up to seven years for objects that are subject to inspection pursuant to section 89.5A.

Approved April 28, 2023

CHAPTER 46

NEWBORN SAFE HAVEN ACT — PLACEMENT OF CUSTODY OF NEWBORN INFANTS

H.F. 474

AN ACT relating to placement of custody of a newborn infant under the newborn safe haven Act.

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

Section 1. Section 232.2, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 40A. "Newborn infant" means the same as defined in section 233.1.

Sec. 2. Section 232.78, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 9. a. Notwithstanding any provision to the contrary including priority in placement of a child under subsection 8, if an ex parte order is requested from the juvenile court under this section pursuant to section 233.2 for transfer of custody of a newborn infant, one of the following shall be applicable:

(1) If physical custody of the newborn infant was not initially relinquished under section 233.2 to an adoption service provider, the department shall request that custody be transferred to the department.

(2) If physical custody of the newborn infant was initially relinquished under section 233.2 to an adoption service provider, the adoption service provider shall request that custody be transferred to the adoption service provider.

b. Upon receiving the order, the department or the adoption service provider shall take custody of the newborn infant and proceed in accordance with chapter 233.

c. For the purposes of this subsection, “*adoption service provider*” means the same as defined in section 233.1.

Sec. 3. Section 232.95, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. Notwithstanding any provision to the contrary including placement of custody of a child pursuant to subsection 2, if the hearing under this section is the result of a request for an ex parte order from the court pursuant to section 232.78 for a newborn infant for whom physical custody was relinquished pursuant to section 233.2, the court shall place custody of the child as provided in section 232.78, subsection 9, and proceed in accordance with chapter 233.

Sec. 4. Section 232.102, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 11. Notwithstanding any provision to the contrary, transfer of legal custody and placement of a newborn infant for whom physical custody was relinquished pursuant to section 233.2 shall be determined in accordance with chapter 233.

Sec. 5. Section 232.104, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 10. Notwithstanding any provision to the contrary, legal custody and placement of a newborn infant for whom physical custody was relinquished pursuant to section 233.2 shall be determined in accordance with chapter 233.

Sec. 6. Section 233.1, Code 2023, is amended to read as follows:

233.1 Newborn safe haven Act — definitions.

1. This chapter may be cited as the “*Newborn Safe Haven Act*”.

2. For the purposes of this chapter, unless the context otherwise requires:

a. “Adoption service provider” means a state-licensed private agency which is recognized as exempt under section 501(c)(3) of the Internal Revenue Code and which represents itself as placing children permanently or temporarily in private family homes, receiving children for placement in private family homes, and actually engaging in placement of children in private family homes for adoption.

b. “Certified adoption investigator” means the same as defined in section 600A.2.

c. “Department” means the department of health and human services.

d. “First responder” means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4.

e. “Institutional health facility” means a hospital as defined in section 135B.1, including a facility providing medical or health services that is open twenty-four hours per day, seven days per week and is a hospital emergency room or a health care facility as defined in section 135C.1.

f. “Newborn infant” means a child who is, or who appears to be, ninety days of age or younger.

Sec. 7. **NEW SECTION. 233.1A Required training and certification in cardiopulmonary resuscitation and first aid — adoption service provider employees.**

An adoption service provider shall require and verify that all employees of the adoption service provider responding to the relinquishment of physical custody of a newborn infant in accordance with section 233.2 are trained and maintain certification in cardiopulmonary resuscitation and first aid for infants and adults.

Sec. 8. Section 233.2, Code 2023, is amended to read as follows:

233.2 Newborn infant custody release procedures.

1. a. A parent of a newborn infant may voluntarily release custody of the newborn infant by relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or to an adoption service provider or by authorizing another person to relinquish physical custody on the parent’s behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at the institutional health facility or to an adoption service provider, the parent may take other

actions to be reasonably sure that an individual on duty or the adoption service provider is aware that the newborn infant has been left at the institutional health facility or the location of the adoption service provider. The actions may include but are not limited to making telephone contact with the institutional health facility, the adoption service provider, or a 911 service.

b. In lieu of the procedure described in paragraph “a”, a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of this chapter and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody at an institutional health facility, to an adoption service provider, or to a first responder in accordance with this section is the newborn infant’s parent or has relinquished physical custody with the parent’s authorization.

2. a. Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, an individual on duty at the facility at which physical custody of the newborn infant was relinquished, the adoption service provider to whom physical custody of the newborn infant was relinquished, or a first responder to whom physical custody of the newborn infant was relinquished, pursuant to subsection 1 shall take physical custody of the newborn infant. The individual on duty, the adoption service provider, or the first responder may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant’s parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with this section. The individual on duty, the adoption service provider, or the first responder may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty and the institutional health facility in which the individual was on duty, the adoption service provider, and the first responder are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.

b. If the physical custody of a newborn infant is relinquished to a first responder or to an adoption service provider, the first responder or the adoption service provider shall transport the newborn infant to the nearest institutional health facility. The first responder or the adoption service provider shall provide any parental identification or medical history information to the institutional health facility.

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility’s actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of ~~human services~~.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of ~~public health~~ shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

3. a. As soon as possible after the individual on duty, the adoption service provider, or the first responder assumes physical custody of a newborn infant released under subsection 1, and, if applicable, the adoption service provider or the first responder transports the newborn infant to the nearest institutional health facility under subsection 2, paragraph “b”, the individual ~~or~~ on duty shall notify either the department or an adoption service provider and the first responder shall notify the department of ~~human services and the~~. The department or the adoption service provider shall take the actions necessary to assume the care, control, and custody of the newborn infant. The as follows:

(1) If physical custody of the newborn infant was not initially relinquished to an adoption service provider, the department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. After the department takes custody of the newborn infant, notwithstanding any provision to the contrary relating to priority placement of the child under section 232.78, the department shall, if feasible, place the newborn infant in a prospective adoptive home. The department shall maintain a list of prospective adoptive homes that have completed placement investigations and have been preapproved by the department or a certified adoption investigator.

(2) If physical custody of the newborn infant was initially relinquished to an adoption service provider, the adoption service provider shall immediately notify the juvenile court and the county attorney of the adoption service provider's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the adoption service provider to take custody of the newborn infant. Upon receiving the order, the adoption service provider shall take custody of the newborn infant.

b. Within twenty-four hours of the department or the adoption service provider taking custody of the newborn infant, the department or the adoption service provider shall notify the juvenile court and the county attorney in writing of the department's or adoption service provider's action and the circumstances surrounding the action.

c. Within twenty-four hours of the adoption service provider taking custody of the newborn infant, the adoption service provider shall notify the department in writing that the adoption service provider has taken custody of the newborn infant and will comply with the requirements of chapter 233.

4. a. Upon being notified in writing by the department or the adoption service provider under subsection 3, the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance in accordance with section 232.87 and a petition for termination of parental rights with respect to the newborn infant in accordance with section 232.111, subsection 2, paragraph "a". A hearing on a child in need of assistance petition filed pursuant to this subsection shall be held at the earliest practicable time. A hearing on a termination of parental rights petition filed pursuant to this subsection shall be held no later than thirty days after the day the physical custody of the newborn child was relinquished in accordance with subsection 1 unless the juvenile court continues the hearing beyond the thirty days for good cause shown.

b. Notice of a petition filed pursuant to this subsection by either the department or the adoption service provider shall be provided to any known parent and others in accordance with the provisions of chapter 232 and shall be served upon any putative father registered with the state registrar of vital statistics pursuant to section 144.12A. In addition, prior to holding a termination of parental rights hearing with respect to the newborn infant, notice by publication shall be provided as described in section 600A.6, subsection 5.

5. Reasonable efforts, as defined in section 232.102, that are made in regard to the newborn infant shall be limited to the efforts made in a timely manner to finalize a permanency plan for the newborn infant.

6. An individual on duty at an institutional health facility, an adoption service provider, or a first responder who assumes custody of a newborn infant upon the release of the newborn infant under subsection 1 shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual, the adoption service provider, or the first responder may provide testimony at the hearing.¹

¹ See chapter 112, §75 herein

Sec. 9. Section 233.5, subsection 2, Code 2023, is amended to read as follows:

2. A record described in subsection 1 may be inspected and the contents disclosed without court order to the following:

- a. The court and professional court staff, including juvenile court officers.
- b. The newborn infant and the newborn infant's counsel.
- c. The newborn infant's parent, guardian, custodian, and those persons' counsel.
- d. The newborn infant's court appointed special advocate and guardian ad litem.
- e. The county attorney and the county attorney's assistants.
- f. An agency, adoption service provider, association, facility, or institution which has custody of the newborn infant, or is legally responsible for the care, treatment, or supervision of the newborn infant.
- g. The newborn infant's foster parent or an individual providing a prospective adoptive home or preadoptive care to the newborn infant.

Sec. 10. Section 233.6, Code 2023, is amended to read as follows:

233.6 Educational and public information.

~~The department of human services, in consultation with the Iowa department of public health and the department of justice, shall develop and distribute the following:~~

1. An information card or other publication for distribution by an institutional health facility, adoption service provider, or a first responder to a parent who releases custody of a newborn infant in accordance with this chapter. The publication shall inform the parent of a parent's rights under section 233.4, explain the request for medical history information under section 233.2, subsection 2, and provide other information deemed pertinent by the departments.

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act and the involvement of adoption service providers among adolescents, young parents, and others who might avail themselves of this chapter.

3. Signage that may be used to identify the institutional health facilities and adoption service providers at which physical custody of a newborn infant may be relinquished in accordance with this chapter.²

Approved April 28, 2023

CHAPTER 47

UNFAIR RESIDENTIAL REAL ESTATE SERVICE AGREEMENTS

H.F. 475

AN ACT relating to unfair residential real estate service agreements, providing penalties, and making penalties applicable.

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

Section 1. **NEW SECTION. 558B.1 Definitions.**

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

1. a. "Common interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. "Common interest community" includes a planned community, a cooperative under chapter 499A, and a horizontal property regime under chapter 499B.

² See chapter 112, §76 herein

b. “Common interest community” does not include any of the following:

(1) A covenant that requires the owners of separate parcels of real estate to share costs or other obligations related to a wall, driveway, well, or other similar structure, unless all such owners consent in writing to the creation of a common interest community.

(2) Real estate described in paragraph “a” if all units are owned by a single owner.

2. “Consumer” means a natural person being provided a service under a service agreement, or the natural person’s legal representative.

3. “Record” means presentation of a document to a county recorder in this state for official placement in the public land records.

4. “Residential real estate” means real property located in this state which is used primarily for personal, family, or household purposes and is improved by one to four dwelling units.

5. “Service agreement” means a contract under which a person agrees to provide a service in connection with the maintenance of, the purchase of, or the sale of, residential real estate.

Sec. 2. NEW SECTION. 558B.2 Unfair service agreements — penalties.

1. A service agreement shall be considered unfair under this section if a service that is covered by the service agreement is not required to be completely performed within one year after the date on which the service agreement is executed, and the service agreement has any of the following characteristics:

a. The service agreement purports to run with the land or to be binding on future owners of interests in the residential real estate that is the subject of the service agreement.

b. The service agreement permits assignment of the right to provide service under the service agreement without requiring notice to, and the consent of, the owner of the residential real estate that is the subject of the service agreement.

c. The service agreement purports to create a lien, encumbrance, or other real property security interest on the residential real estate that is the subject of the service agreement.

2. If a service agreement is unfair under this section, the service agreement shall be unenforceable.

3. If a person enters into an unfair service agreement with a consumer, the person commits an unlawful practice under section 714.16.

4. a. A person shall not cause an unfair service agreement, or a notice or memorandum of an unfair service agreement, to be recorded.

b. A person who causes an unfair service agreement, or a notice or memorandum of an unfair service agreement, to be recorded commits an aggravated misdemeanor.

c. A county recorder may refuse to record an unfair service agreement.

d. If an unfair service agreement is recorded, the recorded service agreement shall not provide actual or constructive notice against an otherwise bona fide purchaser or creditor, or actual or constructive notice against heirs or other successors-in-interest to the residential real estate that is the subject of the recorded service agreement.

e. If an unfair service agreement or a notice or memorandum of an unfair service agreement is recorded, any person with an interest in the residential real estate that is the subject of the service agreement may apply to a district court in the county in which the service agreement is recorded for a court order declaring the service agreement unenforceable.

f. If an unfair service agreement or a notice or memorandum of an unfair service agreement is recorded, any person with an interest in the residential real estate that is the subject of the recorded service agreement may recover actual damages, costs, and attorney fees as may be proven against the person who caused the unfair service agreement or the notice or memorandum of the unfair service agreement to be recorded.

5. This section does not apply to any of the following:

a. A home warranty or similar agreement that covers the cost of maintenance for a fixed period of time of a major home system including but not limited to plumbing, electrical, heating, ventilation, or air conditioning.

b. An insurance contract.

c. An option or a right of refusal to purchase residential real estate.

d. A maintenance or repair agreement entered into by the homeowners’ association of a common interest community.

- e. A mortgage loan, or a commitment to make or to receive a mortgage loan.
 - f. A security agreement under the uniform commercial code related to the sale or rental of personal property or fixtures.
 - g. Water, sewer, electrical, telephone, cable, internet, or any other utility service providers.
6. This section shall not be construed to impair a person's rights established by a mechanics' lien under chapter 572.

Sec. 3. Section 714.16, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. It shall be an unlawful practice for a person to violate section 558B.2, subsection 3.

Approved April 28, 2023

CHAPTER 48

ALCOHOLIC BEVERAGE CONTROL — BREWPUBS AND BEER MANUFACTURER ALTERNATING PROPRIETORSHIP ARRANGEMENTS

H.F. 478

AN ACT concerning alcoholic beverage control relating to brewpubs and alternating proprietorship arrangements for beer manufacturers.

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

Section 1. Section 123.30, subsection 3, paragraph b, subparagraph (2), Code 2023, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0d) The holder of a special class "C" retail alcohol license may also hold a special class "A" beer permit for the premises licensed under a special class "C" retail alcohol license for the purpose of operating a brewpub pursuant to this chapter.

Sec. 2. Section 123.130, subsection 4, Code 2023, is amended to read as follows:

- 4. a. All special class "A" premises shall be located within the state. **A**
- b. Except as provided in paragraph "c", a person who holds a special class "A" beer permit for the same location at which the person holds a class "C" or special class "C" retail alcohol license for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell beer at retail at the manufacturing premises for consumption off the premises, may sell beer to a class "A" 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.
- c. A person who holds a special class "A" beer permit for the same location at which the person holds a class "C" or special class "C" retail alcohol license for the purpose of operating as a brewpub may manufacture beer under an alternating proprietorship arrangement as provided in subsection 4A. However, the person may not sell beer to be consumed on the premises where manufactured or sell beer at retail for consumption off the premises where manufactured unless the person is also the holder of a class "C" or special class "C" retail alcohol license issued for the premises of the alternating proprietorship whose space and equipment is being used for the purpose of manufacturing beer.
- d. The permit issued to holders of a special class "A" beer permit shall clearly state on its face that the permit is limited.

Sec. 3. Section 123.130, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. *a.* For purposes of this subsection, “*manufacturer*” includes only those persons who hold a class “A” or special class “A” beer permit and manufacture beer in Iowa.

b. Notwithstanding any provision of law to the contrary, a manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing beer, provided that such an alternating proprietorship arrangement has been approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” or special class “A” beer permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the department.

c. Notwithstanding any provision of law to the contrary, not more than one class “C” retail alcohol license or special class “C” retail license shall be issued to a premises with alternating proprietorships as authorized by this subsection.

Approved April 28, 2023

CHAPTER 49

CONDUCT OF ELECTIONS FOR BENEFITED RECREATIONAL LAKE AND WATER QUALITY DISTRICTS

H.F. 557

AN ACT relating to conducting elections for benefited recreational lake and water quality districts.

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

Section 1. Section 357E.8, Code 2023, is amended to read as follows:

357E.8 Election on proposed levy and candidates for trustees.

When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than four dollars per thousand dollars of assessed value on all the taxable property within the benefited recreational lake district except property assessed as agricultural land, and to choose candidates for the offices of trustees of the district. However, for a water quality district, the tax levy shall not exceed twenty-five cents per thousand dollars of assessed value on all taxable property within the district and must be renewed by a similar election every eight years. The tax levy for a combined district shall not exceed four dollars per thousand dollars of assessed value on all of the taxable property within the district. A tax levy approved for the purposes of this chapter shall not be levied on property assessed as agricultural land. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357E.4. The vote shall be by ballot, which shall state clearly the proposition to be voted upon, and any registered voter residing within the district at the time of the election may vote. ~~It is not mandatory for the~~ The county commissioner of elections ~~to shall~~ shall conduct elections held pursuant to this chapter, ~~but~~ and the elections shall be conducted in accordance with chapter 49 when not in conflict with this chapter. ~~Judges shall be appointed by the board from among the registered voters of the district to be in charge of the election. The judges are not entitled to receive pay.~~ The proposition is approved if a majority of those voting on the proposition vote in favor of it.

Approved April 28, 2023

CHAPTER 50**SALES OF MOTOR VEHICLES AND LICENSED VEHICLE DEALER REQUIREMENTS
— DISCHARGE OF SECURITY INTERESTS AND CERTIFICATES OF TITLE — REMOTE
VEHICLE SALES***H.F. 592*

AN ACT relating to licensed vehicle dealers, including vehicles for resale subject to a security interest and remote sales of motor vehicles.

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

Section 1. Section 321.50, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. When Except as provided in section 321.48, subsection 1, paragraph “b”, when a security interest is discharged, the holder shall note a cancellation of the security interest on the face of the certificate of title over the holder’s signature or may note the cancellation of the security interest on a separate, notarized release form or letter. The holder shall deliver the certificate of title and the form or letter, if applicable, to the county treasurer where the title was issued. In the case of a security interest that has been delivered by electronic means, the holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. The county treasurer shall immediately note the cancellation of the security interest on the face of the certificate of title, if applicable, and in the county records system. The county treasurer shall on the same day deliver the certificate of title, if applicable, and the separate, notarized release form or letter, if applicable, to the then first secured party or, if there is no such person, to the person as directed by the owner, in writing, on a form prescribed by the department or, if there is no person designated, then to the owner. The cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder of a security interest discharged by payment who fails to release the security interest within fifteen days after being requested in writing to do so shall forfeit to the person making the payment the sum of twenty-five dollars.

Sec. 2. Section 321.50, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Notwithstanding subsection 5, when an application for registration and issuance of a certificate of title is made by the means described in section 321.20, subsection 2, and the application includes a certificate of title upon which a security interest has been discharged by the secured party and the cancellation of the security interest is noted by the secured party on the certificate of title above the secured party’s signature, the county treasurer shall not require any other notation of the cancellation of the security interest on the face of the certificate of title, and, if applicable, the county treasurer shall notify the county treasurer of the county where the certificate of title was issued that the security interest has been released as of the specified date and shall update such release on the applicable program or computer system. A dealer licensed under chapter 322 or chapter 322C is authorized to sell such a vehicle pursuant to section 321.48, subsection 1, paragraph “b”.

Sec. 3. Section 322.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. “*Remote sale*” means a sale of a motor vehicle conducted via mail, either electronically or by courier, including any offering, bartering, negotiating, exchanging, and other communication regarding the sale of the vehicle. “*Remote sale*” includes the delivery of the vehicle to the residence of the buyer or another agreed-to location, if requested by the buyer.

Sec. 4. Section 322.3, subsection 11, Code 2023, is amended to read as follows:

11. A person who is engaged in the business of selling motor vehicles at retail shall not sell, offer for sale, display, represent, or advertise that the person intends to sell motor vehicles from a location other than the person’s place of business, except as provided in subsection 11A or section 322.5.

Sec. 5. Section 322.3, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 11A. A retail seller licensed under this chapter may engage in remote sales of motor vehicles located at a place of business of the retail seller, as listed on the license, under all of the following conditions:

- a. The dealer shall possess, at the time of the sale, the certificate of title to any motor vehicle offered for remote sale.
- b. The dealer may transmit a proposed purchase agreement from the dealer to the prospective buyer if such agreement is the result of negotiation between the parties. The dealer shall not negotiate and shall not deliver a proposed purchase agreement to a buyer in person at a location other than the dealer's place of business.
- c. The dealer shall not sign a proposed purchase agreement until the dealer receives an executed purchase agreement from the buyer. A signed purchase agreement must be delivered to the dealer's place of business.
- d. The dealer shall not deliver a motor vehicle to a buyer away from the dealer's place of business until the buyer's purchase of the motor vehicle is completed.
- e. Remote sales are subject to chapter 554D.

Approved April 28, 2023

CHAPTER 51

REGULATION OF GAS AND ELECTRIC UTILITIES — AUTHORITY OF IOWA UTILITIES BOARD OVER CERTAIN ENTITIES

H.F. 599

AN ACT relating to the regulation of specified gas and electric utilities.

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

Section 1. Section 476.1A, Code 2023, is amended to read as follows:

476.1A Applicability of authority — certain electric utilities.

1. Electric public utilities having fewer than ten thousand customers and electric cooperative corporations and associations are not subject to the regulation authority of the board, except for regulatory action pertaining to all of the following:

- a. Assessment of fees for the support of the division and the office of consumer advocate, pursuant to section 476.10.
- b. Safety ~~standards~~ and engineering standards ~~for equipment, operations, and procedures.~~
- c. Assigned ~~area~~ areas of service, as set forth in sections ~~476.22 through 476.26.~~
- d. ~~Pilot projects of the board~~ Public utility railroad crossings, as set forth in 476.27.
- e. Filing alternate energy purchase program plans with the board, and offering such programs to customers, pursuant to section 476.47.

2. However, sections 476.20, subsections 1 through 4, 476.21, 476.51, 476.56, ~~476.58,~~ 476.62, and 476.66 and chapters 476A and 478, to the extent applicable, apply to such electric utilities.

3. Electric cooperative corporations and associations and electric public utilities exempt from rate regulation under this section shall not make or grant any unreasonable preferences or advantages as to rates or services to any person or subject any person to any unreasonable prejudice or disadvantage.

4. The board of directors or the membership of an electric cooperative corporation or association otherwise exempt from rate regulation may elect to have the cooperative's rates regulated by the board. The board shall adopt rules prescribing the manner in which the board of directors or the membership of an electric cooperative may so elect. If the board of directors or the membership of an electric cooperative has elected to have the cooperative's

rates regulated by the board, after two years have elapsed from the effective date of such election the board of directors or the membership of the electric cooperative may elect to exempt the cooperative from the rate regulation authority of the board, provided, however, that if the membership elected to have the cooperative's rates regulated by the board, only the membership may elect to exempt the cooperative from the rate regulation authority of the board.

5. An electric utility subject to regulatory action pursuant to this section is subject to complaints and investigations as set forth in section 476.3, but only with regard to matters within the regulatory authority of the board as set forth in subsections 1 and 2.

6. As used in this section:

a. "Engineering standards" means standards adopted by the American national standards institute, or the institute of electrical and electronics engineers, rural utilities service, or comparable engineering organization or engineering standards adopted by the board.

b. "Rates" means the same as defined in section 384.80 and includes all charges or fees imposed or collected for the provision of or incidental to utility service.

c. "Safety standards" means applicable regulations promulgated by the United States occupational safety and health administration and by ¹ Iowa occupational safety and health by the administration. Safety standards for electric utilities subject to this section also include outage notifications, safety standards contained in the national electric safety code, as published by the institute of electrical and electronic engineers, inc., and electric safety standards approved by the American national standards institute.

Sec. 2. Section 476.1B, Code 2023, is amended to read as follows:

476.1B Applicability of authority — municipally owned utilities.

~~1. Unless otherwise specifically provided by statute, a~~ A municipally owned utility furnishing gas or electricity is not subject to ~~the regulation by authority of the board under this chapter,~~ except for regulatory action pertaining to the following:

~~a. Assessment of fees for the support of the division and the office of consumer advocate, as set forth in section 476.10.~~

~~b. Safety standards.~~

~~c. Assigned areas of service, as set forth in sections 476.22 through 476.26.~~

~~d. Enforcement of civil penalties pursuant to section 476.51.~~

~~e. Disconnection of service, as set forth in section 476.20, subsections 1 through 4.~~

~~f. Encouragement of alternate energy production facilities, as set forth in sections 476.41 through 476.45.~~

~~g. Enforcement of section 476.56.~~

~~h. Enforcement of section 476.66.~~

~~i. Enforcement of section 476.62.~~

~~d. Public utility railroad crossings, as set forth in section 476.27.~~

~~j. e.~~ An electric power agency as defined in chapter 28F and section 390.9 that includes as a member a city or municipally owned utility that builds transmission facilities after July 1, 2001, is subject to applicable transmission reliability rules or standards adopted by the board for those facilities.

~~k. f.~~ Filing alternate energy purchase program plans with the board, and offering such programs to customers, pursuant to section 476.47.

~~2. The board may waive all or part of the energy efficiency filing and review requirements for municipally owned utilities which demonstrate superior results with existing energy efficiency efforts Sections 476.20, subsections 1 through 4, 476.51, 476.56, 476.58, 476.62, and 476.66 and chapters 476A and 478, to the extent applicable, apply to such electric and gas utilities.~~

~~3. Unless otherwise specifically provided by statute, a~~ A municipally owned utility providing local exchange services is not subject to ~~the regulation by authority of the board under this chapter~~ except for regulatory action pertaining to the enforcement of sections 476.10, 476.95, 476.95A, 476.95B, 476.100, and 476.102, and 476.103.

¹ See chapter 119, §40 herein

4. An electric utility subject to regulatory action pursuant to this section is subject to complaints and investigations as set forth in section 476.3, but only with regard to matters within the regulatory authority of the board as set forth in subsections 1 and 2.

Sec. 3. Section 476.20, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The board shall ~~establish~~ adopt rules which shall be uniform with respect to ~~all rate-regulated public utilities furnishing gas or electricity relating to disconnection of service. The board shall adopt rules with respect to electric and gas utilities subject to sections 476.1A and 476.1B that prescribe the procedures and notice requirements for the disconnection of service consistent with the rules for rate-regulated public utilities, but such rules shall not regulate the rates of such utilities.~~ This subsection applies ~~both to regulated rate-regulated utilities, utilities subject to regulation under sections 476.1A and 476.1B, and to municipally owned utilities and unincorporated villages which own their own distribution systems, and violations.~~ Violations of this subsection may subject the utilities a utility to civil penalties under section 476.51.

Sec. 4. Section 476.20, subsection 5, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall establish rules which shall be uniform with respect to ~~all rate-regulated 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 utilities subject to section 476.1A, or 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 and electric utilities that are not required to be rate-regulated utilities subject to section 476.1A shall not be subject to the board's rules in regards~~ regard to deposits, rates and charges for the disconnection or reinstatement of service, and payment plans for delinquent amounts owed and repayment of past due debt. Municipally owned utilities and electric utilities that are not required to be rate-regulated utilities subject to section 476.1A shall be subject to the board's rules in regards to payment plans made prior to the disconnection of services.

Sec. 5. Section 592.9, Code 2023, is amended to read as follows:

592.9 City waterworks utilities and utility boards.

All proceedings taken ~~prior to January 1, 1961~~ the effective date of this Act purporting to provide for the establishment, organization, formation, operation, or maintenance of a ~~city waterworks utility or utility board~~ and not previously declared invalid by any court, are legalized, validated and confirmed. All such proceedings are declared to be legally sufficient to create, establish and authorize the maintenance and operation of ~~a city waterworks as a~~ city utility, as defined in section 362.2, subsection 6.

Approved April 28, 2023

CHAPTER 52

PUBLIC UTILITIES — NOTICE OF RATE INCREASE REQUIREMENTS

H.F. 601

AN ACT relating to rate increase notice requirements for public utilities.

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

Section 1. Section 476.6, subsection 2, Code 2023, is amended to read as follows:

2. *Written notice of increase.* All public utilities, except those exempted from rate regulation by section 476.1 and telecommunications service providers registered pursuant to section 476.95A, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility no more than ~~sixty-two~~ thirty days prior to the time the application for the increase is filed with the board. Public utilities exempted from rate regulation by section 476.1, except telecommunications service providers registered pursuant to section 476.95A, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility at least thirty days prior to the effective date of the increase. If the public utility is subject to rate regulation, the written notice to affected customers shall also include an estimate of the total bill impact on a typical customer in each affected customer class, provide a general explanation of the board's rate increase review process, and state that the customer has a right to file a written objection to the rate increase and that the affected customers may request the board to hold a public hearing to determine if the rate increase should be allowed. ~~The board shall prescribe the manner and method that the written notice to each affected customer of the public utility shall be served in the manner in which the customer elects to receive bills and other communications from the public utility.~~

Approved April 28, 2023

CHAPTER 53

CITY PUBLIC SAFETY EMPLOYEES — MAXIMUM EMPLOYMENT AGE

S.F. 183

AN ACT relating to the maximum employment age for certain city public safety positions, and including effective date provisions.

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

Section 1. Section 362.10, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

362.10 Police officers and fire fighters.

The maximum age for a regular law enforcement officer, as defined in section 80B.3, police officer, or marshal, employed full-time or part-time for police or law enforcement duties, or a paid professional fire fighter, employed full-time or part-time for the duty of fighting fires, is sixty-five years of age. This section does not apply to a reserve peace officer, as defined in section 80D.1A, or to a volunteer fire fighter.

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

Approved May 3, 2023

CHAPTER 54**COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND —
DISBURSEMENTS FOR GRANT RECIPIENT EXPENSES**

S.F. 250

AN ACT relating to disbursements from the computer science professional development incentive fund and including applicability provisions.

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

Section 1. Section 284.6A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A recipient of a grant under subsection 2 may receive moneys from the fund for expenses the recipient incurs during the fiscal year in which the department awards the grant through September 30 of the following year.

Sec. 2. **APPLICABILITY.** This Act applies to grants the department of education awards from the computer science professional development incentive fund on or after the effective date of this Act.

Approved May 3, 2023

CHAPTER 55**CIVIL EMPLOYEE LEAVES OF ABSENCE FOR STATE ACTIVE DUTY, NATIONAL GUARD
DUTY, FEDERAL ACTIVE DUTY, CIVIL AIR PATROL DUTY, OR NATIONAL DISASTER
MEDICAL SYSTEM DUTY**

S.F. 329

AN ACT relating to leaves of absences for civil employees performing state active duty, national guard duty, federal active duty, civil air patrol duty, or national disaster medical system duty.

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

Section 1. Section 29A.28, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Where state active duty, national guard duty, federal active duty, or civil air patrol duty is for a period of less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality. The provisions of this section shall also apply to a leave of absence by a member of the national disaster medical system of the United States when activated for federal service with the system. If the workday for a civil employee encompasses ~~more than one calendar day~~ a continuous period of up to twenty-four consecutive hours, regardless of whether the workday extends into one or two calendar days, the civil employee shall only be required to take a leave of absence for one day for that workday if a leave of absence is required under this paragraph.

Approved May 3, 2023

CHAPTER 56

FRAUD IN ASSISTED REPRODUCTION — STATUTES OF LIMITATIONS

S.F. 362

AN ACT relating to conforming statute of limitations provisions related to the fraud in assisted reproduction Act.

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

Section 1. Section 802.3, Code 2023, is amended to read as follows:

802.3 Felony — aggravated or serious misdemeanor.

In all cases, except those enumerated in section 802.1, 802.2, 802.2A, 802.2B, 802.2C, 802.2D, 802.2E, or 802.10, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 2. Section 802.10, subsection 3, Code 2023, is amended to read as follows:

3. However, notwithstanding subsection 2, an indictment or information shall be found against a person within three years from the date the person is identified by the person's DNA profile. If the action involves sexual abuse, another sexual offense, kidnapping, or human trafficking, or fraud in assisted reproduction, the indictment or information shall be found as provided in section 802.2, 802.2B, 802.2C, or 802.2D, or 802.2E, if the person is identified by the person's DNA profile.

Approved May 3, 2023

CHAPTER 57

REGISTRATION AND REGULATION OF SPRAY PADS, SWIMMING POOLS, AND SPAS

S.F. 399

AN ACT relating to the registration and regulation of spray pads, swimming pools, and spas owned or operated by local or state government, commercial interests, or certain private entities, making penalties applicable, and including effective date provisions.

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

Section 1. Section 135I.1, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 3A. a. "Spray pad" means a constructed area that is described by all of the following:

- (1) The area has no standing water.
 - (2) The area is equipped with water sprays or other water play features where the water is intended to contact the users.
 - (3) The area uses or has a feature that uses water that is recirculated independently or from an associated swimming pool.
- b. "Spray pad" includes an interactive fountain, and a splash pad, spray park, wet deck, and water recreation attraction.
- c. "Spray pad" does not include an area that uses only potable water that is not circulated and is drained directly to waste.

Sec. 2. Section 135I.2, Code 2023, is amended to read as follows:

135I.2 Applicability.

This chapter applies to all spray pads, swimming pools, and spas owned or operated by local or state government, or commercial interests or private entities including but not limited to facilities operated by cities, counties, public or private school corporations, hotels,

motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use or to a spray pad, swimming pool, or spa operated by a homeowners' association or housing cooperative representing seventy-two or fewer dwelling units if the association's bylaws of the association or cooperative, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the spray pad, swimming pool, or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the spray pad, swimming pool, or spa. This chapter does not apply to a spray pad, swimming pool, or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination of inspection activities, the department may enter into written agreements with a local board of health to provide for inspection and enforcement in accordance with this chapter.

Sec. 3. Section 135I.3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person shall not operate a spray pad, swimming pool or spa without first having registered with the department. Registration shall be renewed annually.

Sec. 4. Section 135I.4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department is responsible for registering and regulating the operation of spray pads, swimming pools, spas, and, notwithstanding chapter 89, spray pad, swimming pool, or spa water heaters. The department shall conduct seminars and training sessions, and disseminate information regarding health practices, safety measures, and operating procedures required under this chapter. The department may:

Sec. 5. Section 135I.4, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. Inspect, at the time of installation and periodically thereafter, all spray pads, swimming pools, and spas for the purpose of detecting and eliminating health or safety hazards.

2. Establish minimum safety and sanitation criteria for the operation and use of spray pads, swimming pools, and spas.

4. Establish and collect fees to defray the cost of administering this chapter. It is the intent of the general assembly that fees collected under this chapter be used to defray the cost of administering this chapter. However, the portion of fees needed to defray the costs of a local board of health in implementing this chapter shall be established by the local board of health. A fee imposed for the inspection of a spray pad, swimming pool, or spa shall not be collected until the inspection has actually been performed.

Sec. 6. Section 135I.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If the department or a local board of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to this chapter has been or is being violated, the department may withhold or revoke the registration of a spray pad, swimming pool, or spa, or the department or the local board of health may order that a facility or item of equipment not be used, until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board of health.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 2023

CHAPTER 58**PUBLIC FUNDS INVESTMENTS — COMPANIES OWNED OR CONTROLLED BY
CHINESE MILITARY OR GOVERNMENT SERVICES — REVIEW REQUIREMENTS**

S.F. 418

AN ACT relating to the investment of certain public funds in certain companies, concerning companies that are owned or controlled by Chinese military or government services and public fund review requirements.

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

Section 1. Section 12.8, subsection 1, Code 2023, is amended to read as follows:

1. The treasurer of state shall invest or deposit, subject to chapters 12F, 12H, ~~and 12J, and 12K~~ 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. 2. Section 12F.3, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. By July 1, 2007, the public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The list shall further identify whether the company has inactive business operations or active business operations. The public fund shall review and update, if necessary, the scrutinized companies list and the determination of whether a company has inactive or active business operations on a ~~quarterly~~ annual basis thereafter.

Sec. 3. Section 12H.3, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. By March 1, 2012, the public fund shall make its best efforts to identify or have identified all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The list shall further identify whether the company has inactive business operations or active business operations. The public fund shall review and update, if necessary, the scrutinized companies list and the determination of whether a company has inactive or active business operations on a ~~quarterly~~ annual basis thereafter.

Sec. 4. **NEW SECTION. 12K.1 Definitions.**

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

1. “*Company*” means any business or business entity that is publicly traded and that is not based in the United States.

2. “*Direct holdings*” in a company means all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

3. “*Indirect holdings*” in a company means all securities of a company held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, private equity funds, hedge funds, and real estate funds.

4. “*Prohibited company*” means a company that is owned or controlled by Chinese military or government services and has been designated by the United States government as a

company that citizens of the United States are restricted or prohibited from entering into transactions with, limited to companies on any of the following lists:

- a. The bureau of industry and security's entity list.
- b. The bureau of industry and security's military end user list.
- c. The department of defense's communist Chinese military companies list.
- d. The office of foreign assets control's foreign sanctions evaders list.
- e. The office of foreign assets control's list of foreign financial institutions subject to correspondent account or payable-through account sanctions.
- f. The office of foreign assets control's non-SDN Iran sanctions list.
- g. The office of foreign assets control's non-SDN Palestinian legislative council list.
- h. The office of foreign assets control's sectoral sanctions identifications list.
- i. The office of foreign assets control's specially designated nationals and blocked persons list.
- j. "Public fund" means the treasurer of state, the state board of regents, the public safety peace officers' retirement system created in chapter 97A, the Iowa public employees' retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

Sec. 5. NEW SECTION. 12K.2 Identification of companies — notice.

1. a. By January 1, 2024, a public fund shall identify or have identified all prohibited companies in which the public fund has direct or indirect holdings and shall create and make available to the public a prohibited companies list for that public fund. The public fund shall review and update, if necessary, the prohibited companies list on an annual basis thereafter.

b. In identifying or having identified prohibited companies, the public fund may review and rely, in the best judgment of the public fund, on publicly available information and other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify prohibited companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees' retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals for third-party services to complete the identification of prohibited companies and the compilation of a prohibited companies list. The request for proposals may request bids for optional services related to this purpose, including but not limited to provision of notice of such prohibited companies as required in subsection 2. The Iowa public employees' retirement system shall consult with all other public funds regarding the development of the request for proposals, however selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. If a public fund determines that a company may be subject to inclusion on the prohibited companies list, the public fund shall scrutinize and engage the company for a period of not more than twelve months and shall include the company on the prohibited companies list if the public fund determines that the company is a prohibited company.

Sec. 6. NEW SECTION. 12K.3 Divestment.

1. A public fund shall not acquire any direct holdings in publicly traded securities of a prohibited company.

2. a. A public fund shall sell, redeem, divest, or withdraw all direct holdings in publicly traded securities of a prohibited company no later than one hundred eighty days following the date the company is included on the prohibited companies list.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

Sec. 7. NEW SECTION. 12K.4 Reports.

1. Each public fund shall, within thirty days after the prohibited companies list is created or updated as required by section 12K.2, make the list available to the public.

2. On October 1, 2024, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes all of the following:

a. The prohibited companies list as of the end of the fiscal year.

b. All investments sold, redeemed, divested, or withdrawn as provided in section 12K.3 during the fiscal year.

c. A list of indirect holdings of the public fund in publicly traded securities of prohibited companies and the percentage of the total portfolio of the public fund the indirect holdings of securities in prohibited companies represent.

Sec. 8. NEW SECTION. 12K.5 Legal obligations.

With respect to actions taken in compliance with this chapter, including all good-faith determinations regarding companies as required by this chapter, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations with respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

Sec. 9. NEW SECTION. 12K.6 Applicability.

The requirements of sections 12K.2, 12K.3, and 12K.4 shall not apply if the United States Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.

Sec. 10. Section 97A.7, subsection 1, Code 2023, 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 and chapters 12F, 12H, ~~and 12J~~, and 12K 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. 11. Section 97B.4, subsection 5, Code 2023, is amended to read as follows:

5. *Investments.* The system, through the chief investment officer, shall invest, subject to chapters 12F, 12H, ~~and 12J~~, and 12K 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. 12. Section 262.14, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board may invest funds belonging to the institutions, subject to chapters 12F, 12H, ~~and 12J~~, and 12K and the following regulations:

Sec. 13. Section 411.7, subsection 1, Code 2023, 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, 12H, ~~and 12J~~, and 12K. 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. 14. Section 602.9111, subsection 1, Code 2023, 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, 12H, and 12J, and 12K, 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.

Approved May 3, 2023

CHAPTER 59

ELECTRONIC REGISTRATION RENEWAL OF OFF-ROAD UTILITY VEHICLES

S.F. 519

AN ACT relating to electronic registration renewal of off-road utility vehicles.

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

Section 1. Section 321I.7, subsection 5, Code 2023, is amended to read as follows:

5. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue all-terrain vehicle and off-road utility vehicle registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321I.29.

Approved May 3, 2023

CHAPTER 60

VEHICLES OF EXCESSIVE SIZE AND WEIGHT — HIGHWAYS AND STREETS UPON WHICH MOVEMENT IS PERMITTED — WARNING LIGHTS

S.F. 527

AN ACT relating to vehicles of excessive size and weight, including highways and streets upon which movement of such vehicles is permitted and warning lights on such vehicles.

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

Section 1. Section 321E.3, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. (1) The department may issue all-systems permits under section 321E.8 which are valid for ~~movements~~ movement on all paved highways or streets ~~under the jurisdiction of either the state~~, except the interstate road system if prohibited under section 321E.8, ~~or those and except any highways or streets under the jurisdiction of local authorities that have indicated upon which an all-systems permit is not valid as determined by the applicable local authority if the local authority indicates such highways and streets to the department in writing, including by means of electronic communication, those streets or highways for which an all-systems permit is not valid.~~ However, a local authority shall not determine that

any paved farm-to-market road, or highway or street designated as a truck route, is not valid for purposes of an all-systems permit without justification. A highway or street under the jurisdiction of a local authority upon which movement under an all-systems permit is valid shall connect with a highway or street under the jurisdiction of the state, or with another highway or street upon which movement under an all-systems permit is valid that ultimately connects with a highway or street under the jurisdiction of the state.

(2) A local authority that indicates a highway or street, including a paved farm-to-market road, upon which an all-systems permit is not valid under subparagraph (1) shall provide a written justification report to the department explaining the local authority's determination. If the department disagrees with the local authority's determination, the dispute shall be resolved in accordance with chapter 17A.

(3) Notwithstanding a local authority's determination under this paragraph, a person who is issued an all-systems permit may operate a permitted vehicle over the most direct route between the location where the vehicle is loaded or is to be unloaded and the nearest highway or street upon which movement under an all-systems permit is valid.

Sec. 2. Section 321E.24, Code 2023, is amended to read as follows:

321E.24 Warning and lighting devices on oversize vehicles and loads.

The department shall adopt rules pursuant to chapter 17A regarding oversize load signs, warning flags, vehicle length warning lights, and projecting-load lights. A vehicle or combination of vehicles with a gross weight or combined gross weight exceeding eighty thousand pounds shall not be required to display warning lights based on the vehicle's weight, but may otherwise be required to display warning lights based on length, a projecting load, or other factors, as provided by law.

Sec. 3. 2022 Iowa Acts, chapter 1076, section 7, is amended to read as follows:

SEC. 7. PERMITS — COUNTY AUTHORIZATION AND INDICATION TO DEPARTMENT OF TRANSPORTATION. On or before July 1, 2025, every county shall authorize vehicles issued a permit under section 321E.8, subsection 1A, as enacted in this Act, to operate on all paved farm-to-market roads, highways and streets designated as a truck route, and certain secondary roads and indicate to the department of transportation in writing, including by means of electronic communication, those secondary roads for which a permit under section 321E.8, subsection 1A, as enacted in this Act, is not valid, as described in section 321E.3, as amended in this Act.

Approved May 3, 2023

CHAPTER 61

REGULATION OF CONTROLLED SUBSTANCES — CHANGES TO SUBSTANCE SCHEDULES AND PRECURSOR SUBSTANCES REPORTING

H.F. 128

AN ACT relating to controlled substances, including amending certain controlled substances schedules and precursor substances reporting requirements, making penalties applicable, and including effective date provisions.

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

Section 1. Section 124.204, subsection 4, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. ca. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other name: 5F-EDMB-PINACA.

NEW PARAGRAPH. cb. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-

dimethylbutanoate. Other names: 5F-MDMB-PICA; 5F-MDMB-2201.

NEW PARAGRAPH. cc. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL).

NEW PARAGRAPH. cd. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide. Other names: 5F-CUMYL-PINACA; SGT-25.

NEW PARAGRAPH. ce. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone. Other name: FUB-144.

NEW PARAGRAPH. cf. 2-(ethylamino)-1-phenylhexan-1-one). Other names: N-Ethylhexedrone; alpha-ethylaminohexanophenone.

NEW PARAGRAPH. cg. Alpha-Pyrrolidinohexanophenone. Other names: alpha-PHP; alpha-pyrrolidinohexanophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one.

NEW PARAGRAPH. ch. 4-Methyl-alpha-ethylaminopentiophenone. Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one.

NEW PARAGRAPH. ci. 4'-Methyl-alpha-pyrrolidinohexiophenone. Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one.

NEW PARAGRAPH. cj. alpha-Pyrrolidinoheptaphenone. Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one.

NEW PARAGRAPH. ck. 4'-Chloro-alpha-pyrrolidinovalerophenone. Other names: 4-chloro-alpha-PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one.

NEW PARAGRAPH. cl. 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one. Other names: methoxetamine; MXE.

Sec. 2. Section 124.204, subsection 9, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

9. *Other substances.* Any material, compound, mixture, or preparation which contains any quantity of the following substances or their optical, positional, and geometric isomers, salts, and salts of isomers:

a. Fentanyl-related substances. "*Fentanyl-related substance*" means any substance not otherwise listed under this schedule or another schedule, and for which no exemption or approval is in effect under section 505 of the federal Food, Drug, and Cosmetic Act that is structurally related to fentanyl by one or more of the following modifications:

(1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(5) Replacement of the N-propionyl group by another acyl group.

b. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazole-2-one. Other names: bromphine, 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one.

c. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other name: Butonitazene.

d. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: Etodesnitazene; etazene.

e. N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other name: Flunitazene.

f. N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other name: Metodesnitazene.

g. N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other name: Metonitazene.

h. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: N-pyrrolidino etonitazene; etonitazepyne.

i. N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine and its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other name: Protonitazene.

Sec. 3. Section 124.210, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *bg.* Daridorexant.

Sec. 4. Section 124.212, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* Ganaxolone (3alpha-hydroxy-3beta-methyl-5alpha-pregnan-20-one).

Sec. 5. Section 124B.2, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *ah.* Methyl alpha-phenylacetoacetate and its optical isomers. Other names: MAPA; methyl 3-oxo-2-phenylbutanoate.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 2023

CHAPTER 62

LICENSES AND CERTIFICATES ISSUED BY BOARD OF EDUCATIONAL EXAMINERS — AGE REQUIREMENTS

H.F. 256

AN ACT relating to the minimum age of applicants for licenses from the board of educational examiners.

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

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (2), Code 2023, is amended by striking the subparagraph.

Sec. 2. Section 272.12, Code 2023, is amended to read as follows:
272.12 Para-educator certificates.

The board of educational examiners shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 272.2, subsection 14, or in administrative rule. ~~Notwithstanding section 272.2, subsection 14, paragraph “b”, subparagraph (2), the~~ The board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this chapter shall not be considered a teacher

or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

Approved May 3, 2023

CHAPTER 63

DATA BREACHES AND BUSINESS CYBERSECURITY PROGRAM USE — TORT LIABILITY AND AFFIRMATIVE DEFENSES

H.F. 553

AN ACT relating to affirmative defenses for entities using cybersecurity programs.

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

Section 1. NEW SECTION. 554G.1 Definitions.

As used in this chapter:

1. “*Business*” means any limited liability company, limited liability partnership, corporation, sole proprietorship, association, or other group, however organized and whether operating for profit or not for profit, including a financial institution organized, chartered, or holding a license authorizing operation under the laws of this state, any other state, the United States, or any other country, or the parent or subsidiary of any of the foregoing, including an entity organized under chapter 28E. “*Business*” does not include a municipality as defined in section 670.1.

2. “*Contract*” means the same as defined in section 554D.103.

3. “*Covered entity*” means a business that accesses, receives, stores, maintains, communicates, or processes personal information or restricted information in or through one or more systems, networks, or services located in or outside this state.

4. “*Data breach*” means an intentional or unintentional action that could result in electronic records owned, licensed to, or otherwise protected by a covered entity being viewed, copied, modified, transmitted, or destroyed in a manner that is reasonably believed to have or may cause material risk of identity theft, fraud, or other injury or damage to person or property. “*Data breach*” does not include any of the following:

a. Good-faith acquisition of personal information or restricted information by the covered entity’s employee or agent for the purposes of the covered entity, provided that the personal information or restricted information is not used for an unlawful purpose or subject to further unauthorized disclosure.

b. Acquisition or disclosure of personal information or restricted information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency.

5. “*Distributed ledger technology*” means the same as defined in section 554E.1.

6. “*Electronic record*” means the same as defined in section 554D.103.

7. “*Encrypted*” means the use of an algorithmic process to transform data into a form for which there is a low probability of assigning meaning without use of a confidential process or key.

8. “*Individual*” means a natural person.

9. “*Maximum probable loss*” means the greatest damage expectation that could reasonably occur from a data breach. For purposes of this subsection, “*damage expectation*” means the total value of possible damage multiplied by the probability that damage would occur.

10. a. “*Personal information*” means any information relating to an individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, social security number, driver’s license number or state identification card number, passport number, account number or credit or debit card number, location

data, biometric data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that individual.

b. “*Personal information*” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:

(1) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio, television, or the internet.

(2) Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to news media identified in this paragraph.

(3) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit business.

(4) Any type of media similar in nature to any item, entity, or activity identified in this paragraph.

11. “*Record*” means the same as defined in section 554D.103.

12. “*Redacted*” means altered, truncated, or anonymized so that, when applied to personal information, the data can no longer be attributed to a specific individual without the use of additional information.

13. “*Restricted information*” means any information about an individual, other than personal information, or business that, alone or in combination with other information, including personal information, can be used to distinguish or trace the identity of the individual or business, or that is linked or linkable to an individual or business, if the information is not encrypted, redacted, tokenized, or altered by any method or technology in such a manner that the information is anonymized, and the breach of which is likely to result in a material risk of identity theft or other fraud to person or property.

14. “*Smart contract*” means the same as defined in section 554E.1.

15. “*Transaction*” means a sale, trade, exchange, transfer, payment, or conversion of virtual currency or other digital asset or any other property or any other action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Sec. 2. NEW SECTION. 554G.2 Affirmative defenses.

1. A covered entity seeking an affirmative defense under this chapter shall create, maintain, and comply with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of both personal information and restricted information.

2. A covered entity’s cybersecurity program shall be designed to do all of the following:

a. Continually evaluate and mitigate any reasonably anticipated internal or external threats or hazards that could lead to a data breach.

b. Periodically evaluate no less than annually the maximum probable loss attainable from a data breach.

c. Communicate to any affected parties the extent of any risk posed and any actions the affected parties could take to reduce any damages if a data breach is known to have occurred.

3. The scale and scope of a covered entity’s cybersecurity program is appropriate if the cost to operate the cybersecurity program is no less than the covered entity’s most recently calculated maximum probable loss value.

4. a. A covered entity that satisfies all requirements of this section is entitled to an affirmative defense to any cause of action sounding in tort that is brought under the laws of this state or in the courts of this state and that alleges that the failure to implement reasonable information security controls resulted in a data breach concerning personal information or restricted information.

b. A covered entity satisfies all requirements of this section if its cybersecurity program reasonably conforms to an industry-recognized cybersecurity framework, as described in section 554G.3.

Sec. 3. NEW SECTION. 554G.3 Cybersecurity program framework.

1. A covered entity's cybersecurity program, as described in section 554G.2, reasonably conforms to an industry-recognized cybersecurity framework for purposes of section 554G.2 if any of the following are true:

a. (1) The cybersecurity program reasonably conforms to the current version of any of the following or any combination of the following, subject to subparagraph (2) and subsection 2:

(a) The framework for improving critical infrastructure cybersecurity developed by the national institute of standards and technology.

(b) National institute of standards and technology special publication 800-171.

(c) National institute of standards and technology special publications 800-53 and 800-53a.

(d) The federal risk and authorization management program security assessment framework.

(e) The center for internet security critical security controls for effective cyber defense.

(f) The international organization for standardization/international electrotechnical commission 27000 family — information security management systems.

(2) When a final revision to a framework listed in subparagraph (1) is published, a covered entity whose cybersecurity program reasonably conforms to that framework shall reasonably conform the elements of its cybersecurity program to the revised framework within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its affirmative defense, but in no event later than one year after the publication date stated in the revision.

b. (1) The covered entity is regulated by the state, by the federal government, or both, or is otherwise subject to the requirements of any of the laws or regulations listed below, and the cybersecurity program reasonably conforms to the entirety of the current version of any of the following, subject to subparagraph (2):

(a) The security requirements of the federal Health Insurance Portability and Accountability Act of 1996, as set forth in 45 C.F.R. pt. 164, subpt. C.

(b) Title V of the federal Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102, as amended.

(c) The federal Information Security Modernization Act of 2014, Pub. L. No. 113-283.

(d) The federal Health Information Technology for Economic and Clinical Health Act as set forth in 45 C.F.R. pt. 162.

(e) Chapter 507F.

(f) Any applicable rules, regulations, or guidelines for critical infrastructure protection adopted by the federal environmental protection agency, the federal cybersecurity and infrastructure security agency, or the north American reliability corporation.

(2) When a framework listed in subparagraph (1) is amended, a covered entity whose cybersecurity program reasonably conforms to that framework shall reasonably conform the elements of its cybersecurity program to the amended framework within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its affirmative defense, but in no event later than one year after the effective date of the amended framework.

c. (1) The cybersecurity program reasonably complies with both the current version of the payment card industry data security standard and conforms to the current version of another applicable industry-recognized cybersecurity framework listed in paragraph "a", subject to subparagraph (2) and subsection 2.

(2) When a final revision to the payment card industry data security standard is published, a covered entity whose cybersecurity program reasonably complies with that standard shall reasonably comply the elements of its cybersecurity program with the revised standard within the time frame provided in the relevant framework upon which the covered entity intends to rely to support its affirmative defense, but not later than the effective date for compliance.

2. If a covered entity's cybersecurity program reasonably conforms to a combination of industry-recognized cybersecurity frameworks, or complies with a standard, as in the case of the payment card industry data security standard, as described in subsection 1, paragraph "a" or "c", and two or more of those frameworks are revised, the covered entity whose cybersecurity program reasonably conforms to or complies with, as applicable, those frameworks shall reasonably conform the elements of its cybersecurity program to or comply with, as applicable, all of the revised frameworks within the time frames provided in

the relevant frameworks but in no event later than one year after the latest publication date stated in the revisions.

Sec. 4. **NEW SECTION. 554G.4 Causes of action.**

This chapter shall not be construed to provide a private right of action, including a class action, with respect to any act or practice regulated under this chapter.

Approved May 3, 2023

CHAPTER 64

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 567

AN ACT relating to nonsubstantive Code corrections, and including effective date and retroactive applicability provisions.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 2.47, Code 2023, is amended to read as follows:

2.47 Procedure.

The chairpersons of the committees on ~~budget appropriations~~ shall serve as co-chairpersons of the legislative fiscal committee. The legislative fiscal committee shall determine its own method of procedure and shall meet as often as deemed necessary, subject to the approval of the legislative council. It shall keep a record of its proceedings which shall be open to public inspection, and it shall inform the legislative council in advance concerning the dates of meetings of the committee.

Sec. 2. Section 2.51, Code 2023, is amended to read as follows:

2.51 Visitations.

The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on ~~budget appropriations~~ of the senate and the house of representatives and the chairpersons of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on ~~budget appropriations~~ of the senate and the house of representatives. The legislative council may appoint a member of the subcommittee or standing committee to serve in place of that subcommittee's or standing committee's chairperson or minority party ranking member on the legislative fiscal visitation committee or subcommittee if that person will be absent. The subcommittee and the legislative fiscal committee shall be provided with information by the legislative services agency concerning budgets, programs, and legislation authorizing programs prior to any visitation. Members of a committee shall be compensated pursuant to section 2.10, subsection 5. The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

Sec. 3. Section 8.39, subsection 4, Code 2023, is amended to read as follows:

4. Prior to any transfer of funds pursuant to subsection 1 or 2 of this section or a transfer of an allocation from a subunit of a department which statutorily has independent budgeting authority, the director shall notify the chairpersons of the standing committees on ~~budget appropriations~~ of the senate and the house of representatives and the chairpersons of subcommittees of such committees of the proposed transfer. The notice from the director shall include information concerning the amount of the proposed transfer, the departments, institutions or agencies affected by the proposed transfer and the reasons for the proposed transfer. Chairpersons notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 4. Section 8C.7A, subsection 3, paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iii), Code 2023, is amended to read as follows:

(iii) The application would result in the authority being noncompliant with the federal Americans With Disabilities Act of 1990.

Sec. 5. Section 13C.1, subsection 4, Code 2023, is amended to read as follows:

4. *“Professional commercial fund-raiser”* means any person who for compensation solicits contributions in Iowa for a charitable organization other than the person. A person whose sole responsibility is to mail ~~fund-raising~~ fundraising literature is not a professional commercial fund-raiser. A lawyer, investment counselor, or banker who advises a person to make a charitable contribution is not, as a result of such advice, a professional commercial fund-raiser. A bona fide salaried officer, employee, or volunteer of a charitable organization is not a professional commercial fund-raiser.

Sec. 6. Section 15E.64, subsection 7, Code 2023, is amended to read as follows:

7. After incorporation, the Iowa capital investment corporation shall conduct a national solicitation for investment plan proposals from qualified venture capital investment fund allocation managers for the raising and investing of capital by the Iowa fund of funds in accordance with the requirements of this subchapter. Any proposed investment plan shall address the applicant’s level of experience, quality of management, investment philosophy and process, probability of success in ~~fund-raising~~ fundraising, prior investment fund results, and plan for achieving the purposes of this subchapter. The selected venture capital investment fund allocation manager shall be a person with substantial, successful experience in the design, implementation, and management of seed and venture capital investment programs and in capital formation. The corporation shall only select a venture capital investment fund allocation manager with demonstrated expertise in the management and fund allocation of investments in venture capital funds. The corporation shall select the venture capital investment fund allocation manager deemed best qualified to generate the amount of capital required by this subchapter and to invest the capital of the Iowa fund of funds.

Sec. 7. Section 22.7, subsection 52, paragraph c, Code 2023, is amended to read as follows:

c. Except as provided in paragraphs “a” and “b”, portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written ~~fund-raising~~ fundraising policies and documents evidencing ~~fund-raising~~ fundraising practices, shall be subject to this chapter.

Sec. 8. Section 23A.2, subsections 6, 7, and 8, Code 2023, are amended to read as follows:

6. a. The director of the department of corrections, with the advice of the state prison industries advisory board, may, by rule, provide for exemptions from this chapter.

b. This chapter shall not be construed to impair cooperative agreements between Iowa state industries and private enterprise.

c. The director of the department of corrections, with the advice of the board of corrections, may, by rule, provide for exemption from this chapter for vocational-educational programs and farm operations of the department.

~~7. However, this chapter shall not be construed to impair cooperative agreements between Iowa state industries and private enterprise.~~

~~8. The director of the department of corrections, with the advice of the board of corrections, may by rule, provide for exemption from this chapter for vocational educational programs and farm operations of the department.~~

Sec. 9. Section 29C.9, subsection 3, Code 2023, is amended to read as follows:

3. The name used by the commission shall be “(county name) county emergency management commission”. The name used by the office of the commission shall be “(county name) county emergency management agency”.

Sec. 10. Section 35A.13, subsection 4, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Costs for performance and compliance monitoring, and accounting for fund investments.

Sec. 11. Section 53.47, subsection 1, Code 2023, is amended to read as follows:

1. In order to establish uniformity in size, weight, and other characteristics of the ballot and facilitate its distribution and return, the department of administrative services shall upon direction of the state commissioner purchase any material needed for any special ballots, envelopes, and other printed matter, and sell any such materials to the several counties of the state at cost plus handling and transportation costs.

Sec. 12. Section 68A.304, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Equipment, supplies, or other materials purchased with campaign funds or received ~~in-kind~~ in kind are campaign property.

Sec. 13. Section 68A.701, Code 2023, is amended to read as follows:

68A.701 Penalty.

Any person who willfully violates any provisions of this chapter shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 14. Section 76.10, subsection 1, Code 2023, is amended to read as follows:

1. All public bonds or obligations issued before or after July 1, 1983, may be in registered form. An issuer of public bonds or obligations may designate for a term as agreed upon, one or more persons, corporations, partnerships, or other associations located within or without the state to serve as trustee, transfer agent, registrar, depository, or paying or other agent in connection with the public bonds or obligations and to carry out services and functions which are customary in such capacities or convenient or necessary to comply with the intent and provisions of this chapter.

Sec. 15. Section 80D.7, Code 2023, is amended to read as follows:

80D.7 Carrying weapons.

A member of a reserve force shall not carry a weapon in the line of duty until the member has been approved by the governing body and certified by the ~~Iowa law enforcement academy~~ council to carry weapons. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, commissioner of public safety or the commissioner’s designee, or director of the judicial district department of correctional services or the director’s designee, as the case may be.

Sec. 16. Section 99F.6, subsection 4, paragraph a, subparagraph (4), Code 2023, is amended to read as follows:

(4) A qualified sponsoring organization shall not make a contribution to a candidate, political committee, candidate’s committee, state statutory political committee, county statutory political committee, national political party, or ~~fund-raising~~ fundraising event as these terms are defined in section 68A.102. The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities.

Sec. 17. Section 100.14, Code 2023, is amended to read as follows:

100.14 Legal proceedings — penalties — injunctive relief.

At the request of the state fire marshal, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of this chapter or rules or orders adopted or issued pursuant to this chapter, including, but not limited to, a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including, but not limited to, a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to section 100.13.

Sec. 18. Section 103.18, Code 2023, is amended to read as follows:

103.18 License renewal — continuing education.

In order to renew a class A master electrician license, class B master electrician license, class A journeyman electrician license, or class B journeyman electrician license issued pursuant to this chapter, the licensee shall be required to complete eighteen contact hours of continuing education courses approved by the board during the three-year period for which a license is granted. The contact hours shall include a minimum of six contact hours studying the national electrical code described in section 103.6, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the national electrical code shall be acceptable. For purposes of this section, “*contact hour*” means fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

Sec. 19. Section 147.77, subsection 1, paragraph h, subparagraph (3), Code 2023, is amended to read as follows:

(3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of U.S.C. Tit. 21 (~~Food and Drug Section 812~~) section 202 of the federal Controlled Substances Act, 21 U.S.C. §812, chapter 124, or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice.

Sec. 20. Section 147F.1, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. “*Active duty military*” means full-time duty status in the active uniformed service of the United States, including members of the national guard and the reserves on active duty orders pursuant to 10 U.S.C. §1209 ch. 1209 and 10 U.S.C. §1211 ch. 1211.

Sec. 21. Section 147F.1, subsection 6, Code 2023, is amended to read as follows:

6. *Active duty military personnel or their spouses*. Active duty military personnel, or their ~~spouse~~ spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

Sec. 22. Section 147F.1, subsection 8, paragraph c, subparagraph (11), Code 2023, is amended to read as follows:

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

Sec. 23. Section 151.10, Code 2023, is amended to read as follows:

151.10 Education requirements.

A person who is an applicant for a license to practice chiropractic shall only be required to be tested for the adjunctive procedures specified in section 151.1, subsection 3, which the person chooses to utilize. A person licensed to practice chiropractic shall only be required to complete continuing education requirements for the adjunctive procedures specified in section 151.1, subsection 3, which the person chooses to utilize. A person who is an applicant for a license to practice chiropractic or a person licensed to practice chiropractic shall not be required to utilize any of the adjunctive procedures specified in section 151.1, subsection 3, to obtain a license or continue to practice chiropractic, respectively.

Sec. 24. Section 162.2, subsection 4, Code 2023, is amended to read as follows:

4. “*Animal warden*” means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

Sec. 25. Section 165A.1, subsection 4, Code 2023, is amended to read as follows:

4. “*Johne’s disease*” means a disease caused by the bacterium mycobacterium Mycobacterium paratuberculosis, and which is also referred to as paratuberculosis disease.

Sec. 26. Section 189A.5, subsection 2, paragraph e, Code 2023, is amended to read as follows:

e. Investigate the sanitary conditions of each establishment within paragraph “a” of this subsection and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled ~~thereat~~ at the establishment.

Sec. 27. Section 190.2, subsection 1, Code 2023, is amended to read as follows:

1. The department may establish and publish standards for foods when such standards are not fixed by law. The standards shall conform with standards for foods adopted by federal agencies including, but not limited to, the United States department of agriculture.

Sec. 28. Section 202A.4, subsection 2, Code 2023, is amended to read as follows:

2. A provision which is part of a contract for the purchase of livestock executed on and after April 29, 1999, ~~for the purchase of livestock~~ is void, if the provision states that information contained in the contract is confidential. The provision is void regardless of whether the confidentiality provision is express or implied; oral or written; required or conditional; ~~or~~ contained in the contract, another contract, or in a related document, policy, or agreement. This section does not affect other provisions of a contract or a related document, policy, or agreement which can be given effect without the voided provision. This section does not require either party to the contract to divulge the information in the contract to another person.

Sec. 29. Section 206.8, subsection 3, Code 2023, is amended to read as follows:

3. Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund created in section 455E.11.

Sec. 30. Section 206.12, subsection 3, Code 2023, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, ~~and the~~. The secretary shall set the registration fee annually at three hundred dollars for each and every brand and grade to be offered for sale in this state. The secretary shall adopt by rule exemptions to the fee. Fifty dollars of each fee collected shall be deposited in the general fund of the state, shall be subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter ~~and the~~. The

remainder of each fee collected shall be placed deposited in the agriculture management account of the groundwater protection fund created in section 455E.11.

Sec. 31. Section 210.23, Code 2023, is amended to read as follows:

210.23 Exception.

Any person engaged in operating a home food processing establishment as defined in section 137D.1 is exempt from the provisions of sections 210.19 through 210.22.

Sec. 32. Section 232.46, subsection 3, Code 2023, is amended to read as follows:

3. A consent decree shall not be entered unless the child and the child's parent, guardian, or custodian ~~is~~ are informed of the consequences of the decree by the court and the court determines that the child has voluntarily and intelligently agreed to the terms and conditions of the decree. If the county attorney objects to the entry of a consent decree, the court shall proceed to determine the appropriateness of entering a consent decree after consideration of any objections or reasons for entering such a decree.

Sec. 33. Section 237.18, subsection 2, paragraph d, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Establish mandatory training programs for members of the state board. Training shall focus on, but not be limited to, the following:

Sec. 34. Section 252B.6A, subsection 2, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

Sec. 35. Section 252B.6A, subsection 4, Code 2023, is amended to read as follows:

4. For the purposes of this section, a "judicial proceeding" means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. "Judicial proceedings" include but are not limited to those pursuant to ~~chapters~~ chapter 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. "Judicial proceedings" do not include enforcement actions which the unit is required to implement under federal law including, but not limited to, income withholding.

Sec. 36. Section 252D.16, subsection 2, Code 2023, is amended to read as follows:

2. "Payor of income" or "payor" means and includes, but is not limited to, an obligor's employer, trustee, the state of Iowa and all governmental subdivisions and agencies and any other person from whom an obligor receives income.

Sec. 37. Section 256.82, subsection 1, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) One member shall be appointed from the membership of a ~~fund-raising~~ fundraising nonprofit organization financially assisting the Iowa public broadcasting division.

Sec. 38. Section 256B.2, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under ~~chapters~~ chapter 263, 269, ~~and or~~ 270, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the state board of regents to provide the services required by this chapter.

Sec. 39. Section 260C.44, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. “*Apprenticeship program*” means a plan, registered with the United States department of labor, office of apprenticeship which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

Sec. 40. Section 261.85, subsection 2, Code 2023, is amended to read as follows:

2. From moneys appropriated in this section, one million five hundred thousand dollars shall be allocated to institutions of higher education under the state board of regents and community colleges and the remaining ~~dollars~~ moneys appropriated in this section shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work-study funds that relates to the current need of institutions.

Sec. 41. Section 261.114, subsection 9, Code 2023, is amended to read as follows:

9. *Trust fund established.* A rural Iowa advanced registered nurse practitioner and physician assistant trust fund is created in the state treasury as a separate fund under the control of the commission. The commission shall remit all repayments made pursuant to this section to the rural Iowa advanced registered nurse practitioner and physician assistant trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section. Moneys in the fund up to the total amount that an eligible student may receive for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 3 shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 3. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years. Notwithstanding section 8.33, any balance in the fund on June 30, 2023, shall not revert to the general fund of the state but shall be transferred to the health care ~~loan repayment~~ award fund established pursuant to section 261.116 to be used for purposes of the health care ~~loan repayment~~ award program.

Sec. 42. Section 261.117, subsection 1, paragraph e, subparagraph (4), Code 2023, is amended to read as follows:

(4) The individual is not eligible for the rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program established pursuant to section 261.114.

Sec. 43. Section 262.71, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The Iowa state university of science and technology.

3. The state university of Iowa.

Sec. 44. Section 262.78, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The board of regents shall establish a center for agricultural safety and health at the state university of Iowa. The center shall be a joint venture by the state university of Iowa and Iowa state university of science and technology. The center shall establish farm health and safety programs designed to reduce the incidence of disabilities suffered by persons engaged in agriculture which results from disease or injury. The state university of Iowa is primarily responsible for the management of agricultural health and injury programs at the center. Iowa state university of science and technology is primarily responsible for the management of the agricultural safety programs of the center.

3. The president of the state university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center’s purpose. The director shall coordinate the agricultural health and safety programs of the center. The director shall regularly meet and consult with the center for rural health and primary care. The director shall provide the board of regents with relevant information regarding the center.

Sec. 45. Section 279.41, subsection 1, Code 2023, is amended to read as follows:

1. Moneys received from the condemnation, sale, or other disposition for public purposes of schoolhouses, school sites, or both schoolhouses and school sites, shall be deposited in the physical plant and equipment levy fund and may, without a vote of the electorate, be used for purposes authorized under section 298.3, as ordered by the board of directors of the school corporation.

Sec. 46. Section 298A.8, subsections 1 and 3, Code 2023, are amended to read as follows:

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~~ fundraising events, or other student-related cocurricular or extracurricular activities. Moneys in this fund shall be used to support only the cocurricular or extracurricular program defined in department of education administrative rules.

3. For the school budget year beginning July 1, 2020, the school budget year beginning July 1, 2021, and the school budget year beginning July 1, 2022, the board of directors may, by board resolution and notwithstanding any provision of law to the contrary, transfer from the school corporation's general fund to the student activity fund an amount necessary, as recommended by the superintendent, to fund cocurricular or extracurricular activities for which moneys from student-related activities such as admissions, activity fees, student dues, student ~~fund-raising~~ fundraising events, or other student-related cocurricular or extracurricular activities fail to meet the financial needs of the activity as the result of restrictions placed on the activity related to the COVID-19 pandemic. This subsection is repealed July 1, 2023.

Sec. 47. Section 314.11, Code 2023, is amended to read as follows:

314.11 Use of bridges by utility companies.

Telephone, telegraph, electric transmission, and ~~pipe lines~~ pipelines may be permitted to use any highway bridge on or across a state line on such terms and conditions as the agency or officials jointly constructing, maintaining, or operating such bridge may jointly determine. No discrimination shall be made in the use of such bridge as between such utilities. Joint use of telephone, telegraph, electric transmission, or ~~pipe lines~~ pipelines may not be required. No grant to any public utility to use such bridge shall in any way interfere with the use of such bridge by the public for highway purposes.

Sec. 48. Section 314.22, subsection 3, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director of the department shall appoint members to an integrated roadside vegetation management technical advisory committee which is created to provide advice on the development and implementation of a statewide integrated roadside vegetation management plan and program and related projects. The department shall report annually in January to the general assembly regarding its activities and those of the committee. Activities of the committee may include, but are not limited to, providing advice and assistance in the following areas:

Sec. 49. Section 314.22, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department or may contract for the services of the coordinator. The duties of the coordinator include, but are not limited to, the following:

Sec. 50. Section 314.22, subsection 8, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program and project emphasis may include, but are not limited to, all of the following:

Sec. 51. Section 320.7, Code 2023, is amended to read as follows:

320.7 Failure to maintain.

Failure of the grantee to comply with the terms of the grant shall be ~~ground~~ grounds for forfeiture of the grant.

Sec. 52. Section 327D.5, Code 2023, is amended to read as follows:

327D.5 Burden of proof.

In any action in court, or before the department, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this section and sections 327D.3 and 327D.4 the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

Sec. 53. Section 328.26, subsection 2, Code 2023, is amended to read as follows:

2. When an aircraft is registered to a person for the first time, the fee submitted to the department shall include the tax imposed by section 423.2 or ~~section~~ 423.5 or evidence of the exemption of the aircraft from the tax imposed under section 423.2 or 423.5.

Sec. 54. Section 331.653, subsection 12, Code 2023, is amended to read as follows:

12. Observe and inspect any licensed ~~premise~~ premises for gambling devices and report findings to the license-issuing authority as provided in section 99A.4.

Sec. 55. Section 346.27, subsections 2 and 4, Code 2023, are amended to read as follows:

2. Any county may join with its county seat to incorporate an ~~“Authority”~~ “authority” for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating a public building, and to acquire and prepare the necessary site, including demolition of any structures, for the joint use of the county and city or any school district which is within or is a part of the county or city.

4. The articles of incorporation shall set forth the name of the authority, the name of the incorporating units, the purpose for which the authority is created, the number, terms, and manner of selection of its officers including its governing body which shall be known as the ~~“commission”~~ “commission”, the powers and duties of the authority and of its officers, the date upon which the authority becomes effective, the name of the newspaper in which the articles of incorporation shall be published, and any other matters.

Sec. 56. Section 350.1, Code 2023, is amended to read as follows:

350.1 Purposes.

The purposes of this chapter are to create a county conservation board; ~~and~~ to authorize counties to acquire, develop, maintain, and make available to the inhabitants of the county, public museums, parks, preserves, parkways, playgrounds, recreational centers, county forests, and wildlife and other conservation areas; ~~and~~ to promote and preserve the health and general welfare of the people; ~~and~~ to encourage the orderly development and conservation of natural resources; ~~and~~ to cultivate good citizenship by providing adequate programs of public recreation.

Sec. 57. Section 350.4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The county conservation board shall have the custody, control, and management of all real and personal property heretofore or hereafter acquired by the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, county forests, county wildlife areas, and other county conservation and recreation purposes and is authorized and empowered:

Sec. 58. Section 350.4, subsections 4, 5, and 7, Code 2023, are amended to read as follows:

4. To plan, develop, preserve, administer and maintain all such areas, places, and facilities, and construct, reconstruct, alter, and renew buildings and other structures, and equip and maintain the same.

5. To accept in the name of the county gifts, bequests, contributions, and appropriations of money and other personal property for conservation purposes.

7. To charge and collect reasonable fees for the use of the parks, facilities, privileges, and conveniences as may be provided and for admission to amateur athletic contests, demonstrations and exhibits, and other noncommercial events. The board shall not allow the exclusive use of a park by one or more organizations.

Sec. 59. Section 350.5, subsection 1, Code 2023, is amended to read as follows:

1. The county conservation board may make, alter, amend, or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state.

Sec. 60. Section 357.18, Code 2023, is amended to read as follows:

357.18 Acceptance of work.

When in the opinion of the engineer in charge, the construction in any benefited water district has been completed in accordance with the plans, specifications, and contract, the engineer shall certify this fact to the board of supervisors, and recommend the acceptance of the work by the said board. The board of supervisors shall proceed in accordance with sections 468.101 and 468.102.

Sec. 61. Section 376.3, Code 2023, is amended to read as follows:

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in sections 376.4 through 376.9, unless by ordinance a city chooses the provisions of chapter 44 or 45. However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in sections 43.112 through 43.118 and sections 420.126 through 420.137, unless the city by election as provided in section 43.112 chooses to conduct city elections under this chapter or chapter 44 or 45. The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct nonpartisan city elections may choose, in the same manner the original decision was made, to resume holding city elections on a partisan basis.

Sec. 62. Section 384.84A, subsection 5, Code 2023, is amended to read as follows:

5. If a city is required by the federal environmental protection agency to file application for storm water sewer discharge or storm water drainage system under the federal Clean Water Act of 1987, this section does not apply to that city with respect to improvements and facilities required for compliance with EPA federal environmental protection agency regulations, or any city that enters into a chapter 28E agreement to implement a joint storm water discharge or drainage system with a city that is required by the federal environmental protection agency to file application for storm water discharge or storm water drainage system.

Sec. 63. Section 411.21, subsections 5 and 6, Code 2023, are amended to read as follows:

5. A member of the retirement system prior to July 1, 1979, with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, is entitled to receipt of the member's accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement.

6. Any member in service prior to July 1, 1979, may at the time of the member's retirement withdraw the member's accumulated contributions made before July 1, 1979, or receive an annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's retirement.

Sec. 64. Section 411.21, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. Notwithstanding subsections 1, 3, 4, 5, and 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, the member's accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section 411.6. However, a member with fifteen or more years of

service prior to July 1, 1979, is not eligible for a service retirement allowance under section 411.6 if the member withdrew the member's accumulated contributions from the annuity savings fund after July 1, 1972, but prior to July 1, 1979, except as provided in section 411.4. Accumulated contributions shall be paid according to the following schedule:

(1) During the period beginning January 1, 1981, and ending December 31, 1982, any member who has completed twenty or more years of service.

(2) During the period beginning January 1, 1983, and ending December 31, 1984, any member who has completed fifteen or more years of service.

(3) During the period beginning January 1, 1985, and ending December 31, 1986, any member who has completed ten or more years of service.

(4) During the period beginning January 1, 1987, and ending December 31, 1988, any member who has completed five or more years of service.

Sec. 65. Section 419.2, subsections 6 and 8, Code 2023, are amended to read as follows:

6. To grant easements for roads, streets, water mains and pipes, sewers, power lines, telephone lines, all ~~pipe lines~~ pipelines, and to all utilities.

8. To issue revenue bonds for the purpose of retiring any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital shall be deemed a "project" for the purposes of this chapter.

Sec. 66. Section 421.24, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. At the request of the director, the attorney general may bring suit in the name of this state, in the appropriate court of any other state to collect any tax legally due in this state, and any political subdivision of this state or the appropriate officer, acting in its behalf, may bring suit in the appropriate court of any other state to collect any tax legally due to such political subdivision.

Sec. 67. Section 422.11L, subsection 6, Code 2023, 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 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~~ January 1, 2016, including any amendment with retroactive applicability or effectiveness.

Sec. 68. Section 428A.9, Code 2023, is amended to read as follows:

428A.9 Refund of tax.

To receive a refund from the state, the taxpayer shall petition the state appeal board for a refund of the amount of overpayment of the tax remitted to the department of revenue. To receive a refund from the county, the taxpayer shall petition the board of supervisors for a refund of the remaining portion of the overpayment paid to that county.

Sec. 69. Section 455B.224, Code 2023, is amended to read as follows:

455B.224 Simple misdemeanor.

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of this part 2 of subchapter III or the rules adopted under this part after written notice of the violation by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of this part or any rules adopted under this part shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of this part or the rules adopted under this part.

Sec. 70. Section 455B.301, subsection 27, Code 2023, is amended to read as follows:

27. “*Sanitary disposal project*” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director. “*Sanitary disposal project*” does not include a pyrolysis or gasification facility.

Sec. 71. Section 455B.395, Code 2023, is amended to read as follows:

455B.395 Public information.

Information obtained under this part 4, or a rule, order, or condition adopted or issued under this part 4, or an investigation authorized thereby, shall be available to the public unless the information constitutes trade secrets or information which is entitled to confidential treatment in order to protect a plan, process, tool, mechanism, or compound which is known only to the person claiming confidential treatment and confidential treatment is necessary to protect the person’s trade, business or manufacturing process.

Sec. 72. Section 455B.473, subsection 6, Code 2023, is amended to read as follows:

6. Subsections 1 through 3 do not apply to an underground storage tank for which notice was given pursuant to section 103, subsection c, of the Comprehensive Environmental Response, Compensation, and ~~Liabilities~~ Liability Act of 1980.

Sec. 73. Section 455B.479, Code 2023, is amended to read as follows:

455B.479 Storage tank management fee.

An owner or operator of an underground storage tank shall pay an annual storage tank management fee of sixty-five dollars per tank of over one thousand one hundred gallons capacity. The fees collected shall be deposited in the storage tank management account of the groundwater protection fund created in section 455E.11.

Sec. 74. Section 455F.7, subsection 1, Code 2023, is amended to read as follows:

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in this section shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund created in section 455E.11. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

Sec. 75. Section 455G.4, subsection 6, Code 2023, is amended to read as follows:

6. *Reporting.* Beginning July 2003, the board shall submit a written report quarterly to the legislative council, the chairperson and ranking member of the committee on natural resources and environment and ~~energy independence~~ in the senate, and the chairperson and ranking member of the committee on environmental protection in the house of representatives regarding changes in the status of the program including but not limited to the number of open claims by claim type; the number of new claims submitted and the eligibility status of each claim; a summary of the risk classification of open claims; the status of all claims at high-risk sites including the number of corrective action design reports submitted, approved, and implemented during the reporting period; total moneys reserved on open claims and total moneys paid on open claims; and a summary of budgets approved and invoices paid for high-risk site activities including a breakdown by corrective action design report, construction and equipment, implementation, operation and maintenance, monitoring, over excavation, free product recovery, site reclassification, reporting and other expenses, or a similar breakdown. In each report submitted by the board, the board shall

include an estimated timeline to complete corrective action at all currently eligible high-risk sites where a corrective action design report has been submitted by a claimant and approved during the reporting period. The timeline shall include the projected year when a no further action designation will be obtained based upon the corrective action activities approved or anticipated at each claimant site. The timeline shall be broken down in annual increments with the number or percentage of sites projected to be completed for each time period. The report shall identify and report steps taken to expedite corrective action and eliminate the state's liability for open claims.

Sec. 76. Section 456B.11, Code 2023, is amended to read as follows:

456B.11 Agricultural drainage wells — wetlands — conservation easements.

The department shall develop and implement a program for the acquisition of wetlands and conservation easements on and around wetlands that result from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in section 460.302 to eliminate groundwater contamination caused by the use of agricultural drainage wells. The program shall be coordinated with the department of agriculture and land stewardship. The department may use moneys appropriated for this purpose from the agriculture management account of the groundwater protection fund created in section 455E.11 in addition to other moneys available for wetland acquisition, protection, development, and management.

Sec. 77. Section 458A.25, Code 2023, is amended to read as follows:

458A.25 Liens for labor or materials and of contractor and subcontractor — manner of perfecting liens — enforcement of liens.

Provisions of chapter 572 as to mechanic's liens or labor and materials furnished for improvements on real estate and of contractors and subcontractors shall apply to labor and materials furnished for gas or oil wells, or ~~pipe lines~~ pipelines. The liens shall not attach on the real estate, but shall attach to the whole of the lease held, and upon the gas or oil wells, buildings and appurtenances, and ~~pipe lines~~ pipelines for which ~~said~~ the labor or materials were furnished, and shall be perfected and enforced as provided by chapter 572.

Sec. 78. Section 460.302, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Financial incentive moneys may be allocated from the financial incentive portion of the agriculture management account of the groundwater protection fund created in section 455E.11 to implement alternatives to agricultural drainage wells.

Sec. 79. Section 490.143, subsection 1, paragraph e, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Pursues or takes advantage of the business opportunity, directly, or indirectly through or on behalf of another person.

(2) Has a material relationship with a director or officer who pursues or takes advantage of the business opportunity, directly, or indirectly through or on behalf of another person.

Sec. 80. Section 514A.3, subsection 1, paragraph m, Code 2023, is amended to read as follows:

m. (1) A provision as follows:

Right to return policy: The insured has the right, within ten days after receipt of this policy, to return it to the company at its home office or branch office or to the agent through whom it was purchased, and if so returned the premium paid will be refunded and the policy will be void from the beginning and the parties shall be in the same position as if a policy had not been issued.

(2) The foregoing provision shall be prominently printed on the first page of the policy or attached to the policy.

(3) The provisions of this paragraph "m" shall apply to any insurance policy which is delivered or issued for delivery or renewed in this state on or after July 1, 1978.

Sec. 81. Section 514A.3, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. (1) A provision as follows:

Other insurance in this insurer: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for (insert type of coverage or coverages) in excess of \$..... (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to the insured's estate.

(2) Or, in lieu thereof:

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, or the insured's beneficiary or estate, as the case may be, and the insurer will return all premiums paid for all other such policies.

Sec. 82. Section 514E.2, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The composition of the board of directors shall be in compliance with sections 69.16 and 69.16A. The governor's appointees shall be chosen from a broad ~~cross-section~~ cross section of the residents of this state.

Sec. 83. Section 518B.1, subsection 3, Code 2023, is amended to read as follows:

3. "*The Act*" means ~~Section~~ section 1223 of the federal Housing and Urban Development Act of 1968, Pub. L. No. 90-448, 90th Congress approved August 1, 1968.

Sec. 84. Section 521A.1, subsection 3, Code 2023, is amended to read as follows:

3. "*Control*", including "*controlling*", "*controlled by*", and "*under common control with*", shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is solely the result of an official position with or a corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided in section 521A.3, subsections 1 through 5, ~~inclusive~~, or section 521A.4, subsection 11, whichever is applicable, that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Sec. 85. Section 524.103, subsection 22, Code 2023, is amended to read as follows:

22. "*Evidence of indebtedness*" means a note, draft, or similar negotiable or nonnegotiable instrument.

Sec. 86. Section 524.207, subsection 2, Code 2023, is amended to read as follows:

2. All fees and assessments generated as the result of a national bank or federal savings association converting to a state bank on or after December 31, 2015, ~~and thereafter~~, are payable to the superintendent. The superintendent shall pay all the fees and assessments received by the superintendent pursuant to this subsection to the treasurer of state within the time required by section 12.10 and the fees and assessments shall be deposited into the department of commerce revolving fund created in section 546.12. An amount equal to such fees and assessments deposited into the department of commerce revolving fund is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for the fiscal year in which a national bank or federal savings association converted to a state bank and an amount equal to such annualized fees and assessments deposited into the department of commerce revolving fund in succeeding years is appropriated from the department of commerce revolving fund to the banking division of the department of commerce for succeeding fiscal years for purposes related to the discharge

of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking council by the laws of this state. This appropriation shall be in addition to the appropriation of moneys otherwise described in this section. If a state bank converts to a national bank or federal savings association, any appropriation made pursuant to this subsection for the following fiscal year shall be reduced by the amount of the assessment paid by the state bank during the fiscal year in which the state bank converted to a national bank or federal savings association.

Sec. 87. Section 524.302, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The number of directors constituting the initial board of directors and the names and addresses of the individuals who are to serve as directors until the first annual meeting of shareholders or until their successors ~~be~~ are elected and qualify.

Sec. 88. Section 524.544, subsection 3, Code 2023, is amended to read as follows:

3. The reports required by ~~subsections subsection~~ subsection 1 and 2 of this section shall contain information, to the extent known by the person making the report, relative to the number of shares involved, the names of the sellers and purchasers or transferors and transferees, the purchase price, the name of the borrower, the amount, source, and terms of the loan, or other transaction, the name of the bank issuing the shares used as security, and the number of shares used as security.

Sec. 89. Section 524.1405, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. The name of the survivor may be, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger.

Sec. 90. Section 524.1508, subsection 1, paragraphs b and c, Code 2023, are amended to read as follows:

b. Written or printed notice setting forth the proposed restated articles or a summary of the provisions of the proposed restated articles shall be given to each shareholder of record entitled to vote on the proposed restated articles within the time and in the manner provided in section 524.533. If the meeting ~~be is~~ is an annual meeting, the proposed restated articles may be included in the notice of such annual meeting. If the restated articles include an amendment or amendments to the articles of incorporation, the notice shall separately set forth such amendment or amendments or a summary of the changes to be effected by the amendment or amendments.

c. At the meeting, a vote of the shareholders entitled to vote on the proposed restated articles shall be taken on the proposed restated articles. The proposed restated articles shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote, unless such restated articles include an amendment to the articles of incorporation which, if contained in a proposed amendment to articles of incorporation to be made without restatement of the articles of incorporation, would entitle a class of shares to vote as a class on the proposed restated articles, in which event the proposed restated articles shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote on the proposed restated articles as a class, and of the total shares entitled to vote on the proposed restated articles.

Sec. 91. Section 554.2403, subsection 3, Code 2023, is amended to read as follows:

3. ~~“Entrusting”~~ “Entrusting” includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor’s disposition of the goods have been such as to be larcenous under the criminal law.

Sec. 92. Section 554.2707, subsection 1, Code 2023, is amended to read as follows:

1. A ~~“person in the position of a seller”~~ “person in the position of a seller” includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of

the agent's principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

Sec. 93. Section 554.9208, subsection 2, paragraph f, subparagraph (3), Code 2023, is amended to read as follows:

(3) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party; and

Sec. 94. Section 556E.2, Code 2023, is amended to read as follows:

556E.2 Tests.

In any test for the ascertainment of the fineness of the gold or alloy in any such article, according to the foregoing standards, the part of the gold or alloy taken for the test shall be such portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article; and in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold and its alloys contained in any article mentioned in this section and section 556E.1, except watchcases and flatware, including all solder or alloy of inferior metal used for brazing or uniting the parts of the article, all such gold, alloys, and solder being assayed as one piece, shall not be less than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any container in which said article is enclosed.

Sec. 95. Section 562B.10, subsection 1, Code 2023, is amended to read as follows:

1. The landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

Sec. 96. Section 592.1, Code 2023, is amended to read as follows:

592.1 Bonds for garbage disposal plants.

All proceedings of such cities and towns as herein included, heretofore had, subsequent to the adoption of section 696-b [SS 15] by the ~~thirty-sixth general assembly~~ Thirty-sixth General Assembly, and prior to the passage of this Act, providing for the issuance of bonds within the limitations of this Act, for the purchase or erection of garbage disposal plants, the vote of the people authorizing such issue and the bonds issued under such proceedings and vote, are hereby legalized and declared legal and valid, the same as though all of the provisions of this Act had been included in said section 696-b of the ~~supplemental supplement~~ Supplemental Supplement to the Code, 1915, and such cities may issue and sell such bonds without again submitting such question to vote.

Sec. 97. Section 628.28, Code 2023, is amended to read as follows:

628.28 Redemption of property not used for agricultural or certain residential purposes.

1. If real property is not used for agricultural purposes, as defined in section 535.13, and is not the residence of the debtor, or if it is the residence of the debtor but not a single-family or two-family dwelling, then the period of redemption after foreclosure is one hundred eighty days. For the first ninety days after the sale the right of redemption is exclusive to the debtor and the time periods provided in sections 628.5, 628.15, and 628.16 are reduced to one hundred thirty-five days. If a deficiency judgment has been waived the period of redemption is reduced to ninety days. For the first thirty days after the sale the redemption is exclusively the right of the debtor and the time periods provided in sections 628.5, 628.15, and 628.16 are reduced to sixty days.

2. If real property is not used for agricultural purposes, as defined in section 535.13, and is a single-family or two-family dwelling which is the residence of the debtor at the time of foreclosure but the court finds that after foreclosure the dwelling has ceased to be the residence of the debtor and if there are no junior creditors, the court shall order the period of redemption reduced to thirty days from the date of the court order. If there is a junior creditor, the court shall order the redemption period reduced to sixty days. For the first thirty

days redemption is the exclusive right of the debtor and the time periods provided in sections 628.5, 628.15, and 628.16 are reduced to forty-five days.

Sec. 98. Section 636.25, Code 2023, is amended to read as follows:

636.25 Existing investments.

Any fiduciary not governed by the probate code may by and with the consent of the court having jurisdiction over such fiduciary or under permission of the instrument creating the trust, continue to hold any investment originally received by the fiduciary under the trust or any increase thereof. Such fiduciary may also make investments which the fiduciary may deem necessary to protect and safeguard investments already made according to the provisions of this section and sections 636.23 and 636.24.

Sec. 99. Section 692A.128, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or tier III offender.

Sec. 100. Section 804.31, subsection 1, Code 2023, is amended to read as follows:

1. When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is deaf or ~~hard-of-hearing~~ hard of hearing, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a deaf or hard-of-hearing person as defined in section 622B.1. If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court under section 622B.1 unless the deaf or hard-of-hearing person knowingly, voluntarily, and intelligently waives the right to an interpreter in writing by executing a form prescribed by the department of human rights and the Iowa county attorneys association. The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the deaf or hard-of-hearing person.

Sec. 101. Section 811.7, subsection 3, Code 2023, is amended to read as follows:

3. If the order ~~recite~~ recites, as the ground on which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirements of the order; if made for any other cause and the offense is bailable, the court must cause a direction to be inserted in the order that the defendant be admitted to bail, in a sum to be stated in the order.

Sec. 102. Section 904.603, Code 2023, is amended to read as follows:

904.603 Action for damages.

A person receiving or who has received services, or that person's family, victim, or employer may institute a civil action for damages under chapter 669 or other action to restrain the release of confidential records set out in section 904.602, subsection 2, which is in violation of that section, ~~and a.~~ A person, agency, or governmental body proven to have released confidential records in violation of section 904.602, subsection 2, is liable for actual damages for each violation and is liable for court costs and reasonable attorney's fees incurred by the party bringing the action.

Sec. 103. Section 422.7, subsection 29, paragraph b, subparagraph (1), as enacted by 2018 Iowa Acts, chapter 1161, section 114, is amended to read as follows:

(1) Add back any amount of pensions or other retirement income received from any source which is not taxable under this ~~division~~ subchapter, including but not limited to amounts deductible under subsections 13, 31, 31A, and 31B.

Sec. 104. 2022 Iowa Acts, chapter 1045, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 421.65, subsection 1, paragraph b, as enacted by 2020 Iowa Acts, chapter 1064, section 16, is amended to read as follows:

b. “Public agency” means a board, commission, department, including the department of revenue, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa ~~comprehensive~~ annual comprehensive financial report, or a political subdivision of the state, or an office or unit of a political subdivision. “Public agency” does include the clerk of the district court as it relates to the collection of a qualifying debt. “Public agency” does not include the general assembly or office of the governor.

Sec. 105. 2022 Iowa Acts, chapter 1061, sections 53 and 54, are amended to read as follows:

SEC. 53. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act amending section ~~425.25A~~ 422.25A, subsection 5, paragraph “c”, subparagraph (6), subparagraph division (a).

SEC. 54. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2022, for tax years beginning on or after that date:

The section of this division of this Act amending section ~~425.25A~~ 422.25A, subsection 5, paragraph “c”, subparagraph (6), subparagraph division (a).

Sec. 106. 2022 Iowa Acts, chapter 1099, section 47, is amended by striking the section and inserting in lieu thereof the following:

SEC. 47. Section 123.49, subsection 2, paragraph d, subparagraphs (1) and (3), Code 2022, are amended to read as follows:

(1) Keep on premises covered by a ~~liquor control~~ retail alcohol license any alcoholic liquor in any container except the original package purchased from the division, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph “d”. This prohibition does not apply to holders of a class “D” ~~liquor control~~ retail alcohol license or to alcoholic liquor delivered in accordance with section 123.46A.

(3) Mixed drinks or cocktails mixed on premises covered by a class “C” ~~liquor control~~ retail alcohol license ~~or a class “C” native distilled spirits liquor control license~~ for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately filled in a sealed container and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold in a sealed container in compliance with the requirements of this subparagraph and rules adopted by 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.

Sec. 107. Section 331.389, subsection 4, paragraph a, subparagraph (3), as amended by 2022 Iowa Acts, chapter 1131, section 69, is amended to read as follows:

(b) The department shall provide written notice to ~~the~~ a region’s regional administrator that the region is in compliance with the requirements in subsection 3.

Sec. 108. 2022 Iowa Acts, chapter 1148, section 25, is amended to read as follows:

SEC. 25. Section 422.60, Code 2022, is amended by adding the following new subsection:
NEW SUBSECTION. 15. The taxes imposed under this ~~division~~ subchapter shall be reduced by an employer child care tax credit allowed pursuant to section 237A.31.

Sec. 109. 2022 Iowa Acts, chapter 1153, section 38, is amended by striking the section and inserting in lieu thereof the following:

SEC. 38. Section 282.18, subsection 11, paragraph a, subparagraph (8), Code 2022, is amended to read as follows:

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause ~~under subsection 4, paragraph “b”~~. For purposes of this

subparagraph, “good cause” means a change in a child’s residence due to a change in family residence, a change in a child’s residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child’s parents’ marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse or mental health treatment program, a change in the status of a child’s resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256E.10 or 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, or the rejection of a current whole grade sharing agreement, or reorganization plan.

DIVISION II
CODE EDITOR DIRECTIVE

Sec. 110. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:
Section 89A.25 to section 89A.1A.
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 III
EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 111. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this Act amending 2022 Iowa Acts, chapter 1045, section 7.

Sec. 112. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act amending 2022 Iowa Acts, chapter 1061, sections 53 and 54.

Sec. 113. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2023:

The section of this Act amending 2018 Iowa Acts, chapter 1161, section 114.

Sec. 114. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2022:

The section of this Act amending 2022 Iowa Acts, chapter 1061, sections 53 and 54.

Approved May 3, 2023

CHAPTER 65

CRIMINAL HISTORY AND INTELLIGENCE DATA ACCESS — CRIMINAL OR JUVENILE
JUSTICE AGENCIES OF INDIAN TRIBES

H.F. 568

AN ACT relating to criminal history and intelligence data.

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

Section 1. Section 692.1, subsection 7, Code 2023, is amended to read as follows:

7. “*Criminal or juvenile justice agency*” means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments, or a federally recognized Indian tribe which has entered into a written agreement with the department irrevocably waiving any tribal sovereign immunity related to the dissemination or use of criminal history data obtained because of that written agreement, which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

Approved May 3, 2023

CHAPTER 66

SUBSTANTIVE CODE CORRECTIONS

H.F. 573

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 and retroactive applicability provisions.

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

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 9C.9, Code 2023, is amended to read as follows:

9C.9 Penalty.

Any merchant, whether an individual person, a firm, corporation, partnership, or association, violating any of the provisions of this chapter shall be guilty of a simple misdemeanor. Each sale made in violation of the provisions hereof of this chapter shall be and constitute a separate offense.

Sec. 2. Section 9G.4, Code 2023, is amended to read as follows:

9G.4 Land office — how kept — certified copies.

The land office shall be kept open during business hours. The documents and records ~~therein~~ in the land office shall be subject to inspection by parties having an interest ~~therein~~, ~~and certified in the documents and records.~~ Certified copies thereof of a document or record in the land office, signed by the secretary, with the seal of office attached, shall be deemed presumptive evidence of the facts to which they relate, ~~and on.~~ Upon request they, certified copies of documents or records shall be furnished by the secretary for a reasonable compensation fee.

Sec. 3. Section 15E.305, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The maximum amount of tax credits granted to a taxpayer shall not exceed one hundred thousand dollars ~~of the aggregate amount of tax credits authorized.~~

Sec. 4. Section 15F.403, subsection 2, paragraph a, Code 2023, 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 entities under the sports tourism marketing and infrastructure program established and administered pursuant to this subchapter.

Sec. 5. Section 24.30, Code 2023, is amended to read as follows:

24.30 Review by and powers of board.

It shall be the duty of the state board to review and finally pass upon all proposed budget expenditures, tax levies, and tax assessments from which appeal is taken ~~and it~~. The state board shall have power and authority to approve, disapprove, or reduce all such proposed budgets, expenditures, and tax levies so submitted to it upon appeal, as ~~herein provided in this chapter~~; but in no event may it increase such budget, expenditure, tax levies or assessments or any item contained therein. ~~Said~~ The state board shall have authority to adopt rules not inconsistent with the provisions of this chapter, to employ necessary assistants, authorize such expenditures, require such reports, make such investigations, and take such other action as it deems necessary to promptly hear and determine all such appeals; provided, however, that all persons so employed shall be selected from persons then regularly employed in some one of the offices of the members of ~~said~~ the state board.

Sec. 6. Section 27A.1, Code 2023, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter:

Sec. 7. Section 29C.6, subsection 3, Code 2023, is amended to read as follows:

3. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government for a loan, receive and disburse the proceeds of any approved loan to any applicant local government, determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify the same to the federal government; however, no application amount shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The governor may recommend to the federal government, based upon the governor's review, the cancellation of all or any part ~~or of~~ repayment when, in the first three full fiscal year period following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

Sec. 8. Section 34A.8, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to section 29C.9, the designated next generation 911 network service provider, and the public safety answering point, and their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing 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 local exchange service information shall otherwise be kept confidential. A person who violates this ~~section paragraph~~ is guilty of a simple misdemeanor.

Sec. 9. Section 41.1, subsection 52, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The fifty-second representative district in Marshall county shall consist of:

Sec. 10. Section 43.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. "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~~ this paragraph.

Sec. 11. Section 43.50, Code 2023, is amended to read as follows:

43.50 Signing and filing of abstract.

The members of the board shall sign ~~said abstracts~~ and certify to the correctness ~~thereof~~ of the abstracts made under section 43.49, and file the ~~same~~ abstracts with the commissioner.

Sec. 12. Section 43.60, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The county board of supervisors shall also make a separate abstract of the canvass as to the following offices and certify to the ~~same~~ and forthwith forward ~~it~~ the abstract to the state commissioner, ~~viz.:~~

Sec. 13. Section 85.18, Code 2023, is amended to read as follows:

85.18 Contract to relieve not operative.

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

Sec. 14. Section 85.38, subsection 1, Code 2023, is amended to read as follows:

1. *Contributions or donations.* The compensation ~~herein~~ provided in this chapter shall be the measure of liability which the employer has assumed for injuries or death that may occur to employees in the employer's employment subject to the provisions of this chapter, and it shall not be in anywise reduced by contribution from employees or donations from any source.

Sec. 15. Section 85.42, subsection 2, Code 2023, is amended to read as follows:

2. A child or children under eighteen years of age, and over said age if physically or mentally incapacitated from earning, whether actually dependent for support or not upon the parent at the time of the parent's death. An adopted child or children shall be regarded the same as issue of the body. ~~A child~~ The terms "child" or children "children", as used ~~herein~~ in this subsection, shall also include any child or children conceived but not born at the time of the employee's injury, and any compensation payable on account of any such child or children shall be paid from the date of their birth. A stepchild or stepchildren shall be regarded the same as issue of the body only when the stepparent has actually provided the principal support for such child or children.

Sec. 16. Section 85.64, Code 2023, is amended to read as follows:

85.64 Limitation of benefits.

1. If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, becomes permanently disabled by a compensable injury which has resulted in the loss of or loss of use of another such member or organ, the employer shall be liable only for the degree of disability which would have resulted from the latter injury if there had been no preexisting disability. In addition to such compensation, and after the expiration of the full period provided by law for the payments ~~thereof~~ of compensation by the employer, the employee shall be paid out of the "~~Second Injury Fund~~" second injury fund created by this subchapter the remainder of such compensation as would be payable for the degree of permanent disability involved after first deducting from ~~such~~ the remainder the compensable value of the previously lost member or organ.

2. Any benefits received by any such employee, or to which the employee may be entitled, by reason of such increased disability from any state or federal fund or agency, to which ~~said~~ the employee has not directly contributed, shall be regarded as a credit to any award made against ~~said~~ the second injury fund as ~~aforsaid~~.

Sec. 17. Section 85A.2, Code 2023, is amended to read as follows:

85A.2 Employers included.

All employers as defined by the workers' compensation law of Iowa and who are engaged in any business or industrial process ~~hereinafter~~ designated and described in this chapter are employers within the provisions of ~~this chapter~~ and shall be subject ~~thereto~~ to this chapter.

Sec. 18. Section 89.4, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Steam heating boilers and unfired steam pressure vessels associated therewith with steam heating boilers and mobile power boilers used exclusively for agricultural purposes.

Sec. 19. Section 89.12, Code 2023, is amended to read as follows:

89.12 Hearing — notice — decree.

The commissioner shall notify in writing the owner or user of the equipment of the time and place of hearing of the petition as fixed by the court or judge, and shall serve the notice on the defendant at least five days prior to the hearing in the same manner as original notices are served. The general provisions relating to civil practice and procedure as may be applicable, shall govern the proceedings, except as ~~herein~~ modified in this chapter. In the event the defendant does not appear or plead to the action, default shall be entered against the defendant. The action shall be tried in equity, and the court or judge shall make such order or decree as the evidence warrants.

Sec. 20. Section 96.2, Code 2023, is amended to read as follows:

96.2 Guide for interpretation.

As a guide to the interpretation and application of this chapter, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment negatively impacts the health, morals, and welfare of the people of Iowa. These undesirable consequences can be reduced by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment. This chapter provides for payment of benefits to workers unemployed through no fault of their own. The policy ~~herein in this chapter~~ is intended to encourage stabilization in employment, to provide for integrated employment and training services in support of state economic development programs, and to provide meaningful job training and employment opportunities for the unemployed, underemployed, economically disadvantaged, dislocated workers, and others with substantial barriers to employment. To further this public policy, the state, through its department of workforce development, will maintain close coordination among all federal, state, and local agencies whose missions affect the employment or employability of the unemployed and underemployed.

Sec. 21. Section 96.5, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. When an employer makes a payment or becomes obligated to make a payment to an individual for vacation pay, or for vacation pay allowance, or as pay in lieu of vacation, such payment or amount shall be deemed wages as defined in section 96.1A, subsection 40, and shall be applied as provided in paragraph “c” hereof of this subsection 7.

Sec. 22. Section 97B.42, subsection 5, Code 2023, is amended to read as follows:

5. Nothing herein contained in this chapter shall be construed to permit any employer to make any public contributions or payments on behalf of an employee in the same position for the same period of time to both the Iowa public employees’ retirement system and any other retirement system in the state which is supported in whole or in part by public contributions or payments.

Sec. 23. Section 100.33, Code 2023, is amended to read as follows:

100.33 Annual report.

The state fire marshal shall file with the governor annually, at the time provided by law, a detailed report of the fire marshal’s official acts and of the affairs of the fire marshal’s office ~~which~~. The report shall be published and distributed in the same manner as the reports of other state officers.

Sec. 24. Section 123.32, subsection 7, Code 2023, is amended to read as follows:

7. Appeal to administrator. An applicant for a retail alcohol license may appeal from the local authority’s disapproval of an application for a license ~~or permit~~ to the administrator. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary

hearing conducted pursuant to chapter 17A that the applicant complies with all of the requirements for holding the license ~~or permit~~. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license ~~or permit~~. The administrator may affirm, reverse, or modify the proposed decision. If the administrator determines that the applicant complies with all of the requirements for holding a license ~~or permit~~, the administrator shall order the issuance of the license ~~or permit~~. If the administrator determines that the applicant does not comply with the requirements for holding a license ~~or permit~~, the administrator shall disapprove the issuance of the license ~~or permit~~.

Sec. 25. Section 123.34, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. The fee for the five-day retail alcohol license is one-eighth of the annual fee for that class of license ~~or permit~~.

Sec. 26. Section 123.39, subsection 3, Code 2023, is amended to read as follows:

3. When a retail alcohol license is suspended after a hearing as a result of violations of this chapter by the licensee or the licensee's agents or employees, the premises which were licensed by the license shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, this section does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under chapter 656 and sold the property to a different person who is not related to the previous licensee ~~or permittee~~ by marriage or within the third degree of consanguinity or affinity and if the previous licensee ~~or permittee~~ does not have a financial interest in the business of the new applicant.

Sec. 27. Section 123.46A, subsection 2, Code 2023, is amended to read as follows:

2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with this chapter or the rules of the division. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license ~~or permit~~.

Sec. 28. Section 123.49, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99F, or 99G, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license ~~or permit~~.

Sec. 29. Section 123.50, subsection 2, Code 2023, is amended to read as follows:

2. The conviction of any retail alcohol licensee for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license ~~or permit~~ by the division or the local authority. However, if any retail alcohol licensee is convicted of any violation of section 123.49, subsection 2, paragraph "a" or "e", or any retail alcohol licensee, excluding a special class "B" or class "D" retail alcohol licensee, is convicted of a violation of section 123.49, subsection 2, paragraph "d", the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license holder owes the division.

Sec. 30. Section 123.50, subsection 3, paragraphs a, b, c, and d, Code 2023, are amended to read as follows:

a. A first violation shall subject the licensee ~~or permittee~~ to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under section 123.39 shall result in automatic suspension of the license ~~or permit~~ for a period of fourteen days.

b. A second violation within two years shall subject the licensee ~~or permittee~~ to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

c. A third violation within three years shall subject the licensee ~~or permittee~~ to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

d. A fourth violation within three years shall result in revocation of the license ~~or permit~~.

Sec. 31. Section 123.50, subsection 3, paragraph e, subparagraphs (2) and (3), Code 2023, are amended to read as follows:

(2) Suspension shall be limited to the specific license ~~or permit~~ for the premises found in violation.

(3) Notwithstanding section 123.40, revocation shall be limited to the specific license ~~or permit~~ found in violation and shall not disqualify a licensee ~~or permittee~~ from holding a license ~~or permit~~ at a separate location.

Sec. 32. Section 123.50, subsection 4, Code 2023, is amended to read as follows:

4. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” retail alcohol licensee when the class “E” retail alcohol license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division. However, the division shall retain only that portion of the bond equal to the amount the division determines the license ~~or permit~~ holder owes the division.

Sec. 33. Section 123.56, subsection 2, Code 2023, is amended to read as follows:

2. If the county attorney or city attorney ~~for the county or city~~ where the licensed premises is located has reason to believe a public safety nuisance that constitutes a serious threat to the public safety exists, the county attorney or city attorney, or ~~an~~ attorney acting at the direction of the county attorney or city attorney, may file a suit in equity in district court without bond seeking abatement of a public safety nuisance ~~arising from occurring~~ at a premises licensed under this chapter pursuant to the requirements of this section.

Sec. 34. Section 123.173, subsection 3, Code 2023, is amended to read as follows:

3. A class “A” wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class “A” wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the division upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee’s premises, or from one licensed retail alcohol licensee’s premises to another licensed retail alcohol licensee’s premises, even if there is common ownership of all of the premises by one retail ~~permittee~~ alcohol licensee, is prohibited.

Sec. 35. Section 124.204, subsection 2, paragraphs bv, ci, and ck, Code 2023, are amended to read as follows:

bv. ~~N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide~~
N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide. Other names:
2'-Fluoro ortho-fluorofentanyl, 2'-fluoro 2-fluorofentanyl.

ci. ~~N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide~~
N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Other name:
para-methoxybutyryl fentanyl para-methoxybutyryl fentanyl.

ck. ~~N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide~~ N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide. Other name: Isobutyryl fentanyl.

Sec. 36. Section 124.204, subsection 4, paragraph bt, Code 2023, is amended to read as follows:

~~bt. 1-(4-methoxyphenyl)-N-methylpropan-2-amine~~
1-(4-methoxyphenyl)-N-methylpropan-2-amine.
Other names: para-methoxymethamphetamine, PMMA.

Sec. 37. Section 125.77, Code 2023, is amended to read as follows:

125.77 Service of notice.

Upon the filing of an application pursuant to section 125.75, the clerk shall docket the case and immediately notify a ~~district court judge, a district associate judge, or~~ magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. The clerk shall send copies of the application and supporting documentation, together with the notice informing the respondent of the procedures required by this subchapter, to the sheriff, for immediate service upon the respondent. If the respondent is taken into custody under section 125.81, service of the application, documentation, and notice upon the respondent shall be made at the time the respondent is taken into custody.

Sec. 38. Section 147E.1, subsection 8, paragraph g, subparagraph (2), Code 2023, is amended to read as follows:

(2) The commission shall defend any member, 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 in this compact~~ 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.

Sec. 39. Section 147E.1, subsection 11, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated ~~hereunder under this compact~~ shall have standing as statutory law.

Sec. 40. Section 152.1, subsection 7, paragraphs f and g, Code 2023, are amended to read as follows:

~~f. Apply to the abilities enumerated in paragraphs "a" through "e" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.~~

~~g. f~~ Under a pharmacist's order and consistent with this subsection, assist in the administration of immunizations and vaccinations and the utilization of statewide protocols pursuant to section 155A.33B.

~~g. Apply to the abilities enumerated in paragraphs "a" through "f" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.~~

Sec. 41. Section 189A.7, subsection 12, Code 2023, is amended to read as follows:

12. Serve as a representative of the governor for consultation with ~~said the~~ secretary of agriculture of the United States under paragraph "c" of section 301 of the federal Meat Inspection Act and paragraph "c" of section 5 of the federal Poultry Products Inspection Act unless the governor selects another representative.

Sec. 42. Section 189A.17, subsection 4, paragraphs c and e, Code 2023, are amended to read as follows:

c. The district court may, in case of failure or refusal to obey a subpoena issued ~~herein~~ under this section to any person, enter an order requiring such person to appear before the secretary or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey such order of the court may be punished by such court as contempt.

e. The secretary may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the person's direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the secretary as ~~herein~~ provided in this section.

Sec. 43. Section 206.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. In the case of a pesticide ~~other than~~ that is not a plant growth regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.

Sec. 44. Section 232.78, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The application for the order includes a statement of the facts to support the findings specified in paragraphs "a", "b", "c", and "d".

Sec. 45. Section 232.104, subsection 1, paragraph a, subparagraph (2), Code 2023, 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~~ 232.102A, subsection 4, the permanency hearing shall be held within thirty days of the date the requirements were waived.

Sec. 46. Section 256.84, subsection 5, Code 2023, is amended to read as follows:

5. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the credit of the division. Any interest earned on these receipts, and revenues generated under subsection ~~7~~ 6, shall be retained and may be expended by the division subject to the approval of the board.

Sec. 47. Section 257.3, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The amount paid to each school district for the tax replacement claim for industrial machinery, equipment, and computers under section 427B.19A shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 427B.19, subsection 3, paragraph "a", as adjusted by section 427B.19, subsection 3, paragraph "d", if any adjustment was made.

Sec. 48. Section 261.73, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for loan forgiveness shall, in accordance with the rules of the commission, do all of the following:

Sec. 49. Section 261.116, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for an award shall, in accordance with the rules of the commission, do all of the following:

Sec. 50. Section 262.44, subsection 3, Code 2023, is amended to read as follows:

3. Construct, equip, furnish, maintain, operate, manage, and control any or all of the buildings, structures, facilities, areas, additions, or improvements ~~hereinbefore~~ enumerated in this section.

Sec. 51. Section 262.58, Code 2023, is amended to read as follows:

262.58 Rates and terms of bonds or notes.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face ~~thereof~~ of the bonds or notes, and may contain such terms and covenants all as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, and engineering, administrative, and legal expenses. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director of the state board of regents, secretary, or other official thereof performing the duties of the executive director of the state board of regents, and the coupons ~~thereto~~ attached to the bonds or notes shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official. Any bonds or notes bearing the signatures of officers in office on the date of the signing ~~thereof~~ of the bonds or notes shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits, and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at such institution as ~~hereinbefore~~ provided in this subchapter, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the same are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 52. Section 262.62, Code 2023, is amended to read as follows:

262.62 No obligation against state.

Under no circumstances shall any bonds or notes issued under the terms of this subchapter be or become or be construed to constitute a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations, or other funds of the state of Iowa may be pledged for or used to pay such bonds or notes or the interest thereon but any such bonds or notes shall be payable solely and only as to both principal and interest from the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining and other incidental facilities therefor, at the institutions of higher learning under the control of the state board of regents as ~~hereinbefore~~ provided in this subchapter, and the sole remedy for any breach or default of the terms of any such bonds or notes or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by this subchapter and the terms of the resolution under which such bonds or notes are issued.

Sec. 53. Section 266.7, Code 2023, is amended to read as follows:

266.7 Receiving agent.

The treasurer of the Iowa state university of science and technology is hereby authorized and empowered to receive the grants of money appropriated under the said Purnell Act.

Sec. 54. Section 280.13A, subsection 1, Code 2023, is amended to read as follows:

1. If a school district or nonpublic school does not provide an interscholastic activity for its students, the board of directors of that school district or the authorities in charge of the nonpublic school may complete an agreement with another school district or nonpublic school to provide for the eligibility of its students in interscholastic activities provided by that other school district or nonpublic school. A copy of each agreement completed under this section shall be filed with the appropriate organization as organization is defined in section 280.13 not later than April 30 of the school year preceding the school year in which the agreement takes effect, unless an exception is granted by the organization for good cause. An agreement completed under this section shall be deemed approved unless denied by the ~~governing~~ organization within ten days after its receipt. ~~A governing~~ The organization shall determine whether an agreement would substantially prejudice the interscholastic activities of other schools. An agreement denied by a governing the organization under this section may be appealed to the state board of education under chapter 290.

Sec. 55. Section 282.20, subsection 2, Code 2023, is amended to read as follows:

2. It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board members responsible for ~~such this~~ unlawful act shall each be personally liable ~~to for~~ payment of a fine of in an amount not to exceed one hundred dollars. Action to recover such the penalty or action to enjoin such the unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

Sec. 56. Section 306.4, subsections 4, 5, and 6, Code 2023, are amended to read as follows:

4. a. Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. When concurrent jurisdiction is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs ~~thereof~~.

b. When the two parties cannot initially come to agreement as to the division of costs under this subsection, ~~they the parties~~ shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association.

5. Jurisdiction and control over the roads and streets in any state park, state institution, or other state land shall be vested in the board, commission, or agency in control of ~~such the~~ the park, institution, or other state land; except that:

a. The department and the controlling agency shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The department may expend the moneys available for such roads in the same manner as the department expends ~~such funds~~ moneys on other roads over which the department exercises jurisdiction and control. ~~The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, and type, and division of costs of construction, reconstruction, repair, and maintenance and the division of costs~~

thereof. In the absence of such agreement, the jurisdiction and control of such road shall remain in the department.

b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the board expends such ~~funds~~ moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, and type, and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof~~. In the absence of such an agreement, the jurisdiction and control of such the road shall remain in the board of supervisors of the county.

6. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within ~~their~~ the boards' respective counties; except that:

a. The department and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The department may expend moneys available for such roads in the same manner as the department expends such ~~funds~~ moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, and type, and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof~~. In the absence of such an agreement, the jurisdiction and control of such the roads shall remain in the department.

b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such ~~funds~~ moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, and type, and division of costs of construction, reconstruction, repair, and maintenance ~~and the division of costs thereof~~. In the absence of such an agreement, the jurisdiction and control of such the roads shall remain in the board of supervisors of the county.

Sec. 57. Section 306.28, Code 2023, is amended to read as follows:

306.28 Appraisers.

If the board of supervisors is unable, by agreement with the owner, to acquire the necessary right-of-way to effect such change, a compensation commission shall be selected pursuant to section 6B.4, to appraise the damages consequent on the taking of the right-of-way.

Sec. 58. Section 306.32, Code 2023, is amended to read as follows:

306.32 Hearing — adjournment.

The board of supervisors shall proceed to a hearing on the objections or assessment of damages of any owner, mortgagee of record, and the actual occupant of such land if any of whom it has acquired jurisdiction, or if there ~~be~~ are owners, mortgagee of record, and the actual occupant of such land if any over whom jurisdiction has not been acquired, the board may adjourn such hearing until a date when jurisdiction will be complete as to all owners.

Sec. 59. Section 306.33, Code 2023, is amended to read as follows:

306.33 Hearing on objections.

The board of supervisors shall, at the final hearing, first pass on the objections to the proposed change. If objections ~~be~~ are sustained, the proceedings shall be dismissed unless the board finds that the objections may be avoided by a change of plans, and to this end an adjournment may be ordered, if necessary, in order to secure service on additional parties.

Sec. 60. Section 306.34, Code 2023, is amended to read as follows:

306.34 Hearing on claims for damages.

When objections to the proposed change are overruled, the board of supervisors shall proceed to determine the damages to be awarded to each claimant. If the damages finally awarded are, in the opinion of the board, excessive, the proceedings shall be dismissed; if not excessive, the board may, by proper order, establish such proposed change.

Sec. 61. Section 306.36, Code 2023, is amended to read as follows:

306.36 Damages on appeal — rescission of order.

If, in the opinion of the board of supervisors, the damages as finally determined on appeal be, in the opinion of the board, are excessive, the board may rescind its order establishing such change.

Sec. 62. Section 306A.3, subsection 2, Code 2023, is amended to read as follows:

2. The state department of transportation shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, and 479B. This paragraph subsection shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 63. Section 309.18, Code 2023, is amended to read as follows:

309.18 Compensation.

1. The board of supervisors shall fix the compensation of the county engineers.

2. Said The county engineers shall, in the performance of their duties, work under the directions of said the board and shall give bonds for the faithful performance of their duties in a sum not less than two thousand nor more than five thousand dollars, to be approved by the board.

Sec. 64. Section 309.36, Code 2023, is amended to read as follows:

309.36 Nature of survey.

The county engineer's survey shall be on the basis of the permanent improvement of said roads, as to bridge, culvert, tile, and road work.

Sec. 65. Section 309.40, Code 2023, is amended to read as follows:

309.40 Advertisement and letting.

All contracts for road or bridge construction work and materials for which the county engineer's estimate exceeds fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

Sec. 66. Section 309.41, subsection 1, Code 2023, is amended to read as follows:

1. Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting or, where the cost does not exceed the county engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

Sec. 67. Section 321.1, subsection 73, Code 2023, is amended to read as follows:

73. ~~“Solid tire”~~ “Solid rubber tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Sec. 68. Section 321.18, subsection 4, Code 2023, is amended to read as follows:

4. Any special mobile equipment as ~~herein~~ defined in this chapter.

Sec. 69. Section 321.28, Code 2023, is amended to read as follows:

321.28 Failure to register.

~~The If the owner of a vehicle fails to register the vehicle under the provisions of this chapter, the treasurer shall withhold the registration of any the vehicle the owner of which shall have failed to register the same under the provisions of this chapter, for any previous period or periods for which it appears that registration should have been made, until the fee for such previous the period or periods shall be is paid.~~

Sec. 70. Section 321.29, Code 2023, is amended to read as follows:

321.29 Renewal not permitted.

Any vehicle ~~that was~~ once registered in the state ~~and by removal, but which was removed from and~~ no longer subject to registration in this state, shall, upon being returned to this state and becoming again subject to registration, be again registered again in accordance with section 321.20.

Sec. 71. Section 321.70, Code 2023, is amended to read as follows:

321.70 Dealer vehicles.

A dealer ~~registered~~ licensed under ~~this chapter~~ 322 shall not be required to register any vehicle owned by the dealer which is being held for sale or trade, provided the annual registration fee was not delinquent at the time the vehicle was acquired by the dealer. When a dealer ceases to hold any vehicle for sale or trade or the vehicle otherwise becomes subject to registration under this chapter the annual registration fee and delinquent annual registration fee, if any, shall be due for the registration year.

Sec. 72. Section 321.116, Code 2023, is amended to read as follows:

321.116 Battery electric and plug-in hybrid electric motor vehicle fees.

1. For each battery electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual battery electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “*battery electric motor vehicle*” means a motor vehicle equipped with electrical drivetrain components and not equipped with an internal combustion engine, that is propelled exclusively by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be as follows:

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, sixty-five dollars.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, ninety-seven dollars and fifty cents.~~

~~c. On or after January 1, 2022, one hundred thirty dollars.~~

2. For each plug-in hybrid electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual plug-in hybrid electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “*plug-in hybrid electric motor vehicle*” means a motor vehicle equipped with electrical drivetrain components, an internal combustion engine, and a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be as follows:

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, thirty-two dollars and fifty cents.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, forty-eight dollars and seventy-five cents.~~

~~c. On or after January 1, 2022, sixty-five dollars.~~

Sec. 73. Section 321.117, subsection 2, Code 2023, is amended to read as follows:

2. In addition to the fee required for a motorcycle under subsection 1, the owner of a motorcycle that is a battery electric motor vehicle or plug-in hybrid electric motor vehicle, as those terms are defined in section 321.116, shall pay an annual electric motorcycle registration fee. The amount of the fee shall be as follows:

~~a. For the period beginning January 1, 2020, and ending December 31, 2020, four dollars and fifty cents.~~

~~b. For the period beginning January 1, 2021, and ending December 31, 2021, six dollars and seventy-five cents.~~

~~c. On or after January 1, 2022, nine dollars.~~

Sec. 74. Section 321.166, subsection 2, Code 2023, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997; ~~registration plates issued pursuant to section 321.34, subsection 13, paragraph "d";~~ and collegiate, fire fighter, and medal of honor registration plates. Special truck registration plates shall display the word "special". The department may adopt rules to implement this subsection.

Sec. 75. Section 321.235, Code 2023, is amended to read as follows:

321.235 Provisions uniform.

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities ~~therein and no~~ in this state. Unless expressly authorized in this chapter, a local authority shall not enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

Sec. 76. Section 321.236, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Local authorities shall ~~have no power to not~~ enact, enforce, or maintain any ordinance, rule, or regulation ~~in any way that is in conflict with, contrary to, or inconsistent with the provisions of this chapter, and no such.~~ An ordinance, rule, or regulation of said that is in conflict with, contrary to, or inconsistent with this chapter that has been or is enacted by local authorities heretofore or hereafter enacted shall not have any force or effect. However, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, the provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from doing any of the following:

Sec. 77. Section 327D.69, Code 2023, is amended to read as follows:

327D.69 Right to inspect.

Any or all of such schedules kept as aforesaid provided in sections 327D.66 and 327D.67 shall be immediately produced by such carrier for inspection upon the demand of any person.

Sec. 78. Section 327D.187, Code 2023, is amended to read as follows:

327D.187 Relief or indemnity contract.

No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person

or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, the person's surviving spouse, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of section 327D.186; but nothing contained ~~herein in this section~~ shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

Sec. 79. Section 328.1, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The following words, terms, and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings ~~herein given in this section~~, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Sec. 80. Section 328.36, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 81. Section 329.1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The following words, terms, and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meaning ~~herein given in this section~~, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Sec. 82. Section 331.389, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. In addition to the regional governance agreement requirements in section 331.392, the department may compel ~~the~~ a county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation shall be paid by the county and the region in dispute according to their governance agreement.

Sec. 83. Section 331.427, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, ~~123.143~~, 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 84. Section 335.10, subsection 1, Code 2023, is amended to read as follows:

1. The board of supervisors shall provide for the appointment of a board of adjustment, ~~and in.~~ In the regulations and restrictions adopted pursuant to the authority of this chapter, the board of supervisors shall provide that the ~~said~~ board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations. The exceptions shall be in harmony with its the general purpose and intent and in accordance with the general or specific rules contained in the ordinances or regulations, ~~and.~~ The board of supervisors shall provide that any property owner aggrieved by the action of the board of supervisors in the adoption of ~~such~~ the regulations and restrictions may petition the ~~said~~ board of adjustment ~~direct~~ to modify regulations and restrictions as applied to ~~such~~ the aggrieved property owners.

Sec. 85. Section 347.32, Code 2023, is amended to read as follows:

347.32 Tax status.

This chapter does not deprive any hospital of its tax exempt or nonprofit status, except that any portion of hospital property which is used for purposes other than nonprofit, health-related purposes shall be subject to property tax as provided for in section 427.1, subsection 14.

Sec. 86. Section 357.7, Code 2023, is amended to read as follows:

357.7 Water source without district.

1. ~~When in any proposed benefited water district, If it is anticipated that the source of water supply will be without the outside of and not under control of any proposed benefited water district, and not under its control,~~ the board of supervisors shall instruct the engineer who is appointed under section 357.6 to make the preliminary design and dummy assessment, to also obtain a written statement from the corporation or municipality which controls the proposed source of supply, ~~a statement in writing,~~ outlining the terms upon which water will be furnished to the district, or to the individuals within the district ~~and on what terms in either case.~~

2. This preliminary proposal from the governing body of the source of supply shall be binding, and shall be in the nature of an option to purchase water by the district, or the ~~individual individuals~~ within the ~~same~~ district, if and when the proposed benefited water district ~~shall have completed~~ completes its construction, and is ready to use water. This proposal shall accompany and be a part of the engineer's preliminary report to the board of supervisors.

Sec. 87. Section 357.9, Code 2023, is amended to read as follows:

357.9 Compensation of engineer.

The compensation of ~~such~~ the engineer on appointed under section 357.6 to conduct the preliminary investigation shall be determined by the board of supervisors and may be by percentage or per diem.

Sec. 88. Section 357.11, Code 2023, is amended to read as follows:

357.11 Hearing on report.

On receipt of the engineer's report filed under section 357.10, the board of supervisors shall give notice in the ~~same manner as before,~~ provided in section 357.4 of a hearing on the engineer's tentative design and dummy plat. On the day set, or within ten days thereafter, the board of supervisors shall approve or disapprove the engineer's plan and proposed assessment. If it shall appear advisable, the board of supervisors may make changes in the design and assessment, as they appear on the dummy plat.

Sec. 89. Section 357.16, Code 2023, is amended to read as follows:

357.16 Second election.

If the majority of the votes cast at ~~said~~ the second election be held pursuant to section 357.15 are in favor of ~~said~~ the proposed improvement, the board of supervisors shall again advertise for bids in the ~~same manner as before~~ provided under section 357.14. If the bids at the second letting will not necessitate raising the second preliminary assessment more than ten percent, the board may let the contract to the lowest responsible bidder.

Sec. 90. Section 357.30, Code 2023, is amended to read as follows:

357.30 Additional territory.

~~When the~~ If a district is under the control of trustees, they the trustees are empowered to deal with parties without the district who desire to be taken into the district or to obtain water from the district ~~and. The trustees shall determine the amount to be assessed against said district~~ the territory to be taken in or connected with the district. The trustees shall have power in such cases to make agreements for the district, and may, with the consent of the board of supervisors, alter the district boundaries to take in the additional territory. ~~No~~ If an owner of a lot or parcel has paid any assessment to a district, the lot or parcel of land shall not be put out of a the district without the consent of the owner, after it has paid any assessment to the district.

Sec. 91. Section 357.34, Code 2023, is amended to read as follows:

357.34 Conveyance of district to city.

1. ~~Where~~ If a city is situated wholly or partly within a benefited water district or the source of supply for ~~such~~ a benefited water district is a municipal water system, the board of supervisors having jurisdiction of ~~said~~ the benefited water district, at the request of the trustees of ~~said~~ the benefited water district, may, by proper resolution, convey ~~unto said to~~ the city any and all rights ~~which said~~ that the board of supervisors may have in and to said the benefited water district. ~~Said~~ The conveyance, however, shall not become effective until

all existing obligations against said the district have been completely and fully discharged and ~~such~~ the conveyance accepted and confirmed by a resolution of the council of said that city or of the board of waterworks trustees of said that city, if there ~~be~~ is one, specially passed for ~~such~~ that purpose.

2. Upon acceptance, the district, including the plant and distribution system, as well as all funds and credits, shall become the property of said the city and be operated and used by it the city to the same extent as if acquired under such provisions of law under which said the city is then operating its waterworks. ~~Also~~ Upon acceptance by the city, the offices of the trustees as provided in this chapter shall be abolished ~~upon acceptance by the city~~ and their the duties of the trustees as such shall immediately cease.

Sec. 92. Section 357B.4, Code 2023, is amended to read as follows:

357B.4 Anticipation of tax.

The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding that permitted by chapter 74A. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections 73A.12 ~~to~~ through 73A.16 and chapter 384 shall apply to such bonds to the extent applicable.

Sec. 93. Section 358.16, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Nothing contained ~~herein~~ in this section shall be construed to authorize or empower such board of trustees to operate a system of waterworks for the purpose of furnishing water to the inhabitants of the district, or to construct, maintain, or operate local municipal sewerage facilities, or to deprive municipalities within the district of their powers to construct and operate sewers for local purposes within their limits.

Sec. 94. Section 388.3, subsection 6, Code 2023, is amended to read as follows:

6. The provisions of ~~this section~~ subsections 4 and 5 do not apply to a city with a population of more than two hundred thousand according to the 2020 federal decennial census.

Sec. 95. Section 414.1, subsection 1, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) Except ~~when~~ as provided in subparagraph (2), when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner's property.

Sec. 96. Section 422.7, subsection 13, paragraph a, subparagraph (5), Code 2023, is amended to read as follows:

(5) (a) "*Real property used in a farming business*" means all tracts of land and the improvements and structures located on such tracts which are in good faith used primarily for a farming business. Buildings which are primarily used or intended for human habitation are deemed to be used in a farming business when the building is located on or adjacent to the parcel used in the farming business. Land and the nonresidential improvements and structures located on such land that shall be considered to be used primarily in a farming business include but are not limited to land, improvements, or structures used for the storage or maintenance of farm machinery or equipment, for the drying, storage, handling, or preservation of agricultural crops, or for the storage of farm inputs, feed, or manure. Real property used in a farming business shall also include woodland, wasteland, pastureland, and idled land used for the conservation of natural resources including soil and water.

(b) Real property classified as agricultural property for Iowa property tax purposes, except real property described in section 441.21, subsection 12, paragraph “a” or “b”, shall be presumed to be real property used in a farming business. ~~This~~ However, this presumption is rebuttable ~~by~~ if the department shows by a preponderance of evidence that the real property did not meet the requirements of subparagraph division (a).

Sec. 97. Section 422.7, subsection 13, paragraph d, Code 2023, is amended to read as follows:

d. For a taxpayer who is a retired farmer, subtract the net capital gain from the sale of breeding livestock, other than cattle and horses, if the livestock is held by the taxpayer for a period of twelve months or more from the date of acquisition; but only if the taxpayer materially participated in the farming business for five of the eight years preceding the farmer’s retirement or disability and ~~who~~ has sold all or substantially all of the taxpayer’s interest in the farming business by the time the election under this paragraph is made.

Sec. 98. Section 422.12C, subsection 4, Code 2023, is amended to read as follows:

4. Married taxpayers who have filed joint federal returns electing to file separate returns must determine the child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 based upon their combined net income and allocate the total credit amount to each spouse in the proportion that each spouse’s respective net income bears to the total combined net income. Nonresidents or part-year residents of Iowa must determine their Iowa child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 in the ratio of their Iowa source net income to their all source net income. Nonresidents or part-year residents who are married and elect to file separate returns must allocate the Iowa child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 between the spouses in the ratio of each spouse’s Iowa source net income to the combined Iowa source net income of the taxpayers.

Sec. 99. Section 422.16, subsection 12, paragraph a, Code 2023, is amended to read as follows:

a. In the case of nonresidents having income subject to taxation by Iowa, but not subject to withholding of such tax under subsection 1 or subject to the provisions of section 422.16B, withholding agents shall withhold from such income at the same rate as provided in subsection 1, and such withholding agents and such nonresidents shall be subject to the provisions of this section, according to the context, except that such withholding agents may be absolved of such requirement to withhold taxes from such nonresident’s income upon receipt of a certificate from the department issued in accordance with the provisions of section 422.17, ~~as hereby amended~~. In the case of nonresidents having income from a trade or business carried on by them in whole or in part within the state of Iowa, such nonresident shall be considered to be subject to the provisions of this subsection unless such trade or business is of such nature that the business entity itself, as a withholding agent, is required to and does withhold Iowa income tax from the distributions made to such nonresident from such trade or business.

Sec. 100. Section 422.72, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. Notwithstanding subsection 3, the director shall provide state tax returns and return information in response to a subpoena issued by the court pursuant to rule of criminal procedure ~~2-5~~ 2.15 commanding the appearance before the attorney general or an assistant attorney general if the subpoena is accompanied by affidavits from such person and from a sworn peace officer member of the department of public safety affirming that the information is necessary for the investigation of a felony violation of chapter 124 or chapter 706B.

Sec. 101. Section 423.3, subsection 80, paragraph d, Code 2023, is amended to read as follows:

d. Subject to the limitations in paragraph “c”, where the owner, contractor, subcontractor, or builder is also a retailer holding a ~~retail~~ sales or use tax permit and transacting retail sales

of building materials, supplies, and equipment, the tax shall not be due when materials are withdrawn from inventory for use in construction performed for a designated exempt entity if an exemption certificate is received from such entity.

Sec. 102. Section 423.4, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. The person must be engaged in the manufacturing of biodiesel ~~who has and be~~ registered with the United States environmental protection agency as a manufacturer according to the requirements in 40 C.F.R. §79.4. The biodiesel must be for use in biodiesel blended fuel in conformance with the standards and classifications in section 214A.2. The person must comply with the requirements of this subsection and rules adopted by the department pursuant to this subsection.

Sec. 103. Section 441.19, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. In the event of a failure of any person required to list property to make a supplemental return on or before the fifteenth day of February of any year when the listing is required, the assessor shall proceed in the listing and assessment of the person's property as provided by this chapter. ~~A failure to make a supplemental return does not relieve a person subject to taxation shall not be relieved of the person's obligation to list the person's property through failure to make a supplemental return and any roll prepared by the assessor after receiving a supplemental return, or when prepared in accordance with other provisions of this chapter, shall be a valid assessment.~~

Sec. 104. Section 452A.84, subsection 2, Code 2023, is amended to read as follows:

2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of the figure for administrative costs. All moneys remaining after claims for the costs of administration have been made shall be transferred to the marine fuel tax fund.

Sec. 105. Section 455B.145, unnumbered paragraph 1, Code 2023, is amended to read as follows:

When an air pollution control program conducted by a political subdivision, or a combination of ~~them~~ political subdivisions, is deemed upon review, as provided in section 455B.134, to be consistent with the provisions of this subchapter II or the rules established under this subchapter II, the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. This section shall not be construed to limit the power of the director to issue state permits and to take other actions consistent with this subchapter II or the rules established under this subchapter that the director deems necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

Sec. 106. Section 461A.35, subsection 1, Code 2023, is amended to read as follows:

1. ~~It shall be~~ Except upon the terms, conditions, limitations, and restrictions as set forth by the commission, it is unlawful for any person to use, enjoy the privileges of, destroy, injure, or deface plant life, trees, buildings, or other natural or material property;~~;~~~~or to construct or operate for private or commercial purposes any structure;~~~~;~~~~or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood, or other natural material;~~~~;~~ or to operate vehicles, within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever, ~~except upon the terms, conditions, limitations, and restrictions as set forth by the commission.~~

Sec. 107. Section 461A.64, Code 2023, is amended to read as follows:

461A.64 Time and place.

~~Said~~ The hearing under section 461A.63 shall be held not be less than ten days nor more than thirty days from the date of the last publication ~~and shall be held of the notice~~ in the office of the commission or such other place as the commission shall decide.

Sec. 108. Section 468.65, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If ~~they find~~ the board finds the assessments to be generally inequitable they shall order a reclassification of all property subject to assessment, such as lands, highways, and railroads in said district.

Sec. 109. Section 468.102, Code 2023, is amended to read as follows:

468.102 Objections.

Any party interested in the ~~said~~ district or the improvement thereof may file objections to ~~said the report made under section 468.101~~ and submit any evidence tending to show ~~said that the report should not be accepted~~. Any interested party having a claim for damages arising out of the construction of the improvement or repair shall file ~~said the~~ claim with the board at or before the time fixed for hearing on the completion of the contract, which claim shall not include any claim for land taken for right-of-way or for severance of land.

Sec. 110. Section 468.104, Code 2023, is amended to read as follows:

468.104 Abandonment of work.

In case any contractor abandons or fails to proceed diligently and properly with the work before completion, or in case the contractor fails to complete the ~~same~~ work in the time and according to the terms of the contract, the board shall make written demand on the contractor and the contractor's surety to proceed with the work within ten days. Service of ~~said the~~ demand may be personal, or by certified mail addressed to the contractor and the surety, respectively, at their places of residence or business, as shown by the records in the auditor's office.

Sec. 111. Section 468.275, Code 2023, is amended to read as follows:

468.275 Contents of notice — service.

~~Such~~ The notice under section 468.274 shall state the time and place, when, and where the boards of the several counties will meet in joint session for the consideration of ~~said the~~ petition and the report of the commissioners and engineer ~~thereon, and~~. The notice shall in other respects be the same and served in the same time and manner as required when the district is wholly within one county, except that the auditor of each county shall give notice only to the owners, occupants, encumbrancers, and lienholders of the lots and tracts of land embraced within the proposed district in the auditor's own county as shown by the records of such county.

Sec. 112. Section 468.321, Code 2023, is amended to read as follows:

468.321 Funding bonds.

Such cities may issue their funding bonds for the purpose of securing money to pay any assessment against ~~it~~ the property of the district as provided by law.

Sec. 113. Section 468.325, Code 2023, is amended to read as follows:

468.325 Jurisdiction of municipality.

After the drainage district has been taken over by the city, ~~it~~ the city shall have complete control ~~thereof of the district~~, and may use the ~~same~~ district for any purpose that ~~said the~~ city through its city council deems proper and necessary for the advancement of the city or its health or welfare, ~~and the~~. The city shall be responsible for the maintenance and upkeep of ~~said the~~ drainage district only from and after ~~its~~ relinquishment of the district by the board of supervisors to the city.

Sec. 114. Section 478.17, Code 2023, is amended to read as follows:

478.17 Access to lines — damages.

Individuals or corporations operating transmission lines shall have reasonable access to the transmission lines for the purpose of constructing, reconstructing, enlarging, repairing, or locating the poles, wires, or construction and other devices used in or upon any line, but shall pay to the owner of the lands and of crops ~~all on the lands~~ all damages to the lands or crops caused by entering, using, and occupying the lands for those purposes. This section

shall not prevent the execution of an agreement between the person or company owning or operating the lines and the owner of the land or crops regarding the use of the land.

Sec. 115. Section 481A.1, subsection 32, Code 2023, is amended to read as follows:

32. “Take” or “taking” or “attempting to take” or “hunt” is any pursuing, or any hunting, fishing, killing, trapping, snaring, netting, searching for or shooting at, or stalking or lying in wait for any game, animal, bird, or fish protected by the state laws or rules adopted by the commission whether or not such animal be then subsequently captured, killed, or injured.

Sec. 116. Section 481A.26, Code 2023, is amended to read as follows:

481A.26 Unlawful transportation.

~~No Except as otherwise provided, in any one day, a person, except as otherwise provided, shall not ship, carry, or transport in any one day, game, fish, birds, or animals, except fur-bearing animals, in excess of the number the person is legally permitted to be in possession of such a person possess.~~

Sec. 117. Section 481A.89, Code 2023, is amended to read as follows:

481A.89 Permit to hold hides.

Upon application, which shall be filed with the commission within ten days after the close of the open season, any person may be permitted to hold hides or skins of fur-bearing animals lawfully taken for a longer time than specified ~~above in section 481A.87.~~ Such application shall be verified and shall show the number and varieties of the skins or hides to be held by the applicant. The commission shall thereupon issue a permit to such applicant to hold such skins or hides, which permit shall authorize the holder to sell or otherwise dispose of such skins or hides.

Sec. 118. Section 483A.7, subsection 5, Code 2023, is amended to read as follows:

5. The commission shall authorize a person hunting wild turkey with a license that authorizes the use of a shotgun to use a caliber .410 shotgun or a 28-gauge shotgun. A caliber .410 shotgun or a 28-gauge shotgun used for hunting wild turkey shall only shoot shot not smaller than shot size number 10.

Sec. 119. Section 496C.21, subsection 3, Code 2023, is amended to read as follows:

3. A corporation subject to the provisions of this chapter shall pay the biennial report filing fee and make the biennial report in a form and manner and at the time specified in chapter 490.

Sec. 120. Section 514C.18, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

This section applies to the following classes of third-party payment provider contracts or policies that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 1999:

Sec. 121. Section 515.13, Code 2023, is amended to read as follows:

515.13 Reservation.

~~None of the~~ The provisions of section 515.12, subsection 5, shall not apply to any company ~~heretofore that had~~ organized and was approved by the commissioner of insurance, but which had not completed its organization on May 28, 1937, ~~nor shall section. Section~~ 515.12, subsection 5, also shall not apply to any company already licensed to issue policies prior to May 28, 1937.

Sec. 122. Section 515.20, Code 2023, is amended to read as follows:

515.20 Guaranty capital.

1. A mutual company organized under this chapter may establish and maintain guaranty capital of at least fifty thousand dollars made up of multiples of ten thousand dollars, divided into shares of not less than fifty dollars each, to be invested as provided for the investment of insurance capital and funds by section 515.35.

2. Guaranty shareholders shall be members of the corporation, and provision may be made for representation of the shareholders of the guaranty capital on the board of directors of the corporation. The representation shall not exceed one-third of the membership of the board. Guaranty shareholders in a mutual company are subject to the same regulations of law relative to their right to vote as apply to its policyholders.

3. The guaranty capital shall be applied to the payment of the legal obligations of the corporation only when the corporation has exhausted its assets in excess of the unearned premium reserve and other liabilities. If the guaranty capital is thus impaired, the directors may restore the whole, or any part of the capital, by assessment on the corporation's policyholders as provided for in section 515.18.

4. By a legal vote of the policyholders of the corporation at any regular or special meeting of the policyholders of the corporation, the guaranty capital may be fully retired or may be reduced to an amount of not less than fifty thousand dollars, if the net surplus of the corporation together with the remaining guaranty capital is equal to or exceeds the amount of minimum assets required by this chapter for such companies, and if the commissioner of insurance consents to the action. Due notice of the proposed action on the part of the corporation shall be included in the notice given to policyholders and shareholders of any annual or special meeting and notice of the meeting shall also be given in accordance with the corporation's articles of incorporation.

5. A company with guaranty capital, which has ceased to do business, shall not distribute among its shareholders or policyholders any part of its assets, or guaranty capital, until it has fully performed, or legally canceled, all of its policy obligations. Shareholders of the guaranty capital are entitled to interest on the par value of their shares at a rate to be fixed by the board of directors and approved by the commissioner, cumulative, payable semiannually, and payable only out of the surplus earnings of the company. However, the surplus account of the company shall not be reduced by the payment of the interest below the figure maintained at the time the guaranty capital was established. In addition, the interest payment shall not be made unless the surplus assets remaining after the payment of the interest at least equal the amount required by the statutes of Iowa to permit the corporation to continue in business.

6. In the event of the dissolution and liquidation of a corporation having guaranty capital under this section, the shareholders of the capital are entitled, after the payment of all valid obligations of the company, to receive the par value of their respective shares, together with any unpaid interest on their shares, before there may be any distribution of the assets of the corporation among its policyholders. ~~These~~

7. The provisions of this section are in addition to and independent of the provisions contained in section 515.19.

Sec. 123. Section 515.134, Code 2023, is amended to read as follows:

515.134 Failure to attach — effect.

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

Sec. 124. Section 515A.18, subsection 1, Code 2023, is amended to read as follows:

1. Any person, insurer, or rating organization to which the commissioner has directed an order made without a hearing may, within thirty days after ~~receipt of the notice to it of such~~ the order, make written request to the commissioner for a hearing ~~thereon on the order~~. The commissioner shall ~~hear such party or parties~~ conduct a hearing within twenty days after receipt of ~~such~~ the request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after ~~such~~ the hearing the commissioner shall affirm, reverse, or modify the previous action, specifying the commissioner's reasons therefor. ~~Pending such hearing and decision thereon the~~ The commissioner may suspend or

postpone the effective date of the commissioner's previous action until after the hearing and decision.

Sec. 125. Section 516A.1, subsection 2, Code 2023, is amended to read as follows:

2. However, the named insured may reject all of such coverage, or reject the uninsured motor vehicle (or hit-and-run motor vehicle) coverage, or reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If rejection is made on a form or document furnished by an insurance company or insurance producer, it shall be on a separate sheet of paper which contains only the rejection and information directly related to it. Such coverage need not be provided in or supplemental to a renewal policy if the named insured has rejected the coverage in connection with a policy previously issued to the named insured by the same insurer.

Sec. 126. Section 521A.2, subsection 4, Code 2023, is amended to read as follows:

4. *Exemption from investment restrictions.* Investments in common stock, preferred stock, debt obligations or other securities of subsidiaries made pursuant to subsection 3 of this section ~~hereof~~ shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in the Code applicable to such investments of insurers.

Sec. 127. Section 521A.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The statement to be filed with the commissioner ~~hereunder~~ under this section shall be made under oath or affirmation and shall contain the following:

Sec. 128. Section 521A.4, subsection 8, Code 2023, is amended to read as follows:

8. *Consolidated filing.* The commissioner may require or allow two or more affiliated insurers subject to registration ~~hereunder~~ under subsection 1 of this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

Sec. 129. Section 521A.9, Code 2023, is amended to read as follows:

521A.9 Injunctions — prohibitions against voting securities — sequestration of voting securities.

1. *Injunctions.* Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed or is about to commit a violation of this chapter or any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter, the commissioner may apply to the district court of the county in which the principal office of the insurer is located or if such insurer has no such office in this state then to the district court of Polk county for an order enjoining such insurer or such director, officer, employee, or agent thereof from violating or continuing to violate this chapter or any such rule, regulation, or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

2. *Voting of securities — when prohibited.* No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this chapter or of any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the district court has so ordered. If any insurer or the commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this chapter or of any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter the insurer or the commissioner may apply to the district court of Polk county or to the district court for the county in which the insurer has its principal place of business to enjoin any offer, request, invitation, agreement, or acquisition made in contravention of section 521A.3 or any rule, regulation, or order issued by the commissioner ~~thereunder~~ under section 521A.3 to enjoin the voting of any security so acquired, to void

any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

3. *Sequestration of voting securities.* In any case where a person has acquired or is proposing to acquire any voting securities in violation of this chapter or any rule, regulation, or order issued by the commissioner ~~hereunder~~ under this chapter, the district court of Polk county or the district court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this chapter. Notwithstanding any other provisions of law, for the purposes of this chapter the situs of the ownership of the securities of domestic insurers shall be deemed to be in this state.

Sec. 130. Section 523A.501, subsection 1, Code 2023, is amended to read as follows:

1. A person shall not advertise, sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof when performance or delivery may be more than one hundred twenty days following the initial payment on the account ~~without~~ unless the person has a preneed seller's license.

Sec. 131. Section 524.228, subsection 1, Code 2023, is amended to read as follows:

1. If it appears to the superintendent that a state bank, or any director, officer, employee, or substantial shareholder of the state bank is engaging in or is about to engage in an unsafe or unsound practice or dishonest act in conducting the business of the state bank that is likely to cause insolvency or substantial dissipation of assets or earnings of the state bank, or is likely to seriously weaken the condition of the state bank or otherwise seriously prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to section 524.223, 524.606, subsection 2, or 524.707, subsection 2, the superintendent may issue an emergency order requiring the state bank, director, officer, employee, or substantial shareholder to cease and desist from any such practice or act, and to take affirmative action, including suspension of the director, officer, or employee to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings. The emergency order becomes effective upon service upon the state bank, or upon the director, officer, employee, or substantial shareholder of the state bank ~~and, unless~~. Unless set aside, limited, or suspended by a court as provided in this chapter, the emergency order remains effective and enforceable pending the completion of the administrative proceedings pursuant to the emergency order and until such time as the superintendent dismisses the charges specified in the emergency order, or, if, if a final cease and desist order is issued against the state bank or the director, officer, employee, or substantial shareholder, the emergency order remains in effect until the effective date of the final order.

Sec. 132. Section 524.536, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A shareholder, or the shareholder's agent or attorney, is entitled on written demand to inspect the list at any time during usual business hours and at the ~~shareholders'~~ shareholder's expense, during the period it is available for inspection.

Sec. 133. Section 524.1301, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A majority of the incorporators, organizers, or initial directors of a state bank that has not issued shares or has not commenced business may dissolve the state bank by delivering articles of dissolution to the superintendent, together with the applicable filing fees, for filing with the secretary of state that set forth all of the following:

Sec. 134. Section 524.1404, Code 2023, is amended to read as follows:

524.1404 Procedure after approval by the superintendent — issuance of certificate of merger.

If applicable state or federal laws require the approval of the merger by a federal or state agency, the superintendent may withhold delivery of the approved articles of merger until the superintendent receives notice of the decision of such agency. If the final approval of the agency is not given within six months of the superintendent's approval, the superintendent shall notify the parties to the plan of merger that the approval of the superintendent has been rescinded for that reason. If such agency gives its approval, the superintendent shall deliver the articles of merger, with the superintendent's approval indicated on the articles, to the secretary of state, and shall notify the parties to the plan of merger. The receipt of the approved articles of merger by the secretary of state constitutes filing of the articles of merger with that office. On the date upon which the merger is effective, the secretary of state shall issue ~~and send~~ a certificate of merger ~~and send the same~~ to the resulting state bank and send a copy of the certificate of merger to the superintendent.

Sec. 135. Section 524.1504, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The number of shares or member votes voted for and against such amendment, respectively, and if the shares of any class are entitled to vote ~~thereon~~ on the amendment as a class, the number of shares of each such class voted for and against such amendment.

Sec. 136. Section 524.1611, Code 2023, is amended to read as follows:

524.1611 Offenses involving employees of banking division.

1. Any person violating ~~the provisions of~~ section 524.211, subsection 1, shall be guilty of a fraudulent practice, and shall be subject to a further fine of a sum equal to the amount of the value of the property given or received or the money so loaned or borrowed. An employee of the division of banking convicted of a violation of ~~such section~~ section 524.211, subsection 1, shall be immediately discharged from employment and shall be forever disqualified from holding any position in the banking division.

2. Any examiner violating ~~the provision of~~ section 524.212 shall be guilty of a serious misdemeanor. Any examiner convicted of a violation of section 524.212 shall be immediately discharged from employment and shall be forever disqualified from holding any position in the banking division.

Sec. 137. Section 536.21, Code 2023, is amended to read as follows:

536.21 Rules.

The superintendent is hereby authorized and empowered to adopt such reasonable and relevant rules pursuant to chapter 17A as may be necessary for the execution and the enforcement of the provisions of this chapter. Rules adopted shall be in addition hereto ~~to~~ and not inconsistent ~~herewith~~ with the requirements of this chapter.

Sec. 138. Section 536.26, subsection 5, Code 2023, is amended to read as follows:

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

Sec. 139. Section 537.2307, Code 2023, is amended to read as follows:

537.2307 Restrictions on interest in land as security.

With respect to a supervised loan in which the rate of finance charge is in excess of fifteen percent computed according to the actuarial method, and the amount financed is two thousand dollars or less, a lender ~~may~~ shall not contract for a security interest in real property used as a residence for the consumer or the consumer's dependents. A security interest taken in violation of this section is void.

Sec. 140. Section 543B.35, Code 2023, is amended to read as follows:

543B.35 Hearing on charges.

The real estate commission shall, upon request of the applicant as provided in section 543B.19, or before revoking any license, set the matter down for a hearing ~~and at~~. At least

twenty days prior to the date set for the hearing ~~it, the commission shall notify send~~ a written notice to the applicant or licensee ~~in writing, which said notice shall contain~~ containing an exact statement of the charges made and the date and place of the hearing. ~~The At the hearing, an applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such~~ The written notice of hearing may be served by delivery personally to the applicant or licensee or by mailing the ~~same~~ notice by certified mail to the last known business address of such applicant or licensee. If such applicant or licensee ~~be is~~ is a salesperson, the commission shall also notify the broker employing the salesperson, or into whose employ the salesperson is about to enter, by mailing such notice by certified mail to the broker's last known business address. The hearing on ~~such the~~ charges shall be at such time and place as the commission shall prescribe.

Sec. 141. Section 543B.44, Code 2023, is amended to read as follows:

543B.44 Complaints referred to court.

The real estate commission may refer a complaint for violation of section 543B.1 before any court of competent jurisdiction, ~~and it.~~ The commission may also take the necessary legal steps through the proper legal officers of this state to enforce the provisions ~~hereof of~~ and collect the penalties ~~herein~~ provided in this chapter.

Sec. 142. Section 558.7, Code 2023, is amended to read as follows:

558.7 Assignment of certificate of entry deemed deed.

~~When~~ An assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of the real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor, ~~when~~ the record shows:

1. That the original entry, certificate of entry, receipt, or duplicate thereof has been assigned;
2. That prior or subsequent to such assignment, the United States or state issued a patent or conveyance to the assignor;
3. That no deed of conveyance appears on record from the person who made the original entry or assignor to the assignee; and
4. That the present record owner holds title under such assignment; ~~such assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of said real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor.~~

Sec. 143. Section 562B.26, Code 2023, is amended to read as follows:

562B.26 Failure to maintain by tenant.

If there is noncompliance by the tenant with section 562B.18 materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning and the tenant fails to comply as promptly as conditions require in case of emergency or within fourteen days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the mobile home space, and cause the work to be done in a skillful manner ~~and.~~ The landlord may submit an itemized bill for the actual and reasonable cost or the fair and reasonable value thereof as additional rent on the next date when periodic rent is due, or if the rental agreement was terminated, for immediate payment.

Sec. 144. Section 633.220, Code 2023, is amended to read as follows:

633.220 Afterborn heirs — time of determining relationship.

Heirs of an intestate, ~~begotten~~ conceived before but born after the intestate's death ~~but born thereafter~~, shall inherit as if they had been born in the lifetime of the intestate and had survived the intestate. With this exception, the intestate succession shall be determined by the relationships existing at the time of the death of the intestate.

Sec. 145. Section 633.496, Code 2023, is amended to read as follows:

633.496 Foreign probated wills.

A will probated in any other state or country shall be admitted to probate in this state upon the production of a copy ~~thereof of the will~~ and of the original record of probate. ~~The will and record of probate must be authenticated by the certificate of the clerk of the court in which such probate was made the will was probated, or, if there be is no clerk, then by the certificate of the judge of such the court, and by the seal of office of such that officer if the officer or office has a seal.~~

Sec. 146. Section 639.48, Code 2023, is amended to read as follows:

639.48 Perishable property — examination.

When the sheriff thinks the property attached is in danger of serious and immediate waste and decay, or when the keeping of the same property will necessarily be attended with such expense as greatly to depreciate the amount of proceeds to be realized therefrom, or when the plaintiff makes an affidavit to that effect, the sheriff may summon three persons having the qualifications of jurors to examine the same property.

Sec. 147. Section 659A.3, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided in section 659A.4, a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure, without the depicted individual's consent, of an intimate image that was private ~~without the depicted individual's consent~~ has a cause of action against the person, if the person knew, or acted with reckless disregard regarding, all of the following:

Sec. 148. Section 664A.7, subsection 5, Code 2023, is amended to read as follows:

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 for the offense or alleged offense of older individual assault in violation of section 708.2D, 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. 149. Section 692A.128, subsection 3, paragraph f, Code 2023, is amended to read as follows:

f. The sex offender is not incarcerated when the application is filed.

~~(1) A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the ten-year period immediately preceding the filing of the application.~~

~~(2) A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the fifteen-year period immediately preceding the filing of the application.~~

Sec. 150. Section 692A.128, subsection 3, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the ten-year period immediately preceding the filing of the application.

NEW PARAGRAPH. h. A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under chapter 321, for the fifteen-year period immediately preceding the filing of the application.

Sec. 151. Section 708.2D, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except as otherwise provided in subsection 2, on a second offense of older individual assault, a person commits:

Sec. 152. Section 714I.3, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Use or provide a patient with human reproductive material for assisted reproduction that is not used or provided with the donor's consent or in a manner or to an extent other than that to which the donor consented.

Sec. 153. Section 726.24, subsection 11, Code 2023, is amended to read as follows:

11. If a person is convicted ~~or of~~, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.

Sec. 154. Section 815.7, subsection 6, Code 2023, is amended to read as follows:

6. For appointments made on or after July 1, 2021, through June 30, 2022, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class "A" felonies, seventy-one dollars per hour for class "B" felonies, and sixty-six dollars per hour for all other cases.

Sec. 155. 2022 Iowa Acts, chapter 1050, section 1, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. Section 511.8, subsection 22, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2022, is amended to read as follows:

Be between an insurer and a conduit and be collateralized by cash or obligations which are eligible under subsection 1, 2, 3, 5, 19, or 24, are deposited with a custodian bank as defined in subsection 21, and are held under a written agreement with the custodian bank that complies with subsection 21 and provides for the proceeds of the collateral, subject to the terms and conditions of the applicable collateral or other credit support agreement, to be remitted to the legal reserve deposit of the company or association and to vest in the state in accordance with section 508.18 whenever proceedings under that section are instituted. Paragraphs "c", "d", and "e" of this subsection are not applicable to investments in financial instruments used in hedging transactions eligible pursuant to this subparagraph. As used in this subparagraph, "conduit" means a person within an insurer's insurance holding company system, as defined in section 521A.1, ~~subsection 7~~, which aggregates hedging transactions by other persons within the insurance holding company system and replicates them with counterparties.

Sec. 156. 2022 Iowa Acts, chapter 1099, section 106, is amended to read as follows:

SEC. 106. APPLICABILITY. This division of this Act applies to agreements entered into between a restaurant and a food delivery platform on or after the effective date of this division of this Act.

Sec. 157. 2022 Iowa Acts, chapter 1131, section 78, is amended to read as follows:

SEC. 78. APPLICABILITY. This division of this Act applies to health carriers that deliver, issue for delivery, continue, or renew a policy, contract, or plan in this state on or after the effective date of this division of this Act.

Sec. 158. REPEAL. Section 97D.3, Code 2023, is repealed.

DIVISION II EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 159. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 388.3, subsection 6.
2. The section of this Act amending section 422.12C, subsection 4.
3. The section of this Act amending 2022 Iowa Acts, chapter 1050, section 1.
4. The section of this Act amending 2022 Iowa Acts, chapter 1099, section 106.
5. The section of this Act amending 2022 Iowa Acts, chapter 1131, section 78.

Sec. 160. RETROACTIVE APPLICABILITY. The following applies retroactively to June 14, 2022:

The section of this Act amending 2022 Iowa Acts, chapter 1131, section 78.

Sec. 161. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2022:

1. The section of this Act amending 2022 Iowa Acts, chapter 1050, section 1.
2. The section of this Act amending 2022 Iowa Acts, chapter 1099, section 106.

Sec. 162. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2023:

The section of this Act amending section 422.12C, subsection 4.

Approved May 3, 2023

CHAPTER 67

ISSUANCE AND SUSPENSION OF MOTOR VEHICLE REGISTRATIONS AND CERTIFICATES OF TITLE

H.F. 593

AN ACT relating to the issuance and suspension of motor vehicle registrations and certificates of title.

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

Section 1. Section 321.30, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. That the registration of the vehicle stands suspended or revoked, or the person applying for registration is prohibited from registering a motor vehicle, for any reason as provided in the motor vehicle laws of this state, except that the department and the county treasurer shall not refuse registration and issuance of a certificate of title or transfer of title as provided in section 321A.5 or 321A.17, or in accordance with rules adopted by the department.

Sec. 2. Section 321A.5, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required by this section to deposit security, but the registration, once issued, shall be immediately suspended and the suspension shall remain in effect unless and until the owner deposits security in accordance with this section.

Sec. 3. Section 321A.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required to give and thereafter maintain proof of financial responsibility under this section, but the registration, once issued, shall be immediately suspended and the suspension shall remain in effect unless and until the person gives and thereafter maintains proof of financial responsibility as required by this section.

Approved May 3, 2023

CHAPTER 68

REAL ESTATE LICENSEES AND CLIENTS' REAL ESTATE — DUTIES AND LIABILITY

H.F. 607

AN ACT relating to real estate licensee liability.

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

Section 1. Section 543B.62, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* A licensee providing brokerage services to a client shall not be in possession of the client's real estate. A licensee may enter upon the premises of a client's real estate to fulfill the licensee's obligations pursuant to section 543B.3, section 543B.6, or pursuant to a written agreement between the licensee and the client.

b. A licensee has no duty of care with regard to a client's real estate or with regard to a person entering, viewing, or traversing upon the premises of a client's real estate other than to fulfill the licensee's obligations pursuant to section 543B.3, section 543B.6, or pursuant to a written agreement between the licensee and the client.

c. A licensee providing brokerage services to a client shall not be liable for damage to the client's real estate or for any physical injury, accident, or harm to a person entering, viewing, or traversing upon the premises of a client's real estate unless the licensee is the direct and proximate cause of the damage, injury, accident, or harm.

d. A client shall be responsible for the care, maintenance, repair, condition, and safety of the client's real estate that is being offered to sell, exchange, buy, or rent to a person.

Approved May 3, 2023

CHAPTER 69

PRACTICE OF PODIATRY — LICENSING REQUIREMENTS

H.F. 635

AN ACT relating to the requirements for a license to practice podiatry.

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

Section 1. Section 149.3, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. *a.* For an applicant who graduates from a school of podiatry on or after January 1, 1995, have successfully completed a residency approved by the council on podiatric medical education as determined by the board by rule, except as provided in paragraph "b".

b. (1) For an applicant who graduates from a school of podiatry on or after January 1, 2013, present evidence that the applicant has successfully completed two years of a residency approved by the council on podiatric medical education.

(2) As part of the initial license renewal, a licensee pursuant to this paragraph shall provide documentation showing completion of a residency program approved by the council on podiatric medical education. The board shall not renew or reactivate the license of a licensee licensed pursuant to this paragraph if the licensee does not provide documentation showing completion of a residency program approved by the council on podiatric medical education.

Approved May 3, 2023

CHAPTER 70

IOWA ADMINISTRATIVE RULES AND RULEMAKING PROCEDURES

H.F. 688

AN ACT concerning the state rulemaking process, related matters pertaining to agency functions, and including effective date provisions.

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

DIVISION I

RULEMAKING PROCEDURES AND RELATED MATTERS

Section 1. Section 2B.13, subsection 2, paragraphs b, d, and f, Code 2023, are amended to read as follows:

b. Correct references to rules or Code sections, or chapters or subunits of rules or Code sections, which are cited erroneously or have been repealed, amended, or renumbered.

d. Transfer, divide, or combine rules or parts of rules and add or amend catchwords to rules and subrules or parts of rules.

f. Update the address, telephone number, facsimile number, ~~or~~ electronic mail address, or internet site address of an agency, officer, or other entity.

Sec. 2. Section 2B.17, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. The Iowa Administrative Bulletin shall be cited as the IAB, with references identifying the volume number which may be based on a fiscal year cycle, the issue number, the publication date, and the ARC number assigned to the rulemaking document by the administrative rules coordinator pursuant to section 17A.4 or 17A.5. Subject to the legislative services agency style manual, the citation may also include the publication's page number.

Sec. 3. Section 17A.2, subsection 1, Code 2023, is amended to read as follows:

1. "Agency" means each board, commission, department, officer or other administrative office or unit of the state. "Agency" does not mean the general assembly or any of its components, the judicial branch or any of its components, the office of consumer advocate, the governor, or a political subdivision of the state or its offices and units. Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember agency constitute a quorum authorized to act in the name of the agency.

Sec. 4. Section 17A.2, subsection 11, paragraph g, Code 2023, is amended to read as follows:

g. A specification of the prices to be charged for goods or services sold by an agency as distinguished from a license fee, application fee, or other fees as described in section 17A.6C.

Sec. 5. Section 17A.4, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Give notice of its intended action by submitting the notice to the administrative rules coordinator and the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document. The administrative code editor shall publish each notice meeting the requirements of this chapter in the Iowa administrative bulletin created pursuant to section 2B.5A. ~~The legislative services agency shall also submit a copy of the notice to provide the chairpersons and ranking members of the appropriate standing committees of the general assembly a means to receive an electronic copy of the notice~~ for additional study. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

Sec. 6. Section 17A.4, subsection 8, Code 2023, is amended to read as follows:

8. Upon the vote of two-thirds of its members, the administrative rules review committee, following notice of intended action as provided in subsection 1 and prior to adoption of a rule pursuant to that notice, may suspend ~~further action relating to the agency~~ from adopting that notice for seventy days. Notice that adoption of a notice of intended action was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 7. Section 17A.5, subsection 1, Code 2023, is amended to read as follows:

1. Each agency shall file each rule adopted by the agency with the office of the administrative rules coordinator and provide an exact copy to the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document. The administrative rules coordinator code editor shall keep a permanent electronic register of the rules open to public inspection. The administrative code editor shall publish each rule adopted in accordance with this chapter in the Iowa administrative code.

Sec. 8. Section 17A.6, Code 2023, is amended to read as follows:

17A.6 Publications — copy of standards adopted by reference.

01. For purposes of subsections 2 through 5, unless the context otherwise requires:

a. “Adopt by reference” or “adoption by reference” means incorporating the text of a cited publication, or a part thereof, into a rule without including the text of the publication in the rule.

b. “Publication” does not include the Iowa Code, Iowa Acts, Iowa administrative code, Iowa court rules, or uniform rules on agency procedure.

1. The administrative code editor shall publish the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. An agency ~~which that~~ adopts standards by reference to another publication shall deliver ~~an electronic~~ a printed copy of the publication, or the relevant part of the publication, containing the standards to the administrative code editor who shall publish it on the general assembly’s internet site. If an electronic copy of the publication is not available, the agency shall deliver a printed copy of the publication to the administrative code editor who shall deposit the copy in the state law library where it which shall be made make it available for inspection and reference. The agency may instead deposit a printed copy of the publication, or the relevant part of the publication, in the state law library directly. This subsection does not apply to a publication that is a federal statute or regulation.

3. In lieu of the procedures established in subsection 2, an agency may establish alternative procedures providing for public access to an electronic or printed copy of a publication containing standards adopted by reference if the publication is proprietary or contains proprietary information.

4. An agency that adopts standards by reference to another publication or a part thereof shall include as part of the reference a date certain, edition or amendment number, or other information identifying the specific version of the publication or the specific point in time from which the text of the publication can be determined. The adoption of standards by reference to another publication or a part thereof shall not include adoption of any amendment, edition, or version of the publication subsequent to the effective date of the adoption.

5. An agency shall include in the preamble to each rule submitted pursuant to section 17A.4 or 17A.5 that adopts standards by reference to another publication or part thereof a brief explanation of the content of the publication or part. If such a rule updates a reference to a publication previously adopted by reference, the agency shall include in the preamble a brief explanation of any significant changes in the content of the publication or part.

Sec. 9. NEW SECTION. 17A.6C Agency fees — rules.

When an agency establishes the amount of a license fee, application fee, or other fee, including any subsequent increase or decrease in the amount, the amount shall be specified in a notice of intended action and a rule adopted by the agency. This section does not apply when the amount of a fee is specifically established or described in the Iowa Code, Iowa Acts, or Iowa court rules, or by federal law. This section shall not be construed to authorize an agency to establish a fee without statutory authority.

Sec. 10. Section 17A.8, subsection 9, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notice of an effective date that was delayed or of applicability that was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 11. Section 17A.8, subsection 10, paragraph b, Code 2023, is amended to read as follows:

b. Notice of an effective date that was delayed or of applicability that was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 12. Section 256.54, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Maintain, as an integral part of the law library, reports of various boards and agencies, copies of bills, journals, other information relating to current or proposed legislation, ~~and~~ copies of the Iowa administrative bulletin and Iowa administrative code and, consistent with section 17A.6, subsection 2, copies of any publications incorporated by reference in the bulletin or code.

Sec. 13. NEW SECTION. **505.35 Adoption of standards by reference — rules.**

Rules adopted by the commissioner pursuant to chapter 17A that adopt a standard by reference to another publication or portion thereof are exempt from the requirements of section 17A.6, subsection 4, with respect to the following:

1. Professional standards of practice and membership requirements established by the actuarial standards board, the American academy of actuaries, the American institute of certified public accountants, or their successor organizations.

2. The following publications of the national association of insurance commissioners:

a. Valuation manual used to establish principle-based reserves for the life insurance industry.

b. Accounting practices and procedures manual.

c. Financial examiners handbook.

d. Financial analysis handbook.

e. Annual/quarterly financial statement blank and instructions.

Sec. 14. EFFECTIVE DATE. This division of this Act takes effect January 1, 2024.

DIVISION II AGENCY STATUTES AND RULES

Sec. 15. Section 7E.7, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 16. Section 12.28, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. “*State agency*” means a board, commission, bureau, division, office, department, or branch of state government. However, state agency does not mean the state board of regents, institutions governed by the board of regents, or authorities created under chapter 16, ~~257C~~, or 261A.

Sec. 17. Section 12.30, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. “*Authority*” means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, ~~257C~~, or 261A, which has the power to issue obligations, except that “*authority*” does not include the state board of regents or the Iowa finance authority to the extent the Iowa finance authority acts pursuant to chapter 260C. “*Authority*” also includes a port authority created under chapter 28J.

Sec. 18. Section 15E.63, subsection 11, Code 2023, is amended to read as follows:

11. The board shall adopt rules pursuant to chapter 17A necessary to administer the duties of the board. The department of revenue may adopt rules pursuant to chapter 17A related to the duties of the board or this chapter.

Sec. 19. REPEAL. Chapter 257C, Code 2023, is repealed.

Sec. 20. RESCISSION OF ADMINISTRATIVE RULES.

1. The following Iowa administrative rules are rescinded as of July 1, 2023:

- a. 285 Iowa administrative code, chapter 1.
- b. 791 Iowa administrative code, chapter 1.

2. As soon as practicable after July 1, 2023, 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.

Approved May 3, 2023

CHAPTER 71

LOCAL GOVERNMENT PROPERTY TAXES, FINANCIAL AUTHORITY, OPERATIONS, AND BUDGETS

H.F. 718

AN ACT relating to local government property taxes, financial authority, operations, and budgets, modifying certain transit funding, property tax credits and exemptions, and appropriations, requiring certain information related to property taxation to be provided to property owners and taxpayers, modifying provisions relating to fees for driver's licenses and nonoperator's identification cards, modifying provisions relating to certain writing fees, modifying certain bonding procedures, making penalties applicable, and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I COUNTY PROPERTY TAXES AND BUDGETS

Section 1. Section 331.422, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to this section and sections 331.423 through ~~331.426~~ 331.425 or as otherwise provided by state law, the board of each county shall certify property taxes annually at its March session to be levied for county purposes as follows:

Sec. 2. Section 331.423, Code 2023, is amended to read as follows:

331.423 Basic levies — maximums — adjustments.

Annually, the board may certify basic levies, subject to the following limits:

1. For general county services, on all taxable property in the county:
 - a. For fiscal years beginning before July 1, 2024, three dollars and fifty cents per thousand dollars of ~~the assessed value of all taxable property in the county.~~
 - b. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2028, subject to subparagraph (3), the greater of three dollars and fifty cents per thousand dollars of assessed value used to calculate taxes for general county services for the budget year and the adjusted general county basic levy rate, as adjusted under subparagraph (2), if applicable.
 - (2) (a) If the total assessed value used to calculate taxes for general county services under this paragraph for the budget year exceeds one hundred three percent, but is less than one

hundred six percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the adjusted general county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include property tax dollar amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) If the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for general county services for the current fiscal year, the adjusted general county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include property tax dollar amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(3) (a) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 1 for the current fiscal year is three dollars and fifty cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for general county services under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the levy rate imposed under this subsection 1 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred two percent of the total assessed value used to calculate taxes for general county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 1 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 1 for the current fiscal year is three dollars and fifty cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for general county services for the current fiscal year, the levy rate imposed under this subsection 1 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred three percent of the total assessed value used to calculate taxes for general county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 1 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(4) Subject to adjustment under subparagraph (2), for purposes of this paragraph, “adjusted general county basic levy rate” means a levy rate per thousand dollars of assessed value equal to the sum of three dollars and fifty cents plus the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

c. For each fiscal year beginning on or after July 1, 2028, three dollars and fifty cents per thousand dollars of assessed value.

2. For rural county services, on all taxable property in the county outside of incorporated city areas:

a. For fiscal years beginning before July 1, 2024, three dollars and ninety-five cents per thousand dollars of the assessed value of ~~taxable property in the county outside of incorporated city areas.~~

b. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2028, subject to subparagraph (3), the greater of three dollars and ninety-five cents per thousand dollars of assessed value used to calculate taxes for rural county services for the budget year and the adjusted rural county basic levy rate, as adjusted under subparagraph (2), if applicable.

(2) (a) If the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the adjusted rural county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year’s actual property tax dollars certified for levy under this subsection 2 divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year’s actual property tax dollars certified for levy under this subsection 2 shall also include property tax dollar amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) If the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the adjusted rural county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year’s actual property tax dollars certified for levy under this subsection 2 divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year’s actual property tax dollars certified for levy under this subsection 2 shall also include property tax dollar amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(3) (a) (i) In addition to the limitation under subparagraph (2), if the county’s actual levy rate imposed under this paragraph for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year’s actual property tax dollars certified for levy under this subsection 2 divided by one hundred two ¹ of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county’s actual levy rate imposed under this subsection 2 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year’s actual

¹ See chapter 153, §1 herein

property tax dollars certified for levy under this subsection 2 shall also include amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 2 for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred three ² of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 2 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(4) Subject to adjustment under subparagraph (2), for purposes of this paragraph, "adjusted rural county basic levy rate" means a levy rate per thousand dollars of assessed value equal to the sum of three dollars and ninety-five cents plus the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

c. For each fiscal year beginning on or after July 1, 2028, three dollars and ninety-five cents per thousand dollars of assessed value.

3. For purposes of this section:

a. "Budget year" is the fiscal year beginning during the calendar year in which a budget is certified.

b. "Current fiscal year" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

Sec. 3. Section 331.424, unnumbered paragraph 1, Code 2023, is amended to read as follows:

To the extent that the basic levies under section 331.423 are insufficient to meet the county's needs for the following services, the board may certify supplemental levies as follows:

Sec. 4. Section 331.425, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board may certify an addition to a levy in excess of the amounts otherwise permitted under sections 331.423, and 331.424, and ~~331.426~~ if the proposition to certify an addition to a levy has been submitted at a special levy election and received a favorable majority of the votes cast on the proposition. A special levy election is subject to the following:

Sec. 5. Section 331.425, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 6. a. If the addition to a levy approved under this section is due to unusual circumstances resulting from the following, the duration of such approval at election shall not exceed the following period of years:

(1) Unusual problems relating to major new functions required by state law, three years.

(2) Unusual need for a new program which will provide substantial benefit to county residents, if the county establishes the need and the amount of necessary increased cost, one year.

b. For an election to approve an addition to a levy for a reason specified in paragraph "a" or as the result of a natural disaster, the ballot shall include a statement of the major reasons for

² See chapter 153, §2 herein

the difference between the proposed basic tax rate and the maximum basic tax rate, including a description of the major new functions required by state law and the specific new costs to the county to implement the new functions, a description of the new program that will provide substantial benefits to county residents and specific new costs to the county for the program, or the conditions and damage resulting from the natural disaster that the county must remedy.

Sec. 6. Section 331.434, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Annually, the board of each county, subject to section 331.403, subsection 4, sections 331.423 through ~~331.426~~ 331.425, section 331.433A, and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations as follows:

Sec. 7. Section 331.435, subsection 1, Code 2023, is amended to read as follows:

1. The board may amend the adopted county budget, subject to sections 331.423 through ~~331.426~~ 331.425 and other applicable state law, to permit increases in any class of proposed expenditures contained in the budget summary published under section 331.434, subsection 3.

Sec. 8. Section 331.441, subsection 2, paragraph c, subparagraph (11), Code 2023, is amended by striking the subparagraph.

Sec. 9. REPEAL. Section 331.426, Code 2023, is repealed.

Sec. 10. APPLICABILITY. This division of this Act applies to taxes and budgets for fiscal years beginning on or after July 1, 2024.

DIVISION II CITY PROPERTY TAXES AND BUDGETS

Sec. 11. Section 24.48, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For budgets for fiscal years beginning on or after July 1, 2024, if the political subdivision is a city, a suspension of the statutory property tax levy limitations under this section shall only be approved by the state appeal board in the event of a natural disaster or under the reasons specified in subsection 1, paragraph “c” or “f”.

Sec. 12. Section 28M.5, subsection 1, Code 2023, is amended to read as follows:

1. The commission, with the approval of the board of supervisors of participating counties and the city council of participating cities in the chapter 28E agreement, may levy annually a tax not to exceed ninety-five cents per thousand dollars of the assessed value of all taxable property in a regional transit district to the extent provided in this section. The chapter 28E agreement may authorize the commission to levy the tax at different rates within the participating cities and counties in amounts sufficient to meet the revenue responsibilities of such cities and counties as allocated in the budget adopted by the commission. However, for a city participating in a regional transit district, the total of all the tax levies imposed in the city pursuant to section 384.12, subsection 1, and this section shall not exceed the aggregate of ninety-five cents per thousand dollars of the assessed value of all taxable property in the participating city.

Sec. 13. Section 37.8, Code 2023, is amended to read as follows:

37.8 Levy for Cost of development, operation, and maintenance.

For the development, operation, and maintenance of a building or monument constructed, purchased, or donated under this chapter, a city may ~~levy a tax not to exceed eighty-one cents per thousand dollars of assessed value on all the taxable property within the city, as provided in section 384.12, subsection 2~~ utilize taxes levied under section 384.1.

Sec. 14. Section 384.1, Code 2023, is amended to read as follows:

384.1 Taxes certified.

1. A city may certify taxes to be levied by the county on all taxable property within the city limits, for all city government purposes. However, the

2. Notwithstanding subsection 3, the tax levied by a city on tracts of land and improvements thereon used and assessed for agricultural or horticultural purposes, shall not exceed three dollars and three-eighths cents per thousand dollars of assessed value in any fiscal year. Improvements located on such tracts of land and not used for agricultural or horticultural purposes and all residential dwellings are subject to the same rate of tax levied by the city on all other taxable property within the city. A

3. a. For fiscal years beginning before July 1, 2024, a city's tax levy for the general fund shall not exceed eight dollars and ten cents per thousand dollars of taxable assessed value used to calculate taxes in any tax fiscal year, except for the levies authorized in section 384.12.

b. Subject to adjustment under paragraph "c", subparagraph (2), for purposes of this subsection, "adjusted city general fund levy rate" means a levy rate per thousand dollars of assessed value equal to the sum of eight dollars and ten cents per thousand dollars of assessed value plus the sum of the following for the city, as applicable:

(1) The amount per thousand dollars of assessed value levied by or on behalf of the city under section 384.8, Code 2023, for the fiscal year beginning July 1, 2023.

(2) The total amount per thousand dollars of assessed value levied by or on behalf of the city under section 384.12, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, and 20, Code 2023, for the fiscal year beginning July 1, 2023.

(3) The amount per thousand dollars of assessed value levied by the city under section 24.48, Code 2023, for the fiscal year beginning July 1, 2023.

c. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2028, subject to subparagraph (3), a city's tax levy for the general fund, except for levies authorized in section 384.12, shall not exceed in any tax year the greater of eight dollars and ten cents per thousand dollars of assessed value used to calculate taxes for the budget year and the adjusted city general fund levy rate, as adjusted under subparagraph (2), if applicable.

(2) (a) If the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the adjusted city general fund levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied under the provisions specified in paragraph "b", subparagraphs (1), (2), and (3).

(b) If the total assessed value used to calculate taxes under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the adjusted city general fund levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied under the provisions specified in paragraph "b", subparagraphs (1), (2), and (3).

(3) (a) (i) In addition to the limitation under subparagraph (2), if the city's actual levy rate imposed under this subsection for the current fiscal year is eight dollars and ten cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the levy rate imposed under this paragraph for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax

dollars certified for levy under this subsection divided by one hundred two percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the city's actual levy rate imposed under this subsection for the current fiscal year shall also include the sum of the amounts per thousand dollars of assessed value specified in paragraph "b", subparagraphs (1), (2), and (3), and the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied by the city under the provisions specified in paragraph "b", subparagraphs (1), (2), and (3).

(b) (i) In addition to the limitation under subparagraph (2), if the city's actual levy rate imposed under this subsection for the current fiscal year is eight dollars and ten cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the levy rate imposed under this paragraph for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred three percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the city's actual levy rate imposed under this subsection for the current fiscal year shall also include the sum of the amounts per thousand dollars of assessed value specified in paragraph "b", subparagraphs (1), (2), and (3), and the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied by the city under the provisions specified in paragraph "b", subparagraphs (1), (2), and (3).

d. For each fiscal year beginning on or after July 1, 2028, a city's tax levy rate for the general fund, except for levies authorized in section 384.12, shall not exceed eight dollars and ten cents per thousand dollars of assessed value used to calculate taxes in any fiscal year.

4. For purposes of this section:

a. "Budget year" is the fiscal year beginning during the calendar year in which a budget is certified.

b. "Current fiscal year" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

Sec. 15. Section 384.12, Code 2023, is amended to read as follows:

384.12 Additional taxes.

A city may certify, for the general fund levy, taxes which are not subject to the limit provided in section 384.1, and which are in addition to any other moneys the city may wish to spend for such purposes, as follows:

1. ~~A tax not to exceed thirteen and one-half cents per thousand dollars of assessed value for the support of instrumental or vocal musical groups, one or more organizations which have tax-exempt status under section 501(c)(3) of the Internal Revenue Code and are organized and operated exclusively for artistic and cultural purposes, or any of these purposes, subject to the following:~~

a. ~~Upon receipt of a petition valid under the provisions of section 362.4, the council shall submit to the voters at the next regular city election the question of whether a tax shall be levied.~~

b. ~~If a majority approves the levy, it may be imposed.~~

c. ~~The levy can be eliminated by the same procedure of petition and election.~~

d. ~~A tax authorized by an election held prior to the effective date of the city code may be continued until eliminated by the council, or by petition and election.~~

2. ~~A tax not to exceed eighty-one cents per thousand dollars of assessed value for development, operation, and maintenance of a memorial building or monument, subject to the provisions of subsection 1.~~

3. ~~A tax not to exceed thirteen and one-half cents per thousand dollars of assessed value for support of a symphony orchestra, subject to the provisions of subsection 1.~~

4. A tax not to exceed twenty-seven cents per thousand dollars of assessed value for the operation of cultural and scientific facilities, subject to the provisions of subsection 1, except that the question may be submitted on the council's own motion.

5. A tax to aid in the construction of a county bridge, subject to the provisions of subsection 1, except that the question must be submitted at a special election. The expense of a special election under this subsection must be paid by the county. The notice of the special election must include full details of the proposal, including the location of the proposed bridge, the rate of tax to be levied, and all other conditions.

6. A tax to aid a company incorporated under the laws of this state in the construction of a highway or combination bridge across any navigable boundary river of this state, commencing or terminating in the city and suitable for use as highway, or for both highway and railway purposes. This tax levy is subject to the provisions of subsections 1 and 5. The levy is limited to one dollar and thirty-five cents per thousand dollars of the assessed value of taxable property in the city. The estimated cost of the bridge must be at least ten thousand dollars, and the city aid may not exceed one-half of the estimated cost. The notice of the special election must include the name of the corporation to be aided, and all conditions required of the corporation. Tax moneys received for this purpose may not be paid over by the county treasurer until the city has filed a statement that the corporation has complied with all conditions.

7. If a tax has been voted for aid of a bridge under subsection 6, a further tax may be voted for the purpose of purchasing the bridge, subject to the provisions of subsection 1. The levy under this subsection is limited to three dollars and thirty-seven and one-half cents per thousand dollars of the assessed value of the taxable property in the city, payable in not less than ten annual installments.

8. A tax for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built. The tax may not exceed sixty-seven and one-half cents per thousand dollars of assessed value each year.

9. A tax for aid to a public transportation company, subject to the procedure provided in subsection 1, except the question must be submitted at a special election. The levy is limited to three and three-eighths cents per thousand dollars of assessed value. In addition to any other conditions the following requirements must be met before moneys received for this purpose may be paid over by the county treasurer:

a. The public transportation company shall provide the city with copies of state and federal income tax returns for the five years preceding the year for which payment is contemplated or for such lesser period of time as the company has been in operation.

b. The city shall, in any given year, be authorized to pay over only such sums as will yield not to exceed two percent of the public transportation company's investment as the same is valued in its tax depreciation schedule, provided that corporate profits and losses for the five preceding years or for such lesser period of time as the company has been in operation shall not average in excess of a two percent net return. Taxes levied under this subsection may not be used to subsidize losses incurred prior to the election required by this subsection.

10. 1. A tax for the operation and maintenance of a municipal transit system or for operation and maintenance of a regional transit district, and for the creation of a reserve fund for the system or district, in an amount not to exceed ninety-five cents per thousand dollars of assessed value each year, when the revenues from the transit system or district are insufficient for such purposes.

11. If a city has entered into a lease of a building or complex of buildings to be operated as a civic center, a tax sufficient to pay the installments of rent and for maintenance, insurance and taxes not included in the lease rental payments.

12. A tax not to exceed thirteen and one-half cents per thousand dollars of assessed value each year for operating and maintaining a civic center owned by a city.

13. A tax not to exceed six and three-fourths cents per thousand dollars of assessed value for planning a sanitary disposal project.

14. 2. A tax not to exceed twenty-seven cents per thousand dollars of assessed value each year for an aviation authority as provided in section 330A.15.

15. A tax not to exceed six and three-fourths cents per thousand dollars of assessed value each year for a levee improvement fund in special charter cities as provided in section 420.155.

~~16. A tax not to exceed twenty and one-half cents per thousand dollars of assessed value each year to maintain an institution received by gift or devise, subject to an election as required under subsection 1.~~

17. 3. A tax to pay the premium costs on tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the city, the costs of a self-insurance program, the costs of a local government risk pool and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

~~18. A tax to fund an emergency medical services district under chapter 357G.~~

19. 4. A tax that exceeds any tax levy limit within this chapter, provided the question has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit to be exceeded for the proposed budget year.

a. The election may be held as specified in this subsection if notice is given by the city council, not later than forty-six days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

c. The ballot question shall be in substantially the following form:

WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF
.....?

(Vote for only one of the following choices.)

CHANGE LEVY AMOUNT

Add to the existing levy amount a tax for the purpose of
..... (state purpose of proposed levy) at a
rate of (rate) which will provide an additional \$.....
(amount).

KEEP CURRENT LEVY

Continue under the current maximum rate of, providing
\$..... (amount).

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held on the second day that is not a holiday following the special levy election, and beginning no earlier than 1:00 p.m. on that day.

e. Notice of the election shall be published twice in accordance with the provisions of section 362.3, except that the first such notice shall be given at least two weeks before the election.

f. The cost of the election shall be borne by the city.

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions of this subsection.

h. The provisions of this subsection apply to all cities, however organized, including special charter cities which may adopt ordinances where necessary to carry out these provisions.

i. The council shall certify the city’s budget with the tax askings not exceeding the amount approved by the special levy election.

~~20. A tax not to exceed twenty-seven cents per thousand dollars of assessed value for support of a public library, subject to petition and referendum requirements of subsection 1, except that if a majority approves the levy, it shall be imposed.~~

~~21. 5. A tax for the support of a local emergency management commission established pursuant to chapter 29C.~~

Sec. 16. Section 384.24, subsection 4, paragraph i, Code 2023, is amended by striking the paragraph.

Sec. 17. Section 384.110, Code 2023, is amended to read as follows:

384.110 Insurance, self-insurance, and risk pooling funds.

A city may credit funds to a fund or funds for the purposes authorized by section 364.4, subsection 5; section 384.12, subsection 17 3; or section 384.24, subsection 3, paragraph “s”.

Moneys credited to the fund or funds, and interest earned on such moneys, shall remain in the fund or funds until expended for purposes authorized by section 364.4, subsection 5; section 384.12, subsection 17 3; or section 384.24, subsection 3, paragraph “s”.

Sec. 18. REPEAL. Section 384.8, Code 2023, is repealed.

Sec. 19. APPLICABILITY. This division of this Act applies to taxes and budgets for fiscal years beginning on or after July 1, 2024.

DIVISION III PUBLIC EDUCATION AND RECREATION TAX LEVY

Sec. 20. Section 300.2, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 4. A levy under this chapter shall not be approved by the voters on or after the effective date of this division of this Act.

Sec. 21. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV COUNTY SHERIFF FEE REPORT

Sec. 22. Section 331.655, subsection 5, Code 2023, is amended by striking the subsection.

DIVISION V HOMESTEAD PROPERTY TAX CREDIT

Sec. 23. Section 2.48, subsection 3, paragraph f, subparagraph (1), Code 2023, is amended to read as follows:

(1) The homestead tax exemption and credit under chapter 425.

Sec. 24. Section 25B.7, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Homestead tax credit pursuant to ~~sections~~ section 425.1, sections 425.2 through 425.13, and section 425.15.

Sec. 25. Section 103.22, subsection 7, Code 2023, 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 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~~ credit.

Sec. 26. Section 105.11, subsection 3, Code 2023, is amended to read as follows:

3. 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 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~~ credit.

Sec. 27. Section 331.401, subsection 1, paragraphs e and f, Code 2023, are amended to read as follows:

e. Adopt resolutions authorizing the county assessor to provide forms for homestead tax exemption and credit claimants as provided in section 425.2 and military service tax exemptions as provided in section 426A.14.

f. Examine and allow or disallow claims for homestead tax exemption and credit in accordance with section 425.3 and claims for military service tax exemption in accordance

with chapter 426A. The board, by a single resolution, may allow or disallow the exemptions recommended by the assessor.

Sec. 28. Section 331.512, subsection 3, Code 2023, is amended to read as follows:

3. Carry out duties relating to the homestead tax exemption and credit and agricultural land tax credit as provided in chapters 425 and 426.

Sec. 29. Section 331.559, subsection 12, Code 2023, is amended to read as follows:

12. Carry out duties relating to the administration of the homestead tax exemption and credit and other credits as provided in sections 425.4, 425.5, 425.7, 425.9, 425.10, and 425.25.

Sec. 30. NEW SECTION. 425.1A Homestead tax exemption.

1. The following exemptions from taxation shall be allowed in addition to the homestead credit for an owner that has attained the age of sixty-five years by January 1 of the assessment year:

a. For the assessment year beginning January 1, 2023, the eligible homestead, not to exceed three thousand two hundred fifty dollars in taxable value.

b. For the assessment year beginning January 1, 2024, and each succeeding assessment year, the eligible homestead, not to exceed six thousand five hundred dollars in taxable value.

2. Section 25B.7, subsection 1, shall not apply to the property tax exemption provided in this section.

Sec. 31. Section 425.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The form for claiming the credit shall also include the ability to claim the exemption under section 425.1A for qualified owners. If the claim for the homestead credit is allowed, such allowance shall also include allowance of the homestead exemption if the owner meets the age criteria for the exemption. The homestead exemption shall be allowed for successive years without further filing in the same manner as the homestead credit.

Sec. 32. Section 425.3, subsection 4, Code 2023, is amended to read as follows:

4. The county auditor shall forward the claims to the board of supervisors. The board shall allow or disallow the claims. If the board disallows a claim, it shall send written notice, by mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim ~~for the credit~~. The board is not required to send notice that a claim is disallowed if the claimant voluntarily withdraws the claim.

Sec. 33. Section 425.4, Code 2023, is amended to read as follows:

425.4 Certification to treasurer.

All claims which have been allowed by the board of supervisors shall be certified on or before August 1, in each year, by the county auditor to the county treasurer, which certificates shall list the total amount of dollars, listed by taxing district in the county, due for homestead tax exemptions and credits claimed and allowed. The county treasurer shall ~~forthwith then~~ certify to the department of revenue the total amount of dollars, listed by taxing district in the county, due for homestead tax credits claimed and allowed.

Sec. 34. Section 425.6, Code 2023, is amended to read as follows:

425.6 Waiver by neglect.

If a person fails to file a claim or to have a claim on file with the assessor for the credits provided in this subchapter, the person is deemed to have waived the homestead exemption and credit for the year in which the person failed to file the claim or to have a claim on file with the assessor.

Sec. 35. Section 425.7, subsection 3, Code 2023, is amended to read as follows:

3. a. If the department of revenue determines that a claim for homestead exemption and credit has been allowed by the board of supervisors which is not justifiable under the law and not substantiated by proper facts, the department may, at any time within thirty-six months from July 1 of the year in which the claim is allowed, set aside the allowance. Notice of the

disallowance shall be given to the county auditor of the county in which the claim has been improperly granted and a written notice of the disallowance shall also be addressed to the claimant at the claimant's last known address. The claimant or board of supervisors may appeal to the director of revenue within thirty days from the date of the notice of disallowance. The director shall grant a hearing and if, upon the hearing, the director determines that the disallowance was incorrect, the director shall set aside the disallowance. The director shall notify the claimant and the board of supervisors of the result of the hearing. The claimant or the board of supervisors may seek judicial review of the action of the director of revenue in accordance with chapter 17A.

b. If a claim is disallowed by the department of revenue and not appealed to the director of revenue or appealed to the director of revenue and thereafter upheld upon final resolution, including any judicial review, any amounts of exemptions allowed and credits allowed and paid from the homestead credit fund including the penalty, if any, become a lien upon the property on which the exemption or credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any amount so erroneously paid including the penalty, if any, shall be collected by the county treasurer in the same manner as other taxes and the collections shall be returned to the department of revenue and credited to the homestead credit fund. The director of revenue may institute legal proceedings against a homestead credit claimant for the collection of payments made on disallowed credits and the penalty, if any. If a person makes a false claim or affidavit with fraudulent intent to obtain the homestead exemption or credit, the person is guilty of a fraudulent practice and the claim shall be disallowed in full. If the credit has been paid, the amount of the credit plus a penalty equal to twenty-five percent of the amount of credit plus interest, at the rate in effect under section 421.7, from the time of payment shall be collected by the county treasurer in the same manner as other property taxes, penalty, and interest are collected and when collected shall be paid to the director of revenue. If a homestead exemption or credit is disallowed and the claimant failed to give written notice to the assessor as required by section 425.2 when the property ceased to be used as a homestead by the claimant, a civil penalty equal to five percent of the amount of the disallowed exemption or credit is assessed against the claimant.

Sec. 36. Section 425.9, subsections 2 and 3, Code 2023, are amended to read as follows:

2. If any claim for exemption or credit ~~made hereunder~~ has been denied by the board of supervisors, and such action is subsequently reversed on appeal, the exemption or credit shall be allowed on the homestead involved in said appeal, and the director of revenue, the county auditor, and the county treasurer shall make such exemption or credit and change their books and records accordingly.

3. In the event the appealing taxpayer has paid one or both of the installments of the tax payable in the year or years in question on such homestead valuation, remittance shall be made to such taxpayer of the amount of such credit or exemption.

Sec. 37. Section 425.10, Code 2023, is amended to read as follows:

425.10 Reversal of allowed claim.

In the event any claim is allowed, and subsequently reversed on appeal, any exemption and credit made under the claim shall be void. The amount of the erroneous credit shall be charged against the property in question, and the director of revenue, the county auditor, and the county treasurer are authorized and directed to correct their books and records accordingly. The amount of the erroneous credit, when collected, shall be returned by the county treasurer to the homestead credit fund to be reallocated the following year as provided in this subchapter. Taxes due following reversal of a claim for an exemption shall be collected by the county treasurer and allocated to the appropriate taxing entities.

Sec. 38. Section 425.11, subsection 1, paragraph d, subparagraph (3), Code 2023, is amended to read as follows:

(3) It must not embrace more than one dwelling house, but where a homestead has more than one dwelling house situated thereon, the exemption and credit provided for in this subchapter shall apply to the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant.

Sec. 39. Section 425.11, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. “*Owner*” means the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located; or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or the person occupying the homestead is a shareholder of a family farm corporation that owns the property; or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead; or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead; or where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. §12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead. For the purpose of this subchapter, the word “*owner*” shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this subchapter. In order to qualify for the homestead tax exemption and credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.

Sec. 40. Section 425.12, Code 2023, is amended to read as follows:

425.12 Indian land.

Each forty acres of land, or fraction thereof, occupied by a member or members of the Sac and Fox Indians in Tama county, which land is held in trust by the secretary of the interior of the United States for said Indians, shall be given a homestead tax exemption and credit within the meaning and under the provisions of this subchapter. Application for such homestead tax exemption and credit shall be made to the county auditor of Tama county and may be made by a representative of the tribal council.

Sec. 41. Section 425.13, Code 2023, is amended to read as follows:

425.13 Conspiracy to defraud.

If any two or more persons conspire and confederate together with fraudulent intent to obtain the exemption or credit provided for under the terms of this subchapter by making a false deed, or a false contract of purchase, they are guilty of a fraudulent practice.

Sec. 42. Section 425.16, subsection 1, Code 2023, is amended to read as follows:

1. In addition to the homestead tax credit allowed under section 425.1, subsections 1 through 4, and the homestead exemption under section 425.1A, if applicable, persons who own or rent their homesteads and who meet the qualifications provided in this subchapter are eligible for a property tax credit for property taxes due or reimbursement of rent constituting property taxes paid.

Sec. 43. Section 425.17, subsections 4 and 8, Code 2023, are amended to read as follows:

4. “*Homestead*” means the dwelling owned or rented and actually used as a home by the claimant during the period specified in subsection 2, and so much of the land surrounding it including one or more contiguous lots or tracts of land, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal property except that a

manufactured or mobile home may be a homestead. Any dwelling or a part of a multidwelling or multipurpose building which is exempt from taxation, except for an exemption under section 425.1A, does not qualify as a homestead under this subchapter. However, solely for purposes of claimants living in a property and receiving reimbursement for rent constituting property taxes paid immediately before the property becomes tax exempt, and continuing to live in it after it becomes tax exempt, the property shall continue to be classified as a homestead. A homestead must be located in this state. When a person is confined in a nursing home, extended-care facility, or hospital, the person shall be considered as occupying or living in the person's homestead if the person is the owner of the homestead and the person maintains the homestead and does not lease, rent, or otherwise receive profits from other persons for the use of the homestead.

8. "*Property taxes due*" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which will actually be paid by the claimant. However, if the claimant is a person whose property taxes have been suspended under sections 427.8 and 427.9, "*property taxes due*" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which would have to be paid by the claimant if the payment of the taxes has not been suspended pursuant to sections 427.8 and 427.9. "*Property taxes due*" shall be computed with no deduction for any credit under this subchapter or for any homestead credit allowed under ~~section 425.1~~ subchapter I. Each claim shall be based upon the taxes due during the fiscal year next following the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not members of claimant's household, "*property taxes due*" is that part of property taxes due on the homestead which equals the ownership percentage of the claimant and the claimant's household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is eighteen years of age or over, the person may be eligible for the credit allowed under this subchapter. If a homestead is an integral part of a farm, the claimant may use the total property taxes due for the larger unit. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes due for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "*unit*" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 44. Section 435.26, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax exemption and credit and the military service tax exemption as provided in ~~sections 425.2 and chapter 425, subchapter I, and section 426A.11~~. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 45. Section 435.26A, subsection 3, Code 2023, is amended to read as follows:

3. After the surrender of a manufactured home's certificate of title under this section, the manufactured home shall continue to be taxed under section 435.22 and is not eligible for the homestead tax exemption and credit or the military service tax exemption and credit. A foreclosure action on a manufactured home whose title has been surrendered under this section shall be conducted as a real estate foreclosure. A tax lien and its priority shall remain the same on a manufactured home after its certificate of title has been surrendered.

Sec. 46. Section 499A.14, Code 2023, is amended to read as follows:

499A.14 Taxation.

The real estate shall be taxed in the name of the cooperative, and each member of the cooperative shall pay that member's proportionate share of the tax in accordance with the proration formula set forth in the bylaws, and each member occupying an apartment as a residence shall receive that member's proportionate homestead tax exemption and credit and each veteran of the military services of the United States identified as such under the laws of the state of Iowa or the United States shall receive as a credit that member's veterans tax benefit as prescribed by the laws of the state of Iowa.

Sec. 47. EXISTING HOMESTEAD CLAIMS. Homestead credit claims approved under chapter 425, subchapter I, prior to and valid on the effective date of this division of this Act shall result in a homestead exemption under chapter 425, subchapter I, as enacted in this division of this Act, without further filing by the claimant if the claimant meets the criteria for the exemption and the assessor has appropriate information to verify such eligibility.

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

Sec. 49. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to assessment years beginning on or after January 1, 2023.

DIVISION VI
MILITARY SERVICE PROPERTY TAX EXEMPTION AND CREDIT

Sec. 50. Section 25B.7, subsection 2, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 51. Section 426A.1A, Code 2023, is amended to read as follows:

426A.1A Appropriation.

~~There~~ For each fiscal year beginning before July 1, 2024, there is appropriated from the general fund of the state the amounts necessary to fund the credits provided under this chapter.

Sec. 52. Section 426A.2, Code 2023, is amended to read as follows:

426A.2 Military service tax credit.

~~The~~ For each fiscal year beginning before July 1, 2024, the moneys appropriated under section 426A.1A shall be apportioned each year so as to replace all or a portion of the tax which would be due on property eligible for military service tax exemption in the state, if the property were subject to taxation, the amount of the credit to be not more than six dollars and ninety-two cents per thousand dollars of assessed value of property which would be subject to the tax, except for the military service tax exemption.

Sec. 53. Section 426A.11, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The property, not to exceed two thousand seven hundred seventy-eight dollars in taxable value for assessment years beginning before January 1, 2023, of any veteran, as defined in section 35.1, of World War I.

2. *a.* The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value for assessment years beginning before January 1, 2023, of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, paragraph "a" or "b".

b. The property, not to exceed four thousand dollars in taxable value for the assessment years beginning on or after January 1, 2023, of an honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged veteran, as defined in section 35.1, subsection 2, paragraph "a" or "b".

Sec. 54. IMPLEMENTATION. Section 25B.7, subsection 1, shall not apply to the property tax exemption provided in this Act.

Sec. 55. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 56. **RETROACTIVE APPLICABILITY.** This division of this Act applies retroactively to assessment years beginning on or after January 1, 2023.

DIVISION VII
PROPERTY TAX BENEFITS AND INCENTIVES

Sec. 57. **NEW SECTION. 404.3C Assessment agreements — commercial property.**

1. For revitalization areas established under this chapter on or after the effective date of this division of this Act and for first-year exemption applications for property located in a revitalization area in existence on the effective date of this division of this Act filed on or after the effective date of this division of this Act, commercial property shall not receive a tax exemption under this chapter unless the city or county, as applicable, and the owner of the qualified real estate enter into a written assessment agreement specifying a minimum actual value until a specified termination date for the duration of the exemption period.

2. *a.* The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made to the property and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than \$.....

b. The assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

Sec. 58. **NEW SECTION. 404.3D Exemptions for residential property.**

For revitalization areas established under this chapter on or after the effective date of this division of this Act and for first-year exemption applications for property located in a revitalization area in existence on the effective date of this division of this Act filed on or after the effective date of this division of this Act, an exemption authorized under this chapter for property that is residential property shall not apply to property tax levies imposed by a school district.

Sec. 59. **EFFECTIVE DATE.** This division of this Act takes effect July 1, 2024.

DIVISION VIII
TRANSIT FUNDING

Sec. 60. Section 364.2, subsection 4, paragraph f, subparagraph (1), subparagraph division (b), Code 2023, is amended to read as follows:

(b) For franchise fees assessed and collected during fiscal years beginning on or after July 1, 2013 2024, ~~but before July 1, 2030~~, by a city ~~that is the subject of a judgment, court-approved~~

~~settlement, or court-approved compromise providing for payment of restitution, a refund, or a return described in section 384.3A, subsection 3, paragraph “j” with a population exceeding two hundred thousand, the rate of the franchise fee shall not exceed seven and one-half percent of gross revenues generated from sales of the franchisee in the city, and franchise fee amounts assessed and collected during such fiscal years in excess of five percent of gross revenues generated from sales shall be used solely for the purpose specified in section 384.3A, subsection 3, paragraph “j”. A city may assess and collect a franchise fee in excess of five percent of gross revenues generated from the sales of the franchisee pursuant to this subparagraph division (b) for a period not to exceed seven consecutive fiscal years once the franchise fee is first imposed at a rate in excess of five percent. An ordinance increasing the franchise fee rate to greater than five percent pursuant to this subparagraph division (b) shall not become effective unless approved at an election. After passage of the ordinance, the council shall submit the proposal at a special election held on a date specified in section 39.2, subsection 4, paragraph “b”. If a majority of those voting on the proposal approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the 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 along with the absentee ballot. This subparagraph division (b) is repealed July 1, 2030.~~

Sec. 61. Section 384.3A, subsection 3, paragraph j, Code 2023, is amended to read as follows:

j. For franchise fees assessed and collected by a city in excess of five percent of gross revenues generated from sales of the franchisee within the city pursuant to section 364.2, subsection 4, paragraph “f”, subparagraph (1), subparagraph division (b), during fiscal years beginning on or after July 1, 2013 2024, but before July 1, 2030, the adjustment, renewal, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, court-approved settlements, court-approved compromises, or judgments, or the funding or refunding of the same, if such legal indebtedness relates to restitution, a refund, or a return ordered by a court of competent jurisdiction for franchise fees assessed and collected by the city before June 20, 2013 solely for the reduction of property tax levies that support the operation and maintenance of a municipal transit system or a regional transit district or to maintain transportation service levels of a municipal transit system or a regional transit district. This paragraph “j” is repealed July 1, 2030.

Sec. 62. EFFECTIVE DATE. This division of this Act takes effect July 1, 2024.

DIVISION IX COUNTY AUDITOR VALUATION REPORTS

Sec. 63. Section 331.510, subsections 3 and 4, Code 2023, are amended to read as follows:

3. An annual report not later than January 1 to the department of management of the valuation by class of property for each taxing district in the county on forms provided by the department of management. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year. Each annual report under this subsection for assessment years beginning on or after January 1, 2024, shall distinguish such values as revaluation or other type of addition to value, as defined and submitted in the assessor’s abstract transmitted to the department of revenue under section 441.45.

4. An annual report not later than January 1 to the governing body of each taxing district in the county of the assessed valuations of taxable property in the taxing district as reported to the department of management. Each annual report under this subsection for assessment years beginning on or after January 1, 2024, shall distinguish such values as revaluation or other type of addition to value, as defined and submitted in the assessor’s abstract transmitted to the department of revenue under section 441.45.

DIVISION X
LOCAL GOVERNMENT BUDGETS AND TAXPAYER STATEMENTS

Sec. 64. NEW SECTION. 24.2A **Budget statements to owners and taxpayers.**

1. For purposes of this section only:

a. “*Budget year*” is the fiscal year beginning during the calendar year in which a budget is certified.

b. “*Current fiscal year*” is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. “*Effective property tax rate*” means the property tax rate per one thousand dollars of assessed value and is equal to one thousand multiplied by the quotient of the current fiscal year’s actual property tax dollars certified for levy divided by the total assessed value used to calculate taxes for the budget year.

d. “*Political subdivision*” means a school district, a county, or a city.

2. a. On or before March 15 of each year, each political subdivision shall file with the department of management a report containing all necessary information for the department of management to compile and calculate amounts required to be included in the statements mailed under paragraph “b”.

b. Not later than March 20, the county auditor, using information compiled and calculated by the department of management under paragraph “a”, shall send to each property owner or taxpayer within the county by regular mail an individual statement containing all of the following for each of the political subdivisions comprising the owner’s or taxpayer’s taxing district:

(1) The sum of the current fiscal year’s actual property taxes certified for levy for all of the political subdivision’s levies and the combined property tax rate per one thousand dollars for such tax amount for the current fiscal year.

(2) The combined effective property tax rate for the political subdivision calculated using the sum of the current fiscal year’s actual property taxes certified for levy for all of the political subdivision’s levies under subparagraph (1).

(3) The combined amount of the proposed property tax dollars to be certified for all of the political subdivision’s levies for the budget year and the proposed combined property tax rate per one thousand dollars for such levies.

(4) If the proposed property tax dollars specified under subparagraph (3) exceeds the current fiscal year’s actual property tax dollars certified for levy specified in subparagraph (1), a detailed statement of the major reasons for the increase, including the specific purposes or programs for which the political subdivision is proposing an increase.

(5) An example comparing the amount of property taxes on a residential property with an actual value of one hundred thousand dollars in the current fiscal year and such amount on the residential property using the proposed property tax dollars for the budget year, including the percentage difference in such amounts.

(6) An example comparing the amount of property taxes on a commercial property with an actual value of one hundred thousand dollars in the current fiscal year and such amount on the commercial property using the proposed property tax dollars for the budget year, including the percentage difference in such amounts.

(7) The political subdivision’s percentage of total property taxes certified for levy in the owner’s or taxpayer’s taxing district in the current fiscal year among all taxing authorities.

(8) The date, time, and location of the political subdivision’s public hearing required under subsection 4.

(9) Information on how to access on the political subdivision’s internet site the political subdivision’s statements under this section and other budget documents for prior fiscal years.

3. The department of management shall prescribe the form for the report required under subsection 2, paragraph “a”, the statements required to be mailed under subsection 2, paragraph “b”, and the public hearing notice required under subsection 4, paragraph “b”.

4. a. Each political subdivision shall set a time and place for a public hearing on the political subdivision’s proposed property tax amount for the budget year and the political subdivision’s information included in the statements under subsection 2. At the hearing, the governing body of the political subdivision shall receive oral or written testimony from any

resident or property owner of the political subdivision. This public hearing shall be separate from any other meeting of the governing body of the political subdivision, including any other meeting or public hearing relating to the political subdivision's budget, and other business of the political subdivision that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the political subdivision's budget.

b. (1) If the political subdivision is a county, notice of the public hearing shall be published not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349.

(2) If the political subdivision is a city, notice of the public hearing shall be published not less than ten nor more than twenty days prior to the hearing in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city.

(3) If the political subdivision is a school district, notice of the public hearing shall be published not less than ten nor more than twenty days prior to the hearing in a newspaper published in the school district, if any, and if not, then in a newspaper of general circulation in the school district.

c. Notice of the hearing shall also be posted and clearly identified on the political subdivision's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the political subdivision's internet site with all such prior year notices and copies of the statements mailed under subsection 2. Additionally, if the political subdivision maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice.

Sec. 65. Section 24.3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A municipality shall not certify or levy in any fiscal year any tax on property subject to taxation unless and until the following estimates have been made, filed, and considered, and for school districts, the individual statements have been mailed and public hearings held, as provided in this chapter:

Sec. 66. Section 24.10, Code 2023, is amended to read as follows:

24.10 Levies void.

The verified proof of the publication of the notice under section 24.9 shall be filed in the office of the county auditor and preserved by the auditor. A levy shall not be valid unless and until ~~that notice is such notices are published, mailed, and filed. However, failure of an owner or taxpayer to receive a statement under section 24.2A shall not invalidate a levy.~~

Sec. 67. Section 24.17, subsection 1, Code 2023, is amended to read as follows:

1. The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than ~~March 15~~ April 30 of each year on forms, and pursuant to instructions, prescribed by the department of management. ~~However, if the political subdivision is a county or a city, its budget shall be certified not later than March 31 of each year, and if the political subdivision is a school district, as defined in section 257.2, its budget shall be certified not later than April 15 of each year.~~

Sec. 68. Section 24.27, subsection 1, Code 2023, is amended to read as follows:

1. Not later than ~~March 25, or April 10 for a county or a city, or April 25 if the municipality is a school district~~ May 10, a number of persons in any ~~municipality~~ municipality political subdivision equal to one-fourth of one percent of those voting for the office of governor, at the last general election in the ~~municipality~~ municipality political subdivision, but the number shall not be less than ten, and the number need not be more than one hundred persons, who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board by filing with the county auditor of the county in which the ~~municipal corporation~~ municipality political subdivision is located, a written protest setting forth their

objections to the budget, expenditure or tax levy, or to one or more items thereof, and the grounds for their objections. If a budget is certified after ~~March 15, or March 31 in the case of a county or a city, or April 15 in the case of a school district~~ 30, all appeal time limits shall be extended to correspond to allowances for a timely filing.

Sec. 69. Section 24.28, Code 2023, is amended to read as follows:

24.28 Hearing on protest.

The state board, within a reasonable time, shall fix a date for an initial hearing on the protest and may designate a deputy to hold the hearing, which shall be held in the county or in one of the counties in which the ~~municipality~~ political subdivision is located. Notice of the time and place of the hearing shall be given by certified mail to the appropriate officials of the local government and to the first ten property owners whose names appear upon the protest, at least five days before the date fixed for the hearing. At all hearings, the burden shall be upon the objectors with reference to any proposed item in the budget which was included in the budget of the previous year and which the objectors propose should be reduced or excluded; but the burden shall be upon the certifying board or the levying board, as the case may be, to show that any new item in the budget, or any increase in any item in the budget, is necessary, reasonable, and in the interest of the public welfare.

Sec. 70. Section 24.48, subsection 4, Code 2023, is amended to read as follows:

4. The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before ~~March 31~~ April 30.

Sec. 71. Section 275.29, subsection 1, Code 2023, is amended to read as follows:

1. Between July 1 and July 20, or on a date determined by agreement of the initial board and the boards of districts receiving territory of the school districts affected, but not later than August 30, the initial board shall meet with the boards of districts receiving territory of the school districts affected, for the purpose of reaching joint agreement on an equitable division of the assets and an equitable distribution of the liabilities of the school districts affected. In addition, if outstanding general obligation indebtedness is in existence in any district, the initial board of directors of the newly formed school district shall meet with the boards of all school districts affected prior to April ~~15~~ 30 prior to the school year the reorganization is effective to determine the distribution of liability for payment of the general obligation bonded indebtedness between the districts so that the newly formed district may certify its budget under the procedures specified in chapter 24. The boards shall consider the mandatory levy required in section 76.2 and shall assure the satisfaction of outstanding obligations. If a school district affected by the reorganization has outstanding bonds issued under section 423E.5 or 423F.4, the joint agreement shall assure that the estimated revenue under section 423F.2 for each district to which liability for payment of such bonds is assigned is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following reorganization.

Sec. 72. Section 298.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. For school budget years beginning on or after July 1, 2015, a school district may by resolution of the board of directors adopted prior to April ~~15~~ 30 preceding the budget year impose a physical plant and equipment levy at a rate in excess of the levy rate limitations under paragraph "a" if the board has refunded or refinanced a loan agreement entered into under section 297.36 and such refunding or refinancing complies with the maturity period authorized under section 297.36, subsection 1, paragraph "c", and results in a lower amount of interest on the amount of the loan agreement. However, the rate imposed by a school district under this paragraph shall not exceed the rate imposed during the budget year in which the loan agreement was refunded or refinanced. Authorization to exceed the levy rate limitations of paragraph "a" shall terminate upon the maturity of the loan agreement after refunding or refinancing. Upon adoption of the resolution under this paragraph "b", the board shall comply with the requirements of section 297.36, subsection 1, paragraph "b".

Sec. 73. Section 298.2, subsection 3, Code 2023, is amended to read as follows:

3. The board of directors of a school district may certify for levy by April ~~15~~ 30 of a school year a tax on all taxable property in the school district for the regular physical plant and equipment levy.

Sec. 74. Section 298.2, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. If a combination of a property tax and income surtax is used, by April ~~15~~ 30 of the previous school year, the board shall certify the percent of the income surtax to be imposed and the amount to be raised to the department of management and the department of management shall establish the rate of the property tax and income surtax for the school year. The physical plant and equipment property tax and income surtax shall be levied or imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

Sec. 75. Section 298.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board of directors of a school district may certify for levy by April ~~15~~ 30 of a school year, a tax on all taxable property in the school district for a district management levy. The revenue from the tax levied in this section shall be placed in the district management levy fund of the school district. The district management levy shall be expended only for the following purposes:

Sec. 76. Section 298.10, subsection 1, Code 2023, is amended to read as follows:

1. The board of directors of a school district may certify for levy by April ~~15~~ 30 of a school year, a tax on all taxable property in the school district in order to raise an amount for a necessary cash reserve for a school district's general fund. The amount raised for a necessary cash reserve does not increase a school district's authorized expenditures as defined in section 257.7.

Sec. 77. Section 300.2, subsection 2, Code 2023, is amended to read as follows:

2. If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required for a fiscal year to the county board of supervisors by April ~~15~~ 30 of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the public education and recreation levy fund of the district and shall be used only for the purposes specified in this chapter.

Sec. 78. Section 303.66, subsection 2, Code 2023, is amended to read as follows:

2. Taxes levied by the board shall be certified on or before ~~the first day of March~~ April 30 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. The county treasurer shall collect the taxes in the same manner as other taxes. When delinquent, 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. 79. Section 309.22, subsection 1, Code 2023, is amended to read as follows:

1. On or before ~~the fifteenth day of April~~ May 15 of each year the board of supervisors, with the assistance of the county engineer, shall, subject to the approval of the department, adopt a secondary road construction program which shall include a project accomplishment list for the next fiscal year, and a project priority list for the succeeding four fiscal years based upon the construction funds, local secondary and farm-to-market, estimated to be available for the period. Subject to departmental approval, any project on the approved priority list may be advanced to and constructed in the accomplishment year and the project accomplishment list may be revised due to unforeseen conditions.

Sec. 80. Section 331.422, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to this section and sections 331.423 through 331.426 or as otherwise provided by state law, the board of each county shall certify property taxes annually at its ~~March~~ April session to be levied for county purposes as follows:

Sec. 81. Section 331.434, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Annually, the board of each county, subject to section 331.403, subsection 4, sections 331.423 through 331.426, ~~section 331.433A~~, the applicable portions of chapter 24, and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations as follows:

Sec. 82. Section 331.434, subsection 3, Code 2023, is amended to read as follows:

3. ~~Following, and not until, adoption of the resolution under section 331.433A, the requirements of section 24.2A are completed,~~ the board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349. A summary of the proposed budget and a description of the procedure for protesting the county budget under section 331.436, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 ~~and a copy of the resolution adopted under section 331.433A shall be filed with and preserved by the county auditor.~~ A levy is not valid unless and until the notice is published and ~~the notice and resolution adopted under section 331.433A are filed~~ individual statements under section 24.2A are mailed. The department of management shall prescribe the form for the public hearing notice for use by counties.

Sec. 83. Section 331.434, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. After the hearing, the board shall adopt by resolution a budget and certificate of taxes for the next fiscal year and shall direct the auditor to properly certify and file the budget and certificate of taxes as adopted. The board shall not adopt a tax in excess of the estimate published ~~or the applicable amounts specified in the resolution adopted under section 331.433A~~, except a tax which is approved by a vote of the people, and a greater tax than that adopted shall not be levied or collected. A county budget and certificate of taxes adopted for the following fiscal year becomes effective on the first day of that year.

Sec. 84. Section 331.434, subsection 7, Code 2023, is amended to read as follows:

7. Taxes levied by a county whose budget is certified after ~~March 31~~ April 30 shall be limited to the prior year's budget amount. However, this penalty may be waived by the director of the department of management if the county demonstrates that the ~~March 31~~ deadline was missed because of circumstances beyond the control of the county.

Sec. 85. Section 331.435, subsection 2, Code 2023, is amended to read as follows:

2. The board shall prepare and adopt a budget amendment in the same manner as the original budget as provided in section 331.434, but excluding the requirements for ~~adoption of the resolution under section 331.433A~~ mailing individual statements under section 24.2A, and the amendment is subject to protest as provided in section 331.436, except that the director of the department of management may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A county budget for the ensuing fiscal year shall be amended by May 31 to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void.

Sec. 86. Section 331.436, Code 2023, is amended to read as follows:

331.436 Protest.

Protests to the adopted budget must be made in accordance with sections 24.27 through 24.32 as if the county were the municipality under those sections except that the protest must be filed no later than ~~April~~ May 10 and the number of people necessary to file a protest under this section shall not be less than one hundred.

Sec. 87. Section 347.13, subsection 12, Code 2023, is amended to read as follows:

12. Fix the amount necessary for the improvement and maintenance of the hospital and for support of ambulance service during the ensuing fiscal year, and certify the amount to the county auditor before ~~March 15~~ April 30 of each year, subject to any limitation in section 347.7.

Sec. 88. Section 358.18, subsection 2, as amended by 2023 Iowa Acts, House File 541,³ section 1, if enacted, is amended to read as follows:

2. All taxes thus levied by the board of trustees shall be certified by the clerk on or before ~~March 15~~ April 30 to the county auditor of each county wherein any of the property included within the territorial limits of the sanitary district is located, and shall be placed upon the tax list for the current fiscal year by the auditor or auditors. The county treasurer, or treasurers, of more than one county, shall collect all taxes so levied in the same manner as other taxes, and when delinquent the taxes shall draw the same interest. All taxes levied and collected shall be paid over by the officer collecting the taxes to the treasurer of the sanitary district.

Sec. 89. Section 358C.14, subsection 2, Code 2023, is amended to read as follows:

2. All taxes thus levied by the board shall be certified by the clerk on or before ~~March 1~~ April 30 to the county auditor of each county in which any of the property included within the territorial limits of the district is located, and shall be placed upon the tax list for the current fiscal year by the auditor. The county treasurer of more than one county shall collect all taxes so levied in the same manner as other taxes, and when delinquent the taxes shall draw the same interest. All taxes levied and collected shall be paid over by the officer collecting the taxes to the treasurer of the district.

Sec. 90. Section 359.49, subsections 7 and 9, Code 2023, are amended to read as follows:

7. After the meeting on the proposed budget, the board of trustees shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors by ~~March 15~~ April 30. The tax levy certified may be less than but shall not be more than the amount estimated in the proposed budget submitted at the meeting. Two copies each of the detailed budget as adopted and of the certified tax levy must be transmitted to the county auditor by ~~March 15~~ April 30.

9. Taxes from a township levy shall be collected but not disbursed by the county to a township until copies of the township budget are transmitted to the county auditor as required in subsection 7. If a township fails to certify property taxes by ~~March 15~~ April 30, the amount of taxes collected by the county for the township shall be the amount collected for the township in the previous fiscal year to the extent that it does not exceed the applicable levy rate limits in this chapter. However, that amount may not exceed the amount the township could collect based on property assessments for the fiscal year for which the township failed to certify property taxes.

Sec. 91. Section 384.2, subsection 1, Code 2023, is amended to read as follows:

1. Except as otherwise provided for special charter cities, a city's fiscal year shall be as provided in section 24.2, subsection 3. All city property taxes must be certified by a city to the county auditor on or before ~~March 31~~ April 30 of each year, unless otherwise provided by state law. However, municipal utilities, if not supported by taxation or the proceeds of outstanding indebtedness payable from taxes may, with the council's consent, choose to operate on a fiscal year which is the calendar year. The receipt by the utility of payments from other governmental funds for public fire protection, street lighting, or other public use of the utility's services shall not be deemed support by taxation. After notice and hearing in the same

³ Chapter 141 herein

manner as required for the city's regular budget under section 384.16, the utility budget must be approved by resolution of the council not later than twenty days prior to the beginning of the calendar year for which the budget applies.

Sec. 92. Section 384.16, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Annually, a city that has satisfied the requirements of ~~section 384.15A and~~ section 384.22, subsection 3, and the applicable portions of chapter 24, shall prepare and adopt a budget, and shall certify taxes as follows:

Sec. 93. Section 384.16, subsections 3, 5, and 6, Code 2023, are amended to read as follows:

3. ~~Following, and not until, adoption of the resolution under section 384.15A, requirements of section 24.2A are completed,~~ the council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days before the hearing in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city. A summary of the proposed budget and a description of the procedure for protesting the city budget under section 384.19, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 ~~and a copy of the resolution adopted under section 384.15A~~ must be filed with the county auditor. The department of management shall prescribe the form for the public hearing notice for use by cities.

5. After the hearing, the council shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget submitted at the final hearing ~~or the applicable amount specified in the resolution adopted under section 384.15A,~~ unless an additional tax levy is approved at a city election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor, who shall complete the certificates and transmit a copy of each to the department of management.

6. Taxes levied by a city whose budget is certified after ~~March 31~~ April 30 shall be limited to the prior year's budget amount. However, this penalty may be waived by the director of the department of management if the city demonstrates that the ~~March 31~~ deadline was missed because of circumstances beyond the control of the city.

Sec. 94. Section 384.17, Code 2023, is amended to read as follows:

384.17 Levy by county.

At the time required by law, the county board of supervisors shall levy the taxes necessary for each city fund for the following fiscal year. The levy must be as shown in the adopted city budget and as certified by the clerk, subject to any changes made after a protest hearing, and any additional tax rates approved at a city election. A city levy is not valid until proof of publication or posting of notice of a budget hearing under section 384.16, subsection 3, ~~and the notice and resolution adopted under section 384.15A are~~ is filed with the county auditor and individual statements are mailed under section 24.2A.

Sec. 95. Section 384.18, subsection 2, Code 2023, is amended to read as follows:

2. A budget amendment must be prepared and adopted in the same manner as the original budget, as provided in section 384.16, excluding the requirement for the mailing of individual statements under section 24.2A, and is subject to protest as provided in section 384.19, except that the committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A city budget shall be amended by May 31 of the current fiscal year to allow time for a protest hearing to be held and a decision rendered before June 30. The amendment of a budget after May 31, which is properly appealed but without adequate time for hearing and decision before June 30 is void.

Sec. 96. REPEAL. Sections 331.433A and 384.15A, Code 2023, are repealed.

Sec. 97. IMPLEMENTATION. Section 25B.2, subsection 3, shall not apply to this division of this Act.

Sec. 98. APPLICABILITY. This division of this Act applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024.

DIVISION XI
DRIVER'S LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS

Sec. 99. Section 321M.9, subsection 1, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The ten-dollar convenience fee collected pursuant to subsection 1A.

Sec. 100. Section 321M.9, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *Convenience fee.* A county authorized to issue driver's licenses under this chapter may charge, in addition to any other fee imposed by law, a convenience fee for the issuance or renewal of a driver's license or nonoperator's identification card to a person who is not a resident of the county, unless that person pays property tax to the county and provides proof of payment such as a receipt as provided in section 445.5, subsection 6, or another form of proof as determined by the county. The convenience fee shall be ten dollars.

DIVISION XII
WRITING FEES

Sec. 101. Section 321G.27, subsection 1, paragraphs a, b, and c, Code 2023, are amended by striking the paragraphs.

Sec. 102. Section 321G.27, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* The county recorder shall collect a writing fee of two dollars for each privilege under this chapter.

Sec. 103. Section 321G.29, subsection 3, Code 2023, is amended to read as follows:

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321G.30 and the writing fee specified in section 321G.27. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 104. Section 321G.31, Code 2023, is amended to read as follows:

321G.31 Transfer or repossession by operation of law.

1. If ownership of a snowmobile is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321G.27. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee fees.

2. If a lienholder repossesses a snowmobile by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321G.27.

Sec. 105. Section 321G.32, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The application shall be accompanied by the writing fee specified in section 321G.27.

Sec. 106. Section 321I.29, subsection 1, paragraphs a, b, and c, Code 2023, are amended by striking the paragraphs.

Sec. 107. Section 321I.29, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* The county recorder shall collect a writing fee of two dollars for each privilege under this chapter.

Sec. 108. Section 321I.31, subsection 3, Code 2023, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321I.32 and the writing fee specified in section 321I.29. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 109. Section 321I.33, Code 2023, is amended to read as follows:

321I.33 Transfer or repossession by operation of law.

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321I.29. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee fees.

2. If a lienholder repossesses an all-terrain vehicle by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321I.29.

Sec. 110. Section 321I.34, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The application shall be accompanied by the writing fee specified in section 321I.29.

Sec. 111. Section 462A.53, Code 2023, is amended to read as follows:

462A.53 Amount of writing fees.

A writing fee of ~~one dollar and twenty-five cents~~ two dollars for each privilege shall be collected by the county recorder.

Sec. 112. Section 462A.77, subsection 4, Code 2023, is amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the

required fee specified in section 462A.78 and the writing fee specified in section 462A.53. The application shall be signed and shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

Sec. 113. Section 462A.82, subsections 1 and 2, Code 2023, are amended to read as follows:

1. If ownership of a vessel is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, execution sale, or in compliance with section 578A.7, the transferee, within thirty days after acquiring the right to possession of the vessel by operation of law, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 462A.53. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fee fees. A title tax is not required on these transactions.

2. If a lienholder repossesses a vessel by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 462A.53.

Sec. 114. Section 462A.84, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The application shall be accompanied by the writing fee specified in section 462A.53.

DIVISION XIII BOND ELECTIONS

Sec. 115. Section 28E.16, Code 2023, is amended to read as follows:
28E.16 Election for bonds.

When bonds which require a vote of the people are to be issued for financing joint facilities of a county and one or more cities within the county, pursuant to an agreement made under the authority of this chapter, or pursuant to other provisions of law, the board of supervisors and the council of each city shall arrange for a single election on the question of issuing the bonds, but if the county and the cities are proposing to make separate bond issues, the ballot shall contain separate questions, one to be voted upon by all voters of the county, and one or more to be voted upon only by the voters of the city which is to make a separate bond issue. All elections on the question of issuing the bonds shall be held on the date specified in section 39.2, subsection 4, paragraph "d".

Sec. 116. Section 39.2, subsection 4, Code 2023, is amended to read as follows:

4. Unless otherwise provided by law, special elections on public measures are limited to the following dates:

a. ~~For~~ Except as provided in paragraph "d", for a county, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a county, in an even-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November.

b. ~~For~~ Except as provided in paragraph "d", for a city, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a city, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.

c. ~~For~~ Except as provided in paragraph "d", for a school district or merged area, in the odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the

first Tuesday after the first Monday in November. For a school district or merged area, in the even-numbered year, the first Tuesday in March, or the second Tuesday in September.

d. For any political subdivision of this state, if the special election is in whole or in part for the question of issuing bonds or other indebtedness, the first Tuesday after the first Monday in November.

Sec. 117. NEW SECTION. 39.5 Notice of bond election.

In addition to any other notice related to the election required by law to be published, posted, or provided, if the election is subject to section 39.2, subsection 4, paragraph “d”, the commissioner shall not less than ten nor more than twenty days before the day of each election mail to each registered voter of the applicable jurisdiction a notice of the election that includes the full text of the public measure to be voted upon at the election.

Sec. 118. Section 75.1, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. When a proposition to authorize an issuance of bonds by a county, township, school corporation, city, or by any local board or commission, is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary notwithstanding, unless the vote in favor of such authorization is equal to at least sixty percent of the total vote cast for and against said proposition at said election. All elections on such proposition shall be held on the date specified in section 39.2, subsection 4, paragraph “d”.

Sec. 119. Section 75.1, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 120. Section 279.39, Code 2023, is amended to read as follows:

279.39 School buildings.

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district and may at the regular or a special meeting resolve to submit to the registered voters of the district at an election held on a date specified in section 39.2, subsection 4, ~~paragraph “e”~~, the question of voting a tax or authorizing the board to issue bonds, or both.

Sec. 121. Section 296.3, Code 2023, is amended to read as follows:

296.3 Election called.

Within ten days of receipt of a petition filed under section 296.2, the president of the board of directors shall call a meeting of the board. The meeting shall be held within thirty days after the petition was received. At the meeting, the board shall call the election, fixing the time of the election, ~~which may be at the time and place of holding the regular school election as required by section 39.2, subsection 4, paragraph “d”~~. However, if the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of the school district, no election shall be called. If more than one petition has been received by the time the board meets to consider the petition triggering the meeting, the board shall act upon the petitions in the order they were received at the meeting called to consider the initial petition. The decision of the board may be appealed to the state board of education as provided in chapter 290. The president shall notify the county commissioner of elections of the time of the election.

Sec. 122. Section 298.21, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board of directors of any school corporation when authorized by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph ~~“e”~~ “d”, may issue the negotiable, interest-bearing school bonds of the corporation for borrowing money for any or all of the following purposes:

Sec. 123. Section 331.442, subsection 3, Code 2023, is amended to read as follows:

3. a. All elections held pursuant to this section shall be held on the date specified in section 39.2, subsection 4, paragraph “d”.

b. Notice of the election shall be given by publication as specified in section 331.305. At the election the ballot used for the submission of the proposition shall be in substantially the form for submitting special questions at general elections.

Sec. 124. Section 346.27, subsection 10, paragraph a, Code 2023, is amended to read as follows:

a. After the incorporation of an authority, and before the sale of any issue of revenue bonds, except refunding bonds, the authority shall submit to the voters the question of whether the authority shall issue and sell revenue bonds. The ballot shall state the amount of the bonds and the purposes for which the authority is incorporated. All registered voters of the county shall be entitled to vote on the question. The question ~~may~~ shall be submitted at an election held on a the date specified in section 39.2, subsection 4, paragraph "~~a~~" ~~or "b", as applicable~~ "d". An affirmative vote of a majority of the votes cast on the question is required to authorize the issuance and sale of revenue bonds.

Sec. 125. Section 357C.10, Code 2023, is amended to read as follows:

357C.10 Bonds in anticipation of revenue.

Benefited street lighting districts may anticipate the collection of taxes by the levy herein provided, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments, with the rate of interest thereon not exceeding that permitted by chapter 74A. No indebtedness shall be incurred under this chapter until authorized by an election. Such election shall be held and notice given in the same manner as the election provided herein for the authorization of a tax levy, and the same sixty percent vote shall be necessary to authorize indebtedness. ~~Both~~ Subject to section 39.2, subsection 4, both propositions may be submitted to the voters in the same election.

Sec. 126. Section 357D.11, Code 2023, is amended to read as follows:

357D.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357D.8, and the same sixty percent vote shall be necessary to authorize indebtedness. ~~Both~~ Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

Sec. 127. Section 357E.11, Code 2023, is amended to read as follows:

357E.11 Bonds in anticipation of revenue.

A district, other than a combined district, may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than twenty equal installments with the rate of interest not exceeding that permitted by chapter 74A. 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, and the same majority vote is necessary to authorize indebtedness. ~~Both~~ Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

Sec. 128. Section 357E.11A, subsection 3, Code 2023, is amended to read as follows:

3. 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~~ Subject to section 39.2, subsection 4, a proposition for the authorization of indebtedness may be submitted to the voters at the same election as the election under section 357E.8.

Sec. 129. Section 357F.11, Code 2023, is amended to read as follows:

357F.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357F.8, and a sixty percent vote shall be necessary to authorize indebtedness. Both Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

Sec. 130. Section 357G.11, Code 2023, is amended to read as follows:

357G.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357G.8, and a sixty percent vote shall be necessary to authorize indebtedness. Both Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

Sec. 131. Section 357I.12, Code 2023, is amended to read as follows:

357I.12 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357I.8, and the same sixty percent vote shall be necessary to authorize indebtedness. Both Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

Sec. 132. Section 384.26, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Before the council may institute proceedings for the issuance of bonds for a general corporate purpose, it shall call a special city election to vote upon the question of issuing the bonds. At the election the proposition must be submitted in the following form:

Shall the (insert the name of the
city) issue its bonds in an amount not exceeding the amount of
\$..... for the purpose of

3. a. All elections held pursuant to this section shall be held on the date specified in section 39.2, subsection 4, paragraph "d".

b. Notice of the election must be given by publication as required by section 49.53 in a newspaper of general circulation in the city. At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

Sec. 133. Section 394.2, subsection 1, Code 2023, is amended to read as follows:

1. It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular city election on the date specified in section 39.2, subsection 4, paragraph "d", the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published as required by section 49.53. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens.

Sec. 134. Section 423F.4, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. For bonds subject to the requirements of paragraph "a", if at any time prior to the fifteenth day following the hearing, the secretary of the board of directors receives a petition

containing the required number of signatures and asking that the question of the issuance of such bonds be submitted to the voters of the school district, the board shall either rescind its adoption of the resolution or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a the date specified in section 39.2, subsection 4, paragraph “~~e~~” “d”. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding election of school officials under section 277.1, whichever is greater. If the board submits the question at an election and a majority of those voting on the question favors issuance of the bonds, the board shall be authorized to issue the bonds.

Sec. 135. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this division of this Act.

Sec. 136. APPLICABILITY. This division of this Act applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date.

DIVISION XIV COUNTY AND CITY FINANCING

Sec. 137. Section 8.6, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 17. *County and city bond issuance.* To annually prepare and file with the general assembly by December 1 a report specifying the updated population thresholds as adjusted under section 331.442, subsection 5, and section 384.26, subsection 5, and detailing the use of the bond issuance procedures under section 331.442, subsection 5, and section 384.26, subsection 5, including the usage of such procedures by counties and cities based on the population-based limitations and the amount of bonds issued for each such usage.

Sec. 138. Section 331.301, subsection 10, paragraph e, subparagraph (1), Code 2023, is amended to read as follows:

(1) (a) The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease-purchase contract does not exceed the following limits:

(i) ~~Four~~ Five hundred twenty thousand dollars in a county having a population of twenty-five thousand or less.

(ii) ~~Five~~ Six hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(iii) ~~Six~~ Seven hundred eighty thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(iv) ~~Eight hundred~~ One million forty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(v) One million three hundred thousand dollars in a county having a population of more than two hundred thousand.

(b) However, if the principal amount of a lease or lease-purchase contract pursuant to this subparagraph (1) is less than ~~twenty-five~~ thirty-two thousand five hundred dollars, the board may authorize the lease or lease-purchase contract without following the authorization procedures of section 331.443.

Sec. 139. Section 331.402, subsection 3, paragraph d, subparagraph (1), subparagraph divisions (a), (b), (c), (d), and (e), Code 2023, are amended to read as follows:

(a) ~~Four~~ Five hundred twenty thousand dollars in a county having a population of twenty-five thousand or less.

(b) ~~Five~~ Six hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) ~~Six~~ Seven hundred eighty thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(d) ~~Eight hundred~~ One million forty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) One million three hundred thousand dollars in a county having a population of more than two hundred thousand.

Sec. 140. Section 331.403, subsection 1, Code 2023, is amended to read as follows:

1. Not later than December 1 of each year on forms and pursuant to instructions prescribed by the department of management, a county shall prepare an annual financial report showing for each county fund the financial condition as of June 30 and the results of operations for the year then ended. Copies of the report shall be maintained as a public record at the auditor's office and shall be filed with the director of the department of management and with the auditor of state by December 1. A summary of the report, in a form prescribed by the director, shall be published by each county not later than December 1 of each year in one or more newspapers which meet the requirements of section 618.14. Beginning with the annual financial report filed by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the county during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the county or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

Sec. 141. Section 331.441, subsection 2, paragraph b, subparagraph (5), subparagraph divisions (a), (b), (c), (d), and (e), Code 2023, are amended to read as follows:

(a) ~~Six~~ Seven hundred eighty thousand dollars in a county having a population of twenty-five thousand or less.

(b) ~~Seven~~ Nine hundred fifty seventy-five thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) ~~Nine~~ One million one hundred seventy thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(d) ~~One million two~~ five hundred sixty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) ~~One million five~~ nine hundred fifty thousand dollars in a county having a population of more than two hundred thousand.

Sec. 142. Section 331.442, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The board shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, ~~and~~ a statement of the estimated cost of the project for which the bonds are to be issued, ~~and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars.~~ The notice shall be published as provided in section 331.305 with the minutes of the meeting at which the board adopts a resolution to call a county special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the board in later proceedings related to the project.

Sec. 143. Section 331.442, subsection 5, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding subsection 2, a board, in lieu of calling an election, may institute proceedings for the issuance of bonds for a general county purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, and the right to petition for an election, to be published as provided in section 331.305 at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following population-based limitations, adjusted and

published annually in January by the department of management by applying the percentage change in the consumer price index for all urban consumers for the most recent available twelve-month period published in the federal register by the United States department of labor, bureau of labor statistics:

Sec. 144. Section 331.442, subsection 5, paragraph a, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) In counties having a population of twenty thousand or less, in an amount of not more than one hundred thirty thousand dollars.

(2) In counties having a population of over twenty thousand and not over fifty thousand, in an amount of not more than two hundred sixty thousand dollars.

(3) In counties having a population of over fifty thousand, in an amount of not more than three hundred ninety thousand dollars.

Sec. 145. Section 331.442, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* Each county's population used to determine the limitations of paragraph "a" shall be determined by the greater of the county's population during the most recent federal decennial census or the most recent population estimate produced by the United States census bureau.

Sec. 146. Section 331.443, subsection 2, Code 2023, is amended to read as follows:

2. Before the board may institute proceedings for the issuance of bonds for an essential county purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars, and the time and place of the meeting at which the board proposes to take action for the issuance of the bonds, shall be published as provided in section 331.305. At the meeting, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the county may appeal the decision of the board to take additional action to the district court of the county, within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of any other law.

Sec. 147. Section 384.22, subsection 1, Code 2023, is amended to read as follows:

1. Not later than December 1 of each year, a city shall publish an annual financial report as provided in section 362.3 containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. The annual financial report shall be prepared on forms and pursuant to instructions prescribed by the auditor of state. Beginning with the annual financial report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the city during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the city or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

Sec. 148. Section 384.24A, subsection 4, paragraph a, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) ~~Four~~ Five hundred twenty thousand dollars in a city having a population of five thousand or less.

(2) ~~Seven~~ Nine hundred ~~ten~~ thousand dollars in a city having a population of more than five thousand but not more than seventy-five thousand.

(3) One million ~~three hundred thousand~~ dollars in a city having a population of more than seventy-five thousand.

Sec. 149. Section 384.25, subsection 2, Code 2023, is amended to read as follows:

2. Before the council may institute proceedings for the issuance of bonds for an essential corporate purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars, and the time and place of the meeting at which the council proposes to take action for the issuance of the bonds, must be published as provided in section 362.3. At the meeting, the council shall receive oral or written objections from any resident or property owner of the city. After all objections have been received and considered, the council may, at that meeting or any adjournment thereof, take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the city may appeal the decision of the council to take additional action to the district court of the county in which any part of the city is located, within fifteen days after the additional action is taken, but the additional action of the council is final and conclusive unless the court finds that the council exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of the provisions contained in chapter 73A, or any other law.

Sec. 150. Section 384.26, subsection 2, Code 2023, is amended to read as follows:

2. a. The board shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, a statement of the estimated cost of the project for which the bonds are to be issued, and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars. The notice shall be published as provided in section 362.3 with the minutes of the meeting at which the council adopts a resolution to call a special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the board in later proceedings related to the project.

b. Before the council may institute proceedings for the issuance of bonds for a general corporate purpose, it shall call a special city election to vote upon the question of issuing the bonds. At the election the proposition must be submitted in the following form:

Shall the (insert the name of the city) issue its bonds in an amount not exceeding the amount of \$..... for the purpose of

Sec. 151. Section 384.26, subsection 5, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding the provisions of subsection 2, a council may, in lieu of calling an election, institute proceedings for the issuance of bonds for a general corporate purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following population-based limitations, adjusted and published annually in January by the department of management by applying the percentage change in the consumer price index for all urban consumers for the most recent available twelve-month period published in the federal register by the United States department of labor, bureau of labor statistics:

Sec. 152. Section 384.26, subsection 5, paragraph a, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) In cities having a population of five thousand or less, in an amount of not more than ~~four~~ five hundred twenty thousand dollars.

(2) In cities having a population of more than five thousand and not more than seventy-five thousand, in an amount of not more than ~~seven~~ nine hundred ten thousand dollars.

(3) In cities having a population in excess of seventy-five thousand, in an amount of not more than one million three hundred thousand dollars.

Sec. 153. Section 384.26, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* Each city's population used to determine the limitations of paragraph "a" shall be determined by the greater of the city's population during the most recent federal decennial census or the most recent population estimate produced by the United States census bureau.

Sec. 154. **EFFECTIVE DATE.** This division of this Act takes effect July 1, 2024.

Approved May 4, 2023

CHAPTER 72

REGULATION OF APPRENTICESHIPS

S.F. 318

AN ACT relating to apprenticeships and establishing an Iowa office of apprenticeship and Iowa apprenticeship council.

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

Section 1. **NEW SECTION. 84D.1 Short title.**

This chapter shall be known and may be cited as the "Iowa Registered Apprenticeship Act".

Sec. 2. **NEW SECTION. 84D.2 Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. "Apprentice" means a worker who is at least sixteen years of age, is employed to learn an apprenticeable occupation as defined in 29 C.F.R. §29.4, and meets the requirements of the standards of apprenticeship set out in 29 C.F.R. §29.5.

2. "Apprenticeable occupation" means an occupation that is specified by industry and to which all of the following apply:

a. The occupation involves skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning.

b. The occupation is clearly identified and commonly recognized throughout an industry.

c. The occupation involves the progressive attainment of manual, mechanical, or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least two thousand hours of on-the-job learning to attain.

d. The occupation requires related instruction to supplement the on-the-job learning.

3. "Apprenticeship agreement" means the acceptance and recording of a written agreement by the Iowa office of apprenticeship between an apprentice and an apprenticeship sponsor that contains the terms and conditions of the apprentice's employment and training consistent with 29 C.F.R. pt. 29 and this chapter.

4. "Apprenticeship program" means a program registered with the United States department of labor, office of apprenticeship, or the Iowa office of apprenticeship that includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

5. "Apprenticeship sponsor" means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which entity is registered with or approved by the United States department of labor, office of apprenticeship, or

the Iowa office of apprenticeship. “*Apprenticeship sponsor*” includes a lead apprenticeship sponsor, sponsor, or intermediary, and an employer who provides training through a lead apprenticeship sponsor, sponsor, or intermediary.

6. “*Cancellation*” means the termination of the registration of a quality pre-apprenticeship program or apprenticeship program at the request of the apprenticeship sponsor or the termination of the apprenticeship agreement at the request of apprentice.

7. “*Certification*” or “*certificate*” means the written approval by the Iowa office of apprenticeship of a set of apprenticeship standards, of an individual for employment as an apprentice or probationary apprentice in a registered apprenticeship program, or of an individual who has successfully met the requirements to receive an interim credential.

8. “*Director*” means the director of the department of workforce development, or the director’s designee.

9. “*Employee organization*” means any association in which employees participate and which exists for the purpose of dealing with employers.

10. “*Employer*” means a person or organization employing an apprentice, whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

11. “*Employer organization*” means a collective organization of manufacturers, retailers, or other employers of wage labor, which seeks to coordinate the behavior of its member companies in matters of mutual interest.

12. “*Intermediary*” includes an entity that provides required technical instruction to an apprentice, aggregates employer demand, provides technical assistance to employers, assists with organizing training, develops occupational standards, and assists with the registration of programs with the Iowa office of apprenticeship.

13. “*Lead apprenticeship sponsor*” means a trade organization, labor organization, employer association, or other incorporated entity representing a group of apprenticeship sponsors.

14. “*Licensing authority*” means an agency, board, commission, or other office with the authority to require occupational fees or issue licensing requirements for practice of an apprenticeable occupation.

15. “*Mentor*” or “*journeyworker*” means an individual who has attained a level of skills, abilities, competencies, and knowledge of a trade or craft, either through formal apprenticeship or through practical on-the-job experiences and training, to be recognized by an individual’s employer as being qualified to perform the work of the trade or craft. “*Mentor*” or “*journeyworker*” may include a technician, specialist, or other skilled worker. For an apprenticeship program in an occupation subject to licensure under state law, a mentor or journeyworker must possess a valid license to perform the occupation.

16. “*On-the-job training*” means training provided by an employer to which all of the following apply:

a. The training is provided to a paid apprentice who is engaged in productive work in an occupation, and the work provides knowledge or skills essential to the full and adequate performance of the occupation.

b. The training is limited in duration as appropriate to the occupation for which the apprentice is being trained, based on the content of the training, the apprentice’s prior work experience, and the apprentice’s service strategy, as appropriate.

17. “*Public member*” means a member of the Iowa apprenticeship council not representing an employer organization or employee organization that is familiar with apprenticeable occupations.

18. “*Quality pre-apprenticeship program*” means a program or set of strategies, registered by the Iowa office of apprenticeship, including basic skills training, academic skills remediation, or introduction to the industry, that is designed to prepare individuals for entry into an apprenticeship program.

19. a. “*Registered apprenticeship program*” means a program to which all of the following apply:

- (1) The program has been accepted and recorded by the Iowa office of apprenticeship.
- (2) The program includes all of the following:
 - (a) Employer involvement.
 - (b) On-the-job training.

(c) Related training instruction from a lead apprenticeship sponsor, sponsor, or intermediary.

(d) Paid work experience.

(e) Receipt of a portable state or nationally recognized credential.

(3) The program is for the recruitment, selection, employment, and training of apprentices and is developed pursuant to 29 C.F.R. pts. 29 and 30 and the rules of the Iowa office of apprenticeship.

b. “Registered apprenticeship program” may include a youth apprenticeship that otherwise qualifies as a registered apprenticeship program.

20. “Registration agency” means the Iowa office of apprenticeship which is responsible for registering, providing technical assistance, and conducting reviews for compliance with federal law.

21. “Related training instruction” means an organized and systematic form of instruction, other than on-the-job training, to which all of the following apply:

a. The instruction is designed to provide an apprentice with knowledge of the subjects related to the apprentice’s occupation.

b. The instruction is given in a classroom, through occupational or industrial courses, through correspondence or online courses, or through other forms of self-study.

22. “State advisory council” means the Iowa apprenticeship council established pursuant to 29 C.F.R. §29.13(a)(2) and section 84D.5.

23. “Supervision” includes direction and oversight of apprentices on the job by any supervisor, foreman, journeyworker, or highly skilled mentor who may be counted as a direct supervisor of an apprentice as long as the person is of the same trade or occupation as the apprentice. “Supervision” may occur in person, by phone, or through virtual means; however, supervision for apprenticeship programs must occur in person where otherwise required by the Code.

24. “Work-based learning” means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution, which interactions foster in-depth, first-hand engagement with the tasks required of a given career field and are aligned to curriculum and instruction.

25. “Youth apprenticeship” means an apprenticeship program that is designed specifically for an apprentice eighteen years of age or under.

Sec. 3. NEW SECTION. 84D.3 Iowa office of apprenticeship.

1. The Iowa office of apprenticeship is established within the department of workforce development in accordance with 29 U.S.C. §50 and 29 C.F.R. pts. 29 and 30. The office is operated and managed by the director or the director’s designee.

2. The office is established for all of the following purposes:

a. To serve as the state registration agency.

b. To establish labor standards for quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships.

c. To establish rules regarding the registration of quality pre-apprenticeship programs, registered youth apprenticeship programs, registered apprenticeship programs, and apprenticeship programs in the state when the sponsor of such programs chooses to certify or register the programs with the office.

d. To resolve disputes between parties to an apprenticeship agreement.

Sec. 4. NEW SECTION. 84D.4 Duties of office.

1. The Iowa office of apprenticeship shall adopt rules and develop standards to create a nationally recognized state apprenticeship completion credential in compliance with, but not exceeding, standards established in 29 C.F.R. §29.5 for completing a registered apprenticeship program.

2. a. The office shall approve or deny an application for a registered apprenticeship program, whether for a new program or expansion of an existing program, within sixty days of a signed application being submitted to the office. The office shall provide an entity whose application is not approved with specific reasons for the disapproval and an option for modifying the application.

b. The office shall approve or deny an application for a new apprenticeship sponsor who is providing related technical instruction within thirty days. The applying sponsor's apprentices may enroll in an apprenticeship program while approval is pending; however, training shall not begin until the plan is approved.

3. The office shall establish competency-based apprenticeship frameworks based on the regional and statewide collection of valuable credentials.

4. The office shall establish a plan to provide reciprocal approval, for federal purposes, to apprentices, apprenticeship programs, and standards that are registered in other states by the United States department of labor, office of apprenticeship, or a registration agency, if such reciprocity is requested by the apprenticeship program sponsor. Program sponsors seeking reciprocal approval shall meet wage and hour provisions and apprentice ratio standards of this state.

5. The director may adopt rules pursuant to chapter 17A to administer the duties of the office in compliance with 29 C.F.R. pts. 29 and 30.

6. The office may consider advice provided by the Iowa apprenticeship council and state workforce development board when completing the office's duties as set forth in this section.

7. The office shall serve as the registration agency for quality pre-apprenticeships, youth apprenticeships, registered apprenticeships, and apprenticeships.

8. The office shall develop a plan providing a procedure for the cancellation or deregistration, or both, of programs and for temporary suspension, cancellation, deregistration, or any of these, of apprenticeship agreements.

9. The office shall not require affiliation with a labor organization, employer organization, or other limited-membership organization as a criteria of an apprenticeship program. This subsection does not prohibit labor organizations, employer organizations, and limited-membership organizations from requiring membership to participate in the apprenticeship training provided by the organization.

Sec. 5. NEW SECTION. 84D.5 Iowa apprenticeship council.

1. The Iowa apprenticeship council is established as an advisory council within the department of workforce development.

2. Members of the council shall be appointed by the governor for terms of three years and in compliance with sections 69.16 and 69.16A.

3. a. The council shall include at least five but not more than nine voting members appointed by the governor. The members shall have demonstrated experience and expertise in apprenticeable occupations.

b. The council shall have an equal number of representatives of employer organizations and employee organizations. The total number of public members shall not exceed the total number of members who serve as a representative of an employee organization or an employer organization.

c. The governor shall appoint a chair of the Iowa apprenticeship council from among the voting members.

d. The director, or the director's designee, shall serve as an ex officio, nonvoting member.

4. The council shall develop bylaws related to the support and expansion of the use of apprenticeship in the state.

5. Meetings of the council shall be governed by the provisions of chapter 21.

6. The council shall do all of the following:

a. Advise the Iowa office of apprenticeship regarding the duties set forth in this chapter.

b. Provide community outreach and education regarding the benefits of apprenticeship.

Sec. 6. NEW SECTION. 84D.6 Requirements for licensing authorities.

1. A licensing authority shall grant an occupational license to any applicant who meets all of the following requirements:

a. The applicant has successfully completed an apprenticeship in compliance with program standards for apprenticeships as outlined in 29 C.F.R. §29.5, subject to a valid apprenticeship agreement, and under the supervision of an eligible employer.

b. The applicant has received a passing score on any examination deemed to be necessary for licensing by a licensing authority.

c. The applicant is otherwise eligible to receive a license.

2. A licensing authority shall not set a higher required minimum passing score on any examination for an applicant who satisfies the requirements of subsection 1, paragraph “a”, than that which is required for any other test taker.

3. If a licensing authority does not otherwise require an examination, the licensing authority shall not require an examination for an applicant who satisfies the requirements of subsection 1, paragraph “a”.

4. A licensing authority shall adopt any rules necessary for the implementation and administration of this section.

Sec. 7. NEW SECTION. **84D.7 Requirements for sponsors and employers.**

A sponsor of a quality pre-apprenticeship program, youth apprenticeship program, registered apprenticeship program, or apprenticeship program is responsible for the administration and supervision of on-the-job training and related technical instruction for each apprentice in the quality pre-apprenticeship program, youth apprenticeship program, registered apprenticeship program, or apprenticeship program. When training is provided by a lead apprenticeship sponsor or intermediary, the employer of the apprentice is responsible for the administration and supervision of on-the-job training, and the lead apprenticeship sponsor or intermediary is responsible for related technical instruction for each apprenticeship.

Approved May 10, 2023

CHAPTER 73

PRACTICE BY PHYSICIAN ASSISTANTS WITHOUT PHYSICIAN SUPERVISION

H.F. 424

AN ACT providing for the collaborative practice of physician assistants by allowing for the practice of certain physician assistants without supervision by a physician.

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

Section 1. Section 135.24, subsection 7, paragraph d, Code 2023, is amended to read as follows:

d. “*Health care provider*” means a physician licensed under chapter 148; a chiropractor licensed under chapter 151; a physical therapist licensed pursuant to chapter 148A; an occupational therapist licensed pursuant to chapter 148B; a podiatrist licensed pursuant to chapter 149; a physician assistant licensed ~~and practicing under a supervising physician~~ pursuant to chapter 148C; a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E; a respiratory therapist licensed pursuant to chapter 152B; a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153; an optometrist licensed pursuant to chapter 154; a psychologist licensed pursuant to chapter 154B; a social worker licensed pursuant to chapter 154C; a mental health counselor, marital and family therapist, behavior analyst, or assistant behavior analyst licensed pursuant to chapter 154D; a speech pathologist or audiologist licensed pursuant to chapter 154F; a pharmacist licensed pursuant to chapter 155A; or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 2. Section 135G.1, subsection 8, Code 2023, is amended to read as follows:

8. “*Physician assistant*” means a person licensed ~~to practice under the supervision of a physician as authorized in chapters 147 and~~ chapter 148C.

Sec. 3. Section 135P.1, subsection 2, Code 2023, is amended to read as follows:

2. “*Health care provider*” means a physician or osteopathic physician licensed under chapter 148, a physician assistant licensed ~~and practicing under a supervising physician pursuant to~~ chapter 148C, a podiatrist licensed under chapter 149, a chiropractor licensed under chapter 151, 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, 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. 4. Section 147.14, subsection 1, paragraph 1, Code 2023, is amended to read as follows:

1. For the board of physician assistants, five members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician or osteopathic physician members shall be in practice in a county with a population of less than fifty thousand.

Sec. 5. Section 147.107, subsection 4, Code 2023, is amended to read as follows:

4. A Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician assistant may prescribe, dispense, order, administer, or procure prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy pursuant to section 148C.4. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistants after consultation with the board of medicine and board of pharmacy.

Sec. 6. Section 147.107, subsections 5 and 6, Code 2023, are amended by striking the subsections.

Sec. 7. Section 147.136A, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. “*Health care provider*” means 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 physician or an osteopathic physician licensed under chapter 148, a physician assistant licensed ~~and practicing under a supervising physician~~ under chapter 148C, a podiatrist licensed under chapter 149, a chiropractor licensed under chapter 151, 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 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.

Sec. 8. Section 147A.10, subsection 3, Code 2023, is amended to read as follows:

3. An act of commission or omission of any appropriately certified emergency medical care provider, registered nurse, or licensed practical nurse, or physician assistant, while rendering emergency medical care under the responsible supervision and control of a physician to a person who is deemed by them to be in immediate danger of serious injury or loss of life, shall not impose any liability upon the certified emergency medical care provider, registered nurse, licensed practical nurse, or physician assistant, the supervising physician,

physician designee, advanced registered nurse practitioner, or any hospital, or upon the state, or any county, city or other political subdivision, or the employees of any of these entities; provided that this section shall not relieve any person of liability for civil damages for any act of commission or omission which constitutes recklessness.

Sec. 9. Section 148C.1, subsection 5, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

5. “*Independent practice*” means the practice of a physician assistant that is organized as a professional corporation under chapter 496C or a professional limited liability company under chapter 489.

Sec. 10. Section 148C.1, subsection 8, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

8. “*Supervising physician*” means a physician who supervises the medical services provided by a physician assistant engaged in independent practice consistent with the physician assistant’s education, training, and experience.

Sec. 11. Section 148C.1, subsection 6, Code 2023, is amended to read as follows:

6. “*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. ~~Notwithstanding this subsection, a physician supervising a physician assistant practicing in a federal facility or under federal authority shall not be required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.~~

Sec. 12. Section 148C.3, subsection 2, Code 2023, is amended to read as follows:

2. a. Rules Joint rules shall be adopted by the board and the board of medicine pursuant to this chapter requiring a licensed physician assistant to be supervised by physicians a physician during the first two years of independent practice if the physician assistant has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years. The rules shall provide that not more than five physician assistants shall be supervised by a physician at one time determine the terms of collaboration for a physician assistant engaged in independent practice after the conclusion of two years of practice under a supervising physician. The rules shall also provide that a physician assistant shall notify the board of the identity of the physician assistant’s supervising physician and of any change in the status of the supervisory relationship.

b. For purposes of this chapter, “supervision” does not require the personal presence of the physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or by rules of the board adopted pursuant to chapter 17A.

Sec. 13. Section 148C.4, subsections 2 and 3, Code 2023, are amended to read as follows:

2. ~~a.~~ Notwithstanding subsection 1, a physician assistant licensed pursuant to this chapter or authorized to practice in any other state or federal jurisdiction who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant’s employment or practice, responds to a need for medical care created by an emergency or a state or local disaster may render such care that the physician assistant is able to provide ~~without supervision as described in this section or with such supervision as is available.~~

~~b. A physician who supervises a physician assistant providing medical care pursuant to this subsection shall not be required to meet the requirements of rules adopted pursuant to section 148C.3, subsection 2, relating to supervision by physicians. A physician providing physician assistant supervision pursuant to this subsection or a physician assistant, who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant’s employment or practice, responds to a need for medical care created by an emergency or a state or local disaster shall not be subject to criminal liability by reason of having issued or executed the orders for provided such care, and shall not be liable for civil damages for acts or omissions relating to the issuance or execution of the orders such care unless the acts or omissions constitute recklessness.~~

3. The degree of collaboration between a physician assistant and the appropriate member of a health care team shall be determined at the practice level, and may involve decisions made by the medical group, hospital service, supervising physician, or employer of the physician assistant, or the credentialing and privileging system of a licensed health care facility. ~~A physician shall be accessible at all times for consultation with a physician assistant unless the physician assistant is providing emergency medical services pursuant to 645 IAC 327.1(1)(n). The supervising physician shall have ultimate responsibility for determining the medical care provided by the supervising physician-physician assistant team~~ A physician assistant shall be responsible for the services performed by the physician assistant that are not performed under the supervision of a physician.

Sec. 14. Section 148C.5, subsection 1, Code 2023, is amended to read as follows:

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, if applicable.

Sec. 15. Section 148C.5, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 16. Section 148C.9, Code 2023, is amended to read as follows:

148C.9 Eye examination restricted.

~~A physician assistant shall not be permitted to prescribe lenses, prisms, or contact lenses for the aid, relief, or correction of human vision.~~ A physician assistant engaged in independent practice shall not be permitted to measure the visual power and visual efficiency of the human eye, as distinguished from routine visual screening, except in the personal presence of a supervising physician at the place where such services are rendered.

Sec. 17. Section 148F.7, Code 2023, is amended to read as follows:

148F.7 Limitation on provision of care and services.

A licensed orthotist, prosthetist, or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician, a licensed podiatric physician, an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, or a physician assistant ~~who has been delegated the authority to order the services of an orthotist, prosthetist, or pedorthist by the assistant's supervising physician~~ licensed under chapter 148C.

Sec. 18. Section 154F.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, and licensed physician assistants, and registered nurses acting under the supervision of a physician or osteopathic physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon or licensed osteopathic physician and surgeon, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the board of medicine while performing functions incidental to their course of study.

Sec. 19. Section 225C.6, subsection 4, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) A comprehensive set of wraparound services for persons who have had or are at imminent risk of having acute or crisis mental health symptoms that do not permit the persons to remain in or threatens removal of the persons from their home and community, but who have been determined by a mental health professional and a licensed health care professional, subject to the professional's scope of practice, not to need inpatient acute hospital services. For the purposes of this subparagraph, "*mental health professional*" means the same as defined in section 228.1 and "*licensed health care professional*" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E, or a

physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and chapter 148C.

Sec. 20. Section 228.1, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care and is licensed by the board of nursing, a physician assistant practicing under the supervision of or in collaboration with a psychiatrist, a qualified mental health professional physician assistant, a psychiatric advanced registered nurse practitioner as defined in section 125.2, or an individual who holds a doctorate degree in psychology and is licensed by the board of psychology. For the purposes of this paragraph, "collaboration" means the same as defined in section 148C.1.

Sec. 21. Section 280.16, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. "*Licensed health care professional*" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under ~~the supervision of a physician as authorized in chapters 147 and chapter 148C~~.

Sec. 22. Section 489.1102, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or ~~modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.~~

Sec. 23. Section 489.1105, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or ~~modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.~~

Sec. 24. Section 496C.4, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or ~~modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.~~

Sec. 25. Section 496C.7, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Nothing in this section shall be construed to expand the scope of practice of a physician assistant or ~~modify the requirement in section 148C.4 that a physician assistant perform medical services under the supervision of a licensed physician.~~

Sec. 26. REPEAL. Sections 148.13 and 148C.12, Code 2023, are repealed.

Approved May 10, 2023

CHAPTER 74**SEXUAL EXPLOITATION OF A MINOR AND UTILIZING A TECHNOLOGICAL DEVICE WHILE STALKING**

S.F. 84

AN ACT relating to the criminal offenses of sexual exploitation of a minor and stalking committed while utilizing a technological device, the enticement and sexual exploitation of minors and the dissemination of obscene material to minors and the utilization of undercover law enforcement officers or agents posing as minors, and providing penalties.

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

**DIVISION I
SEXUAL EXPLOITATION OF A MINOR**

Section 1. Section 710.10, subsections 1, 2, 3, and 4, Code 2023, are amended to read as follows:

1. A person commits a class “C” felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices or attempts to entice a person reasonably believed to be under the age of thirteen including a law enforcement officer or agent posing as a minor under the age of thirteen.

2. A person commits a class “D” felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices or attempts to entice a person reasonably believed to be under the age of sixteen including a law enforcement officer or agent posing as a minor under the age of sixteen.

3. A person commits a class “D” felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices a person reasonably believed to be under the age of sixteen including a law enforcement officer or agent posing as a minor under the age of sixteen.

4. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice a person reasonably believed to be under the age of sixteen including a law enforcement officer or agent posing as a minor under the age of sixteen. A person convicted under this subsection shall not be subject to the registration requirements under chapter 692A unless the finder of fact determines that the illegal act was sexually motivated.

Sec. 2. Section 728.12, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. It shall be unlawful to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a minor or a law enforcement officer or agent posing as a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act. A person must know, or have reason to know, or intend that the act or simulated act may be photographed, filmed, or otherwise preserved in a visual depiction. A person who commits a violation of this subsection commits a class “~~C~~” “B” felony. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

2. It shall be unlawful to knowingly promote any material visually depicting a live performance of a minor engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. A person who commits a violation of this subsection commits a class “~~D~~” “C” felony. Notwithstanding section 902.9, the court may assess a fine of not more than twenty-five thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

3. It shall be unlawful to knowingly purchase or possess a visual depiction of a minor engaging in a prohibited sexual act or the simulation of a prohibited sexual act. A visual depiction containing pictorial representations of different minors shall be prosecuted and punished as separate offenses for each pictorial representation of a different minor in the

visual depiction. However, violations of this subsection involving multiple visual depictions of the same minor shall be prosecuted and punished as one offense. A person who commits a violation of this subsection commits ~~an aggravated misdemeanor~~ a class “D” felony for a first offense and a class “D” “C” felony for a second or subsequent offense. For purposes of this subsection, an offense is considered a second or subsequent offense if, prior to the person’s having been convicted under this subsection, ~~any of the following apply: the person has a prior conviction or deferred judgment under this subsection or has a prior conviction or deferred judgment in another jurisdiction for a substantially similar offense.~~ The court shall judicially notice the statutes of other states that define offenses substantially similar to the offenses defined in this subsection and that therefore can be considered corresponding statutes.

~~a. The person has a prior conviction or deferred judgment under this subsection.~~

~~b. The person has a prior conviction, deferred judgment, or the equivalent of a deferred judgment in another jurisdiction for an offense substantially similar to the offense defined in this subsection. The court shall judicially notice the statutes of other states that define offenses substantially similar to the offense defined in this subsection and that therefore can be considered corresponding statutes.~~

Sec. 3. Section 728.15, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. A person shall not knowingly disseminate obscene material by the use of telephones or telephone facilities to a minor or a law enforcement officer or agent posing as a minor.

Sec. 4. Section 901.11, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 6. At the time of sentencing, the court shall determine when a person convicted of sexual exploitation of a minor as described in section 902.12, subsection 6, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 6, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 5. Section 902.12, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A person serving a sentence for a conviction of sexual exploitation of a minor in violation of section 728.12, subsection 1, shall be denied parole or work release until the person has served between one-half and seven-tenths of the maximum term of the person’s sentence as determined under section 901.11, subsection 6.

Sec. 6. Section 903B.1, Code 2023, is amended to read as follows:

903B.1 Special sentence — class “B” or class “C” felonies.

A person convicted of a class “C” felony or greater offense under chapter 709 or section 728.12, or a class “B” felony under section 713.3, subsection 1, paragraph “d”, or a class “C” felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person’s life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under section 903A.2.

Sec. 7. Section 907.3, subsection 1, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) The offense is a violation of section 728.12.

Sec. 8. Section 915.100, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. In cases where the offender was convicted of sexual exploitation of a minor in violation of section 728.12, subsection 1 or 2, the court shall order restitution under this section in an amount to be determined by the court as follows:

(1) The court shall determine the full amount of the victim's losses that were incurred or are reasonably projected to be incurred by the victim as a result of the sexual exploitation of the victim, but in no case shall such amount be less than three thousand dollars.

(2) After completing the determination required under subparagraph (1), the court shall order pecuniary damages in an amount that reflects the offender's relative role in the causal process that underlies the victim's losses, but in no case shall such amount be less than three thousand dollars.

(3) For purposes of this paragraph, in addition to the definition of victim provided in section 915.10, subsection 3, "*victim*" means the individual harmed as a result of a commission of a crime under section 728.12. The legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the crime victim's rights under this paragraph, but in no event shall the offender be named as a representative or guardian.

DIVISION II STALKING UTILIZING A TECHNOLOGICAL DEVICE

Sec. 9. Section 692A.102, subsection 1, paragraph a, subparagraph (6), subparagraph division (b), Code 2023, is amended to read as follows:

(b) Stalking in violation of section 708.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126, except a violation of section 708.11, subsection 3, paragraph "*b*" "*a*", subparagraph (3), shall be classified a tier II offense as provided in paragraph "*b*".

Sec. 10. Section 692A.102, subsection 1, paragraph b, subparagraph (8), Code 2023, is amended to read as follows:

(8) Stalking in violation of section 708.11, subsection 3, paragraph "*b*" "*a*", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

Sec. 11. Section 708.11, subsection 1, paragraph b, Code 2023, 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 authorization or legitimate purpose, or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

Sec. 12. Section 708.11, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. "*Technological device*" means any computer, cellular phone, smartphone, digital camera, video camera, audio recording device, global positioning device, or other electronic device that can be used for creating, storing, or transmitting information in the form of electronic data.

Sec. 13. Section 708.11, subsection 3, Code 2023, is amended to read as follows:

3. a. A person who commits stalking in violation of this section commits a class "C" felony for a third or subsequent offense. if any of the following apply:

~~(1) The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and another person against whom the person has committed a public offense.~~

~~(2) The person commits stalking while in possession of a dangerous weapon, as defined in section 702.7.~~

~~(3) The person commits stalking by directing a course of conduct at a specific person who is under eighteen years of age.~~

~~(4) The person utilizes a technological device while committing stalking.~~

~~(5) For a third or subsequent offense.~~

~~b. A person who commits stalking in violation of this section commits a class "D" felony if any of the following apply:~~

~~(1) The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.~~

~~(2) The person commits stalking while in possession of a dangerous weapon, as defined in section 702.7.~~

~~(3) The person commits stalking by directing a course of conduct at a specific person who is under eighteen years of age.~~

~~(4) The offense is a second offense.~~

~~b. A person who commits stalking in violation of this section commits a class "D" felony if the offense is a second offense which is not included in paragraph "a".~~

~~c. A person who commits stalking in violation of this section commits an aggravated misdemeanor if the offense is a first offense which is not included in paragraph "b" "a".~~

Approved May 11, 2023

CHAPTER 75

REGULATION OF RAW MILK AND ASSOCIATED PRODUCTS

S.F. 315

AN ACT relating to raw milk, by providing for the production of raw milk at certain dairies, the manufacture of products using raw milk, and the labeling and distribution of raw milk and manufactured products, and making penalties applicable.

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

Section 1. **NEW SECTION. 135.16B Raw milk — associated products.**

The department of health and human services may demand that a raw milk producer provide the department with all records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:

1. The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

2. The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

Sec. 2. Section 137.104, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Demand that a raw milk producer provide the board with all records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:

- (1) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.
- (2) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

Sec. 3. **NEW SECTION. 137D.2A Raw milk — associated products.**

A home food processing establishment shall not advertise for sale, offer for sale, sell or otherwise distribute, or use raw milk, or a manufactured raw milk product or raw milk dairy product, as provided in chapter 195.

Sec. 4. Section 137F.1, subsection 9, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. (1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

(2) The premises of a raw milk dairy where a raw milk product or a raw milk dairy product is manufactured, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

Sec. 5. Section 137F.1, subsection 10, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

(2) A premises of a raw milk dairy where a raw milk product or raw milk dairy product is manufactured, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

Sec. 6. **NEW SECTION. 137F.8B Raw milk — associated products.**

A food establishment or farmers market shall not advertise for sale, offer for sale, sell or otherwise distribute, or use raw milk, or a manufactured raw milk product or a raw milk dairy product, regardless of whether the food establishment or farmers market is regulated by the department under this chapter or another chapter, another state agency, or a municipality.

Sec. 7. Section 159.6, subsection 6, Code 2023, is amended to read as follows:

6. Regulation and inspection of foods, drugs, and other articles, as provided in ~~Title V, subtitle 4, but~~ However, chapter 205 ~~of that subtitle~~ shall be enforced as provided in that chapter. Except as expressly authorized in subtitle 4, the department shall not regulate any of the following:

a. The production, processing, labeling, marketing, or distribution of raw milk by a raw milk producer in compliance with chapter 195.

b. The manufacture, labeling, marketing, or distribution of a raw milk product or raw milk dairy product by a raw milk producer in compliance with chapter 195.

Sec. 8. Section 190.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section does not apply to any of the following:

a. The production, processing, labeling, marketing, or distribution of raw milk by a raw milk producer in compliance with chapter 195.

b. The manufacture, labeling, marketing, or distribution of a raw milk product or raw milk dairy product by a raw milk producer in compliance with chapter 195.

Sec. 9. Section 191.2, subsection 5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~All bottles, containers, and packages~~ *Bottles, containers, and packages*. Except as provided in subsection 5A, a container or package enclosing milk or a milk products product shall be conspicuously labeled or marked with all of the following:

Sec. 10. Section 191.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Raw milk and associated products. A container holding raw milk, or a manufactured raw milk product or a raw milk dairy product, distributed by a raw milk producer shall be labeled as required in section 195.9.

Sec. 11. Section 192.103, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Only grade “A” pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. ~~However, in~~ except as follows:

a. In an emergency, the sale of pasteurized milk and milk products which that have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled “ungraded”.

b. A raw milk producer may distribute raw milk, or a manufactured raw milk product or raw milk dairy product, in compliance with chapter 195.

2. ~~No~~ A person shall not within the state produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case such products shall be labeled “ungraded”.

Sec. 12. **NEW SECTION. 194.22 Raw milk dairies — exception.**

This chapter does not apply to any of the following:

1. The production, processing, marketing, and distribution of raw milk, if the raw milk is produced by a raw milk producer at a raw milk dairy as provided in chapter 195.

2. The manufacture, marketing, and distribution of a raw milk product or raw milk dairy product, if the raw milk product or raw milk dairy product is manufactured by a raw milk producer at a raw milk dairy as provided in chapter 195.

Sec. 13. **NEW SECTION. 195.1 Definitions.**

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

1. “*Dairy animal*” means a cow, goat, or sheep that is actively producing milk.

2. “*Department*” means the department of agriculture and land stewardship.

3. “*Distribute*” means to transfer an item or offer to transfer an item to another person, either free of charge or by sale or exchange.

4. “*Milk*” means the lacteal secretion of a dairy animal.

5. “*Raw milk*” means milk that is not pasteurized or graded as otherwise required in chapters 190, 192, and 194.

6. “*Raw milk dairy*” means an operation, owned or operated by a raw milk producer, where not more than ten dairy animals are maintained to actively produce milk at any one time.

7. “*Raw milk dairy product*” means a product, other than a milk product, manufactured using milk or a milk product as the primary ingredient, and that includes any quantity of raw milk.

8. “*Raw milk producer*” means a milk producer who owns or operates a raw milk dairy, if the milk producer makes the election provided in section 195.5.

9. “*Raw milk product*” means a product manufactured using milk as its exclusive ingredient as described in 21 C.F.R. §1240.3 and that includes any quantity of raw milk.

10. “*Recognized bacteria count limit*” means the results of a test measuring the presence of bacteria in raw milk at a level that does not exceed the following:

a. For a bacteria coliform count, ten colony forming units per milliliter (10 cfu/mL).

b. For a standard plate count, twenty-five thousand colony forming units per milliliter (25,000 cfu/mL).

Sec. 14. NEW SECTION. **195.2 Construing this chapter with other applicable chapters.**

1. This chapter shall be construed to supplement applicable provisions in chapters 190, 191, 192, and 194. If there is a conflict between a provision in this chapter and one of those other chapters, the provision in this chapter shall prevail but only to the extent of interpreting the provision in this chapter.

2. This chapter does not apply to the powers and duties of the department to control an infectious or contagious disease that may affect dairy animals within the state as provided in another chapter, including a rule adopted pursuant to that other chapter. The control of an infectious or contagious disease includes the prevention, suppression, or eradication of an infectious or contagious disease among a population of dairy animals as provided in that other chapter. However, the department shall not administer or enforce a provision of the other chapter if it results in treating a raw milk producer differently than producers of milk pasteurized or graded as otherwise required in chapter 190, 192, or 194.

Sec. 15. NEW SECTION. **195.3 Exclusions.**

This chapter does not apply to a bulk milk tanker, milk grader, milk hauler, milk plant, milk processing plant, dairy plant, transfer station, or receiving station.

Sec. 16. NEW SECTION. **195.4 Rulemaking prohibited.**

The department shall not adopt rules to administer or enforce this chapter.

Sec. 17. NEW SECTION. **195.5 General — election by raw milk producer.**

A raw milk producer may elect to produce, process, market, or distribute raw milk at the raw milk producer's raw milk dairy in compliance with this chapter. A raw milk producer may also elect to use the raw milk to manufacture, market, or distribute a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy in compliance with this chapter.

Sec. 18. NEW SECTION. **195.6 Production of raw milk.**

If a raw milk producer makes an election described in section 195.5 to produce raw milk, all of the following apply:

1. The raw milk must be produced exclusively from dairy animals maintained at the raw milk dairy.

2. The raw milk must be produced at the raw milk dairy in a manner that ensures the health and safety of persons consuming the raw milk.

3. Each twelve-month period, a licensed veterinarian must examine each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's health status. The examination must at least include a blood test for common diseases afflicting the type of dairy animal being examined.

4. a. The raw milk producer shall, every month, test each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's coliform count and standard plate count.

b. The raw milk producer shall not do any of the following:

(1) Process, market, or distribute raw milk, if the raw milk exceeds the recognized bacteria count limit.

(2) Manufacture, market, or distribute a raw milk product or raw milk dairy product, if raw milk used as an ingredient exceeds the recognized bacteria count limit.

c. The raw milk producer shall retain a record of each test conducted at the raw milk dairy for at least three years.

5. a. If a dairy animal maintained at a raw milk dairy is administered with an antibiotic drug, the raw milk producer shall comply with the following health protocols:

(1) The antibiotic drug must be all of the following:

(a) Approved by the United States food and drug administration for its intended use.

(b) Stored in a closed, labeled container as provided by the manufacturer of the antibiotic drug before being administered.

(c) Stored and administered as directed by the manufacturer of the antibiotic drug.

(2) For a dairy animal subject to a health protocol as provided in subparagraph (1), any raw milk produced from the dairy animal before the expiration of the production waiting period as directed by the manufacturer shall not be used to do any of the following:

- (a) Process, market, or distribute the raw milk.
- (b) Manufacture, market, or distribute a raw milk product or raw milk dairy product that uses the raw milk as an ingredient.
 - b. The manufacturer of an antibiotic drug administered to a dairy animal under this subsection may provide directions on the label of the container storing the antibiotic drug or other source of information regarding the use of the antibiotic controlled by the manufacturer.
 - c. The raw milk producer shall retain records identifying the type and dosage of each antibiotic drug administered to a dairy animal maintained at the raw milk dairy, each dairy animal administered the antibiotic drug, and date and place where the antibiotic drug was administered. The raw milk producer shall retain the records for at least three years.

Sec. 19. NEW SECTION. 195.7 Processing and manufacturing of raw milk.

1. Raw milk produced at a raw milk dairy must be processed and manufactured at the raw milk dairy in a manner that ensures the health and safety of persons consuming the processed raw milk, raw milk product, or raw milk dairy product.
2. The raw milk must not be pasteurized or graded.
3. The raw milk must be distributed not later than seven calendar days after it was produced by a dairy animal.
4. The raw milk, raw milk product, or raw milk dairy product, or any other item using raw milk as an ingredient, shall be kept for storage prior to distribution at not more than 45 degrees Fahrenheit.

Sec. 20. NEW SECTION. 195.8 Distribution of raw milk or associated products.

1. A raw milk producer shall only take an order for the distribution of raw milk at the raw milk producer's raw milk dairy where the raw milk is produced. The raw milk producer shall only distribute the raw milk to an individual placing the order.
 - a. (1) The raw milk producer shall post the summary of the test to determine the coliform count and standard plate count of the dairy animals retained at the raw milk dairy as provided in section 195.6. The summary shall be posted at the raw milk dairy's distribution point for the raw milk.
 - (2) (a) The individual being distributed the raw milk may examine records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:
 - (i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.
 - (ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.
 - (b) The individual being distributed the raw milk may examine the records for the three-year period that the records are required to be retained by the raw milk producer under section 195.6.
 - b. If the raw milk producer distributes raw milk in a container, the container shall be labeled as provided in section 195.9.
 - c. The raw milk producer shall distribute the raw milk directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk to a place of business where food or food items are distributed on a retail basis, including but not limited to a home food processing establishment regulated under chapter 137D or a food establishment or farmers market regulated under chapter 137F. The raw milk shall only be used for consumption by the individual, members of the individual's household, and the individual's nonpaying guests or nonpaying employees.
 - d. A person shall not resell raw milk.
2. A raw milk producer shall only take an order for the distribution of a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy where the raw milk product or raw milk dairy product is manufactured. The raw milk producer shall only distribute the raw milk product or raw milk dairy product to an individual placing the order. The raw milk

producer may distribute the raw milk product or raw milk dairy product to the individual without charge or on a retail basis.

a. (1) The raw milk producer shall post the summary of the most recent test to determine the coliform count and standard plate count of dairy animals as retained at the raw milk dairy as provided in section 195.6. The summary shall be posted at the raw milk dairy's distribution point for the raw milk products or raw milk dairy products.

(2) (a) The individual being distributed the raw milk product or raw milk dairy product may examine records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:

(i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(b) The individual being distributed the raw milk product or raw milk dairy product may examine the records for the three-year period that the records are required to be retained by the raw milk producer under section 195.6.

b. If the raw milk producer distributes a raw milk product or raw milk dairy product in a container, the container shall be labeled as provided in section 195.9.

c. The raw milk producer shall distribute the raw milk product or raw milk dairy product directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk product or raw milk dairy product to a place of business where food or a food item is distributed on a retail basis, including but not limited to a home food processing establishment regulated under chapter 137D or a food establishment or farmers market regulated under chapter 137F. The raw milk product or raw milk dairy product shall only be used for consumption by the individual, members of the individual's household, or the individual's nonpaying guests or nonpaying employees.

d. A person shall not resell the raw milk product or raw milk dairy product.

Sec. 21. NEW SECTION. 195.9 Labeling containers holding raw milk or associated products.

1. A raw milk producer who distributes raw milk, or a manufactured raw milk product or raw milk dairy product, shall label the container holding the raw milk, or the manufactured raw milk product or raw milk dairy product. The label shall be permanently affixed to the container. The words on the label shall be printed using upper case letters in at least twelve point boldface type. If the container includes a main informational or advertising panel, the label shall be part of the panel.

2. a. For a container holding raw milk, the label shall state the following:

Notice to Consumers

This container holds raw milk that is not subject to state inspection
or other public health regulations that require pasteurization and
grading.

b. For a container holding a raw milk product or raw milk dairy product, the label shall state the following:

Notice to Consumers

This container holds a raw milk product or raw milk dairy product
that is not subject to state inspection or other public health
regulations that require pasteurization and grading.

Sec. 22. NEW SECTION. 195.10 Enforcement actions.

1. The department of health and human services acting under chapter 135, or a local board of health acting under chapter 137, may demand that a raw milk producer provide it with all records required to be kept by the raw milk producer as provided in section 195.6, including any of the following:

a. The coliform count and standard plate count of dairy animals maintained by the raw dairy producer at a raw milk dairy.

b. The administration of antibiotic drugs to dairy animals maintained by the dairy producer at a raw milk dairy.

2. A demand described in subsection 1 shall be based on an affidavit signed by a licensed physician certifying that in the physician's opinion an individual contracted an illness as a direct result of consuming raw milk produced at a raw milk dairy, or consuming a raw milk product or a raw milk dairy product manufactured at a raw milk dairy.

Approved May 11, 2023

CHAPTER 76

DOMESTIC ABUSE ASSAULT — CONSIDERATION OF PRIOR OFFENSES

H.F. 112

AN ACT relating to criminal charges for domestic abuse assault.

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

Section 1. Section 708.2A, subsection 6, Code 2023, is amended to read as follows:

6. ~~a. A conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.~~

~~b. a.~~ For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or this section, which were issued on domestic abuse assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

~~e. b.~~ An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.

Approved May 11, 2023

CHAPTER 77

RANSOMWARE — PROHIBITIONS AND PENALTIES

H.F. 143

AN ACT relating to ransomware and providing penalties.

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

Section 1. Section 715.2, Code 2023, is amended to read as follows:

715.2 Title.

This chapter shall be known and may be cited as the "Computer Spyware, Malware, and Ransomware Protection Act".

Sec. 2. Section 715.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. “*Computer control language*” means ordered statements that direct a computer to perform specific functions.

NEW SUBSECTION. 1B. “*Computer database*” means a representation of information, knowledge, facts, concepts, or instructions that is intended for use in a computer, computer system, or computer network that is being prepared or has been prepared in a formalized manner, or is being produced or has been produced by a computer, computer system, or computer network.

NEW SUBSECTION. 9A. “*Ransomware*” means a computer or data contaminant, encryption, or lock that is placed or introduced without authorization into a computer, computer network, or computer system that restricts access by an authorized person to a computer, computer data, a computer system, or a computer network in a manner that results in the person responsible for the placement or introduction of the contaminant, encryption, or lock making a demand for payment of money or other consideration to remove the contaminant, encryption, or lock.

Sec. 3. Section 715.5, subsection 2, Code 2023, is amended to read as follows:

2. Using intentionally deceptive means to cause the execution of a computer software component with the intent of causing an owner or operator to use such component in a manner that violates any other provision of this ~~chapter~~ subchapter.

Sec. 4. Section 715.6, Code 2023, is amended to read as follows:

715.6 Exceptions.

Sections 715.4 and 715.5 shall not apply to the following:

1. The monitoring of, or interaction with, an owner’s or an operator’s internet or other network connection, service, or computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, maintenance, repair, authorized updates of computer software or system firmware, authorized remote system management, or detection, criminal investigation, or prevention of the use of or fraudulent or other illegal activities prohibited in this chapter in connection with a network, service, or computer software, including scanning for and removing computer software prescribed under this ~~chapter~~ subchapter. Nothing in this ~~chapter~~ subchapter shall limit the rights of providers of wire and electronic communications under 18 U.S.C. §2511.

2. The nonpayment or a violation of the terms of a legal contract with the owner or operator.

3. For complying with federal, state, and local law enforcement requests.

Sec. 5. Section 715.7, Code 2023, is amended to read as follows:

715.7 Criminal penalties.

1. A person who commits an unlawful act under this ~~chapter~~ subchapter is guilty of an aggravated misdemeanor.

2. A person who commits an unlawful act under this ~~chapter~~ subchapter and who causes pecuniary losses exceeding one thousand dollars to a victim of the unlawful act is guilty of a class “D” felony.

Sec. 6. Section 715.8, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For the purpose of determining proper venue, a violation of this ~~chapter~~ subchapter shall be considered to have been committed in any county in which any of the following apply:

Sec. 7. NEW SECTION. 715.9 Ransomware prohibition.

1. A person shall not intentionally, willfully, and without authorization do any of the following:

a. Access, attempt to access, cause to be accessed, or exceed the person’s authorized access to all or a part of a computer network, computer control language, computer, computer software, computer system, or computer database.

b. Copy, attempt to copy, possess, or attempt to possess the contents of all or part of a computer database accessed in violation of paragraph “a”.

2. A person shall not commit an act prohibited in subsection 1 with the intent to do any of the following:

a. Cause the malfunction or interruption of the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer service, or computer data.

b. Alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer service, or computer database.

3. A person shall not intentionally, willfully, and without authorization do any of the following:

a. Possess, identify, or attempt to identify a valid computer access code.

b. Publicize or distribute a valid computer access code to an unauthorized person.

4. A person shall not commit an act prohibited under this section with the intent to interrupt or impair the functioning of any of the following:

a. The state.

b. A service, device, or system related to the production, transmission, delivery, or storage of electricity or natural gas in the state that is owned, operated, or controlled by a person other than a public utility as defined in chapter 476.

c. A service provided in the state by a public utility as defined in section 476.1, subsection 3.

d. A hospital or health care facility as defined in section 135C.1.

e. A public elementary or secondary school, community college, or area education agency under the supervision of the department of education.

f. A city, city utility, or city service.

g. An authority as defined in section 330A.2.

5. This section shall not apply to the use of ransomware for research purposes by a person who has a bona fide scientific, educational, governmental, testing, news, or other similar justification for possessing ransomware. However, a person shall not knowingly possess ransomware with the intent to use the ransomware for the purpose of introduction into the computer, computer network, or computer system of another person without the authorization of the other person.

6. A person who has suffered a specific and direct injury because of a violation of this section may bring a civil action in a court of competent jurisdiction.

a. In an action under this subsection, the court may award actual damages, reasonable attorney fees, and court costs.

b. A conviction for an offense under this section is not a prerequisite for the filing of a civil action.

Sec. 8. NEW SECTION. 715.10 Criminal penalties.

1. A person who commits an unlawful act under this subchapter and who causes pecuniary losses involving less than ten thousand dollars to a victim of the unlawful act is guilty of an aggravated misdemeanor.

2. A person who commits an unlawful act under this subchapter and who causes pecuniary losses involving at least ten thousand dollars but less than fifty thousand dollars to a victim of the unlawful act is guilty of a class "D" felony.

3. A person who commits an unlawful act under this subchapter and who causes pecuniary losses involving at least fifty thousand dollars to a victim of the unlawful act is guilty of a class "C" felony.

Sec. 9. NEW SECTION. 715.11 Venue.

For the purpose of determining proper venue, a violation of this subchapter shall be considered to have been committed in any county in which any of the following apply:

1. Where the defendant performed the unlawful act.

2. Where the defendant resides.

3. Where the accessed computer is located.

Sec. 10. CODE EDITOR DIRECTIVE. The Code editor shall divide chapter 715 into subchapters and shall designate sections 715.1 through 715.3, including sections amended in this Act, as subchapter I entitled “INTENT AND DEFINITIONS”, sections 715.4 through 715.8, including sections amended in this Act, as subchapter II entitled “COMPUTER SPYWARE AND MALWARE”, and sections 715.9 through 715.11, as enacted in this Act, as subchapter III entitled “RANSOMWARE”.

Approved May 11, 2023

CHAPTER 78

PASS-THROUGH ENTITIES — ENTITY-LEVEL TAXATION ELECTION AND FRANCHISE AND CORPORATE AND INDIVIDUAL INCOME TAXES

H.F. 352

AN ACT relating to an entity-level taxation election for pass-through entities and allowing a partner or shareholder to claim a credit against the individual and corporate income taxes and the franchise tax, and including effective date and retroactive applicability provisions.

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

Section 1. Section 422.11, Code 2023, is amended to read as follows:

422.11 Franchise tax credit.

1. The taxes imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by a franchise tax credit. A taxpayer who is a shareholder in a financial institution, as defined in section 581 of the Internal Revenue Code, which has in effect for the tax year an election under subchapter S of the Internal Revenue Code, or is a member of a financial institution organized as a limited liability company under chapter 524 that is taxed as a partnership for federal income tax purposes, shall compute the amount of the tax credit by recomputing the amount of tax under this subchapter by reducing the taxable income of the taxpayer by the taxpayer’s pro rata share of the items of income and expense of the financial institution and subtracting the credits allowed under section 422.12. This recomputed tax shall be subtracted from the amount of tax computed under this subchapter after the deduction for credits allowed under section 422.12. The resulting amount, which shall not exceed the taxpayer’s pro rata share of the franchise tax paid by the financial institution, is the amount of the franchise tax credit allowed.

2. For a taxpayer making an election under section 422.16C that is also a financial institution subject to the franchise tax under subchapter V, the tax imposed under section 422.16C shall be reduced by a franchise tax credit equal to the amount of franchise tax paid by the taxpayer for the same year.

Sec. 2. **NEW SECTION. 422.16C Pass-through entity — election — entity-level tax — credit.**

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

a. “Partnership” means the same as defined in section 422.25A, except a “partnership” does not include a pass-through entity that is a publicly traded partnership as defined in section 7704 of the Internal Revenue Code.

b. “Taxpayer” means a partnership or an S corporation.

2. For tax years beginning on or after January 1, 2022, notwithstanding any other provision of law to the contrary, a taxpayer may elect to be subject to the provisions of this section. This section only applies to tax years for which the limitation on individual deductions applies under section 164(b)(6) of the Internal Revenue Code.

3. *a.* A separate election shall be made for each tax year on a form and at a time prescribed by the department. An election shall be irrevocable once made and shall be binding on the taxpayer and all partners or shareholders of the taxpayer.

b. If an election is made under this section, a taxpayer shall not be required to file a composite return for the same tax year pursuant to section 422.16B.

4. *a.* A taxpayer making an election under this section shall be subject to tax in an amount equal to the maximum rate under section 422.5A, imposed against the taxable income of the taxpayer for the taxable year properly determined under this chapter and allocated and apportioned to the state under the rules adopted by the department. The tax shall be due with the taxpayer's return required under this chapter.

b. The tax under this section shall be reduced by the credit provided in subsection 5, paragraph "b", and the franchise tax credit in section 422.11, subsection 2, and the composite credit in section 422.16B, subsection 4. Any other tax credits shall not be claimed by the taxpayer against the tax imposed under this section. A net operating loss or other loss carryback or carryforward shall not be claimed by the taxpayer.

5. *a.* For a taxable year in which a taxpayer made an election under this section, for the partners or shareholders of the taxpayer, the taxes imposed under this subchapter, less the credits allowed under section 422.12, or the taxes imposed under subchapter III or V, as applicable, shall be reduced by a credit equal to the product of the following amounts:

(1) The ratio of the partner's or shareholder's share of the taxpayer's taxable income over the taxpayer's total taxable income multiplied by the state tax liability actually paid by the taxpayer.

(2) The difference between one hundred percent and the highest individual income tax rate in effect for the tax year.

b. If the taxpayer is itself a partner or shareholder of another taxpayer making an election under this section, the credit under this subsection shall be allowed.

c. Any credit in excess of the tax liability is refundable. In lieu of claiming a refund, the partner or shareholder may elect to have the overpayment shown on the partner's or shareholder's final, completed return credited to the tax liability for the following tax year.

6. A nonresident individual who is a partner or shareholder of a taxpayer for a tax year in which an election is made under this section shall not be required to file an individual income tax return under section 422.13 for such tax year if the only Iowa source income of the individual is from a taxpayer making the election under this section, the credit allowed to the partner or shareholder equals or exceeds the tax liability of the partner or shareholder for the tax imposed in the tax year the election is made, and if the taxpayer files and pays the tax due under this section.

7. A taxpayer making an election under this section is liable for the entity-level tax imposed pursuant to this section, including applicable penalties and interest. This section shall not prohibit the department from assessing direct or indirect partners and shareholders for taxes owed in the event that the taxpayer fails to timely make any payment required by this section for any reason.

8. In addition to and not in lieu of any period of limitation provided in section 422.25, if a taxpayer files an amended return that requests a refund of tax previously paid within one year prior to the expiration of the department's applicable period of limitations in section 422.25, the department has one year from the date of receipt of the amended return to assess any direct or indirect partners and shareholders related to the reduction of any tax credit provided under subsection 5.

9. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 3. Section 422.85, Code 2023, is amended to read as follows:

422.85 Imposition of estimated tax.

A taxpayer subject to the tax imposed by sections 422.16C, 422.33, and 422.60 shall make payments of estimated tax for the taxable year if the amount of tax payable, less credits, can reasonably be expected to be more than one thousand dollars for the taxable year. For purposes of this subchapter, "estimated tax" means the amount which the taxpayer estimates to be the tax due and payable under subchapter II, III, or V of this chapter for the taxable year.

Sec. 4. ESTIMATED TAX PAYMENTS FOR TAX YEARS BEGINNING PRIOR TO EFFECTIVE DATE OF ACT. Notwithstanding sections 422.16 and 422.85, a taxpayer electing to apply the provisions of section 422.16C shall not be required to make estimated tax payments for a tax year beginning prior to the effective date of this Act.

Sec. 5. PENALTY AND INTEREST WAIVER RELATED TO TAX YEARS ENDING PRIOR TO EFFECTIVE DATE OF ACT. Notwithstanding any provision of law to the contrary, the department may waive penalty and interest for a return filing or tax payment related to an election to be subject to the provisions of section 422.16C for a tax year ending prior to the effective date of this Act.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2022, for tax years beginning on or after that date.

Approved May 11, 2023

CHAPTER 79

IOWA TUITION GRANT PROGRAM — ELIGIBLE INSTITUTIONS — EXTENT OF GRANT

H.F. 421

AN ACT relating to the Iowa tuition grants program administered by the college student aid commission and including effective date and retroactive applicability provisions.

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

DIVISION I FOR-PROFIT INSTITUTIONS

Section 1. IOWA TUITION GRANTS — FOR-PROFIT INSTITUTIONS. For the period beginning December 1, 2022, and ending June 30, 2023, and for purposes of section 261.16A, an “eligible institution”, as defined in section 261.9, subsection 3, paragraph “a”, shall include an institution of higher learning accredited by the higher learning commission which, effective January 8, 2010, was purchased by an institution that was not exempt from taxation under section 501(c)(3) of the Internal Revenue Code and which, effective December 1, 2022, was purchased by an entity located in this state that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

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

Sec. 3. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to December 1, 2022.

DIVISION II IOWA TUITION GRANTS PROGRAM

Sec. 4. Section 261.9, subsection 3, Code 2023, is amended to read as follows:

3. “*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:

~~α. 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 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 such a barber school or school of cosmetology arts and sciences 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 barber school or school of cosmetology arts and sciences 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 261.9, subsection 3, paragraph “a”, Code 2023.~~

Sec. 5. Section 261.16A, subsection 2, Code 2023, is amended to read as follows:

2. *Extent of grant.*

~~α. A qualified full-time resident student enrolled in an eligible institution that meets the criteria of section 261.9, subsection 3, 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 3, 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.~~

Sec. 6. Section 261.25, subsection 2, Code 2023, is amended to read as follows:

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of five hundred thousand dollars for tuition grants for qualified students who are enrolled in eligible institutions. Of the moneys appropriated under this subsection, not more than one hundred thousand dollars annually shall be used for tuition grants to qualified students who are attending an eligible institution under section 261.9, subsection 3, paragraph “b”.

Approved May 11, 2023

CHAPTER 80

REGULATION OF CHILD FOSTER CARE PROVIDERS — INDIVIDUAL LICENSEES

H.F. 584

AN ACT relating to individual licensees who provide child foster care.

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

Section 1. Section 237.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 11. The department shall adopt rules to require the department or a representative of the department to visit a child placed with an individual licensee within two weeks of the child being placed with the individual licensee and at least once each calendar month thereafter.

NEW SUBSECTION. 12. The department shall adopt rules that would allow individual licensees to apply the reasonable and prudent parent standard to create opportunities for a child to participate in age or developmentally appropriate activities.

Sec. 2. Section 237.5A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department or the department's agent shall notify an individual licensee within a reasonable amount of time of any training the department believes would benefit the licensee in the provision of child foster care.

Sec. 3. **NEW SECTION. 237.10 Child foster care providers.**

1. *a.* The department shall notify an individual licensee of any appropriate meetings relating to the case permanency plan of a child in the care of the individual licensee.

b. The department shall notify an individual licensee of any meetings known to the department relating to the individualized education program of a child in the care of the individual licensee.

c. The department shall notify an individual licensee of any medical appointments required or scheduled in consultation with the department relating to a child in the care of the individual licensee.

2. The department or the department's agent may share otherwise confidential information about a child with an individual licensee being considered as a possible placement for the child to the extent such disclosure is relevant to the placement decision and the proper care of the child. The department or the department's agent may facilitate sharing the contact information of previous individual licensees for a child with the next individual licensee in an effort to support the continuity of care for a child.

3. Upon placement of a child with an individual licensee, the department shall provide the individual licensee with information that would allow the individual licensee to contact the department or an agent of the department for assistance relating to child foster care.

4. Prior to disclosing an individual licensee's private address, work address, or contact information, the department shall evaluate possible safety concerns to determine whether such information may be released without posing a risk to the safety of the individual licensee, the child, or any other person.

5. The department shall notify an individual licensee within a reasonable amount of time of any change in a law or regulation that would have a substantive impact on the individual licensee's obligations and responsibilities relating to child foster care.

6. *a.* The department shall provide written notice to an individual licensee a minimum of ten days prior to the removal of a child from the care of the individual licensee. Such notice shall include the reasons for the child's removal.

b. This subsection shall not apply if the health or safety of the child or another person is threatened by the child's presence in the child's current placement home, if the court orders the removal of a child from the individual licensee, if the child is absent from the home without authorization, if the child is being moved to the home of a biological parent or legal guardian, or if the individual licensee is alleged to have committed child abuse or neglect.

7. *a.* An individual licensee shall provide written notice to the department a minimum of ten days prior to a request to remove a child from the individual licensee's care.

b. This subsection shall not apply to a situation where the health or safety of the child or another person is threatened by the child's presence in the child's current placement home.

8. At the conclusion of an investigation conducted by the department that may affect an individual licensee's ability to provide child foster care in the future, the department shall provide the individual licensee with a written report that details the conclusions of the investigation.

9. *a.* The department shall require an individual licensee to attempt, to the extent reasonably possible, to maintain a child's culture and beliefs.

b. An individual licensee shall be allowed to provide child foster care, according to the individual licensee's own culture and beliefs, if such child foster care does not actively discourage a child to disregard the child's own culture and beliefs and a biological parent whose parental rights have not been terminated or a legal guardian for the child does not object to the practice or activity that is consistent with the individual licensee's own culture and beliefs.

10. *a.* The department or the department's agent shall consider the needs and scheduling demands of a child, the child's parents, the child's siblings, and the individual licensee caring for the child when scheduling supervised or any other visitation between the child and the child's siblings, family members, or fictive kin.

b. The department shall not require an individual licensee to conduct or be present during supervised visits scheduled pursuant to paragraph "a".

11. The department shall accept information from an individual licensee relating to medical appointments, treatment needs, educational progress, and educational services for a child placed with the individual licensee. The department shall consider all such information when developing or modifying a child's case permanency plan and in the coordination of care and decisions related to services and care necessary for the child. The information the department receives from individual licensees will be reviewed and considered as decisions about the child's progress and needs are made.

12. The department shall maintain a process to allow an individual licensee to file complaints with the department electronically for alleged violations relating to this section.

13. The department shall adopt rules pursuant to chapter 17A to implement this section.

Approved May 11, 2023

CHAPTER 81

LIMITATIONS ON LOAN CHARGES — EXCEPTION FOR LOANS MADE BY MORTGAGE BANKERS THAT MEET FEDERAL POINTS AND FEES RESTRICTIONS

H.F. 609

AN ACT relating to specified loans provided by a mortgage banker.

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

Section 1. Section 535.8, subsection 2, Code 2023, is amended to read as follows:

2. If a lender that is a financial institution as defined in section 537.1301 makes a loan in which the points and fees the borrower is charged by all lenders in connection with the loan do not exceed the amounts specified in 12 C.F.R. §1026.43(e)(3), the loan shall not be subject to the provisions of subsection 4, paragraphs "a", "b", and "d", or subsection 5. If a lender that is a mortgage banker licensed under section 535B.5 or registered under section 535B.3 makes a loan in which the points and fees the borrower is charged by all lenders in connection with the loan do not exceed the amounts specified in 12 C.F.R. §1026.43(e)(3), the loan shall not be

subject to the provisions of subsection 5. This subsection applies to the financial institution lender that originates the loan and to subsequent purchasers of the loan originated by the financial institution.

Approved May 11, 2023

CHAPTER 82

HOMEMADE FOOD ITEMS AND LICENSES FOR FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

H.F. 661

AN ACT providing for the issuance of annual statewide licenses for certain establishments offering food for sale, including license fees, and including effective date provisions.

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

Section 1. Section 137D.1, subsection 4, Code 2023, is amended to read as follows:

4. a. "Homemade food item" means a food that is produced and, if packaged, packaged at a home food processing establishment.

b. "Homemade food item" includes food all of the following:

(1) Food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20.

(2) Made-to-order food that is all of the following:

(a) Regularly prepared, promptly served, delivered, or otherwise provided to a consumer immediately upon order.

(b) Intended for immediate consumption.

c. "Homemade food item" does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under chapter 192 or 194, and meat, meat food products, poultry, or poultry products regulated under chapter 189A, except for any of the following products when sold directly to the end consumer:

a. (1) Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.

b. (2) Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 C.F.R. §381.10(d).

e. (3) Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 C.F.R. §303.1(d).

Sec. 2. Section 137F.6, subsection 1, paragraphs c, g, and h, Code 2023, are amended to read as follows:

c. For a temporary food establishment for multiple nonconcurrent events during a calendar year, one annual license fee of two hundred dollars for each establishment on a countywide statewide basis.

g. (1) For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant, as follows: A food processing plant's annual gross sales shall not correspond to sales of an unprocessed commodity.

(2) The annual license fee for an initial license shall be calculated based on the food processing plant's projected gross annual sales. Otherwise, the annual license fee shall be based on the food processing plant's prior annual sales.

(3) The amount of the annual license fee shall be as follows:

(a) For annual gross sales of less than fifty thousand dollars, seventy-five dollars.

(1) (b) ~~Annual~~ For annual gross sales of at least fifty thousand dollars but less than two hundred thousand dollars, one hundred fifty dollars.

(2) (c) ~~Annual~~ For annual gross sales of at least two hundred thousand dollars but less than two million dollars, three hundred dollars.

(3) (d) ~~Annual~~ For annual gross sales of two million dollars or more, five hundred dollars.

h. For a farmers market where time/temperature control for safety food is sold or distributed, one annual license fee of one hundred fifty dollars for each vendor on a countywide statewide basis.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 2023

CHAPTER 83

REGULATION OF MONEY TRANSMISSION

H.F. 675

AN ACT relating to money transmission services.

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

Section 1. Section 533A.2, subsection 2, paragraph h, Code 2023, is amended to read as follows:

h. A person licensed under chapter 533C, including that person's authorized delegates as defined in section 533C.102, or a person exempt from licensing under section 533C.103, when engaging in money transmission ~~or currency exchange~~ as defined in section 533C.102.

Sec. 2. Section 533C.101, Code 2023, is amended to read as follows:

533C.101 Short title.

This chapter may be cited as the "*Uniform Money Services Transmission Modernization Act*".

Sec. 3. Section 533C.102, Code 2023, is amended to read as follows:

533C.102 Definitions.

In this chapter:

1. "*Applicant*" means a person that files an application for a license under this chapter.

1. "*Acting in concert*" means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

2. "*Authorized delegate*" means a person a licensee designates to provide money services on behalf of the licensee.

3. "*Bank*" means an institution organized under federal or state law which does any of the following:

a. Accepts demand deposits or deposits that the depositor may use for payment to third parties and engages in the business of making commercial loans.

b. Engages in credit card operations and maintains only one office that accepts deposits, does not accept demand deposits or deposits that the depositor may use for payments to third parties, does not accept a savings or time deposit less than one hundred thousand dollars, and does not engage in the business of making commercial loans.

4. "*Compensation*" means any fee, commission, or other benefit.

5. "*Conducting the business*" means engaging in activities of a licensee or money transmitter more than ten times in any calendar year for compensation.

3. “Average daily money transmission liability” means the amount of the licensee’s outstanding money transmission obligations in this state at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under this chapter for any required licensee, the given period of time shall be the quarters ending March 31, June 30, September 30, and December 31.

4. “Bank Secrecy Act” means the federal Bank Secrecy Act, 31 U.S.C. §5311 et seq., and its implementing regulations, as amended.

5. “Closed loop stored value” means stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.

6. “Control” means any of the following:

a. Ownership of, or the The power to vote, directly or indirectly, at least twenty-five percent of a class of outstanding voting securities or voting interests of a licensee or person in control of a licensee.

b. Power The power to elect or appoint a majority of key individuals, executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or person in control of a licensee.

c. The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

7. “Credit union” means a cooperative, nonprofit association incorporated under chapter 533 or the Federal Credit Union Act, 12 U.S.C. §1751 et seq., that is insured by the national credit union administration and includes an office of a credit union.

8. “Currency exchange” means receipt of compensation from the exchange of money of one government for money of another government.

9. “Executive officer” means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

7. “Eligible rating” means a credit rating of any of the three highest rating categories provided by an eligible rating service, whereby each category may include rating category modifiers such as “plus” or “minus” for Standard and Poor’s 500 stock market index, or the equivalent for any other eligible rating service. A long-term credit rating is deemed eligible if the rating is equal to “A-” or higher by Standard and Poor’s 500 stock market index, or the equivalent from any other eligible rating service. A short-term credit rating is deemed eligible if the rating is equal to or higher than “A-2” or “SP-2” by Standard and Poor’s 500 stock market index, or the equivalent from any other eligible rating service. In the event that the ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

8. “Eligible rating service” means any nationally recognized statistical rating organization as defined by the federal Securities and Exchange Commission, and any other organization designated by the superintendent by rule or order.

9. “Federally insured depository financial institution” means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company organized under the laws of the United States or any state, when such entity has federally insured deposits.

10. “In this state” means at a physical location within Iowa for an in-person transaction request.

11. “Individual” means a natural person.

12. “Key individual” means an individual ultimately responsible for establishing or directing policies and procedures of the licensee, including an executive officer, manager, director, or trustee.

10. 13. “Licensee” means a person licensed under this chapter.

11. “Location” means a place of business at which activity conducted by a licensee or money transmitter occurs.

14. “Material litigation” means litigation that, according to generally accepted accounting principles in the United States, is significant to a person’s financial health and would be

required to be disclosed in the person's audited financial statements, report to shareholders, or similar records.

~~12.~~ 15. "Monetary value" means a medium of exchange, whether or not redeemable in money.

~~13.~~ 16. "Money" means a medium of exchange authorized or adopted by a domestic the United States or a foreign government as a part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

~~14.~~ "Money services" means money transmission or currency exchange.

~~15.~~ 17. "Money transmission" means and includes any of the following:

~~a. Selling or issuing payment instruments to one or more persons or issuing payment instruments which are sold to one or more persons a person located in this state.~~

~~b. Selling or issuing stored value to a person located in this state.~~

~~b. c. Conducting the business of receiving Receiving money or monetary value for transmission from a person located in this state.~~

~~c. Conducting the business of receiving money for obligors for the purpose of paying obligors' bills, invoices, or accounts.~~

~~d. "Money transmission" does not include the provision solely of online or telecommunications services or network access.~~

~~16. "Outstanding", with respect to a payment instrument, means issued or sold by or for the licensee and reported as sold but not yet paid by or for the licensee.~~

~~18. "Money services businesses accredited state" or "MSB accredited state" means a state agency that is accredited by the conference of state bank supervisors and the money transmitter regulators association for money transmission licensing and supervision.~~

~~19. "Multistate licensing process" means any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals.~~

~~20. "Nationwide multistate licensing system" or "NMLS" means the nationwide multistate licensing system and registry developed by the conference of state bank supervisors and the American association of residential mortgage regulators and owned and operated by the state regulatory registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.~~

~~21. "Outstanding money transmission obligations" means any of the following:~~

~~a. Any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee, or escheated in accordance with applicable abandoned property laws.~~

~~b. Any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender, or escheated in accordance with applicable abandoned property laws.~~

~~22. "Passive investor" means a person that can attest in a medium prescribed by the superintendent or commits in writing to any of the following:~~

~~a. The person does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a person in control of a licensee.~~

~~b. The person is not employed by and does not have any managerial duties of the licensee or person in control of a licensee.~~

~~c. The person does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.~~

~~17.~~ 23. "Payment instrument" means a written or electronic check, draft, money order, traveler's check, stored value, or other written or electronic instrument or order for the transmission or payment of money or monetary value, sold to one or more persons, whether or not that instrument or order is negotiable. "Payment instrument" does not include an stored value or any instrument that is redeemable by the issuer only for goods or services

provided by the issuer or an its affiliate in merchandise or service, a credit card voucher, or a letter of credit, except to the extent required by applicable law to be redeemable in cash for its cash value, or not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

24. "Payroll processing services" means receiving money for transmission pursuant to a contract with a person to deliver wages or salaries, make payments of payroll taxes to states and federal agencies, make payments relating to employee benefit plans, or make distributions of other authorized deductions from wages or salaries. The term "payroll processing services" does not include an employer performing payroll processing services on its own behalf or on behalf of its affiliate, or a professional employer organization subject to regulation under other applicable state law.

~~18.~~ 25. "Person" means an individual, corporation, business trust, estate, trust, partnership, general partnership, limited partnership, limited liability company, association, joint venture stock corporation, trust, corporation, government, governmental subdivision, agency or instrumentality, public corporation, or any other legal or commercial corporate entity identified by the superintendent.

~~19.~~ "Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes any property of any kind.

20. "Property" means anything of value, and includes any interest in property, including any benefit, privilege, claim, or right with respect to anything of value, whether real or personal, tangible or intangible, without reduction for expenses incurred for acquisition, maintenance, production, or any other purpose.

21. "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.

22. "Responsible individual" means an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this state.

~~23.~~ "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

26. "Receipt" means a paper receipt, electronic record, or other written confirmation.

27. "Receiving money for transmission" or "money received for transmission" means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

28. "Remit" means to make direct payments of money to a licensee or its representative authorized to receive money or to deposit money in a bank in an account specified by the licensee.

~~24.~~ 29. "Stored-value" means a monetary value that is representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. The term "stored-value" includes but is not limited to "prepaid access" as defined by 31 C.F.R. §1010.100, as amended. "Stored-value" does not include a payment instrument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

~~25.~~ 30. "Superintendent" means the superintendent of banking for the state of Iowa.

~~26.~~ "Transaction" includes a purchase, sale, trade, loan, pledge, investment, gift, transfer, transmission, delivery, deposit, withdrawal, payment, transfer between accounts, exchange of currency, extension of credit, purchase or sale of any monetary instrument or stored value, use of a safe deposit box, or any other acquisition or disposition of property by whatever means effected.

~~27.~~ "Unsafe or unsound practice" means a practice or conduct by a person licensed to engage in money transmission or an authorized delegate of such a person which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the interests of its customers.

31. “Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with generally accepted accounting principles in the United States.

32. “In the United States” means a person in any state, territory, or possession of the United States, District of Columbia, Commonwealth of Puerto Rico, or U.S. military installation that is located in a foreign country.

Sec. 4. Section 533C.103, Code 2023, is amended to read as follows:

533C.103 Exclusions Exemptions.

The superintendent may require that any person claiming to be exempt from licensing pursuant to this section provide information and documentation to the superintendent demonstrating that the person qualifies for any claimed exemption. This chapter does not apply to:

1. The United States or a department, agency, agent, or instrumentality thereof.
2. ~~A money~~ Money transmission by the United States postal service or by ~~a contractor on behalf an agent~~ of the United States postal service.
3. A state, county, city, or ~~any other~~ governmental agency, ~~or~~ governmental subdivision, instrumentality, or agent of a state.
4. ~~The following entities whether chartered or organized under the laws of a state or of the United States:— a bank, A federally insured depository financial institution, bank holding company, savings and loan association, savings bank, credit union, office of an international banking corporation, branch of a foreign bank that establishes a federal branch pursuant to the federal International Bank Act, 12 U.S.C. §3102, as amended, corporation organized pursuant to the federal Bank Service Company Act, 12 U.S.C. §1861 – 1867, as amended, or corporation organized under the federal Edge Act, 12 U.S.C. §611 – 633, as amended.~~
5. Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality thereof.
6. A board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. §1 – 25, as amended, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board.
7. A registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant.
8. A person that ~~provides clearance or settlement services pursuant to a registration as a clearing agency or an exemption from such registration granted under the federal securities laws to the extent of its operation as such a provider~~ acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender, and the sender’s designated recipient, provided all of the following apply:
 - a. The entity is properly licensed or exempt from licensing requirements under this chapter.
 - b. The entity provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction.
 - c. The entity bears sole responsibility to satisfy the outstanding money transmission obligations to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender’s designated recipient.
9. An operator of a payment system to the extent that it provides processing, clearing, or settlement services, between or among persons excluded by this section, or licensees, in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar funds transfers.
10. A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer.
11. A delayed deposit services business as defined in chapter 533D.
12. A real estate broker or salesperson as defined in chapter 543B.

13. Pari-mutuel wagering, racetracks, excursion gambling boats, and gambling structures as provided in chapters 99D and 99F.

14. A person engaging in the business of debt management that is licensed or exempt from licensing pursuant to section 533A.2.

15. An insurance company organized under chapter 508, 514, 514B, 515, 518, 518A, or 520, or authorized to do the business of insurance in Iowa to the extent of its operation as an insurance company.

16. An insurance producer as defined in section 522B.1 to the extent of its operation as an insurance producer.

17. A person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission itself, provided to the payor by the payee, provided all of the following apply:

a. There exists a written agreement between the payee and the agent directing the agent to collect and process payments from payors on the payee's behalf.

b. The payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf.

c. Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor's obligation is extinguished and there is no risk of loss to the payor if the agent fails to remit the funds to the payee.

18. An individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements of this chapter when acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor.

19. A person expressly appointed as a third-party service provider to or agent of an entity exempt under subsection 4, provided all of the following apply:

a. The service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform.

b. The exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent.

20. A person exempt by regulation or order if the superintendent finds such exemption to be in the public interest and that the regulation of such person is not necessary for the purposes of this chapter.

Sec. 5. Section 533C.201, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.201 Implementation.

1. In order to carry out the purposes of this chapter, the superintendent may, subject to the provisions of section 533C.202:

a. Enter into agreements or relationships with other government officials, federal and state regulatory agencies, and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing resources, records, or related information obtained under this chapter.

b. Use, hire, contract, or employ analytical systems, methods, or software to examine or investigate any person subject to this chapter.

c. Accept, from other state or federal government agencies or officials, licensing, examination, or investigation reports made by such other state or federal government agencies or officials.

d. Accept audit reports made by an independent certified public accountant or other qualified third-party auditor for an applicant or licensee and incorporate the audit report in any report of examination or investigation.

2. The superintendent shall have the broad administrative authority to administer, interpret, and enforce this chapter, to promulgate rules or regulations implementing this chapter, and to recover the cost of administering and enforcing this chapter by imposing and collecting proportionate and equitable fees and costs associated with applications,

examinations, investigations, and other actions required to achieve the purpose of this chapter.

3. For a transaction requested electronically or by phone, the provider of money transmission may determine if the person requesting the transmission is located in this state by relying on other information provided by the person regarding the location of the individual's residential address or a business entity's principal place of business or other physical address location, and any records associated with the person that the provider of money transmission may have that indicate such location, including but not limited to an address associated with an account, provided that any transaction requested by an individual whose residential address is in Iowa shall be presumed to occur in Iowa.

4. Outstanding money transmission obligations shall be established and extinguished in accordance with applicable state law.

Sec. 6. Section 533C.202, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.202 Confidentiality.

1. Except as otherwise provided in subsection 2, financial statements, balance sheets, authorized delegate information, all information and reports obtained by the superintendent from an applicant, licensee, or authorized delegate, and all information contained in or related to an examination, investigation, operating report, or condition report prepared by, on behalf of, or for the use of the superintendent are confidential and are not subject to disclosure under chapter 22.

2. The superintendent may disclose information not otherwise subject to disclosure under subsection 1 where:

a. Representatives of state or federal agencies certify in a record that they shall maintain the confidentiality of the information.

b. The superintendent finds that the release is reasonably necessary for the protection and interest of the public in accordance with chapter 22.

3. This section does not prohibit the superintendent from disclosing to the public a list of all licensees or the aggregated financial or transactional data concerning those licensees.

4. The division of banking or superintendent's records containing nonconfidential information may be made available to the public on the division's website, upon receipt by the division of a written request, or via the NMLS. The release of information shall include, where applicable, all of the following:

a. The name, business address, telephone number, and unique identifier of a licensee.

b. The business address of a licensee's registered agent for service.

c. The name, business address, and telephone number of all authorized delegates.

d. The terms, or a copy, of any bond filed by a licensee, provided that confidential information, including but not limited to prices and fees for such bond, is redacted.

e. Copies of any nonconfidential final orders of the superintendent relating to any violation of this chapter or regulations implementing this chapter.

f. Imposition of an administrative fine or penalty under this chapter.

Sec. 7. Section 533C.203, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.203 Supervision.

1. The superintendent may conduct an examination or investigation of a licensee or authorized delegate or otherwise take independent action authorized by this chapter or by a rule adopted or order issued under this chapter as reasonably necessary or appropriate to administer and enforce this chapter, regulations implementing this chapter, and other applicable law, including the federal Bank Secrecy Act, Pub. L. No. 91-508, and the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56. The superintendent shall provide supervision as follows:

a. Conducting an examination either on site or off site as the supervision may reasonably require.

b. Conducting an examination in conjunction with an examination conducted by representatives of other state agencies or agencies of another state or of the federal government.

c. Accepting the examination report of another state agency or an agency of another state or of the federal government, or a report prepared by an independent accounting firm, which on being accepted is considered for all purposes as an official report of the superintendent.

d. Summoning and examining under oath a key individual or employee of a licensee or authorized delegate and requiring the person to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

2. A licensee or authorized delegate shall provide, and the superintendent shall have full and complete access to, all records the superintendent may reasonably require to conduct a complete examination. The records shall be provided at the location and in the format specified by the superintendent, provided the superintendent may utilize multistate record production standards and examination procedures when such standards will reasonably achieve the requirements of this section.

3. Unless otherwise directed by the superintendent, a licensee shall pay all costs reasonably incurred in connection with an examination of the licensee or the licensee's authorized delegates.

Sec. 8. Section 533C.204, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.204 Networked supervision.

1. To efficiently and effectively administer and enforce this chapter and to minimize regulatory burden, the superintendent is authorized and encouraged to participate in multistate supervisory processes established between states and coordinated through the conference of state bank supervisors, the money transmitter regulators association, and affiliates and successors thereof for all licensees that hold licenses in this state and other states. As a participant in multistate supervision, the superintendent shall engage in all of the following:

a. Cooperation, coordination, and information sharing with other state and federal regulators in accordance with section 533C.202.

b. Cooperation, coordination, and information sharing with organizations, the membership of which is made up of state or federal government agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with section 533C.202.

c. Entering into written cooperation, coordination, or information-sharing contracts or agreements with organizations the membership of which is made up of state or federal government agencies.

2. The superintendent shall not waive, and nothing in this section constitutes a waiver of, the superintendent's authority to conduct an examination or investigation or otherwise take independent action authorized by this chapter or a rule adopted or order issued under this chapter to enforce compliance with applicable state or federal law.

3. A joint examination or investigation, or acceptance of an examination or investigation report, shall not waive an examination assessment provided for in this chapter.

Sec. 9. Section 533C.205, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.205 Relationship to federal law.

1. In the event state money transmission jurisdiction is conditioned on a federal law, any inconsistencies between a provision of this chapter and the federal law governing money transmission shall be governed by the applicable federal law to the extent of the inconsistency.

2. In the event of any inconsistencies between this chapter and a federal law that governs pursuant to subsection 1, the superintendent may provide interpretive guidance that identifies the inconsistency and the appropriate means of compliance with federal law.

Sec. 10. Section 533C.301, Code 2023, is amended to read as follows:

533C.301 License required.

~~1. A person shall not engage in currency exchange the business of money transmission or advertise, solicit, or hold itself out as providing currency exchange for which the person receives revenues equal to or greater than five percent of total revenues unless the person: money transmission unless they are~~

~~a. Is licensed under this article.~~

~~b. Is licensed for money transmission under article 2.~~

~~c. Is an authorized delegate of a person licensed under article 2.~~

2. This section shall not apply to the following:

a. A person that is an authorized delegate of a person licensed under this chapter acting within the scope of authority conferred by a written contract with the licensee.

b. A person that is exempt pursuant to section 533C.103 and does not engage in money transmission outside the scope of such exemption.

~~2.~~ 3. A license under this article is not transferable or assignable.

Sec. 11. Section 533C.302, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.302 Consistent state licensing.

1. To establish consistent licensing between this state and other states, the superintendent is authorized and encouraged to provide all of the following:

a. Implement all licensing provisions of this chapter in a manner that is consistent with other states that have adopted this chapter or multistate licensing processes.

b. Participate in nationwide protocols for licensing cooperation and coordination among state regulators provided that such protocols are consistent with this section.

2. The superintendent is authorized and encouraged to establish relationships or contracts with NMLS or other entities designated by NMLS to enable the superintendent to do all of the following:

a. Collect and maintain records.

b. Coordinate multistate licensing processes and supervision processes.

c. Process fees.

d. Facilitate communication between this state, the superintendent, and licensees or other persons subject to this chapter.

3. The superintendent is authorized and encouraged to utilize NMLS for all aspects of licensing in accordance with this chapter, including but not limited to: license applications, applications for acquisitions of control, surety bonds, reporting, criminal history background checks, credit checks, fee processing, and examinations.

4. The superintendent is authorized and encouraged to utilize NMLS forms, processes, and functionalities in accordance with this chapter. In the event NMLS does not provide functionality, forms, or processes for a provision of this chapter, the superintendent is authorized and encouraged to strive to implement the requirements in a manner that facilitates uniformity with respect to licensing, supervision, reporting, and regulation of licensees which are licensed in multiple jurisdictions.

5. For the purpose of participating in the NMLS and registry, the superintendent is authorized to waive or modify, in whole or in part, by rule, regulation, or order, any or all of the requirements and to establish new requirements as reasonably necessary to participate in the nationwide multistate licensing system and registry.

Sec. 12. Section 533C.303, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.303 Application for license.

1. Applicants for a license under this chapter shall apply on a form prescribed by the superintendent. Each such form shall contain content as set forth by rule, regulation, instruction, or procedure of the superintendent and shall be changed or updated by the superintendent in accordance with applicable law in order to carry out the purposes of this chapter and maintain consistency with NMLS licensing standards and practices. The application shall state or contain, as applicable, the following:

a. The legal name and residential and business addresses of the applicant and any fictitious or trade name used by the applicant in conducting its business.

b. A list of any criminal convictions of the applicant and any material litigation in which the applicant has been involved in the ten-year period immediately preceding the submission of the application.

c. A description of any money transmission previously provided by the applicant and the money transmission that the applicant seeks to provide in this state.

d. A list of the applicant's proposed authorized delegates and the locations in this state where the applicant and its authorized delegates propose to engage in money transmission.

e. A list of other states in which the applicant is licensed to engage in money transmission and of any license revocations, suspensions, or other disciplinary action taken against the applicant in another state.

f. Information concerning any bankruptcy or receivership proceedings affecting the licensee or a person in control of a licensee.

g. A sample form of contract for authorized delegates.

h. A sample form of payment instrument or stored value.

i. The name and address of any federally insured depository financial institution through which the applicant plans to conduct money transmission.

j. Any other information the superintendent or NMLS reasonably requires with respect to the applicant.

2. If an applicant is a corporation, limited liability company, partnership, or other legal entity, the applicant shall also provide all of the following:

a. The date of the applicant's incorporation or formation and state or country of incorporation or formation.

b. If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed.

c. A brief description of the structure or organization of the applicant, including any parents or subsidiaries of the applicant, and whether any parents or subsidiaries are publicly traded.

d. The legal name, any fictitious or trade name, all business and residential addresses, and the employment, in the ten-year period immediately preceding the submission of the application of each key individual and person in control of the applicant.

e. A list of any criminal convictions and material litigation in which a person in control of the applicant that is not an individual has been involved in the ten-year period immediately preceding the submission of the application.

f. A copy of audited financial statements for the most recent fiscal year and for the two-year period immediately preceding the submission of the application or, if determined to be acceptable to the superintendent, certified unaudited financial statements for the most recent fiscal year or other period acceptable to the superintendent.

g. A certified copy of the applicant's unaudited financial statements for the most recent fiscal quarter.

h. If the applicant is a publicly traded corporation, a copy of the most recent report filed with the United States securities and exchange commission under section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. §78m, as amended.

i. If the applicant is a wholly owned subsidiary of any of the following:

(1) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. §78m, as amended.

(2) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States.

j. The name and address of the applicant's registered agent in this state.

k. Any other information the superintendent reasonably requires with respect to the applicant.

3. A nonrefundable application fee of one thousand dollars and a license fee shall accompany an application for a license under this chapter. The license fee shall be refunded if the application is denied. The license fee shall be the sum of five hundred dollars plus an additional ten dollars for each location in this state at which business is conducted through

authorized delegates or employees of the licensee, but shall not exceed five thousand dollars. Fees for locations added after the initial application shall be submitted with the quarterly reports pursuant to section 533C.601. If the licensee has no locations in this state at which business is conducted through authorized delegates or employees of the licensee, the license fee shall be set by the superintendent, but shall not exceed five thousand dollars. A license under this chapter expires on the next December 31 after its issuance. The initial license fee is considered an annual fee and the superintendent shall prorate the license fee, refunding any amount due to a partial license year. No refund of a license fee shall be made when a license is suspended, revoked, or surrendered.

4. A person who requests written confirmation from the superintendent that a license is not required shall submit a fee of one hundred dollars along with the written request.

Sec. 13. Section 533C.304, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.304 Information requirements for certain individuals.

1. An individual in control of a licensee or applicant, an individual seeking to acquire control of a licensee, and each key individual shall furnish to the superintendent through NMLS the following items:

a. The individual's fingerprints for submission to the federal bureau of investigation and the superintendent for purposes of a national criminal history background check unless the person currently resides outside of the United States and has resided outside of the United States for the last ten years.

b. Personal history and experience in a form and in a medium prescribed by the superintendent, to obtain all of the following:

(1) An independent credit report from a consumer reporting agency. If the individual does not have a social security number, the requirement shall be waived.

(2) Information related to any criminal convictions or pending charges.

(3) Information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty, or breach of contract.

2. If the individual has resided outside of the United States at any time in the last ten years, the individual shall also provide an investigative background report prepared by an independent search firm. The search firm shall demonstrate it has sufficient knowledge, resources, and employs accepted and reasonable methodologies to conduct the research of the background report and be unaffiliated with, or have no interest in, the individual it is researching. The investigative background report shall be written in the English language and shall contain all of the following:

a. If available in the individual's current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked.

b. Criminal record information for the past ten years, including but not limited to felonies, misdemeanors, or similar convictions for violations of law in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked.

c. Employment history.

d. Media history, including an electronic search of national and local publications, wire services, and business applications.

e. Financial services-related regulatory history, including but not limited to money transmission, securities, banking, insurance, and mortgage-related industries.

Sec. 14. NEW SECTION. **533C.305 Issuance of license.**

1. When an application for an original license is filed under this chapter and appears to include all required information, the application is considered complete and the superintendent shall promptly notify the applicant in a record of the date on which the application is determined to be complete. The application is approved one hundred twenty-one days after completion, unless denied or approved earlier by the superintendent.

The license takes effect as of the first business day after expiration of the one hundred twenty-day period. The superintendent may for good cause extend the application period.

2. A determination by the superintendent that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items, including the criminal background check response from the federal bureau of investigation, and address all of the matters that are required. A determination by the superintendent that an application is complete is not an assessment of the substance of the application or of the sufficiency of the information provided.

3. When an application is filed and considered complete under this section, the superintendent shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The superintendent may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant shall pay. The superintendent shall issue a license to an applicant under this section if the superintendent finds that all of the following conditions have been fulfilled:

a. The applicant has complied with sections 533C.303 and 533C.304.

b. The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant or key individuals and person in control of the applicant, indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

4. If an applicant avails itself or is otherwise subject to a multistate licensing process, the superintendent is authorized and encouraged to accept the investigation results of a lead investigative state for the purpose of subsection 3, if the lead investigative state has sufficient staffing, expertise, and minimum standards. Additionally, if this state is a lead investigative state, the superintendent is authorized and encouraged to investigate the applicant pursuant to subsection 3, and the time frames established by agreement through the multistate licensing process, provided, that in no case shall such time frame be noncompliant with the application period in subsection 1, paragraph "a".¹

5. The superintendent shall issue a formal written notice of the denial of a license application within thirty days of the decision to deny the application. The superintendent shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the superintendent under this section may appeal within thirty days after receipt of the written notice of the denial pursuant to chapter 17A.

6. The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which case the initial license term shall run through December 31 of the following year.

Sec. 15. NEW SECTION. 533C.306 Renewal of license.

1. A license under this chapter shall be renewed annually. An annual renewal fee of five hundred dollars plus an additional ten dollars for each location in this state at which business is conducted through authorized delegates or employees of the licensee, which shall not exceed five thousand dollars, shall be paid no more than sixty days before the license expiration. The renewal term shall be for a period of one year and shall begin on January 1 of each year after the initial license term and shall expire on December 31 of the year the renewal term begins.

2. A licensee shall submit a renewal report with the renewal fee, in a form prescribed by the superintendent. The renewal report shall state or contain a description of each material change in information submitted by the licensee in its original license application which has not been reported to the superintendent.

3. The superintendent for good cause may grant an extension of the renewal date.

4. The superintendent is authorized and encouraged to utilize NMLS to process renewals provided that such functionality is consistent with this section.

5. If a licensee does not file a renewal report or pay its renewal fee by December 1, or any extension of time granted by the superintendent, the superintendent may assess a late fee of one hundred dollars per day.

¹ See chapter 119, §43 herein

Sec. 16. NEW SECTION. **533C.307 Maintenance of license.**

If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a new money transmission license, the superintendent may suspend or revoke the licensee's license in accordance with the procedures established by this chapter or other applicable state law for such suspension or revocation.

1. An applicant for a money transmission license shall demonstrate that the applicant meets or will meet the requirements of sections 533C.801, 533C.802, and 533C.803.

2. A money transmission licensee shall at all times meet the requirements of sections 533C.801, 533C.802, and 533C.803.

Sec. 17. Section 533C.401, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.401 Acquisition of control.

1. Any person, or group of persons acting in concert, seeking to acquire control of a licensee shall obtain the written approval of the superintendent prior to acquiring control. An individual is not deemed to acquire control of a licensee and is not subject to acquisition of control provisions when that individual becomes a key individual in the ordinary course of business.

2. A person is presumed to exercise a controlling influence when the person holds the power to vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee. A person presumed to exercise a controlling influence can rebut the presumption of control if the person is a passive investor.

3. For purposes of determining the percentage of a person controlled by any other person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and any other person who shares such person's home.

4. A person, or group of persons acting in concert, seeking to acquire control of a licensee shall, in cooperation with the licensee, submit an application in a form and in a medium prescribed by the superintendent and a nonrefundable fee of one thousand dollars with the request for approval.

5. Upon request, the superintendent may permit a licensee or the person, or group of persons acting in concert, to submit some or all information required by the superintendent pursuant to subsection 4 without using NMLS.

6. The application required by subsection 4 shall include information required by section 533C.304 for a licensee, including for any new key individuals that have not previously completed the requirements.

7. When an application for acquisition of control under this section appears to include all the items and address all of the matters that are required, the application shall be considered complete and the superintendent shall promptly notify the applicant in a record of the date on which the application was determined to be complete. The application is approved and the person, or group of persons acting in concert, are permitted to acquire control sixty-one days after application completion, unless denied or approved earlier by the superintendent. The superintendent may for good cause extend the application period.

8. A determination by the superintendent that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

9. When an application is filed and considered complete under subsection 7, the superintendent shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control. The superintendent shall approve an acquisition of control pursuant to this section if the superintendent finds that all of the following conditions have been fulfilled:

a. The requirements of subsections 4 and 6 have been met, as applicable.

b. The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the person, or group of persons acting in

concert, seeking to acquire control, and of the key individuals and persons that would be in control of the licensee indicate that it is in the interest of the public to permit the applicant to control the licensee.

10. If an applicant avails itself or is otherwise subject to a multistate licensing process, the superintendent is authorized and encouraged to accept the investigation results of a lead investigative state for the purpose of subsection 9 if the lead investigative state has sufficient staffing, expertise, and minimum standards. If this state is a lead investigative state, the superintendent is authorized and encouraged to investigate the applicant pursuant to subsection 9 and the time frames established by agreement through the multistate licensing process.

11. The superintendent shall issue a formal written notice of the denial of an application to acquire control within thirty days of the decision to deny the application. The superintendent shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the superintendent under this section may appeal within thirty days after receipt of the written notice of the denial.

12. The requirements of subsections 1 and 4 shall not apply to any of the following:

a. A person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares or voting interests of a licensee or a person in control of a licensee.

b. A person that acquires control of a licensee by devise or descent.

c. A person that acquires control of a licensee as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law.

d. A person that is exempt under section 533C.103, subsection 4.

e. A person that the superintendent determines is not subject to subsection 1 based on the public interest.

f. A public offering of securities of a licensee or a person in control of a licensee.

g. An internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same.

13. Persons specified in subsection 12, paragraphs "b", "c", "d", "f", and "g", in cooperation with the licensee, shall notify the superintendent within fifteen days after the acquisition of control.

14. The requirements of subsections 1 and 4 shall not apply to a person that has complied with and received approval to engage in money transmission under this chapter or was identified as a person in control in a prior application filed with and approved by the superintendent or by an MSB accredited state pursuant to a multistate licensing process, provided all of the following apply:

a. The person has not had a license revoked or suspended.

b. The person has not controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the previous five years.

c. If the person is a licensee, the person is well-managed and has received at least a satisfactory rating for compliance at its most recent examination by an MSB-accredited state if such rating was given.

d. The licensee to be acquired is projected to meet the requirements of sections 533C.801, 533C.802, and 533C.803 after the acquisition of control is completed.

e. If the person acquiring control is a licensee, that licensee is projected to meet the requirements of sections 533C.801, 533C.802, and 533C.803 after the acquisition of control is completed.

f. The licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control.

g. If the person acquiring control is a licensee, that licensee will not implement any material changes to its business plan as a result of the acquisition of control.

h. The person provides notice of the acquisition in cooperation with the licensee and attests to the provisions in this subsection in a form and in a medium prescribed by the superintendent. If the notice is not disapproved within thirty days after the date on which the notice was determined to be complete, the notice is deemed approved.

15. Before filing an application for approval to acquire control of a licensee, a person may request in writing a determination from the superintendent as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the superintendent determines that the person would not be a person in control of a licensee, the proposed person and transaction are not subject to the requirements of subsections 1 and 4.

16. If a multistate licensing process includes a determination pursuant to subsection 15 and an applicant avails itself or is otherwise subject to the multistate licensing process, the superintendent is authorized and encouraged to accept the control determination of a lead investigative state with sufficient staffing, expertise, and minimum standards for the purpose of subsection 15. If this state is a lead investigative state, the superintendent is authorized and encouraged to investigate the applicant pursuant to subsection 15 and the time frames established by agreement through the multistate licensing process.

Sec. 18. Section 533C.402, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.402 Notice and information requirements for a change of key individuals.

1. A licensee adding or replacing any key individual shall provide notice in a manner prescribed by the superintendent within fifteen days after the effective date of the key individual's appointment and provide information as required by section 533C.304 within forty-five days of the effective date.

2. A key individual is considered approved ninety-one days after notice is provided pursuant to this section, unless denied or approved earlier by the superintendent. The superintendent may issue a notice of disapproval of a key individual if the competence, experience, character, or integrity of the individual would not be in the best interests of the public or the customers of the licensee to permit the individual to be a key individual of such licensee. A notice of disapproval shall contain a statement of the basis for disapproval and shall be sent to the licensee and the disapproved individual. A licensee may appeal a notice of disapproval within thirty days after receipt of the written notice of such disapproval.

3. If a multistate licensing process includes a key individual notice review and disapproval process pursuant to this section and the licensee avails itself or is otherwise subject to the multistate licensing process, the superintendent is authorized and encouraged to accept the determination of another state if the investigating state has sufficient staffing, expertise, and minimum standards for the purpose of this section. If this state is a lead investigative state, the superintendent is authorized and encouraged to investigate the applicant pursuant to subsection 2 and the time frames established by agreement through the multistate licensing process.

Sec. 19. Section 533C.501, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.501 Relationship between licensee and authorized delegate.

1. Before a licensee is authorized to conduct business through an authorized delegate or allows a person to act as the licensee's authorized delegate, the licensee shall do all of the following:

a. Adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law.

b. Enter into a written contract that complies with this subsection.

c. Conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.

2. An authorized delegate shall operate in full compliance with this chapter.

3. The written contract required by subsection 1, shall be signed by the licensee and the authorized delegate and shall:

a. Appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee.

b. Set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties.

c. Require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including this chapter and regulations implementing this chapter, relevant provisions of the federal Bank Secrecy Act and federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56.

d. Require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate.

e. Impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee.

f. Require the authorized delegate to prepare and maintain records as required by this chapter or regulations implementing this chapter, or as reasonably requested by the superintendent.

g. Acknowledge that the authorized delegate consents to examination or investigation by the superintendent.

h. State that the licensee is subject to regulation by the superintendent who may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation as a part of regulation.

i. Acknowledge receipt of the written policies and procedures required under subsection 1.

4. If the licensee's license is suspended, revoked, surrendered, or expired, the licensee shall, within five business days, provide documentation to the superintendent that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the superintendent of the suspension, revocation, surrender, or expiration of a license. Upon suspension, revocation, surrender, or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

5. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

6. An authorized delegate may not use a subdelegate to conduct money transmission on behalf of a licensee.

Sec. 20. Section 533C.502, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.502 Unauthorized activities.

A person shall not engage in the business of money transmission on behalf of a person not licensed under this chapter. A person who engages in such activity provides money transmission to the same extent as if the person were a licensee, and shall be jointly and severally liable with the unlicensed or nonexempt person.

Sec. 21. Section 533C.601, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.601 Report of condition.

1. A licensee shall submit a report of condition within forty-five days of the end of the calendar quarter, or within any extended time as the superintendent may prescribe.

2. The report of condition shall include all of the following:

a. Financial information at the licensee level.

b. Nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission.

c. Permissible investments report.

d. Transaction destination country reporting for money received for transmission, if applicable. This information shall only be included in a report of condition submitted within forty-five days of the end of the fourth calendar quarter.

e. Any other information the superintendent reasonably requires with respect to the licensee. The superintendent is authorized and encouraged to utilize NMLS for the submission of the report required by this section and is authorized to update as necessary the requirements of this section to carry out the purposes of this chapter and maintain consistency with NMLS reporting.

Sec. 22. Section 533C.602, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.602 Audited financials.

1. A licensee shall, within ninety days after the end of each fiscal year, or within any extended time as the superintendent may prescribe, file with the superintendent an audited financial statement for the fiscal year prepared in accordance with United States generally accepted accounting principles and any other information as the superintendent may reasonably require.

2. The audited financial statements shall be prepared by an independent certified public accountant or independent public accountant who is satisfactory to the superintendent.

3. The audited financial statements shall include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the superintendent. If the certificate or opinion is qualified, the superintendent may order the licensee to take any action as the superintendent may find necessary to enable the independent or certified public accountant or independent public accountant to remove the qualification.

Sec. 23. NEW SECTION. **533C.603 Authorized delegate reporting.**

1. A licensee shall submit a report of authorized delegates within forty-five days of the end of the calendar quarter. The superintendent is authorized and encouraged to utilize NMLS for the submission of the report required by this section provided that such functionality is consistent with the requirements of this section.

2. The authorized delegate report shall include the following for each authorized delegate:

a. Company legal name.

b. Taxpayer employer identification number.

c. Principal provider identifier.

d. Physical address.

e. Mailing address.

f. Any business conducted in other states.

g. Any fictitious or trade name.

h. Contact person name, phone number, and email.

i. Start date as licensee's authorized delegate.

j. End date acting as licensee's authorized delegate, if applicable.

k. Any other information the superintendent reasonably requires with respect to the authorized delegate.

Sec. 24. NEW SECTION. **533C.604 Report of certain events.**

1. A licensee shall submit a nonrefundable fee of one thousand dollars with the request and file a report with the superintendent within one business day after the licensee knows or has reason to know of the occurrence of any of the following events:

a. The filing of a petition by or against the licensee under the federal bankruptcy code, 11 U.S.C. §§101 – 110, as amended, for bankruptcy or reorganization.

b. The filing of a petition by or against the licensee for receivership.

c. The filing of a petition or commencement of any other judicial or administrative proceeding for its dissolution or reorganization.

d. The filing of a petition or the making of a general assignment for the benefit of its creditors.

e. The commencement of a proceeding to revoke or suspend its license in a state or country in which the licensee engages in business or is licensed.

2. A licensee shall file a report with the superintendent within three business days after the licensee has reason to know of the occurrence of a felony charge or conviction of the licensee, a key individual or person in control of the licensee, or an authorized delegate.

Sec. 25. NEW SECTION. **533C.605 Bank secrecy act reports.**

A licensee and an authorized delegate shall file all reports required by federal currency reporting, record keeping, and suspicious activity reporting requirements pursuant to the federal Bank Secrecy Act and other federal and state laws pertaining to money laundering. The timely filing of a complete and accurate report required under this section with the appropriate federal agency is deemed compliant with the requirements of this section.

Sec. 26. NEW SECTION. **533C.606 Records.**

1. A licensee shall maintain records in any form, for the purpose of determining compliance with this chapter, for at least three years, including all of the following:

- a. A record of each outstanding money transmission obligation sold.
- b. A general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts.
- c. Bank statements and bank reconciliation records.
- d. Records or outstanding money transmission obligations.
- e. Records of each outstanding money transmission obligation paid within the three-year period.
- f. A list of the last-known names and addresses of all of the licensee's authorized delegates.
- g. Any other records the superintendent reasonably requires by rule.

2. Records specified in this section may be maintained outside the state if they are made accessible to the superintendent on seven business days' notice that is sent by the superintendent in a record.

3. All records maintained by the licensee as required in this section are open to inspection by the superintendent pursuant to section 533C.203.

Sec. 27. NEW SECTION. **533C.607 Disclosure.**

1. Except as otherwise provided by this chapter, the records of the superintendent relating to examinations, supervision, and regulation of a person licensed pursuant to this chapter or authorized delegates of a person licensed pursuant to this chapter are not public records and are not subject to disclosure under chapter 22. Neither the superintendent nor any member of the superintendent's staff shall disclose any information obtained in the discharge of the superintendent's official duties to any person not connected with the department, except that the superintendent or the superintendent's designee may disclose information to the following:

- a. Representatives of federal agencies insuring accounts in the financial institution.
- b. Representatives of state agencies, federal agencies, or foreign countries having regulatory or supervisory authority over the activities of the financial institution or similar financial institutions if those representatives are permitted to and do, upon request of the superintendent, disclose similar information respecting those financial institutions under their regulation or supervision, or to those representatives who state in writing under oath that they will maintain the confidentiality of that information.

- c. To the attorney general.
- d. To a federal or state grand jury in response to a lawful subpoena or pursuant to a county attorney subpoena.

- e. To the auditor of the state for the purpose of conducting audits authorized by law.

2. Notwithstanding subsection 1, the superintendent may disclose the following:

- a. The fact of filing of applications with the department pursuant to this chapter, give notice of a hearing, if any, regarding those applications, and announce the superintendent's action thereon.

- b. Final decisions in connection with proceedings for the suspension or revocation of licenses or certificates issued pursuant to this chapter.

c. Prepare and circulate reports reflecting the assets and liabilities of licensees on an aggregate basis, including other information considered pertinent to the purpose of each report for general statistical information.

d. Prepare and circulate reports provided by law.

3. Every official report of the department is prima facie evidence of the facts therein stated in any action or proceeding wherein the superintendent is a party.

4. Nothing in this section shall be construed to prevent the disclosure of information that is:

a. Admissible in evidence in any civil or criminal proceeding brought by or at the request of the superintendent or this state to enforce or prosecute violations of this chapter, chapter 706B, or the rules adopted, or orders issued pursuant to this chapter.

b. Requested by or provided to a federal agency, including but not limited to the department of defense, department of energy, department of homeland security, nuclear regulatory commission, and centers for disease control and prevention, to assist state and local government with domestic preparedness for acts of terrorism.

5. The attorney general or the department of public safety may report any possible violations indicated by analysis of the reports required by this chapter to any appropriate law enforcement or regulatory agency for use in the proper discharge of its official duties. The attorney general or the department of public safety shall provide copies of the reports required by this chapter to any appropriate prosecutorial or law enforcement agency upon being provided with a written request for records relating to a specific individual or entity and stating that the agency has an articulable suspicion that such individual or entity has committed a felony offense or a violation of this chapter to which the reports are relevant. A person who releases information received pursuant to this subsection except in the proper discharge of the person's official duties is guilty of a serious misdemeanor.

6. Any report, record, information, analysis, or request obtained by the attorney general or department of public safety pursuant to this chapter is not a public record as defined in chapter 22 and is not subject to disclosure.

Sec. 28. Section 533C.701, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.701 Timely transmission.

1. Every licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

2. If a licensee fails to forward money received for transmission in accordance with this section, the licensee shall respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule, or regulation.

Sec. 29. Section 533C.702, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.702 Refunds.

1. Every licensee shall refund to the sender within ten days of receipt of the sender's written request for a refund of any and all money received for transmission unless any of the following occurs:

a. The money has been forwarded within ten days of the date on which the money was received for transmission.

b. Instructions have been given committing an equivalent amount of money to the person designated by the sender within ten days of the date on which the money was received for transmission.

c. The agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond ten days of the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section.

d. The refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

e. The refund request does not enable the licensee to identify the sender's name and address, telephone number, or the particular transaction to be refunded in the event the sender has multiple transactions outstanding.

2. This section does not apply to money received for transmission subject to the remittance transfer rule of the federal Electronic Fund Transfer Act, 12 C.F.R. §1005.30 – 1005.36, as amended, or pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

Sec. 30. Section 533C.703, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.703 Receipts.

1. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts shall be provided in a retainable form.

2. Every licensee or its authorized delegate shall provide the sender a receipt for money received for transmission. The receipt required by this section shall be in English and in the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing, for a transaction conducted in person, electronically, or by phone, if other than English, and shall contain, as applicable, all of the following:

a. The name of the sender.

b. The name of the designated recipient.

c. The date of the transaction.

d. The unique transaction or identification number.

e. The name of the licensee, NMLS unique ID, the licensee's business address, and the licensee's customer service telephone number.

f. The amount of the transaction in United States dollars.

g. Any fee charged by the licensee to the sender for the transaction.

h. Any taxes collected by the licensee from the sender for the transaction.

3. This section does not apply to any of the following:

a. Money received for transmission subject to the remittance rule of the federal Electronic Fund Transfer Act, 12 C.F.R. §1005.30 – 1005.36, as amended.

b. Money received for transmission that is not primarily for personal, family, or household purposes.

c. Money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

d. Payroll processing services.

Sec. 31. Section 533C.704, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.704 Disclosures for payroll processing services.

1. A licensee that provides payroll processing services shall do all of the following:

a. Issue reports to clients detailing client payroll obligations in advance of the payroll funds being deducted from an account.

b. Make available worker pay stubs or an equivalent statement to workers.

2. This section does not apply to a licensee providing payroll processing services where the licensee's client designated the intended recipients to the licensee and the licensee is responsible for providing the disclosures required by subsection 1, paragraph "a".

Sec. 32. Section 533C.801, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.801 Net worth.

1. A licensee under this chapter shall maintain at all times a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one

hundred million dollars, two percent of additional assets for one hundred million dollars to one billion dollars, and half of one percent of additional assets for over one billion dollars.

2. Tangible net worth shall be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements pursuant to section 533C.303, subsection 2, paragraph "f".

3. Notwithstanding the foregoing provisions of this section, the superintendent shall have the authority, for good cause shown, to exempt any applicant or licensee, in part or in whole, from the requirements of this section.

Sec. 33. Section 533C.802, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.802 Surety bond.

1. An applicant for a money transmission license shall provide, and a licensee at all times shall maintain, security consisting of a surety bond in a form satisfactory to the superintendent.

2. The amount of the required security shall be the greater of one hundred thousand dollars or an amount equal to one hundred percent of the licensee's average daily money transmission liability in this state calculated for the most recently completed three-month period, up to a maximum of five hundred thousand dollars.

3. A licensee that maintains a bond in the maximum amount provided for in subsection 2 shall not be required to calculate its average daily money transmission liability in this state for purposes of this section.

4. A licensee may exceed the maximum required bond amount pursuant to section 533C.804, subsection 1, paragraph "l".

Sec. 34. Section 533C.803, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

533C.803 Maintenance of permissible investments.

1. A licensee shall maintain at all times permissible investments that have a market value computed in accordance with United States generally accepted accounting principles of not less than the aggregate amount of all of its outstanding money transmission obligations.

2. Except for permissible investments enumerated in section 533C.804, subsection 1, the superintendent, with respect to any licensee, may by rule or order limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, if the specific investment represents undue risk to customers, not reflected in the market value of investments.

3. Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations in the event of insolvency, the filing of a petition by or against the licensee under the federal bankruptcy code, 11 U.S.C. §101 – 110, as amended, for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. No permissible investments impressed with a trust pursuant to this section shall be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of this statutory trust.

4. Upon the establishment of a statutory trust in accordance with subsection 3, or when any funds are drawn on a letter of credit pursuant to section 533C.804, subsection 1, paragraph "m", the superintendent shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice shall be deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this state, and other states, as applicable. Any statutory trust

established hereunder shall be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

5. The superintendent by rule or by order may allow other types of investments that the superintendent determines are of sufficient liquidity and quality to be a permissible investment. The superintendent is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

Sec. 35. NEW SECTION. 533C.804 Types of permissible investments.

1. The following investments are permissible under section 533C.803:

a. Cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers in a federally insured depository financial institution.

b. Cash equivalents including automated clearinghouse items in transit to the licensee and automated clearinghouse items or international wires in transit to a payee.

c. Cash in transit via armored car.

d. Cash in smart safes.

e. Cash in licensee-owned locations.

f. Debit card or credit card-funded transmission receivables owed by any bank.

g. Money market mutual funds rated "AAA" by Standard and Poor's 500 stock market index, or the equivalent from any eligible rating service.

h. Certificates of deposit or senior debt obligations of an insured depository institution, pursuant to the federal Deposit Insurance Act, 12 U.S.C. §1813, as amended, or as defined under the federal Credit Union Act, 12 U.S.C. §1751, as amended.

i. An obligation of the United States or a commission, agency, or instrumentality thereof.

j. An obligation that is guaranteed fully as to principal and interest by the United States.

k. An obligation of a state or a governmental subdivision, agency, or instrumentality thereof.

l. One hundred percent of the surety bond provided for under section 533C.802 that exceeds the average daily money transmission liability in this state.

m. The full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the superintendent that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by this section.

(1) The letter of credit shall conform to the following:

(a) Be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states, or a foreign bank that is authorized under state law to maintain a branch in a state that bears an eligible rating, or whose parent company bears an eligible rating and such bank is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks, credit unions, and trust companies.

(b) Be irrevocable, unconditional, and indicate that it is not subject to any condition or qualifications outside of the letter of credit.

(c) Not contain reference to any other agreements, documents, or entities, or otherwise provide for any security interest in the licensee.

(d) Contain an issue date and expiration date, and expressly provide for automatic extension, without written amendment, for an additional period of one year from the present or each future expiration date, unless the issuer of the letter of credit notifies the superintendent in writing by certified or registered mail or courier mail or other receipted means, at least sixty days prior to any expiration date, that the irrevocable letter of credit shall not be extended. In the event of any notice of expiration or nonextension of a letter of credit issued under this² division, the licensee shall be required to demonstrate to the satisfaction of the superintendent, fifteen days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with section 533C.803, subsection 1, upon the expiration of the letter of credit. If the licensee is not able to do so, the superintendent may draw on the letter of credit in an amount up to the amount necessary

² See chapter 119, §44 herein

to meet the licensee's requirements to maintain permissible investments in accordance with section 533C.803, subsection 1. Any such draw shall be offset against the licensee's outstanding money transmission obligations. The drawn funds shall be held in trust by the superintendent or the superintendent's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

(2) The letter of credit shall provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

(a) The original letter of credit, including any amendments.

(b) A written statement from the beneficiary stating that any of the following events have occurred:

(i) The filing of a petition by or against the licensee under the federal bankruptcy code, 11 U.S.C. §101 – 110, as amended, for bankruptcy or reorganization.

(ii) The filing of a petition by or against the licensee for receivership, or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization.

(iii) The seizure of assets of a licensee by the superintendent or any other state financial regulatory entity pursuant to an emergency order issued in accordance with applicable law, on the basis of an action, violation, or condition that has caused or is likely to cause the insolvency of the licensee.

(iv) The beneficiary has received notice of expiration on nonextension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with section 533C.803, subsection 1, upon the expiration or nonextension of the letter of credit.

(3) The superintendent may designate an agent to serve on the superintendent's behalf as beneficiary to a letter of credit so long as the agent and letter of credit meet requirements established by the superintendent. The superintendent's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this section are assigned to the superintendent.

(4) The superintendent is authorized and encouraged to participate in multistate processes designed to facilitate the issuance and administration of letters of credit, including but not limited to services provided by the NMLS and state regulatory registry, LLC.

2. Unless permitted by the superintendent by rule or by order to exceed the limit as set forth herein, the following investments are permissible under section 533C.803 to the extent specified:

a. Receivables that are payable to a licensee from its authorized delegates in the ordinary course of business that are less than seven days old, up to fifty percent of the aggregate value of the licensee's total permissible investments.

b. Of the receivables permissible under subsection 1, receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed ten percent of the aggregate value of the licensee's total permissible investments.

c. The following investments are permissible up to twenty percent per category and combined up to fifty percent of the aggregate value of the licensee's total permissible investments:

(1) An up-to-six-month short-term investment bearing an eligible rating.

(2) Commercial paper bearing an eligible rating.

(3) A bill, note, bond, or debenture bearing an eligible rating.

(4) United States tri-party repurchase agreements collateralized at one hundred percent or more with United States government or agency securities, municipal bonds, or other securities bearing an eligible rating.

(5) Money market mutual funds rated less than "AAA" and equal to or higher than "A-" by Standard and Poor's 500 stock market index, or the equivalent from any other eligible rating service.

(6) A mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in section 533C.804, subsection 1, paragraph "a" through "k".

d. Cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers, at foreign depository institutions are permissible up

to ten percent of the aggregate value of the licensee's total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution fulfills all of the following:

- (1) An eligible rating.
- (2) Registered under the federal Foreign Account Tax Compliance Act, Pub. L. No. 111-147.
- (3) Not located in any country subject to sanctions from the federal office of foreign asset control.
- (4) Not located in a high-risk or noncooperative jurisdiction as designated by the international financial action task force.

Sec. 36. REPEAL. Sections 533C.206, 533C.503, 533C.504, 533C.505, 533C.506, 533C.507, 533C.705, 533C.706, 533C.707, 533C.708, 533C.901, 533C.902, 533C.903, and 533C.904, Code 2023, are repealed.

Sec. 37. CODE EDITOR DIRECTIVE. The following articles shall be changed by the Code editor to substantially conform to the following:

1. ARTICLE 2 shall be retitled IMPLEMENTATION, CONFIDENTIALITY, SUPERVISION, AND RELATIONSHIP TO FEDERAL LAW.
2. ARTICLE 3 shall be retitled MONEY TRANSMISSION LICENSES.
3. ARTICLE 4 shall be retitled ACQUISITION OF CONTROL AND CHANGE OF KEY INDIVIDUAL.
4. ARTICLE 5 shall be retitled AUTHORIZED DELEGATES.
5. ARTICLE 6 shall be retitled REPORTING AND RECORDS.
6. ARTICLE 7 shall be retitled TIMELY TRANSMISSION, REFUNDS, AND DISCLOSURES.
7. ARTICLE 8 shall be retitled PRUDENTIAL STANDARDS.

Approved May 11, 2023

CHAPTER 84

TORT LIABILITY IN CIVIL ACTIONS INVOLVING COMMERCIAL MOTOR VEHICLES — EMPLOYERS AND VEHICLE OWNERS OR OPERATORS

S.F. 228

AN ACT relating to tort liability, including employer liability and damages in civil actions involving commercial motor vehicles.

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

Section 1. **NEW SECTION. 668.12A No liability for negligent hiring in actions involving commercial motor vehicles.**

1. In any civil action involving the operation of a commercial motor vehicle requiring a commercial driver's license, there shall not be civil liability for damages for an employer's negligent hiring of an employee if all of the following apply:

- a. The employer complies with subsection 2.
- b. The employee's actions that caused the claimant damage are within the course and scope of the employee's employment.

2. On motion of an employer who is a defendant in a civil action involving the operation of a commercial motor vehicle requiring a commercial driver's license, a trial court shall dismiss from the civil action any claim of the employer's direct negligence in hiring the employee driver, if the employer stipulates that at the time of the event that caused the damages that are the subject of the civil action all of the following are true:

a. The person whose negligence is alleged to have caused the damages was the employer's employee.

b. The person whose negligence is alleged to have caused the damages was acting within the course and scope of employment with the employer.

3. If an employer makes the stipulations in subsection 2 with respect to an employee, and the employee's negligence is found to have caused or contributed to causing the damages, the employer's liability for negligent hiring shall be adjudged solely on the basis of respondeat superior.

4. As used in this section:

a. "*Commercial motor vehicle*" means as defined in section 321.1, subsection 11, paragraph "f", subparagraphs (1), (2), and (4), and also includes a glider kit vehicle as defined in section 321.1, subsection 28A; a road tractor as defined in section 321.1, subsection 64A; a towing or recovery vehicle as defined in section 321.1, subsection 83A; and a truck tractor as defined in section 321.1, subsection 88.

b. "*Operation*" means actual physical control of a commercial motor vehicle upon a highway as defined in section 321.1.

Sec. 2. NEW SECTION. 668.15A Noneconomic damages — commercial motor vehicle owners or operators.

1. As used in this section:

a. "*Commercial motor vehicle*" means as defined in section 321.1, subsection 11, paragraph "f", subparagraphs (1), (2), and (4), and also includes a glider kit vehicle as defined in section 321.1, subsection 28A; a road tractor as defined in section 321.1, subsection 64A; a towing or recovery vehicle as defined in section 321.1, subsection 83A; and a truck tractor as defined in section 321.1, subsection 88.

b. "*Inflation*" means the annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for all urban consumers for the midwest region, all items, or its successor index.

c. "*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.

d. "*Operation*" means actual physical control of a commercial motor vehicle upon a highway as defined in section 321.1.

2. The total amount recoverable per plaintiff against the owner or operator of a commercial motor vehicle for noneconomic damages for personal injury or death in a civil action involving the operation of a commercial motor vehicle requiring a commercial driver's license, whether in tort or otherwise, is five million dollars. This limitation on damages applies regardless of the number of derivative claims or theories of liability in the civil action, subject to subsection 3.

3. Upon motion by any plaintiff in a civil action against the owner or operator of a commercial motor vehicle requiring a commercial driver's license and prior to entry of judgment by the trial court, the trial court shall not apply the limitation on damages set forth in subsection 2 if the trial court finds, by a preponderance of the evidence, that the negligent act leading to the plaintiff's claimed harm involved any of the following:

a. Operating a commercial motor vehicle with an alcohol concentration, as defined in section 321J.1, of .04 or more.

b. Operating a commercial motor vehicle under the influence of a drug.

c. A refusal to submit to chemical testing required under chapter 321J.

d. A felony involving the use of a motor vehicle.

e. The use of a commercial motor vehicle involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101; not including the lawful transport for hire of a controlled substance.

f. Knowingly operating a commercial motor vehicle without a proper license, or while the person's commercial driver's license is revoked, suspended, or canceled, or while the person is otherwise disqualified from operating a commercial motor vehicle.

g. Operating a commercial motor vehicle without the possession of a commercial driver's license or commercial learner's permit valid for the vehicle operated.

h. Operating a commercial motor vehicle involving an act or practice of human trafficking as defined in section 710A.1.

i. Reckless driving, as described in section 321.277.

j. Use of an electronic communication device while driving, as described in section 321.276.

k. Speeding fifteen miles per hour or more over the legal speed limit.

l. Violating any state or local law or ordinance restricting or prohibiting the use of a mobile telephone, computer, tablet, or other device that is not a part of the vehicle while operating the vehicle.

4. a. The limitation on damages set forth in subsection 2 does not apply to any case involving operation of a vehicle that does not require a commercial driver's license.

b. The limitation on damages set forth in subsection 2 does not apply to a civil action involving the operation of a commercial motor vehicle serving as a common carrier of passengers, or a commercial motor vehicle that is primarily engaged in transporting passengers, or a commercial motor vehicle as defined in section 321.1, subsection 11, paragraph "f", subparagraph (3); commercial vehicle as defined in section 321.1, subsection 12, paragraph "c"; school bus as defined in section 321.1, subsection 69; or other passenger transport.

5. The limitation on damages set forth in subsection 2 shall be adjusted for inflation by the secretary of state on January 1, 2028, and on January 1 of each even-numbered year thereafter. The secretary of state shall certify and publish the adjusted limitation on damages within fourteen days after the appropriate information is available.

Sec. 3. Section 668A.1, subsection 2, paragraphs a and b, Code 2023, as amended by 2023 Iowa Acts, House File 161,¹ section 4, are amended to read as follows:

a. If the answer or finding pursuant to subsection 1, paragraph "b", is affirmative, or if the claim is against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, or if the claim is part of a civil action involving the operation of a commercial motor vehicle, then the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph "b", is negative, and if the claim is not against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, and if the claim is not part of a civil action involving the operation of a commercial motor vehicle, then after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs.

Approved May 12, 2023

¹ Chapter 4 herein

CHAPTER 85**ENFORCEMENT OF MOTOR VEHICLE LAWS BY THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF TRANSPORTATION — FUNDS AND PERSONNEL TRANSFERS***S.F. 513*

AN ACT relating to motor vehicle enforcement duties of the department of public safety and the department of transportation, providing transfers of moneys, and including effective date provisions.

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

Section 1. Section 80.5, subsection 2, Code 2023, is amended to read as follows:

2. The state patrol is established in the department. The patrol shall be under the direction of the commissioner. The number of supervisory officers shall be in proportion to the membership of the state patrol. The department shall maintain a vehicle theft unit in the state patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles. In addition to other duties, powers, and responsibilities prescribed by law, the state patrol shall conduct enforcement activities that ensure 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.

Sec. 2. Section 80.5, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 10. The department of public safety shall adopt, after consultation with the department of natural resources and the department of transportation, rules relating to enforcement of the rules regarding transportation of hazardous wastes adopted by the department of natural resources and the department of transportation. The state patrol shall carry out the enforcement of the rules, in accordance with state law.

NEW SUBSECTION. 11. 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 that ensure the safe and lawful movement and operation of commercial motor vehicles and vehicles transporting loads conducted by members of the state patrol assigned to such enforcement activities in the previous year. The report shall include a comparison of commercial and noncommercial motor vehicle enforcement activities conducted by such members of the state patrol.

Sec. 3. Section 80B.6, subsection 1, paragraph k, Code 2023, is amended to read as follows:

k. A member of the office of motor vehicle enforcement of the department of transportation involved with the enforcement activities set forth in section 321.477.

Sec. 4. Section 97B.42B, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *a.* Commencing July 1, 2023, a person who is a designated peace officer in the department of transportation under section 321.477, Code 2023, as of June 30, 2023, who has fewer than ten years of membership service, and who is transferred to the department of public safety pursuant to this Act, shall be a member of the Iowa department of public safety peace officers' retirement, accident, and disability system established in chapter 97A.

b. Commencing July 1, 2023, a person who is a designated peace officer in the department of transportation under section 321.477, Code 2023, as of June 30, 2023, who has ten or more years of membership service, and who is transferred to the department of public safety pursuant to this Act, shall remain a member of the Iowa public employees' retirement system.

Sec. 5. Section 97B.49B, subsection 1, paragraph e, subparagraph (5), Code 2023, is amended to read as follows:

(5) (a) An employee of the state department of transportation who is designated as a "peace officer" by resolution under section 321.477, but only if the employee retires on or

after July 1, 1990. For purposes of this subparagraph, service as a traffic weight officer employed by the highway commission prior to the creation of the state department of transportation or as a peace officer employed by the Iowa state commerce commission prior to the creation of the state department of transportation shall be included in computing the employee's years of membership service.

(b) An employee of the department of public safety described in section 97B.42B, subsection 4A, paragraph "b".

Sec. 6. Section 152C.5B, subsection 1, paragraph b, subparagraph (5), Code 2023, is amended by striking the subparagraph.

Sec. 7. Section 157.4A, subsection 1, paragraph b, subparagraph (5), Code 2023, is amended by striking the subparagraph.

Sec. 8. Section 307.12, subsection 1, paragraph n, Code 2023, is amended by striking the paragraph.

Sec. 9. Section 307.48, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 3. An employee of the office of motor vehicle enforcement of the department of transportation on June 30, 2023, who is transferred to the department of public safety pursuant to this Act, retains all rights to longevity pay.

Sec. 10. Section 321.2, subsection 2, Code 2023, is amended to read as follows:
2. The division of state patrol of the department of public safety shall enforce the provisions of this chapter relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks, ~~and buses,~~ and other commercial motor vehicles, and to see that proper safety rules are observed.

Sec. 11. Section 321.266, subsection 4, Code 2023, is amended to read as follows:
4. Notwithstanding section 455B.386, a carrier transporting hazardous material upon a public highway in this state, in the case of an accident involving the transportation of the hazardous material, shall immediately notify the police radio broadcasting system established pursuant to section 693.1 or shall notify a peace officer of the county or city in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the state patrol ~~and the state department of transportation office of motor vehicle enforcement.~~ A person who violates a provision of this subsection is guilty of a serious misdemeanor.

Sec. 12. Section 321.449, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department of public safety, in consultation with the department of transportation, under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Tit. 49, and found in 49 C.F.R. pts. 385, 390 – 399 and adopted under chapter 17A.

b. The department of public safety, in consultation with the department of transportation, shall also adopt rules concerning hours of service for drivers of vehicles operated for hire and designed to transport seven or more persons, including the driver. The rules shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and that are regulated by local authorities pursuant to section 321.236.

Sec. 13. Section 321.449, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A "*driver-salesperson*" means as defined in 49 C.F.R. §395.2, as adopted by the department of public safety by rule.

Sec. 14. Section 321.449, subsection 8, Code 2023, is amended to read as follows:

8. In the course of enforcing the motor carrier safety rules adopted by the department of public safety under chapter 17A, the ~~department's~~ department of public safety's peace officers are authorized, at reasonable times and places and with reasonable notice, to enter a motor carrier's place of business for the purpose of performing a motor carrier safety audit or compliance review. Nothing in this subsection by itself permits the seizure of the property of a motor carrier. Any audit or review shall be conducted in compliance with the federal motor carrier safety regulations in 49 C.F.R. pts. 105 – 185, 382, 383, 385, and 390 – 399. A peace officer of the department of public safety is authorized to inspect and copy motor carrier records required by 49 C.F.R. pts. 105 – 185, 382, 383, 385, and 390 – 399.

Sec. 15. Section 321.449B, subsection 1, Code 2023, is amended to read as follows:

1. a. A person subject to rules adopted by the department of public safety pursuant to section 321.449 shall not operate a commercial motor vehicle while engaged in texting as prohibited by 49 C.F.R. §392.80, except in an emergency or as otherwise permitted under 49 C.F.R. §392.80.

b. A person subject to rules adopted by the department of public safety pursuant to section 321.449 shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by 49 C.F.R. §392.82, except in an emergency or as otherwise permitted under 49 C.F.R. §392.82.

Sec. 16. Section 321.450, subsection 1, Code 2023, is amended to read as follows:

1. A person shall not transport or have transported or shipped within this state any hazardous material except in compliance with rules adopted by the department of public safety under chapter 17A. The rules shall be consistent with the federal hazardous materials regulations adopted under United States Code, Tit. 49, and found in 49 C.F.R. pts. 107, 171 to 173, 177, 178, and 180.

Sec. 17. Section 321.463, subsection 5, paragraph b, Code 2023, is amended to read as follows:

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~~ does not apply unless the operator of the vehicle provides to the department of public safety a written certification of the weight of the auxiliary power or idle reduction technology unit, demonstrates or certifies to the department of public safety 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. 18. Section 321.476, subsection 1, Code 2023, is amended to read as follows:

1. ~~a. Authority is hereby given to the~~ A member of the state patrol of the department to stop of public safety is authorized to do any of the following:

a. Stop any motor vehicle or trailer on the highways for the purposes of weighing and inspection, to weigh and inspect the same and to enforce the provisions of the motor vehicle laws relating to the registration, size, weight, and load of motor vehicles and trailers.

b. ~~Authority is also hereby granted to subject to weighing and inspection, Weigh and inspect vehicles which have moved from a highway onto private property under circumstances which indicate that the load of the vehicle, if any, is substantially the same as the load which the vehicle carried before moving onto the private property.~~

Sec. 19. Section 321.477, Code 2023, 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 conferred the authority of a peace officer to ~~enforce all laws of the state including but~~

not limited to the rules and regulations of the department investigate and enforce all of the following:

a. Laws relating to motor vehicle records, documents, credentials, procedures, and revenues, including but not limited to crimes and abuse of authority associated with fraud, identity theft, vehicle titles and registration, dealer licenses, and authorized vehicle recycler licenses.

b. Laws relating to motor vehicle fraud including but not limited to the state and federal odometer laws, including as provided in sections 307.37 and 321.71.

2. 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 use of force in emergent circumstances 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 set forth in this section 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 ability of employees designated as peace officers pursuant to this section when a public offense is being committed in their presence to use force in defense of life or property.

~~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. ~~5.~~ The maximum age for a person employed as a peace officer pursuant to this section is sixty-five years of age.

Sec. 20. Section 321.481, Code 2023, is amended to read as follows:

321.481 No impairment of other authority.

Nothing in sections 321.476 through 321.480 321.479 shall be so construed as to limit or impair the authority or duties of other peace officers in the enforcement of the motor vehicle laws or any portion thereof.

Sec. 21. Section 325A.10, Code 2023, is amended to read as follows:

325A.10 Rules for operation.

The department of public safety, in consultation with the department of transportation, shall adopt rules pursuant to chapter 17A as necessary to govern and control the operation, maintenance, and inspection of vehicles covered by this chapter upon the highways.

Sec. 22. Section 602.8108, subsection 8, Code 2023, is amended to read as follows:

8. The state court administrator shall allocate all of the fines and fees attributable to commercial vehicle violation citations issued by ~~motor vehicle division~~ personnel of the state

department of ~~transportation~~ public safety to the treasurer of state for deposit in the road use tax fund.

Sec. 23. REPEAL. 2017 Iowa Acts, chapter 149, section 4, as amended by 2018 Iowa Acts, chapter 1170, section 3, 2019 Iowa Acts, chapter 7, section 1, and 2022 Iowa Acts, chapter 1082, section 1, is repealed.

Sec. 24. REPEAL. Sections 321.480 and 327B.2, Code 2023, are repealed.

Sec. 25. TRANSFERS.

1. There is transferred from the department of transportation's asset forfeiture fund to the department of public safety's asset forfeiture fund the amount of unencumbered or unobligated moneys remaining in the department of transportation's asset forfeiture fund.

2. a. The Iowa public employees' retirement system shall perform a trustee-to-trustee lump sum transfer to the Iowa department of public safety peace officers' retirement, accident, and disability system. The transfer shall include an amount consisting of the accumulated contributions by members transferred to the peace officers' retirement, accident, and disability system pursuant to this Act and every transferred member's share of the accumulated employer contributions as defined in section 97B.53. The transfer shall not be deemed to be a termination of a member's plan and an affected member shall not be entitled to a distribution of the moneys as a result of the member's transfer.

b. Upon completion of the transfer, the Iowa department of public safety peace officers' retirement, accident, and disability system shall engage an actuary to determine the actuarial cost of the remaining transfer. For purposes of this paragraph, "the actuarial cost of the remaining transfer" is an amount determined by the peace officers' retirement, accident, and disability system in accordance with actuarial tables which reflects the actuarial cost necessary to fund the increased retirement allowances less the amount transferred by the Iowa public employees' retirement system.

c. Once the transfer is completed, the transferred members shall forfeit all rights, including service credit and benefits, under chapter 97B; shall be treated as members under chapter 97A; and shall be vested in a benefit under chapter 97A that shall not be less than the benefit to which the member was entitled under chapter 97B at the time of the transfer.

Sec. 26. TRANSITION — RULES.

1. a. Effective July 1, 2023, peace officers of the department of public safety shall assume the duties, powers, and responsibilities of peace officers designated by the department of transportation under section 321.477, Code 2023, who are assigned to the supervision of the highways of this state. On or before July 1, 2023, the department of transportation and the department of public safety, in consultation with the department of administrative services, shall identify and transfer affected positions and incumbent peace officer and civilian employees from the department of transportation to the department of public safety. Former peace officer employees of the department of transportation who are covered by a collective bargaining agreement and who are reassigned shall be placed in an existing department of public safety peace officer classification within the state police officers council bargaining unit, without loss of seniority or loss of pay accrued while serving as a peace officer. Any peace officer so reassigned shall be entitled to all rights, privileges, and benefits of the peace officer's new classification, including longevity pay pursuant to section 80.6 as calculated based upon years of service in a peace officer position, within the state police officers council bargaining unit as of the effective date of the employee's reassignment.

b. The department of public safety shall honor a final offer of employment made by the department of transportation to a person who has not accepted the offer by July 1, 2023, if the employment offer is to fill a position that will be transitioned to the department of public safety under this Act. Such persons shall be assigned to the state patrol upon completion of the department of public safety academy training, and are entitled to all rights, privileges, and benefits of similarly reassigned positions and transitioned incumbent peace officer employees from the department of transportation.

2. On or before July 1, 2023, the department of transportation shall provide all appropriate documentation and data required for motor carrier safety assistance program activities,

including but not limited to those relating to the reimbursement of expenses, for reporting purposes to the department of public safety, and any other documentation and data required by the department of public safety to comply with federal law or for purposes of the transition provided for in this Act.

3. On or before July 1, 2023, the department of transportation shall cooperate with the department of public safety to ensure the department of public safety is aware of the rules the department of transportation adopted relating to administering and enforcing commercial motor vehicle violations. The department of public safety shall inform the administrative code editor of the applicable rules that need to be transferred. Any such rule adopted by the department of transportation shall continue in full force and effect until the rule is transferred to the department of public safety.

Sec. 27. **REPORT TO GENERAL ASSEMBLY.** The department of public safety, in consultation with the department of transportation, shall submit a report to the general assembly on or before December 1, 2023, regarding the transfer of peace officers from the department of transportation to the department of public safety in accordance with this Act. The report shall include but is not limited to the actual expenditures already made and the anticipated remaining expenditures to be made by both departments to complete the transition, the moneys transferred from the department of transportation's asset forfeiture fund to the department of public safety's asset forfeiture fund, the moneys transferred from the Iowa public employees' retirement system to the Iowa department of public safety peace officers' retirement, accident, and disability system, and any equipment costs incurred by either department prior to the reporting date.

Sec. 28. **EFFECTIVE DATE.** The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act repealing 2017 Iowa Acts, chapter 149, section 4.
2. The section of this Act setting forth transition provisions.

Approved May 16, 2023

CHAPTER 86

REGULATION OF CONTROLLED SUBSTANCES — CRIMINAL OFFENSES — RECEIPT, PROVISION, AND ADMINISTRATION OF OPIOID ANTAGONISTS

H.F. 595

AN ACT relating to controlled substances including the manufacture, delivery, or possession of a controlled substance including fentanyl; the manufacture of a controlled substance in the presence of a minor; conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver a controlled substance to a minor; receipt, provision, and administration of opioid antagonists, including by secondary distributors; providing for immunity; and providing penalties.

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

DIVISION I

MANUFACTURE, DELIVERY, OR POSSESSION OF A CONTROLLED SUBSTANCE

Section 1. Section 124.401, subsection 1, paragraph a, subparagraph (8), Code 2023, is amended to read as follows:

(8) More than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9, except for a mixture or substance

containing any detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9.

Sec. 2. Section 124.401, subsection 1, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) More than fifty grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9.

Sec. 3. Section 124.401, subsection 1, paragraph b, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) More than five grams but not more than fifty grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9.

Sec. 4. Section 124.401, subsection 1, paragraph c, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) Five grams or less of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9.

Sec. 5. Section 124.401, subsection 1, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. A person who causes the death of another person while participating in a violation of this subsection and who is not entitled to protection under section 124.418, shall be sentenced to three times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended.

NEW PARAGRAPH. h. A person who causes serious bodily injury to another person while participating in a violation of this subsection and who is not entitled to protection under section 124.418, shall be sentenced to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended.

NEW PARAGRAPH. i. For purposes of this subsection, a person causes the death or serious injury of another person when the controlled substance contributes to the other person's death or serious injury.

Sec. 6. Section 124.401C, subsection 1, Code 2023, is amended to read as follows:

1. In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older and who either directly or by extraction from natural substances, or independently by means of chemical processes, or both, unlawfully manufactures ~~methamphetamine, its salts, isomers, or salts of its isomers~~ a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph "a", "b", or "c", in the presence of a minor shall be sentenced ~~up to an additional term of confinement of five years to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended.~~ However, the additional term of confinement shall not be imposed on a person who has been convicted and sentenced for a child endangerment offense under section 726.6, subsection 1, paragraph "g", arising from the same facts.

Sec. 7. Section 124.401D, Code 2023, is amended to read as follows:

124.401D Conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver amphetamine or methamphetamine to a minor.

1. a. It is unlawful for a person eighteen years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under eighteen years of age ~~a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers~~ controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph "a", "b", or "c".

~~b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph "a" A person violating this subsection shall be sentenced to two times the term otherwise imposed under section 124.401, subsection 1, and no such judgment, sentence, or part thereof shall be deferred or suspended.~~

~~c. A second or subsequent violation of this subsection is a class "A" felony.~~

~~2. a. It is unlawful for a person eighteen years of age or older to deliver, or possess with the intent to deliver to a person under eighteen years of age, a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph "a", "b", or "c", or to act with, or enter into a common scheme or design with, or conspire with one or more persons to deliver or possess with the intent to deliver to a person under eighteen years of age a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph "a", "b", or "c".~~

~~b. A violation of this subsection is a felony punishable under section 902.9, subsection 1, paragraph "a" A person violating this subsection shall be sentenced to two times the term otherwise imposed under section 124.401, subsection 1, and no such judgment, sentence, or part thereof shall be deferred or suspended.~~

~~c. A second or subsequent violation of this subsection is a class "A" felony.~~

~~3. Delivery to a minor or possession with intent to deliver to a minor a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph "a", "b", or "c", shall include the following products if the person knew or had reasonable cause to believe the controlled, counterfeit, simulated, or imitation controlled substance would be delivered to a person under eighteen years of age:~~

~~a. Combining a controlled substance listed in section 124.401, subsection 1, paragraph "a", "b", or "c", with a food or beverage product.~~

~~b. Marketing or packaging a controlled substance listed in section 124.401, subsection 1, paragraph "a", "b", or "c", to appear similar to a food or beverage product.~~

~~c. Modifying the flavor or color of a controlled substance listed in section 124.401, subsection 1, paragraph "a", "b", or "c", to appear similar to a food or beverage product.~~

Sec. 8. Section 124.413, subsection 1, Code 2023, 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", "e", ~~or "f"~~, "g", or "h" shall not be eligible for parole or work release until the person has served a minimum term of confinement of one-third of the maximum indeterminate sentence prescribed by law.

Sec. 9. Section 811.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony; forcible felony as defined in section 702.11; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; a second or subsequent offense under section 124.401, subsection 1, paragraph "c"; ~~any felony punishable under section 902.9, subsection 1, paragraph "a"~~; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

2. A defendant appealing a conviction of a class "A" felony; forcible felony as defined in section 702.11; any class "B" or "C" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent conviction under section 124.401, subsection 1, paragraph "c"; ~~any felony punishable under section 902.9, subsection 1, paragraph "a"~~; any public offense committed while detained

pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 10. Section 901.2, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The court shall order a presentence investigation when the offense is ~~any felony punishable under section 902.9, subsection 1, paragraph “a”, or a class “B”, class “C”, or class “D” felony.~~ A presentence investigation for ~~any felony punishable under section 902.9, subsection 1, paragraph “a”, or a class “B”, class “C”, or class “D” felony~~ shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty.

Sec. 11. Section 901.10, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. A court sentencing a person for a violation of section 124.401, subsection 1, paragraph “g”, shall not grant any reduction of sentence.

Sec. 12. Section 902.9, subsection 1, paragraph a, Code 2023, is amended by striking the paragraph.

Sec. 13. Section 906.5, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The board shall establish and implement a plan by which the board systematically reviews the status of each person who has been committed to the custody of the director of the Iowa department of corrections and considers the person’s prospects for parole or work release. The board at least annually shall review the status of a person other than a class “A” felon, a class “B” felon serving a sentence of more than twenty-five years, ~~or a felon serving an offense punishable under section 902.9, subsection 1, paragraph “a”, or a felon serving a mandatory minimum sentence other than a class “A” felon,~~ and provide the person with notice of the board’s parole or work release decision.

Sec. 14. REPEAL. Section 901.5A, Code 2023, is repealed.

DIVISION II

RECEIPT, PROVISION, AND ADMINISTRATION OF OPIOID ANTAGONISTS

Sec. 15. Section 135.190, subsection 1, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. “*Community-based organization*” means a public or private organization that provides health or human services to meet the needs of a community including but not limited to a nonprofit organization, a social service provider, or an organization providing substance abuse disorder prevention, treatment, recovery, or harm reduction services.

NEW PARAGRAPH. e. “*Secondary distributor*” means a law enforcement agency, emergency medical services program, fire department, school district, health care provider, licensed behavioral health provider, county health department, or the department of health and human services.

Sec. 16. Section 135.190, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. “*Person in a position to assist*” means a family member, friend, caregiver, community-based organization, health care provider, employee of a substance abuse treatment facility, school employee, first responder as defined in section 147A.1, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose.

Sec. 17. Section 135.190, subsections 2 and 4, Code 2023, are amended to read as follows:

2. *a.* Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist to a person in a position to assist or to a secondary distributor.

b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or otherwise provide an opioid antagonist to a person in a position to assist or to a secondary distributor.

(2) A pharmacist or secondary distributor who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide written instruction, which shall include emergency, crisis, and substance use referral contact information, to the recipient in accordance with any protocols and instructions developed by the department under this section.

4. A person in a position to assist, a secondary distributor, or a prescriber of an opioid antagonist who has acted reasonably and in good faith shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section.

Sec. 18. Section 135.190, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. Notwithstanding any other provision of law to the contrary, the chief medical officer of the department may issue a standing order that does not identify individual patients at the time it is issued for the purpose of dispensing opioid antagonists to a person in a position to assist.

NEW SUBSECTION. 3B. A person in a position to assist may distribute an opioid antagonist to any individual pursuant to this section.

Sec. 19. Section 147A.18, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *a.* Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist in the name of a service program, law enforcement agency, ~~or fire department,~~ or secondary distributor to be maintained for use as provided in this section. For purposes of this section, "secondary distributor" means the same as defined in section 135.190.

b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or otherwise provide an opioid antagonist in the name of a service program, law enforcement agency, ~~or fire department,~~ or secondary distributor to be maintained for use as provided in this section.

(2) A pharmacist or secondary distributor who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide written instruction, which shall include emergency, crisis, and substance referral contact information, to the recipient in accordance with the protocols and instructions developed by the department under this section.

2. A service program, law enforcement agency, ~~or fire department,~~ or secondary distributor may obtain a prescription for and maintain a supply of opioid antagonists. A service program, law enforcement agency, ~~or fire department,~~ or secondary distributor that obtains such a prescription shall replace an opioid antagonist upon its use or expiration.

Sec. 20. Section 147A.18, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A secondary distributor may possess and provide an opioid antagonist to a person in a position to assist as defined in section 135.190.

Sec. 21. Section 147A.18, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. A service program, law enforcement agency, ~~or fire department,~~ or secondary distributor.

Sec. 22. Section 147A.18, subsection 4, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The pharmacist who dispenses the opioid antagonist.

Sec. 23. Section 155A.3, subsections 24 and 54, Code 2023, are amended to read as follows:

24. “*Limited distributor*” means a person operating or maintaining a location, regardless of the location, where prescription drugs or devices are distributed at wholesale or to a patient pursuant to a prescription drug order, who is not eligible for a wholesale distributor license or pharmacy license. “*Limited distributor*” does not include a secondary distributor as defined in section 135.190.

54. “*Wholesale distributor*” means a person, other than a manufacturer, a manufacturer’s co-licensed partner, a third-party logistics provider, or repackager, engaged in the wholesale distribution of a drug. “*Wholesale distributor*” does not include a secondary distributor as defined in section 135.190.

Sec. 24. Section 155A.46, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) Naloxone Opioid antagonists for overdose reversals.

Approved May 16, 2023

CHAPTER 87

HUMAN TRAFFICKING — PENALTIES — JUDGMENT AND SENTENCING PROCEDURES

H.F. 630

AN ACT relating to human trafficking and providing penalties.

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

Section 1. Section 710A.2, Code 2023, is amended to read as follows:

710A.2 Human trafficking.

1. A person who knowingly engages in human trafficking is guilty of a class “D” “B” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” “A” felony.

2. A person who knowingly engages in human trafficking by causing or threatening to cause serious physical injury to another person is guilty of a class “C” “A” felony, ~~except that if the victim is under the age of eighteen, the person is guilty of a class “B” felony.~~

3. A person who knowingly engages in human trafficking by physically restraining or threatening to physically restrain another person is guilty of a class “D” “B” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” “A” felony.

4. A person who knowingly engages in human trafficking by soliciting services or benefiting from the services of a victim is guilty of a class “D” “B” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” “A” felony.

5. A person who knowingly engages in human trafficking by abusing or threatening to abuse the law or legal process is guilty of a class “D” “B” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” “A” felony.

6. A person who knowingly engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person is guilty of a class “D” “B” felony, except if that other person is under the age of eighteen, the person is guilty of a class “C” “A” felony.

7. A person who benefits financially or by receiving anything of value from knowing participation in human trafficking is guilty of a class “~~D~~” “B” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “~~C~~” “A” felony.

8. A person who knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services is guilty of ~~an aggravated misdemeanor~~ a class “D” felony, except if that other person is under the age of eighteen, the person is guilty of a class “~~D~~” “B” felony.

9. A person who knowingly engages in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer pursuant to section 152C.5B or 157.4A, is guilty of ~~an aggravated misdemeanor~~ a class “D” felony, except if that other person is under the age of eighteen, the person is guilty of a class “~~D~~” “B” felony.

10. A person’s ignorance of the age of the victim or a belief that the victim was older is not a defense to a violation of this section.

11. A person who is found guilty, or who enters a plea of guilty, ~~receives a deferred judgment, or receives a deferred or suspended sentence for~~ to a violation of this chapter shall be ineligible for a license pursuant to chapter 152C or 157 for a period of not less than five years from the date of conviction, plea, judgment, or sentence.

12. A person who is sentenced under the provisions of this section shall not be eligible for a deferred judgment or a deferred or suspended sentence.

Sec. 2. Section 907.3, subsection 1, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) The offense is a violation of section 710A.2.

Sec. 3. Section 907.3, subsection 2, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) The offense is a violation of section 710A.2.

Sec. 4. Section 907.3, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* A sentence imposed pursuant to section 710A.2.

Approved May 16, 2023

CHAPTER 88

BUTCHERY INNOVATION AND REVITALIZATION PROGRAM — ELIGIBLE BUSINESSES

H.F. 185

AN ACT relating to businesses’ eligibility for the butchery innovation and revitalization program, and including applicability provisions.

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

Section 1. Section 15E.370, subsection 4, paragraph e, Code 2023, is amended to read as follows:

e. The business must employ less than ~~fifty~~ seventy-five full-time, ~~nonseasonal~~ individuals.

Sec. 2. APPLICABILITY. This Act applies to businesses that apply on or after July 1, 2023, to the butchery innovation and revitalization program established in section 15E.370.

Approved May 18, 2023

CHAPTER 89

CHILD CARE ASSISTANCE ELIGIBILITY REQUIREMENTS AND CHILD CARE PROVIDER REIMBURSEMENT RATES

H.F. 707

AN ACT relating to state child care assistance eligibility requirements and child care provider reimbursement rates.

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

Section 1. Section 237A.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. “Children needing special needs care” or “special needs child” means a child or children with one or more of the following conditions:

a. The child has been diagnosed by a physician or by a person endorsed for service as a school psychologist by the department of education to have a developmental disability which substantially limits one or more major life activities, and the child requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.

b. The child has been determined by a qualified intellectual disability professional to have a condition which impairs the child’s intellectual and social functioning.

c. The child has been diagnosed by a mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child’s age, or which significantly interferes with the child’s intellectual, social, or personal development.

Sec. 2. Section 237A.13, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. The child’s parent, guardian, or custodian is employed ~~and the family income meets income requirements~~ a minimum of thirty-two hours per week or an average of thirty-two hours per week during the month if the child requires basic care, or twenty-eight hours per week or an average of twenty-eight hours per week during the month if the child is a special needs child.

Sec. 3. Section 237A.13, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 1A. A family shall only be initially eligible for state child care assistance if the family’s gross monthly income does not exceed the lesser of:

a. (1) One hundred sixty percent of the federal poverty level applicable to the family size for children needing basic care.

(2) Two hundred percent of the federal poverty level applicable to the family size for children needing special needs care.

b. Eighty-five percent of the state median gross monthly income.

Sec. 4. Section 237A.13, subsection 3, Code 2023, is amended to read as follows:

3. a. The department shall set reimbursement rates as authorized by appropriations enacted for payment of the reimbursements. The department shall conduct a statewide reimbursement rate survey to compile information on each county and the survey shall be conducted at least every two years. The department shall set rates in a manner so as to provide incentives for an unregistered provider to become registered.

b. The department shall not modify reimbursement rates to the state child care assistance program or financial eligibility requirements for a family participating in the state child care assistance program without prior enabling legislation in this state passed on or after January 1, 2023.

Sec. 5. Section 237A.13, subsection 8, paragraphs a and c, Code 2023, are amended to read as follows:

a. Families with an income at or below one hundred percent of the federal poverty level whose members, for at least ~~twenty-eight~~ thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating in an educational program leading to a high school diploma or the equivalent.

c. Families with an income of more than one hundred percent but not more than one hundred ~~forty-five~~ sixty percent of the federal poverty level whose members, for at least ~~twenty-eight~~ thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

Sec. 6. DEPARTMENT OF HEALTH AND HUMAN SERVICES — INCREASED STATE CHILD CARE ASSISTANCE REIMBURSEMENT RATES. The department of health and human services shall amend its administrative rules pursuant to chapter 17A to increase the half-day reimbursement rates paid to child care providers reimbursed under the state child care assistance program to at least the sixty-fifth percentile but no more than the eightieth percentile of the 2020 market rate survey.

Approved May 18, 2023

CHAPTER 90

ELEMENTARY AND SECONDARY EDUCATION — ELIMINATION OF COMPREHENSIVE SCHOOL IMPROVEMENT PLANS — SCHOOL LIBRARIANS AND LIBRARY MATERIALS — SCHOOL GUIDANCE AND COUNSELING — DELIVERY OF CLASSROOM INSTRUCTION — EDUCATIONAL STANDARDS

S.F. 391

AN ACT relating to education, including modifying provisions related to comprehensive school improvement plans, teacher librarians and guidance counselors, required days or hours of instruction in elementary and secondary schools, agreements between school districts and community colleges to teach certain courses, and required courses in school districts and accredited nonpublic schools, and authorizing school districts to offer sequential units in one classroom.

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

DIVISION I

ELIMINATION OF COMPREHENSIVE SCHOOL IMPROVEMENT PLAN

Section 1. Section 256.7, subsection 21, paragraph a, Code 2023, is amended to read as follows:

a. Requirements that all school districts and accredited nonpublic schools develop, implement, and file with the department a ~~comprehensive school improvement plan report that includes but is not limited to demonstrated school, parental, and community involvement in assessing educational needs, establishing local education standards and student achievement levels, and, as applicable, the consolidation of federal and state~~

~~planning, goal-setting, and reporting requirements information necessary for the department of education to submit to the United States secretary of education the plan required pursuant to the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95. Each school district and accredited nonpublic school shall include in its comprehensive school improvement plan a list and description of the online coursework offered by the school district or accredited nonpublic school to which the student is enrolled.~~

Sec. 2. Section 279.61, subsection 5, Code 2023, is amended to read as follows:

5. For the school year beginning July 1, 2016, and each succeeding school year, the board of directors of each school district shall submit to the local community, ~~and to the department as a component of the school district's comprehensive school improvement plan required by section 256.7, subsection 21,~~ an annual report on student utilization of the district's career information and decision-making system.

Sec. 3. Section 279.68, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency ~~as part of its comprehensive school improvement plan~~, drawing upon information about students from assessments and reassessments conducted pursuant to subsection 1 and the prevalence of areas in which students are persistently at risk in reading identified by classroom, elementary school, and other student characteristics. ~~As part of its comprehensive school improvement plan, each~~ Each school district shall review chronic early elementary absenteeism for its impact on literacy development. If more than fifteen percent of an attendance center's students are not reading proficiently and are persistently at risk in reading by the end of third grade, ~~the comprehensive school improvement plan shall include~~ school district shall develop and implement strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are reading at grade level.

Sec. 4. Section 280.19, Code 2023, is amended to read as follows:

280.19 Plans for at-risk children.

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs. ~~This incorporation shall be part of the comprehensive school improvement plan developed and implemented in accordance with section 256.7, subsection 21, paragraph "a".~~

Sec. 5. Section 280.28, subsection 7, Code 2023, is amended to read as follows:

7. ~~Integration of policy and reporting~~ Reporting. The board of directors of a school district and the authorities in charge of each nonpublic school shall ~~integrate its antiharassment and antibullying policy into the comprehensive school improvement plan required under section 256.7, subsection 21, and shall report data collected under subsection 6, as specified by the department, to the department and to the local community.~~

Sec. 6. Section 284.5, subsection 3, Code 2023, is amended to read as follows:

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. 7. Section 284.6, subsections 3, 4, and 7, Code 2023, are amended to read as follows:

3. A school district shall ~~incorporate~~ develop a district professional development plan ~~into the district's comprehensive school improvement plan submitted to the department in accordance with section 256.7, subsection 21.~~ The district professional development plan shall include a description of the means by which the school district will provide access to all teachers in the district to professional development programs or offerings that meet the requirements of subsection 1. The plan shall align all professional development with the school district's long-range student learning goals and the Iowa teaching standards. The plan shall indicate the school district's approved professional development provider or providers.

4. In cooperation with the teacher's evaluator, the career teacher employed by a school district shall develop an individual teacher professional development plan. The evaluator shall consult with the teacher's supervisor on the development of the individual teacher professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at minimum, on the needs of the teacher, the Iowa teaching standards, and the student achievement goals of the attendance center and the school district ~~as outlined in the comprehensive school improvement plan.~~ The individual plan shall include goals for the individual which are beyond those required under the attendance center professional development plan developed pursuant to subsection 7.

7. Each attendance center shall develop an attendance center professional development plan. The purpose of the plan is to promote group professional development. The attendance center plan shall be based, at a minimum, on the needs of the teachers, the Iowa teaching standards, district professional development plans, and the student achievement goals of the attendance center and the school district ~~as set forth in the comprehensive school improvement plan.~~

Sec. 8. Section 284.14, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Commencing with the school year beginning July 1, 2007, the commission shall initiate planning pilots, in selected kindergarten through grade twelve schools, to test the effectiveness of the pay-for-performance program. The purpose of the planning pilots is to identify the strengths and weaknesses of various pay-for-performance program designs, evaluate cost effectiveness, analyze student achievement needs, select formative and summative student achievement measures that align to identify needs, consider necessary supports related to the student achievement goals ~~in the school district's comprehensive school improvement plan,~~ review assessment needs, identify mechanisms to account for existing teacher contract provisions within the proposed career ladder salary increments, allow thorough review of data, and make necessary adjustments before proposing implementation of the pay-for-performance program statewide.

Sec. 9. Section 284A.5, subsection 3, Code 2023, is amended to read as follows:

3. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by the department pursuant to subsection 2. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming to support the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and beginning administrators' professional and personal needs. Each school board shall develop and implement a beginning administrator mentoring and induction plan. The plan shall describe the mentor selection process, describe supports for beginning administrators, describe program organizational and collaborative structures, provide a budget, provide for sustainability of the program, and provide for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this section. ~~A school board shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21.~~

Sec. 10. Section 284A.6, subsection 2, Code 2023, is amended to read as follows:

2. In cooperation with the administrator's evaluator, the administrator who has a professional administrator license issued by the board of educational examiners pursuant to chapter 272 and is employed by a school district or area education agency in a school district administrative position shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator, the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and the student achievement goals of the attendance center and the school district as ~~outlined in the comprehensive school improvement plan.~~

DIVISION II TEACHER LIBRARIANS AND GUIDANCE COUNSELORS

Sec. 11. Section 256.11, subsections 9 and 9A, Code 2023, are amended to read as follows:

9. a. Beginning July 1, 2006 2023, each school district shall have employ either a qualified teacher librarian who shall be licensed by the board of educational examiners under chapter 272 or a person previously employed as a librarian by a public library. The board of educational examiners shall not require an applicant for a teacher librarian license to have a master's degree.

b. The state board shall establish in rule standards for school district library programs, which shall be designed to provide for methods to improve library collections to meet student needs, include a current and diverse collection of fiction and nonfiction materials in a variety of formats to support student curricular needs, and include a plan for annually updating and replacing library materials and equipment.

c. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program.

d. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners under chapter 272. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master's degree in library and information studies shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.

9A. Beginning July 1, 2007, each school district shall have a qualified guidance counselor who shall be licensed by the board of educational examiners under chapter 272. Each school district shall work toward the goal of having one qualified guidance counselor for every three hundred fifty students enrolled in the school district. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve guidance and counseling program. The program shall be designed to ensure that the guidance counselor can work collaboratively with students, teachers, support staff, and administrators to support the curricular goals of the school by offering responsive services that address the growth and development needs of students and the attainment of student competencies in academic, career, and social areas.

DIVISION III REQUIRED ATTENDANCE — SCHOOL DISTRICTS, ACCREDITED NONPUBLIC SCHOOLS, CHARTER SCHOOLS, AND INNOVATION ZONE SCHOOLS

Sec. 12. Section 279.10, subsection 1, Code 2023, is amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on July 1 and the school calendar shall begin no sooner than August 23 and no later than the first Monday in December. The school calendar shall include not less than one hundred eighty days or one thousand eighty hours of instruction during the calendar year, of which not more than five days or thirty hours of instruction may be delivered primarily over the internet except as otherwise provided in section 256.43 or in rules adopted by the state board of education pursuant to section 256.7, subsection 32. The board of directors of a school

district and the authorities in charge of an accredited nonpublic school shall determine the school start date for the school calendar in accordance with this subsection and shall set the number of days or hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

DIVISION IV
EDUCATIONAL STANDARDS — AGREEMENTS WITH COMMUNITY COLLEGES

Sec. 13. Section 279.50A, Code 2023, is amended to read as follows:

279.50A Educational standards — agreements for mathematics and science units with community colleges.

1. ~~If a school district's total enrollment exceeds six hundred pupils, the~~ A school district may enter into an agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, ~~one of the units in accordance with section 256.11, subsection 5, paragraph "a", or one of the units in accordance with section 256.11, subsection 5, paragraph "d" or "e"~~ any unit, and if the unit of coursework under the agreement meets the requirements specified in section 257.11, subsection 3, paragraph "b", subparagraphs (2) through (7), the unit offered shall be deemed to meet the education program requirement ~~for a unit of mathematics or science, as applicable, pertaining to the unit~~ under section 256.11, subsection 5, paragraph "a", "d", or "e" if applicable. The provisions of this subsection are applicable only if all of the following conditions are met:

~~a. The school district has made every reasonable and good faith effort to employ a teacher licensed under chapter 272 for the unit of science or mathematics, as applicable, and is unable to employ such a teacher. For purposes of this subsection, "good faith effort" means the same as defined in section 279.19A, subsection 9.~~

~~b. Enrollment for the unit exceeds five pupils.~~

~~c. a. The unit is offered during the regular school day.~~

~~d. b. The unit is made accessible by the school district to all eligible pupils.~~

2. Pupils enrolled in a unit of coursework offered pursuant to subsection 1 are not eligible for supplementary weighting under section 257.11, subsection 3.

DIVISION V
AUTHORIZATION TO OFFER SEQUENTIAL UNITS IN ONE CLASSROOM

Sec. 14. Section 256.11, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. The board of directors of a school district or the authorities in charge of an accredited nonpublic school may authorize a teacher who is appropriately licensed by the board of educational examiners under chapter 272¹ to teach two or more sequential units of one subject area in the same classroom at the same time in grades nine through twelve. The board of directors of a school district or the authorities in charge of an accredited nonpublic school shall award high school credit to a student upon the student's successful completion of the course. The teacher must meet the minimum certification requirements of the national organization that administers the advanced placement program if one of the units being offered pursuant to this paragraph is an advanced placement course.

b. The board of directors of a school district or the authorities in charge of an accredited nonpublic school may authorize a community college-employed instructor who is providing

¹ See chapter 119, §25 herein

instruction in the school pursuant to section 261E.8 through a contractual agreement between a community college and the school district or accredited nonpublic school to teach two or more sequential units of one subject area in the same classroom at the same time in grades nine through twelve. The board of directors of a school district or the authorities in charge of an accredited nonpublic school shall award high school credit to a student upon the student's successful completion of the course if the board of directors of the school district or the authorities in charge of the accredited nonpublic school approved the course pursuant to section 261E.8, subsection 3. The community college-employed instructor must meet the minimum certification requirements of the national organization that administers the advanced placement program if one of the units being offered pursuant to this paragraph is an advanced placement course.

DIVISION VI EDUCATIONAL STANDARDS

Sec. 15. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) The rules establishing a core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, ~~technology literacy~~, financial literacy, family life and consumer sciences, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The state board shall further define the twenty-first century learning skills components by rule.

Sec. 16. Section 256.11, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall ~~relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school and~~ shall focus on community resources. Except as otherwise provided in this subsection, a prekindergarten teacher shall hold a license certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

Sec. 17. Section 256.11, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, age-appropriate and research-based human growth and development, physical education, traffic safety, music, and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. The health curriculum shall include the characteristics of communicable diseases ~~including acquired immune deficiency syndrome~~. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education

service areas as defined in subsection 5, paragraph “h”, and incorporate relevant twenty-first century skills to facilitate career readiness, and introduce students to career opportunities within the local community and across this state. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools. For purposes of this section, “age-appropriate”, “HPV”, and “research-based” mean the same as defined in section 279.50.

Sec. 18. Section 256.11, subsection 5, paragraphs f, g, and i, Code 2023, are amended to read as follows:

~~f. Four~~ Two sequential units of one world language, which may include American sign language. ~~The department may waive the third and fourth years of the world language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a licensed teacher was employed and assigned a schedule that would have allowed students to enroll in a world language class, the world language class was properly scheduled, students were aware that a world language class was scheduled, and no students enrolled in the class.~~

g. (1) All students physically able shall be required to participate in a minimum of one-eighth unit of physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester is required. A ~~twelfth~~ grade student who meets the requirements of this paragraph ~~may~~ shall be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be seeking to be excused in order to enroll in academic courses not otherwise available to the student, or be enrolled or participating in ~~one~~ any of the following:

(a) A work-based learning program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day.

~~(b) An organized and supervised athletic program which requires at least as much participation per week as one-eighth unit of physical education. An activity that is sponsored by the school in which the student is enrolled which requires at least as much physical activity per week as one-eighth unit of physical education.~~

~~(2) Students in grades nine through eleven may be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student’s counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.~~

~~(3)~~ (2) The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

~~(4)~~ (3) A student who is enrolled in a junior reserve officers’ training corps shall not be required to participate in physical education activities under subparagraph (1) or to meet the

physical activity requirements of subsection 6, paragraph “b”, subparagraph (2), but shall receive one-eighth unit of physical education credit for each semester, or the equivalent, of junior reserve officers’ training corps the student completes.

i. ~~Three~~ Two units in the fine arts which shall ~~may~~ include at least two ~~any~~ of the following: dance, music, theater, ~~and~~ or visual art.

Sec. 19. Section 256.11, subsection 5, paragraph j, subparagraph (1), Code 2023, is amended to read as follows:

(1) One unit of health education which shall ~~may~~ include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; age-appropriate and research-based human growth and development; substance abuse and nonuse; emotional and social health; health resources; cardiopulmonary resuscitation; and prevention and control of disease, including age-appropriate and research-based information regarding sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, ~~and acquired immune deficiency syndrome.~~

Sec. 20. Section 256.11, subsection 5, paragraph k, Code 2023, is amended to read as follows:

k. (1) One-half unit of personal finance literacy, which may be offered and taught through dedicated units of coursework or through units of coursework that also meet the requirements of the coursework required under paragraph “a”, “b”, “c”, “d”, “e”, or “h”. All students, beginning with the students in the 2020-2021 school year graduating class, shall complete at least one-half unit of personal finance literacy as a condition of graduation.

(1) ~~The~~ personal financial literacy curriculum shall, at a minimum, address all of the following:

(a) Savings, including emergency fund, purchases, and wealth building.

(b) Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.

(c) Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.

(d) Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.

(e) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act, codified at 15 U.S.C. §1692 – 1692p.

(f) Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality or other traits regarding money.

(g) Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.

(h) Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.

(i) Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.

(2) ~~(a) One-half unit of personal finance literacy may count as one-half unit of social studies in meeting the requirements of paragraph “b”, though the teacher providing personal~~

~~finance literacy coursework that counts as one-half unit of social studies need not hold a social studies endorsement.~~

~~(b) Units of coursework that meet the requirements of any combination of coursework required under paragraphs paragraph “a”, “b”, “c”, “d”, “e”, or “h” and incorporate the curriculum required under subparagraph (1) shall be deemed to satisfy the offer and teach requirements of this paragraph “k” and a student who completes such units shall be deemed to have met the graduation requirement of this paragraph “k”.~~

Sec. 21. Section 279.50, subsection 2, Code 2023, is amended to read as follows:

2. Each school board shall provide age-appropriate and research-based instruction in human growth and development including instruction regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, and HPV and the availability of a vaccine to prevent HPV, ~~and acquired immune deficiency syndrome~~ as required in section 256.11, in grades one through twelve.

Sec. 22. Section 279.50, subsection 9, paragraph b, Code 2023, is amended by striking the paragraph.

Approved May 26, 2023

CHAPTER 91

ELEMENTARY AND SECONDARY EDUCATION — EDUCATIONAL STANDARDS,
INSTRUCTIONAL CONTENT, LIBRARY MATERIALS, STUDENT PHYSICAL
EXAMINATIONS, AND STUDENT SURVEYS — STUDENT GENDER IDENTITY AND
REPORTS TO PARENTS — INTRA-DISTRICT STUDENT TRANSFERS — PRIVATE
INSTRUCTION AND SPECIAL EDUCATION — PARENT AND GUARDIAN RIGHTS

S.F. 496

AN ACT relating to children and students, including establishing a parent’s or guardian’s right to make decisions affecting the parent’s or guardian’s child, authorizing the parent or guardian of a student enrolled in a school district to enroll the student in another attendance center within the same school district in certain specified circumstances, prohibiting instruction related to gender identity and sexual orientation in school districts, charter schools, and innovation zone schools in kindergarten through grade six, and modifying provisions related to student health screenings, school district library programs, the educational program provided to students enrolled in school districts, accredited nonpublic schools, and charter schools, other duties of school districts, accredited nonpublic schools, the department of education, the board of educational examiners, and the governing boards of charter schools and innovation zone schools, competent private instruction, and special education, and including effective date provisions.

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

DIVISION I EDUCATIONAL PROGRAM

Section 1. Section 256.11, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a an age-appropriate, multicultural, and gender-fair approach is used by schools and school

districts. The educational program shall be taught from a an age-appropriate, multicultural, and gender-fair approach. Global perspectives shall be incorporated into all levels of the educational program. The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section. The educational program shall be as follows:

Sec. 2. Section 256.11, subsections 2, 3, 4, and 9, Code 2023, are amended to read as follows:

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and, subject to section 279.80, age-appropriate and research-based human growth and development. A kindergarten teacher shall be licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program; provided, however, that section 279.80 shall not apply to a nonpublic school.

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, ~~age-appropriate and research-based human growth and development~~, physical education, traffic safety, music, and visual art, and, subject to section 279.80, age-appropriate and research-based human growth and development. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. The health curriculum shall include the characteristics of communicable diseases ~~including acquired immune deficiency syndrome~~. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in subsection 5, paragraph "h", and incorporate relevant twenty-first century skills. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, ~~including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome~~. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools. ~~For purposes of this section, "age-appropriate", "HPV", and "research-based" mean the same as defined in section 279.50.~~

9. a. (1) Beginning July 1, 2006, each school district shall have a qualified teacher librarian who shall be licensed by the board of educational examiners under chapter 272. Each school district shall establish a kindergarten through grade twelve library program that is consistent with section 280.6 and with the educational standards established in this section, contains only age-appropriate materials, and supports the student achievement goals of the total school curriculum.

(2) If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of subparagraph (1) related to library programs containing only age-appropriate materials, beginning January 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

(a) For the first violation of subparagraph (1), the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

(b) (i) For a second or subsequent violation of subparagraph (1), if the department finds that a school district knowingly violated subparagraph (1), the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.

(ii) For a second or subsequent violation of subparagraph (1), if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated subparagraph (1), the employee shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.

b. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program.

c. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners under chapter 272. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master's degree in library and information studies shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.

Sec. 3. Section 256.11, subsection 5, paragraph j, subparagraph (1), Code 2023, is amended to read as follows:

(1) One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; age-appropriate and research-based human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including age-appropriate and research-based information regarding sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome.

Sec. 4. Section 256.11, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 19. For purposes of this section:

a. (1) "Age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. "Age-appropriate" does not include any material with descriptions or visual depictions of a sex act as defined in section 702.17.

(2) Notwithstanding subparagraph (1), for purposes of the human growth and development curriculum, "age-appropriate" means the same as defined in section 279.50.

b. "Research-based" means the same as defined in section 279.50.

DIVISION II SCHOOL RESPONSIBILITIES

Sec. 5. Section 256E.7, subsection 2, paragraph i, Code 2023, is amended to read as follows:

i. Be subject to and comply with section 279.76 relating to physical examinations, and health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0j. Be subject to and comply with the requirements of section 279.78 relating to prohibitions and requirements related to the gender identity of students in the same manner as a school district.

NEW PARAGRAPH. 00j. Be subject to and comply with the requirements of section 279.79 relating to student, employee, and contractor participation in surveys, analyses, activities, or evaluations in the same manner as a school district.

NEW PARAGRAPH. 000j. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender identity instruction in kindergarten through grade six in the same manner as a school district.

NEW PARAGRAPH. 0000j. Be subject to and comply with the requirements of section 279.81 relating to prohibiting students from serving on any committees that determine, or provide recommendations related to, whether a material in a school library should be removed.

Sec. 7. Section 256F.4, subsection 2, paragraph k, Code 2023, is amended to read as follows:

k. Be subject to and comply with section 279.76 relating to physical examinations, and health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

Sec. 8. Section 256F.4, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. l. Be subject to and comply with the requirements of section 279.78 relating to prohibitions and requirements related to the gender identity of students in the same manner as a school district.

NEW PARAGRAPH. m. Be subject to and comply with the requirements of section 279.79 relating to student, employee, and contractor participation in surveys, analyses, activities, or evaluations in the same manner as a school district.

NEW PARAGRAPH. n. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender identity instruction in kindergarten through grade six in the same manner as a school district.

NEW PARAGRAPH. o. Be subject to and comply with the requirements of section 279.81 relating to prohibiting students from serving on any committees that determine, or provide recommendations related to, whether a material in a school library should be removed.

Sec. 9. Section 279.50, subsections 1 and 2, Code 2023, are amended to read as follows:

1. ~~Each~~ Subject to section 279.80, each school board shall provide instruction in kindergarten which gives attention to experiences relating to life skills and human growth and development as required in section 256.11. School districts shall use research provided in section 256.9, subsection 46, paragraph "b", to evaluate and upgrade their instructional materials and teaching strategies for human growth and development.

2. Each school board shall provide age-appropriate and research-based instruction in human growth and development including instruction regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, ~~HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome and the prevention and control of disease, including sexually transmitted diseases~~ as required in section 256.11, in grades ~~one~~ seven through twelve.

Sec. 10. Section 279.50, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Subject to section 279.80, each school board shall provide age-appropriate and research-based instruction in human growth and development including instruction regarding self-esteem, stress management, interpersonal relationships, and domestic abuse in grades one through six.

Sec. 11. Section 279.50, subsection 9, paragraphs b and c, Code 2023, are amended by striking the paragraphs.

Sec. 12. Section 279.76, subsections 1 and 2, Code 2023, are amended to read as follows:

1. a. Each school district is prohibited from administering or conducting an invasive physical examination of a student, ~~or a student health screening that is not required by state or federal law, or a formal examination or survey of a student that is designed to assess the~~

student's mental, emotional, or physical health that is not required by state or federal law, without first acquiring the written consent of the student's parent or guardian. This section applies only to a minor child in the direct care of a parent or guardian, and does not apply to an emancipated minor or a minor who is not residing with the parent or guardian.

b. Each school district shall give written notice to a student's parent or guardian of an examination or survey of the student required by state or federal law that is designed to assess the student's mental, emotional, or physical health not less than seven days prior to the examination or survey. The notice shall include a copy of the examination or survey or a link to an internet site where the parent or guardian may access the examination or survey.

c. This subsection shall not apply to a hearing or vision examination.

2. This section shall not be construed to prohibit a school district from conducting health screenings or invasive physical examinations in emergent care situations or from cooperating in a child abuse assessment commenced in accordance with section 232.71B.

Sec. 13. NEW SECTION. 279.77 Transparency — publication of school district information.

1. Each school district shall publish all of the following information related to the current school year on the school district's internet site:

a. A detailed explanation of the procedures or policies in effect for the parent or guardian of a student enrolled in the school district to request the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district. Each school district shall prominently display the detailed explanation on the school district's internet site.

b. A detailed explanation of the procedures or policies in effect to request the review of decisions made by the board of directors of the school district, including the petition process established pursuant to section 279.8B.

2. The board of directors of each school district shall adopt a policy describing the procedures for the parent or guardian of a student enrolled in the school district or a resident of the school district to review the instructional materials used in classrooms in the school district. The policy shall include a process for a student's parent or guardian to request that the student not be provided with certain instructional materials. The policy shall be prominently displayed on the school district's internet site and the board of directors of the school district shall, at least annually, provide a written or electronic copy of the policy to the parent or guardian of each student enrolled in the school district. For purposes of this section, "instructional materials" means either printed or electronic textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or local educational agency for use by students in the student's classes by the teacher of record. "Instructional materials" does not include lesson plans.

3. Each school district shall make available on the school district's internet site a comprehensive list of all books available to students in libraries operated by the school district. However, for school years beginning prior to July 1, 2025, if the school district does not use an electronic catalog, the school district may request a waiver from this requirement from the department of education.

4. The identity of a parent or guardian who requests the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district pursuant to subsection 1, paragraph "a", shall be confidential and shall not be a public record subject to disclosure under chapter 22.

5. This section shall not be construed to require a school district to do any of the following:

a. Reproduce educational materials that were not created by a person employed by the board of directors.

b. Distribute any educational materials in a manner that would infringe on the intellectual property rights of any person.

Sec. 14. NEW SECTION. 279.78 Parental rights in education.

1. As used in this section:

a. "Gender identity" means the same as defined in section 216.2.

b. “License” means the same as defined in section 272.1.

c. “Practitioner” means the same as defined in section 272.1.

2. A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student’s gender identity or intention to transition to a gender that is different than the sex listed on a student’s official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student’s birth.

3. If a student enrolled in a school district requests an accommodation that is intended to affirm the student’s gender identity from a licensed practitioner employed by the school district, including a request that the licensed practitioner address the student using a name or pronoun that is different than the name or pronoun assigned to the student in the school district’s registration forms or records, the licensed practitioner shall report the student’s request to an administrator employed by the school district, and the administrator shall report the student’s request to the student’s parent or guardian.

4. If, after investigation, the department of education determines that a school district or an employee of a school district has violated this section, the school district or employee of the school district, as applicable, shall be subject to the following:

a. For the first violation of this section, the department of education shall issue a written warning to the board of directors of the school district or the employee, as applicable.

b. (1) For a second or subsequent violation of this section, if the department of education finds that a school district knowingly violated this section, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.

(2) For a second or subsequent violation of this section, if the department of education finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated this section, the employee shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.

5. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 15. NEW SECTION. 279.79 Surveys — required parent or guardian consent.

1. The board of directors of a school district must receive the prior written consent of a student’s parent or guardian before requiring a student to take part in any survey, analysis, activity, or evaluation that reveals information concerning any of the following about the student or the student’s family, whether the information is personally identifiable or not:

a. The political affiliations or beliefs of the student or the student’s parent or guardian.

b. Mental or psychological problems of the student or the student’s family.

c. Sexual behavior, orientation, or attitudes.

d. Illegal, antisocial, self-incriminating, or demeaning behavior.

e. Critical appraisals of other individuals with whom the student has close familial relationships.

f. Legally recognized privileged or analogous relationships, such as those of attorneys, physicians, or ministers.

g. Religious practices, affiliations, or beliefs of the student or the student’s parent or guardian.

h. Income, except when required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

2. An employee of a school district, or a contractor engaged by a school district, shall not answer any question pertaining to any particular student enrolled in the school district in any survey related to the social or emotional abilities, competencies, or characteristics of the student, unless the board of directors of the school district satisfies all of the following requirements:

a. The board of directors of the school district provides to the parent or guardian of each student enrolled in the school district detailed information related to the survey, including the person who created the survey, the person who sponsors the survey, how information generated by the survey is used, and how information generated by the survey is stored.

b. The board of directors of the school district receives the written consent from a student's parent or guardian authorizing the employee or contractor to answer questions in the survey pertaining to the student.

3. Subsection 2 shall not be construed to prohibit an employee of a school district, or a contractor engaged by a school district, from answering questions pertaining to any particular student enrolled in the school district as part of the process of developing or implementing an individualized education program for such student.

Sec. 16. NEW SECTION. 279.80 Sexual orientation and gender identity — prohibited instruction.

1. As used in this section:

a. "Gender identity" means the same as defined in section 216.2.

b. "Sexual orientation" means the same as defined in section 216.2.

2. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six.

Sec. 17. NEW SECTION. 279.81 Library materials review committee.

The board of directors of a school district shall not allow a student to serve on any committee that determines, or provides recommendations related to, whether a material in a library operated by the school district should be removed.

Sec. 18. NEW SECTION. 279.82 Intra-district enrollment.

1. A parent or guardian of a student enrolled in a school district may enroll the student in another attendance center within the same school district that offers classes at the student's grade level in the manner provided in this section if, as a result of viewing a recording created by a video surveillance system or a report from a school district employee, and consistent with the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and any regulations promulgated pursuant to that Act, the school district determines that any student enrolled in the school district has harassed or bullied the student. For purposes of this subsection, "harassment" and "bullying" mean the same as defined in section 280.28.

2. a. A parent or guardian shall send notification to the school district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the student in another attendance center within the same school district that offers classes at the student's grade level.

b. The school district shall enroll the student in another attendance center within the same school district unless the attendance center has insufficient classroom space for the student. If the request is granted, the school district shall transmit a copy of the form to the parent or guardian within five days after the school district's action. The parent or guardian may withdraw the request at any time prior to the school district's action on the request. A denial of a request by the school district may be appealed to the board of directors of the school district.

c. The board of directors of each school district shall adopt a policy that defines the term "insufficient classroom space" for that district.

3. A request under this section is for a period of not less than one year. A student who attends school in another attendance center pursuant to this section may return to the original attendance center and enroll at any time, once the parent or guardian has notified the school district in writing of the decision to enroll the student in the original attendance center.

4. If a request filed under this section is for a student requiring special education under chapter 256B, the request to transfer to another attendance center shall only be granted if all of the following conditions are met:

a. The attendance center maintains a special education instructional program that is appropriate to meet the student's educational needs and the enrollment of the student in the attendance center would not cause the size of the class or caseload in that special education instructional program in the attendance center to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

b. If the student would be assigned to a general education class, there is sufficient classroom space for the general education class to which the student would be assigned.

5. If a student, for whom a request to transfer has been filed with the school district, has been suspended or expelled in the school district, the student shall not be permitted to transfer until the student has been reinstated. Once the student has been reinstated, however, the student shall be permitted to transfer in the same manner as if the student had not been suspended or expelled. If a student, for whom a request to transfer has been filed with a school district, is expelled in the school district, the student shall be permitted to transfer under this section if the student applies for and is reinstated. However, if the student applies for reinstatement but is not reinstated in the school district, the school district may deny the request to transfer. The decision of the school district may be appealed to the board of directors of the school district.

6. A student who is enrolled in another attendance center within the same school district pursuant to this section is eligible to participate immediately in varsity interscholastic athletic contests and athletic competitions as a member of a team from the receiving attendance center.

7. This section shall not be construed to prohibit a school district from allowing the parent or guardian of a student enrolled in the school district to enroll the student in another attendance center within the same school district that offers classes at the student's grade level pursuant to a policy adopted by the board of directors of the school district that allows for transfers for reasons in addition to those allowed pursuant to this section.

8. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 19. NEW SECTION. 279.83 Notice to parents or guardians related to physical injuries, harassment, or bullying.

After following the policy adopted by the school district pursuant to section 280.28, subsection 3, an employee of a school district may notify the parents or guardians of a student enrolled in the school district in writing or by electronic mail within twenty-four hours after the employee witnesses, either directly or indirectly by viewing a recording created by a video surveillance system, any student enrolled in the school district harassing or bullying the student. For purposes of this section, "harassment" and "bullying" mean the same as defined in section 280.28.

Sec. 20. Section 280.28, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0f. A procedure for reporting an allegation of an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of allegations of harassment or bullying. The procedure shall require a school official to notify the parents or guardians of a student enrolled in the school district within twenty-four hours after the school official receives a report that the student may have been the victim of conduct that constitutes harassment or bullying.

Sec. 21. **EFFECTIVE DATE.** The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act enacting section 279.82.
2. The section of this division of this Act enacting section 279.83.
3. The section of this division of this Act amending section 280.28, subsection 3.

**DIVISION III
PRIVATE INSTRUCTION AND SPECIAL EDUCATION**

Sec. 22. Section 299A.9, subsection 1, Code 2023, is amended to read as follows:

1. A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction ~~with prior approval of the placement by the director of special education of the area education agency of the child's district of residence.~~

Sec. 23. Section 299A.9, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 3. The parent, guardian, or legal custodian of a child who is identified as requiring special education may request dual enrollment pursuant to section 299A.8. The appropriate special education services for the child shall be determined pursuant to chapter 256B and rules adopted pursuant to chapter 256B.

DIVISION IV
PARENTS AND GUARDIANS RIGHTS

Sec. 24. NEW SECTION. **601.1 Parents and guardians — rights.**

1. For purposes of this section:

a. “*Emergent care situation*” means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a minor child in the event immediate medical attention is not provided.

b. “*Medical care*” means any care, treatment, service, or procedure to prevent, diagnose, alleviate, treat, or cure a minor child’s physical or mental condition.

c. “*Minor child*” means an unmarried and unemancipated person under the age of eighteen years.

2. Subject to section 147.164, as enacted by 2023 Iowa Acts, Senate File 538,¹ a parent or guardian bears the ultimate responsibility, and has the fundamental, constitutionally protected right, to make decisions affecting the parent’s or guardian’s minor child, including decisions related to the minor child’s medical care, moral upbringing, religious upbringing, residence, education, and extracurricular activities. Any and all restrictions of this right shall be subject to strict scrutiny.

3. This section shall not be construed to prohibit any of the following:

a. A minor child from receiving medical attention in an emergent care situation.

b. A person from cooperating in a child abuse assessment commenced in accordance with section 232.71B.

c. A court from issuing an order that is permitted by law.

4. This section shall not be construed to authorize a parent or guardian to engage in conduct that is unlawful or to abuse or neglect a minor child in violation of the laws of this state.

5. The rights guaranteed to parents and guardians by this section are not a comprehensive list of the rights reserved to parents or guardians of a minor child. The enumeration of the rights contained in this section shall not be construed to limit the rights reserved to parents or guardians of a minor child.

DIVISION V
IMPLEMENTATION OF ACT

Sec. 25. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 26, 2023

¹ Chapter 9 herein

CHAPTER 92**YOUTH EMPLOYMENT AND PERMISSIBLE WORK ACTIVITIES — MINOR DRIVER'S
LICENSE INTERIM STUDY COMMITTEE**

S.F. 542

AN ACT relating to youth employment, providing for a minor driver's license interim study committee, and making penalties applicable.

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

Section 1. Section 92.3, Code 2023, is amended to read as follows:

92.3 Under fourteen — work activities not 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 occupations or migratory labor occupations specified in section 92.1~~ work activity. ~~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. 2. Section 92.4, Code 2023, is amended to read as follows:

92.4 Under sixteen — permitted occupations work activities.

No person under sixteen years of age shall be employed or permitted to work with or without compensation in any ~~occupation~~ work activity during regular school hours, except the following work activities:

1. Those persons legally out of school, if such status is verified by the submission of written proof to the ~~labor commissioner~~ director.
2. Those persons working in a supervised school-work program.
3. Those persons between the ages of fourteen and sixteen enrolled in school on a part-time basis and who are required to work as a part of their school training.
4. ~~Fourteen- and fifteen-year-old migrant laborers during any hours when summer school is in session.~~

Sec. 3. Section 92.5, Code 2023, is amended to read as follows:

92.5 Fourteen and fifteen — permitted occupations work activities.

Persons fourteen and fifteen years of age may be employed or permitted to work in the following ~~occupations~~ work activities:

1. Retail, food service, and gasoline service establishments.
2. Office and clerical work, including operation of office machines.
3. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
4. Price marking and tagging by hand or by machine, assembling orders, packing, and shelving.
5. Bagging and carrying out customers' orders.
6. Errand and delivery work by foot, bicycle, and public transportation.
7. Cleanup work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds.
8. Kitchen work and other work involved in preparing and serving food and beverages, including the cleaning using kitchen cleaning products with required personal protective equipment, operation of machines and devices used in the performance of such work, including but not limited to microwaves, dishwashers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, and coffee grinders.
9. a. Work in connection with motor vehicles and trucks if confined to the following:
 - (1) Dispensing gasoline and oil.
 - (2) Courtesy service.
 - (3) Car cleaning, washing, and polishing.

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

10. Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared, ~~for sale and outside including momentary work in freezers or and meat coolers.~~

11. Loading onto motor vehicles and unloading from motor vehicles of the light, non-power-driven hand tools and personal protective equipment that the minor will use as part of their employment at the work site. Such light tools include but are not limited to rakes, hand-held clippers, shovels, and brooms. Such light tools do not include items such as trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment.

12. Laundering.

13. Work in the production of seed, limited to removal of off-type plants and corn tassels and hand-pollinating from June 1 through Labor Day.

14. Other work approved by the rules adopted pursuant to chapter 17A by the labor commissioner director.

Sec. 4. Section 92.6, Code 2023, is amended to read as follows:

92.6 Fourteen and fifteen — ~~occupations work activities not permitted.~~

1. Persons fourteen and fifteen years of age ~~may~~ shall not be employed in:

a. Any manufacturing ~~occupation work activity.~~

b. Any mining ~~occupation work activity.~~

c. Processing ~~occupations work activities~~, except in a retail, food service, or gasoline service establishment in those specific ~~occupations work activities~~ expressly permitted under the provisions of section 92.5 or 92.6A.

d. ~~Occupations Work activities~~ requiring the performance of any duties in workrooms or work places where goods are manufactured, mined, or otherwise processed, except to the extent expressly permitted in retail, food service, or gasoline service establishments under the provisions of section 92.5 or 92.6A.

e. Public messenger service.

f. Operation or tending of hoisting apparatus or of any power-driven machinery, other than office machines and machines in retail, food service, and gasoline service establishments which are specified in section 92.5 as machines ~~which that~~ such minors may operate in such establishments.

g. ~~Occupations Work activities~~ prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

h. ~~Occupations Work activities~~ in connection with the following, except office or sales work in connection with these ~~occupations work activities~~, not performed on transportation media or at the actual construction site:

(1) Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.

(2) Warehousing and storage.

(3) Communications and public utilities.

(4) Construction, including repair.

i. Any of the following ~~occupations work activities~~ in a retail, food service, or gasoline service establishment:

(1) Work performed in or about boiler or engine rooms.

(2) Work in connection with maintenance or repair of the establishment, machines, or equipment.

(3) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.

(4) Cooking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters, and baking.

(5) ~~Occupations which~~ Work activities that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

~~(6) Work in freezers and meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas.~~

~~(7) (6) Loading and unloading goods to and from trucks, railroad cars, or conveyors, except as permitted by section 92.5, subsection 11.~~

~~(8) (7) All occupations work activities in warehouses except office and clerical work.~~

~~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 212 degrees Fahrenheit.~~

2. Nothing in this section shall be construed as prohibiting office, errand, or packaging work when done away from moving machinery.

Sec. 5. **NEW SECTION. 92.6A Fifteen — permitted work activities.**

1. Persons fifteen years of age may be employed or permitted to work in any of the work activities provided in section 92.5 in addition to the following work activities:

a. Loading and unloading non-power-driven equipment weighing up to thirty pounds into motor vehicles.

b. Loading and unloading groceries and other retail items weighing up to thirty pounds into motor vehicles.

c. Stocking shelves with items weighing up to thirty pounds.

d. If properly licensed, work as a lifeguard or swim instructor at a traditional swimming pool or amusement park.

2. The director may issue a waiver of any weight limitations provided in subsection 1 of up to fifty pounds depending on the strength and ability of the fifteen-year-old.

3. The director may issue a waiver for a fifteen-year-old to be able to load and unload light power-driven lawn machines based on the ability of the minor if the minor is supervised, the machine is powered off, and the safety key is stored away from the machine.

4. The director may issue a waiver for a fifteen-year-old to perform light assembly work as long as the assembly is not performed on machines or in an area with machines.

Sec. 6. Section 92.7, Code 2023, is amended to read as follows:

92.7 Under sixteen — hours permitted.

A person under sixteen years of age shall not be employed with or without compensation, except as provided in sections ~~92.2~~ 92.5 and ~~92.3~~ 92.6A, before the hour of 7:00 a.m. or after ~~7:00~~ 9:00 p.m., except during the period from June 1 through Labor Day when the hours may be extended to ~~9:00~~ 11:00 p.m. If such person is employed for a period of five hours or more each day, an intermission of not less than thirty minutes shall be given. Such a person shall not be employed for more than eight hours in one day, exclusive of intermission, and shall not be employed for more than forty hours in one week. The hours of work of persons under sixteen years of age employed outside school hours shall not exceed ~~four~~ six in one day or twenty-eight in one week while school is in session.

Sec. 7. **NEW SECTION. 92.7A Sixteen and seventeen — hours permitted.**

A person who is sixteen or seventeen years of age may work the same hours as a person who is eighteen years of age.

Sec. 8. Section 92.8, Code 2023, is amended to read as follows:

92.8 Under eighteen — prohibited occupations work activities.

No person under eighteen years of age shall be employed or permitted to work with or without compensation at any of the following ~~occupations~~ work activities or business establishments:

1. ~~Occupations~~ Work activities in or about plants or establishments manufacturing or storing explosives or articles containing explosive components, except for the following:

a. Performing light assembly work as long as the assembly is not performed on machines or in an area with machines.

b. Selling or assisting in the sale of consumer fireworks in accordance with section 100.19.

~~2. Occupations of motor vehicle driver and helper.~~

~~3. 2. Logging occupations~~ Logging and ~~occupations~~ in the operation of any sawmill, lathe mill, shingle mill, or cooperage-stock mill.

~~4. 3. Occupations involved in the operation Operation of power-driven woodworking machines.~~

~~5. 4. Occupations Work activities involving exposure to radioactive substances and to ionizing radiations.~~

~~6. 5. Occupations involved in the operation Operation of elevators and other power-driven hoisting apparatus.~~

~~7. 6. Occupations involved in the operation Operation of power-driven metal forming, punching, and shearing machines.~~

~~8. 7. Occupations in connection with mining Mining.~~

~~9. 8. Occupations Work activities in or about slaughtering and meat packing establishments and rendering plants.~~

~~10. 9. Occupations involved in the operation Operation of certain power-driven bakery machines. Except as otherwise provided in this subsection, this subsection does not apply to the operation of pizza dough rollers that are a type of dough sheeter that have been constructed with safeguards contained in the basic design so as to prevent fingers, hands, or clothing from being caught in the in-running point of the rollers, that have gears that are completely enclosed, and that have microswitches that disengage the machinery if the backs or sides of the rollers are removed, only when all the safeguards detailed in this subsection are present on the machinery, are operational, and have not been overridden. However, this subsection does apply to the setting up, adjusting, repairing, oiling, or cleaning of pizza dough rollers as described in this subsection.~~

~~11. 10. Occupations involved in the operation Operation of certain power-driven paper products machines, except loading balers if the machine is powered off and the key is stored in a separate area from the machine.~~

~~12. 11. Occupations involved in the manufacture Manufacturing of brick, tile, and related products.~~

~~13. 12. Occupations involved in the operation Operation of circular saws, band saws, and guillotine shears.~~

~~14. 13. Occupations involved in wrecking Wrecking, demolition, and shipbreaking operations.~~

~~15. 14. Occupations involved in roofing Roofing operations.~~

~~16. 15. Excavation occupations.~~

~~17. 16. In Work activities in or about foundries; provided that office, shipping, and assembly area employment shall not be prohibited by this chapter.~~

~~18. 17. Occupations involving the operation Operation of dry cleaning or dyeing machinery.~~

~~19. 18. Occupations Work activities involving exposure to lead fumes or its compounds, or to dangerous or poisonous dyes or chemicals.~~

~~20. 19. Occupations involving the transmission Transmission, distribution, or delivery of goods or messages between the hours of 10:00 p.m. and 5:00 a.m.~~

~~19A. Work activities in establishments where nude or topless dancing is performed.~~

~~21. 20. Occupations Work activities prohibited by rules adopted pursuant to chapter 17A by the labor commissioner director.~~

Sec. 9. NEW SECTION. 92.8A Approved career and technical education, work-based learning, internships, registered apprenticeship programs, and student learners.

1. The director of the department of workforce development or department of education may grant an exception from any provision of section 92.7 or 92.8 for minors sixteen to seventeen years of age participating in work-based learning or a school or employer-administered, work-related program approved by the department of workforce development or the department of education if all of the following apply:

a. The requestor demonstrates the activity will be performed under adequate supervision and training.

b. The training includes adequate safety precautions.

c. The terms and conditions of the proposed employment will not interfere with the health, well-being, or schooling of the minor enrolled in the approved program.

d. The work is not prohibited under section 92.8, subsection 1, 2, 4, 7, 8, 18, or 19A.

2. Section 92.8 shall not apply to a student in an approved work-based learning program, registered apprenticeship, career and technical education program, or student learner program provided the student is employed under all of the following conditions:

a. The student is employed in a craft recognized as an apprenticeable trade or the student is employed under a written employment agreement.

b. The work of the apprentice or student employee in the work activities declared particularly hazardous is incidental to the apprentice's training.

c. The work is intermittent and for short periods of time and is under the direct and close supervision of a qualified and experienced person.

d. Adequate on-the-job training and safety instructions are in place.

e. The work is not prohibited under section 92.8, subsection 1, 2, 4, 7, 8, 18, or 19A.

3. A minor shall not perform work under this section unless the director has on file written permission from the minor's parent, guardian, or legal custodian, and from the school administering the program or employer, for the minor to perform work under this section.

4. An employer shall provide a copy of all training materials given to a minor performing work under this section to the minor's parent, guardian, or legal custodian.

Sec. 10. Section 92.17, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 11. Section 92.17, subsection 3, Code 2023, is amended to read as follows:

3. A child from working in any ~~occupation work activity~~ or business operated by the child's parents. For the purposes of this subsection, "child" and "parents" include a foster child and the child's foster parents who are licensed by the department of health and human services.

Sec. 12. Section 92.17, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. A child under sixteen years of age from being employed or permitted to work, with or without compensation, as a model, if the written permission of the parent, guardian, or custodian of the child is obtained prior to the commencement of the work, and the work complies with the hours permitted in section 92.7. This subsection does not allow modeling for an unlawful purpose or modeling that would violate any other law.

Sec. 13. Section 92.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A child under sixteen years of age from being employed or permitted to work, with or without compensation, performing in motion pictures, theatrical productions, or musical performances, if the written permission of the parent, guardian, or custodian of the child is obtained prior to the commencement of the work. This subsection does not allow performing in motion pictures, theatrical productions, or musical performances for an unlawful purpose or performing in motion pictures, theatrical productions, or musical performances that would violate any other law.

Sec. 14. Section 92.19, subsections 2 and 3, Code 2023, are amended by striking the subsections.

Sec. 15. Section 92.20, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 16. Section 92.20, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A person determined to be a sexually violent predator pursuant to section 229A.7, a person required to register as a sex offender under chapter 692A, or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar laws of another state, shall not employ a person under eighteen years of age in this state.

Sec. 17. Section 92.21, subsection 1, Code 2023, is amended to read as follows:

1. The ~~labor commissioner~~ director may adopt rules pursuant to chapter 17A to more specifically define the ~~occupations work activities~~ and equipment permitted or prohibited in this chapter, ~~to determine occupations for which work permits are required,~~ and to issue general and special orders prohibiting or allowing the employment of persons under

eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

Sec. 18. Section 92.22, subsection 1, Code 2023, is amended to read as follows:

1. ~~The labor commissioner~~ director shall enforce this chapter. An employer who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil penalty of not more than ten thousand dollars for each violation. The director may waive or reduce a civil penalty based on evidence the director may obtain. The director shall provide a fifteen-day grace period before imposing a civil penalty.

Sec. 19. Section 92.23, Code 2023, 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 occupations who sells or delivers~~ work activities of selling or delivering 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. 20. NEW SECTION. **92.24 Employer liability in work-based learning.**

1. For purposes of this section, unless the context otherwise requires:

a. “Business” means any city, county, or township, including but not limited to a fire department or law enforcement office or department, public university, municipal university, community college, technical college or not-for-profit private postsecondary educational institution, corporation, association, partnership, proprietorship, limited liability company, limited partnership, limited liability partnership, organization or other legal entity, whether for-profit or not-for-profit, that does all of the following:

(1) Enters into an agreement with a school district for a work-based learning program.

(2) Directly supervises a student who is participating in the work-based learning program, either on the premises of the business or at another location.

b. “Work-based learning program” means a learning program to which all of the following apply:

(1) The program includes but is not limited to work-related, on-the-job training, job shadowing, internships, clinicals, practicums, registered apprenticeships, co-ops, supervised agricultural experiences, and industry-led service-learning projects.

(2) The program is incorporated into secondary coursework or related to a specific field of study.

(3) The program integrates knowledge and theory learned in the classroom or other school-approved setting with the practical application and development of skills and proficiencies in a professional work setting.

2. A business that accepts a secondary student in a work-based learning program shall not be subject to civil liability for any claim for bodily injury to the student or sickness or death by accident of the student arising from the student’s driving to or from the business or worksite to participate in the work-based learning program unless the student is acting within the course and scope of the student’s employment at the direction of the business.

3. Any claim for bodily injury to the student or sickness or death by accident of the student arising from the student’s participation in the work-based learning program at the business or worksite shall be recovered exclusively under chapters 85, 85A, 85B, and 86.

Sec. 21. Section 123.49, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. (1) Employ a person under eighteen years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(2) This paragraph shall not apply if the employer has on file written permission from the parent, guardian, or legal custodian of a person sixteen or seventeen years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person sixteen or seventeen years of age shall not work in a bar as defined in

section 142D.2. The employer shall keep a copy of the written permission on file until the person is either eighteen years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold. If written permission is on file in accordance with this paragraph, a person sixteen or seventeen years of age may sell or serve alcoholic beverages in a restaurant as defined in section 142D.2 during the hours in which the restaurant serves food.

(3) A person sixteen or seventeen years of age shall not sell or serve alcoholic beverages under this paragraph unless at least two employees eighteen years of age or older are physically present in the area where alcoholic beverages are sold or served.

(4) If a person employed under this paragraph reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee's parent, guardian, or legal custodian and to the Iowa civil rights commission, which shall determine if any action is necessary or appropriate under chapter 216.

(5) An employer that employs a person under this paragraph shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

(6) Prior to a person commencing employment under this paragraph, the employer shall notify the employer's dramshop liability insurer, in a form and time period prescribed by the director, that the employer is employing a person under this paragraph.

Sec. 22. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11, 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are repealed.

Sec. 23. INTERIM STUDY COMMITTEE — MINOR DRIVER'S LICENSE.

1. The legislative council is requested to establish an interim study committee to meet during the 2023 legislative interim to examine policy matters relating to licensed driving by persons between fourteen and eighteen years of age. The committee is charged to study and make recommendations on statutory changes relating to minor driver's licensing including but not limited to:

- a. Adding a work driving privilege to the current special minor's license.
- b. Completing traditional or parent-taught driver's education.
- c. Determining age eligibility for a special minor's license.
- d. Allowing a minor to drive up to a certain distance for nonfarm work.
- e. Determining the number of minutes before or after the minor's scheduled shift in which they can drive.
- f. Examining the fifty-mile farm work privilege.
- g. Requiring the certifying school to verify the need for the farm work privilege.
- h. Allowing a minor to be eligible for a license even if they live less than one mile from their school, if they are employed for farm or nonfarm work.
- i. Determining a minor's point of origin to drive for work.
- j. Determining if a minor is permitted to stop for gas in route to or from work.
- k. Determining if a violation of the work driving privilege is a moving violation, is subject to remedial driver improvement classes, and is subject to other driving sanctions.

1. Examining any other issues concerning current or future driving permits regarding persons between fourteen and eighteen years of age.

2. The study committee shall consist of six voting members and five ex officio, nonvoting members.

a. The voting members of the committee shall consist of three members of the senate, two of whom shall be appointed by the majority leader of the senate and one of whom shall be appointed by the minority leader of the senate, and three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives.

b. The ex officio, nonvoting members of the committee shall be composed of the following:

- (1) The director of the department of transportation or the director's designee.
- (2) The director of the department of education or the director's designee.

- (3) The director of the department of public safety or the director's designee.
 - (4) The director of the department of workforce development or the director's designee.
 - (5) A representative of the insurance industry selected by the co-chairpersons of the study committee.
3. In the event a tiebreaking vote is needed, the five ex officio members shall collectively receive a total of one vote for the purpose of breaking a tie.
4. The study committee shall submit a report with its findings and recommendations to the general assembly no later than December 15, 2023.

Approved May 26, 2023

CHAPTER 93

STATE BOARD OF REGENTS INSTITUTIONS OF HIGHER EDUCATION — PUBLICATION AND DISSEMINATION OF INFORMATION ON AVERAGE INCOME AND STUDENT LOAN DEBT OF GRADUATES

H.F. 135

AN ACT relating to the responsibilities of the state board of regents and the institutions of higher education governed by the state board of regents, including requiring the board to publish certain information related to the average income and student debt of institution graduates and requiring the institutions to provide the board with information related to the average income and student debt of institution graduates and to adopt procedures that require institutions to provide information related to the average income and student debt of institution graduates to undergraduates.

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

Section 1. Section 262.9, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 39. *a.* Develop and publish on the board's internet site a report related to students who have completed a baccalaureate degree program at an institution of higher education governed by the board that is consistent with applicable federal and state privacy restrictions, sortable by graduating class, academic major, and institution of higher education, and that includes all of the following information:

- (1) The percentage of students who have completed a master's or doctorate degree program after completing the baccalaureate degree program.
- (2) The median annual income of students one year, five years, and ten years after completing the baccalaureate degree program.
- (3) The median student loan debt of students who have student loan debt and who have completed the baccalaureate degree program.
- (4) The ratio of the student loan debt of students who have student loan debt and who have completed the baccalaureate degree program to the annual gross income of such students.
- (5) An estimate of the amount of student loan payment students who have student loan debt and who have completed the baccalaureate degree program are required to make each month and the amount, expressed as a percentage, of such payments related to the students' monthly gross income.

b. Direct the institutions of higher education governed by the board to provide the board with the information necessary to complete and annually update the report described in paragraph "a".

c. Direct the institutions of higher education governed by the board to publish a link to the report described in paragraph "a" on the institution's internet site.

d. Direct the institutions of higher education governed by the board to adopt procedures, subject to the approval of the board, that require the institution to provide students who are

in the process of completing the first year of a baccalaureate program at an institution with a link to the report described in paragraph “a”.

Approved May 26, 2023

CHAPTER 94

PROPERTY TAX CREDIT FILING DEADLINES

H.F. 318

AN ACT relating to certain filing deadlines for property tax credits available to certain elderly, disabled, and low-income persons and credits for manufactured or mobile home taxes and including effective date and applicability provisions.

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

Section 1. Section 425.20, subsection 2, Code 2023, is amended to read as follows:

2. A claim for credit for property taxes due shall not be paid or allowed unless the claim is filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the property taxes are due. However, in case of sickness, absence, or other disability of the claimant, or if in the judgment of the county treasurer good cause exists, the county treasurer may extend the time for filing a claim for credit through ~~September 30 of the same calendar year~~ March 31 of the fiscal year during which the property taxes are due. The county treasurer shall certify to the director of revenue on or before May 1 of each year the total amount of dollars due for claims allowed.

Sec. 2. Section 435.22, subsection 4, paragraphs a, c, and e, Code 2023, are amended to read as follows:

a. A claim for credit for manufactured or mobile home tax due shall not be paid or allowed unless the claim is actually filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the home taxes are due. However, in case of sickness, absence, or other disability of the claimant, or if in the judgment of the county treasurer good cause exists, the county treasurer may extend the time for filing a claim for credit through ~~September 30 of the same calendar year~~ March 31 of the fiscal year during which the home taxes are due. The county treasurer shall certify to the director of revenue on or before ~~November 15~~ May 1 each year the total dollar amount due for claims allowed.

c. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension, the director may extend the time for filing a claim for credit or reimbursement. However, any further time granted shall not extend beyond ~~December 31~~ June 30 of the fiscal year in which the ~~claim was required to be filed~~ home taxes are due. Claims filed as a result of this paragraph shall be filed with the director who shall provide for the reimbursement of the claim to the claimant.

e. The amounts due each county shall be paid by the department of revenue on ~~December~~ June 15 of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion the payment in accordance with section 435.25.

Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. APPLICABILITY. This Act applies to taxes due and payable in fiscal years beginning on or after July 1, 2023.

Approved May 26, 2023

CHAPTER 95

SCHOOLS AND SCHOOL EMPLOYEES — REVIEW, REPORTING, AND INVESTIGATION OF EMPLOYEES AND LICENSED PRACTITIONERS — MEMBERSHIP OF BOARD OF EDUCATIONAL EXAMINERS

H.F. 430

AN ACT relating to education, including requirements related to mandatory reporters, a process for investigating complaints against school employees, and the responsibilities of the department of education, school districts, charter schools, accredited nonpublic schools, and the board of educational examiners, modifying the membership of the board of educational examiners, and including applicability provisions.

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

Section 1. Section 232.69, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The classes of persons enumerated in this subsection shall make a report within twenty-four hours and as provided in section 232.70, of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child ~~who is under twelve years of age and may make a report of abuse of a child who is twelve years of age or older~~, which would be defined as child abuse under section 232.68, subsection 2, paragraph “a”, subparagraph (3) or (5), except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.

Sec. 2. Section 232.69, subsection 1, paragraph b, subparagraph (4), Code 2023, is amended to read as follows:

(4) A licensed school employee, certified para-educator, holder of a coaching authorization issued under section 272.31, school employee who is eighteen years of age or older, or an instructor employed by a community college.

Sec. 3. Section 232.70, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* If the person making the report is a licensed school employee who reasonably believes the person responsible for the injury is also a licensed school employee, the identity of the licensed school employee the person making the report believes is responsible for the injury.

Sec. 4. Section 256.9, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 66. *a.* Develop and implement a process for the reporting and investigation of any incident that arises that may reasonably lead to the conclusion that any individual who is employed by the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school, including an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, has committed a felony or, in the case of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, has engaged in conduct described in section 272.15, subsection 1, paragraph “a”, subparagraph (1), subparagraph divisions (a) through (d).

b. The process shall prohibit the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school from entering into any of the following:

(1) A written or oral agreement that prohibits the board of directors of the school district, the authorities in charge of an accredited nonpublic school, the governing board of a charter school, an employee of the school district, the accredited nonpublic school, or the charter school, or a contractor of the school district, the accredited nonpublic school, or the charter school from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

(2) A written or oral agreement that waives the liability of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners related to or arising from an incident, past performance or action, or past allegations of wrongdoing.

c. (1) The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to provide all documentation and information related to the incident to the board of educational examiners for investigation if the employee who is the subject of the incident and who has a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners resigns or the employee's contract is terminated during the school district's, accredited nonpublic school's, or charter school's investigation of the incident.

(2) The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to finalize the investigation of the incident even if the employee who is the subject of the incident and who does not have a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners resigns or the employee's contract is terminated during the school district's, accredited nonpublic school's, or charter school's investigation of the incident.

d. The process shall require that, prior to hiring an applicant for any position, the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school must conduct a review of the applicant's employment history, including by contacting the applicant's previous employers listed on the application for employment and by viewing the board of educational examiners' public license information to determine if the applicant has a case pending with a finding of probable cause or any licensure sanction.

e. The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to maintain on forms prescribed by the department reference information related to all employees of the school district, accredited nonpublic school, or charter school, and respond to any request for such information from a potential employer. This paragraph shall not be construed to require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school to disclose unfounded, closed investigations. The board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school shall be immune from any criminal or civil liability arising from the disclosure of reference information under this paragraph if the school district, accredited nonpublic school, or charter school does not knowingly disclose false information.

f. The board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school, and contractors of the school district, the accredited nonpublic school, or the charter school shall be immune from any civil liability arising from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

g. If the board of educational examiners finds that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally failed to follow the process established by this subsection

regarding an incident, or the reporting requirements established pursuant to section 272.15, related to an employee who holds a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally failed to ensure compliance with the process shall be subject to a hearing conducted by the board of educational examiners.

h. If the department finds that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally failed to follow the process established by this subsection regarding an incident related to an employee who does not hold a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally failed to ensure compliance with the process shall be subject to a hearing conducted by the board of educational examiners.

i. If the board of educational examiners finds that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally concealed, or attempted to conceal from any governmental agent, governmental officer, or potential employer a founded incident, or any conduct required to be reported pursuant to section 272.15, related to an employee who holds a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally assisted in the concealment, or attempted concealment, of an incident, or any conduct required to be reported pursuant to section 272.15, shall be subject to a hearing conducted by the board of educational examiners.

j. If the department finds that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally concealed, or attempted to conceal from any governmental agent, governmental officer, or potential employer a founded incident related to an employee who does not hold a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally assisted in the concealment, or attempted concealment, of an incident shall be subject to a hearing conducted by the board of educational examiners.

Sec. 5. NEW SECTION. 256.158A Required annual report to general assembly.

Annually, on or before June 30 of each year, the board shall submit to the general assembly a report that contains information related to the number and types of disciplinary hearings before the board, any trends in the number or types of disciplinary hearings before the board, the number of hearings requested under section 279.24, and any other information deemed relevant by the board in order to inform the general assembly of the status of the enforcement of the board's rules. The report shall not include any personally identifiable information related to individuals who participated in hearings before the board.

Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0j. Be subject to and comply with the requirements of section 280.33 relating to the reporting and investigation of an incident involving the possible commission of a felony by any person who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners in the same manner as a school district.

NEW PARAGRAPH. 00j. Be subject to and comply with the requirements of section 280.34 relating to the requirement to view the board of educational examiners' public license information prior to hiring an individual who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners in the same manner as a school district.

Sec. 7. Section 272.2, subsection 15, Code 2023, is amended to read as follows:

15. a. Adopt rules that require specificity in written complaints that are filed by individuals who have personal knowledge of an alleged violation and which are accepted by the board, provide that the jurisdictional requirements as set by the board in administrative rule are met on the face of the complaint before initiating an investigation of allegations, provide that any investigation be limited to the allegations contained on the face of the complaint, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint filed with the board, allow the respondent the right to review any investigative report upon a finding of probable cause for further action by the board, require that the conduct providing the basis for the complaint occurred within three years of discovery of the event by the complainant unless good cause can be shown for an extension of this limitation, and require complaints to be resolved within one hundred eighty days unless good cause can be shown for an extension of this limitation, and require the board to finalize the investigation of the written complaint even if the licensed practitioner resigns or surrenders the licensed practitioner's license, certificate, authorization, or statement of recognition during the investigation.

b. Adopt rules that require the collection and retention of written complaints that are filed. If the board determines a written complaint is not founded, the complaint and all records related to the complaint shall be kept confidential and are not subject to chapter 22.

c. Adopt rules that require the board to notify the public when a licensed practitioner who is the subject of an ongoing investigation initiated under paragraph "a" has a case pending with a finding of probable cause. This paragraph shall not be construed to require the board to disclose unfounded, closed investigations initiated under paragraph "a".

d. Adopt rules that require the evaluation of complaints that did not result in any discipline or sanction if similar complaints are filed against the same licensed practitioner.

e. Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under paragraph "a". The rules shall require the board to investigate whether the administrator filed a written complaint pursuant to this subsection and whether the administrator was required to report to the board pursuant to section 272.15.

Sec. 8. Section 272.3, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

272.3 Membership.

1. The board of educational examiners shall consist of thirteen members, subject to the following requirements:

a. Four members shall be members of the general public who have demonstrated an interest in education but have never held a practitioner's license. Two of the members appointed pursuant to this paragraph shall be the parent or guardian of a student who is currently enrolled in a school district, accredited nonpublic school, or charter school, shall not currently hold any elective office, and shall not be an employee or contractor of a school district, accredited nonpublic school, or charter school. One of the members appointed pursuant to this paragraph shall have been or currently be a member of the board of directors of a school district.

b. Eight members shall be licensed practitioners. Three of the members appointed pursuant to this paragraph shall be administrators and one shall be an employee of an accredited nonpublic school. The remaining four members appointed pursuant to this paragraph shall be selected from the following areas and specialties of the teaching profession:

- (1) Elementary teachers.
- (2) Secondary teachers.
- (3) Special education or similar teachers.
- (4) Counselors or other special purpose practitioners.
- (5) School service personnel.

c. One member shall be the director of the department or the director's designee.

2. The membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of seven members. Members shall elect a

chairperson of the board. Members, except for the director of the department or the director's designee, shall be appointed by the governor subject to confirmation by the senate.

Sec. 9. Section 272.4, subsection 1, Code 2023, is amended to read as follows:

1. Members, except for the director of the department of education or the director's designee, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director of the department of education or the director's designee, who shall serve until the director's term of office expires. A member of the board, ~~except for the two public members and the director of the department of education or the director's designee, who is a licensed practitioner appointed pursuant to section 272.3, subsection 1, paragraph "b", shall hold a valid practitioner's license during the member's term of office.~~ A vacancy exists when any of the following occur:

a. ~~A nonpublic member's license~~ The license of a licensed practitioner appointed pursuant to section 272.3, subsection 1, paragraph "b", expires, is suspended, or is revoked.

b. ~~A nonpublic member licensed practitioner appointed pursuant to section 272.3, subsection 1, paragraph "b",~~ retires or terminates employment as a practitioner.

c. A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.

d. A member's term of office expires.

Sec. 10. NEW SECTION. 280.33 Incidents related to licensed practitioners — reporting and investigation.

The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall follow the process created by the department of education pursuant to section 256.9, subsection 66, related to the reporting and investigation of an incident involving the possible commission of a felony by any employee of the board of directors of the school district or the authorities in charge of the accredited nonpublic school.

Sec. 11. NEW SECTION. 280.34 Requirement to view public license information.

Prior to hiring an individual who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners, a school district or an accredited nonpublic school, as applicable, shall view the board of educational examiners' public license information to determine if the individual has a case pending with a finding of probable cause or any licensure sanction. This section shall not be construed to require the board of educational examiners to disclose unfounded, closed investigations.

Sec. 12. APPLICABILITY. The following apply to the governor's appointments to the board of educational examiners on or after the effective date of this Act:

1. The section of this Act amending section 272.3.
2. The section of this Act amending section 272.4, subsection 1.

Approved May 26, 2023

CHAPTER 96**PUBLIC SCHOOLS — EMPLOYEE COMPLAINTS, DISCIPLINE OF STUDENTS WHO
THREATEN OR CAUSE VIOLENCE, AND STUDENT HANDBOOKS***H.F. 604*

AN ACT relating to education, including authorizing the ombudsman to investigate complaints received by individuals who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners, and modifying the responsibilities of the department of education, school districts, and charter schools.

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

Section 1. Section 2C.9, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Investigate, on complaint, any complaint received by an individual who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners related to violence in the classroom or violence on school property, including any disclosure of information to which section 279.78 applies related to violence in the classroom or violence on school property. The ombudsman shall provide the results of the investigation to the department of education and the board of educational examiners. The ombudsman shall maintain secrecy in respect to the identities of the complainants.

Sec. 2. Section 256.9, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 66. Develop and distribute to school districts a list of all professional development programs and other training programs in which employees of school districts are required to participate pursuant to federal law or state law, including chapter 284.

NEW SUBSECTION. 67. Develop and distribute to school districts and charter schools model policies that, if adopted by a school district or charter school, would satisfy the school district's or charter school's responsibilities under section 279.79 relating to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

Sec. 3. Section 256E.7, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0j. Be subject to and comply with the requirements of section 279.78 relating to prohibiting retaliation against employees or contractors for disclosing certain specified information in the same manner as a school district.

NEW PARAGRAPH. 00j. Be subject to and comply with the requirements of section 279.79 relating to the adoption of policies related to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault in the same manner as a school district.

NEW PARAGRAPH. 000j. Be subject to and comply with the requirements of section 279.80 relating to student handbooks in the same manner as a school district.

Sec. 4. Section 279.51A, subsection 4, Code 2023, is amended to read as follows:

4. a. A classroom teacher employed by a school district shall report any threat of violence or incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal or the lead administrator of the school within twenty-four hours after the threat of violence or incident of violence occurs, and the classroom teacher may notify the parent or guardian of the student who made the threat of violence or caused the incident of violence, and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence.

b. The principal or lead administrator of the school shall notify the parent or guardian of the student enrolled in the school who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault, and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred,

of the threat of violence or incident of violence within twenty-four hours after the classroom teacher reports the threat of violence or incident of violence to the principal or lead administrator pursuant to paragraph “a”.

Sec. 5. **NEW SECTION. 279.77 Professional development — notification.**

If a school district requires an employee to participate in a particular professional development program, including a program that is included on the list developed by the department of education pursuant to section 256.9, subsection 66, the school district shall provide notice to the employee indicating the section of the Code, or rules adopted by the state board of education or the board of educational examiners, the school district determines requires the employee to participate in the professional development program.

Sec. 6. **NEW SECTION. 279.78 Retaliation prohibition.**

The board of directors of a school district shall not take any disciplinary action against an employee or contractor of the school district for disclosing information to any public official or law enforcement agency, including a disclosure to the ombudsman pursuant to section 2C.9, subsection 2A, if the employee or contractor reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. For purposes of this section, “disciplinary action” includes termination of employment or the contractual relationship, suspension from employment, demotion, financial penalties, failing to take action regarding an employee’s or contractor’s promotion or proposed promotion, failing to provide an advantage in employment or the contractual relationship, and written or verbal reprimands.

Sec. 7. **NEW SECTION. 279.79 Discipline of students who make threats of violence or cause incidents of violence.**

The board of directors of each school district shall adopt, in collaboration with teachers and administrative staff employed by the school district, policies for different grade levels that describe how a school district may discipline a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault. All of the following shall apply to the policies:

1. The policies must incorporate strategies that are designed to correct the student’s behavior.

2. The policies must provide for parent or guardian conferences, counseling sessions, or mental health counseling sessions, when appropriate. The policies must provide that the school district must receive the prior written consent of the student’s parent or guardian before requiring the student to participate in a counseling session or a mental health counseling session.

3. The policies must be consistent with the provisions of chapter 256B, the administrative rules adopted by the state board for purposes of chapter 256B, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and the federal Rehabilitation Act of 1973, as amended and codified in 29 U.S.C. §701 et seq.

4. The policies must provide for escalating levels of discipline each time the student makes a threat of violence or causes an incident of violence that results in injury or property damage or assault.

5. The policies must allow for the school district to select the level of discipline that the school district determines corresponds to the severity of the threat of violence or incident of violence.

6. The policies must allow the school district to suspend the student, permanently remove the student from a particular class, expel the student, or place the student in an alternative learning environment, including a therapeutic classroom, when appropriate.

7. The policies must require an individualized education program meeting if the student who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault has an individualized education program.

8. The policies must be published on the school district’s internet site and in applicable student handbooks.

Sec. 8. NEW SECTION. 279.80 Student handbooks.

1. Annually, on or before the beginning of the school calendar, each school district shall publish one or more student handbooks and provide to the parent or guardian of each student enrolled in the school district a printed or electronic copy of a student handbook that includes basic information related to the expectations of students in the grade level or attendance center to which the student handbook applies, including information related to academics, attendance, discipline, health and safety, and daily schedules.

2. Each school district shall require that the parent or guardian of each student enrolled in the school district acknowledge receipt of the applicable student handbook, either in writing or electronically.

Sec. 9. Section 280.21, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A public school district or area education agency shall provide to all teachers employed by the public school district or area education agency a copy of this section with the initial employment contract and with each notice of renewal of the employment contract.

Approved May 26, 2023

CHAPTER 97

LICENSES ISSUED BY THE BOARD OF EDUCATIONAL EXAMINERS — APPLICANTS FROM OTHER STATES OR COUNTRIES

H.F. 614

AN ACT relating to licenses issued by the board of educational examiners to applicants from other states or countries.

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

Section 1. Section 272.8, subsection 1, Code 2023, is amended to read as follows:

1. a. The board may issue a license to an applicant from another state or country if the applicant files evidence of the possession of the required or equivalent requirements with the board, including any of the following:

(1) A full license from another state or country, which shall not include a temporary license or an emergency license.

(2) Verification from an institution located in another state that the applicant has completed all program and licensure requirements with the exception of any assessments required by the state.

(3) Transcripts indicating the applicant completed an educator preparation program located in another country.

b. If the applicant is the spouse of a military person who is on duty or in active state duty as defined in section 29A.1, subsections 10 and 12, the board shall assign a consultant to be the single point of contact for the applicant regarding nontraditional licensure.

Approved May 26, 2023

CHAPTER 98

CRIMINAL LAW AND PROCEDURE — DEPOSITIONS, CONDITIONAL GUILTY PLEAS, MINOR PROSECUTING WITNESSES, JUROR QUALIFICATIONS, AND COURT RULES

H.F. 644

AN ACT relating to criminal law including depositions, conditional guilty pleas, prosecution witnesses who are minors, and juror qualifications, and including effective date provisions.

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

DIVISION I DEPOSITIONS

Section 1. NEW SECTION. **701.13 Depositions before indictment.**

A person expecting to be made a party to a criminal prosecution shall not be entitled to conduct a deposition in the criminal proceeding prior to the person being indicted for a criminal offense.

DIVISION II CONDITIONAL GUILTY PLEAS

Sec. 2. Section 814.6, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A conditional guilty plea that reserves an issue for appeal shall only be entered by the court with the consent of the prosecuting attorney and the defendant or the defendant's counsel. An appellate court shall have jurisdiction over only conditional guilty pleas that comply with this section and when the appellate adjudication of the reserved issue is in the interest of justice.

DIVISION III PROSECUTION WITNESSES — MINORS

Sec. 3. Section 915.36A, Code 2023, is amended to read as follows:

915.36A Minor prosecuting witness — pretrial contact.

1. A prosecuting witness who is a minor shall have the right to have the interview or deposition taken outside of the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition or in a manner that ensures that the defendant shall not have contact with the minor. The defendant shall be allowed to communicate with the defendant's counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.

2. The supreme court shall amend the rules of criminal procedure to comply with this section including but not limited to the elimination of a requirement that a defendant be physically present at the deposition of a minor.

DIVISION IV JUROR QUALIFICATIONS

Sec. 4. Section 48A.30, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3 5, that indicates that the voter is not a citizen of the United States.

Sec. 5. Section 607A.4, Code 2023, is amended to read as follows:

607A.4 Jury service — minimum qualifications — disqualification — documentation.

1. To serve or to be considered for jury service, a person must possess the following minimum qualifications:

a. Be eighteen years of age or older.

- b. Be a citizen of the United States.
 - c. Be able to understand the English language in a written, spoken, or manually signed mode.
 - d. Be able to receive and evaluate information such that the person is capable of rendering satisfactory ~~juror~~ jury service.
2. ~~However, a~~ A person possessing the minimum qualifications for service or consideration for service may be disqualified for service or consideration for service if the person has, directly or indirectly, requested to be placed on a list for ~~juror~~ jury service.
3. A person convicted of a felony who remains under the supervision of the department of corrections, a judicial district department of correctional services, or the board of parole shall be disqualified from jury service.
4. A person convicted of a felony who is currently registered as a sex offender under chapter 692A or who is required to serve a special sentence under chapter 903B shall be disqualified from jury service.
3. 5. A person who claims disqualification for any of the grounds identified in this section may, upon the person's own volition, or shall, upon the court's volition, submit in writing to the court's satisfaction, documentation that verifies disqualification from ~~juror~~ jury service.

DIVISION V

SUPREME COURT — RULES OF CRIMINAL PROCEDURE REVISIONS

Sec. 6. SUPREME COURT — RULES OF CRIMINAL PROCEDURE REVISIONS. The supreme court shall revise the rules of criminal procedure submitted for legislative council review on October 14, 2022, to comply with this Act. The revised rules of criminal procedure shall be submitted for legislative council review no later than June 1, 2023, and shall supercede the revised rules submitted on October 14, 2022. If the supreme court fails to timely submit rules of criminal procedure revised to comply with this Act, the rules of criminal procedure submitted for legislative council review on October 14, 2022, shall be rejected in their entirety.

Sec. 7. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 26, 2023

CHAPTER 99

MERGER OF REGULATION OF PRACTICES OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES

H.F. 652

AN ACT relating to the practice of barbering and cosmetology arts and sciences and providing transition provisions.

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

Section 1. Section 10A.104, subsection 14, Code 2023, is amended to read as follows:

14. Administer inspections of cosmetology ~~salons~~ establishments under ~~section 157.7 and barbershops under section 158.6~~ chapter 157.

Sec. 2. Section 147.13, subsection 11, Code 2023, is amended to read as follows:

11. For cosmetology arts and sciences, the board of barbering and cosmetology arts and sciences.

Sec. 3. Section 147.13, subsection 12, Code 2023, is amended by striking the subsection.

Sec. 4. Section 147.14, subsection 1, paragraphs a and n, Code 2023, are amended by striking the paragraphs.

Sec. 5. Section 147.14, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. x. For barbering and cosmetology arts and sciences, three members who are licensed barbers or cosmetologists; one member who is a licensed instructor of barbering and cosmetology arts and sciences; one member who is a licensed electrologist, esthetician, or nail technologist; one member who owns a school of barbering and cosmetology arts and sciences; and one member who is not licensed in the practice of barbering and cosmetology arts and sciences and who shall represent the general public.

Sec. 6. Section 147.76, Code 2023, is amended to read as follows:

147.76 Rules.

The boards for the various professions shall adopt all necessary and proper rules to administer and interpret this chapter and chapters 148 through ~~158~~ 157, except chapter 148D.

Sec. 7. Section 157.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 001. “*Barbering and cosmetology*” means all of the following practices performed for cosmetic purposes and not for the treatment of disease of physical or mental ailments:

a. Curling, waving, press and curl hair straightening, shampooing, cutting, singeing, bleaching, coloring, hair body processing, blow waving, hair relaxing, applying hair tonics, or similar works, upon the hair or beard of any person, or upon a wig or hairpiece when done in conjunction with haircutting or hairstyling by any means.

b. Massaging, cleansing, stimulating, exercising, or beautifying the superficial epidermis of the scalp, face, neck, arms, hands, legs, feet, or upper body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, including cleansers, toners, moisturizers, masques, antiseptics, powders, oils, clays, waxes, or lotions.

c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, or tweezing.

d. Applying makeup or eyelashes, tinting of lashes or brows, or lightening of hair on the face or body.

e. Cleansing, shaping, or polishing the fingernails, applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails or toenails of a person.

f. Shaving or trimming for hair removal by the use of a straight edge razor.

NEW SUBSECTION. 0001. “*Barbering and cosmetology arts and sciences*” means any or all of the following disciplines performed with or without compensation by a licensee:

a. Barbering and cosmetology.

b. Electrology.

c. Esthetics.

d. Nail technology.

NEW SUBSECTION. 10A. “*Establishment*” means a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment.

Sec. 8. Section 157.1, subsections 1, 4, and 15, Code 2023, are amended to read as follows:

1. “*Board*” means the board of barbering and cosmetology arts and sciences.

4. “*Cosmetologist*” or “*barber*” means a person who performs the practice of cosmetology, barbering and cosmetology arts and sciences or otherwise by the person’s occupation claims to have knowledge or skill particular to the practice of cosmetology, barbering and cosmetology arts and sciences. Cosmetologists and barbers shall not represent themselves to the public as being primarily in the practice of haircutting unless that function is, in fact, their primary specialty.

15. “*Instructor*” means a person licensed for the purpose of teaching barbering and cosmetology arts and sciences.

Sec. 9. Section 157.1, subsections 5 and 6, Code 2023, are amended by striking the subsections.

Sec. 10. Section 157.1, subsection 26, Code 2023, is amended by striking the subsection.

Sec. 11. Section 157.1, subsection 27, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

27. “*School of barbering and cosmetology arts and sciences*” means an establishment operated for the purpose of teaching barbering and cosmetology arts and sciences.

Sec. 12. Section 157.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

It is unlawful for a person to practice barbering and cosmetology arts and sciences with or without compensation unless the person possesses a license issued under section 157.3. However, practices listed in section 157.1 when performed by the following persons are not defined as the practice of barbering and cosmetology arts and sciences:

Sec. 13. Section 157.2, subsection 1, paragraphs b and h, Code 2023, are amended by striking the paragraphs.

Sec. 14. Section 157.2, subsection 1, paragraphs c and e, Code 2023, are amended to read as follows:

c. Students enrolled in licensed schools of barbering and cosmetology arts and sciences ~~or barber schools~~ who are practicing under the instruction or immediate supervision of an instructor.

e. Employees of hospitals, health care facilities, orphans’ homes, juvenile homes, and other similar facilities who perform barbering and cosmetology services for any resident without receiving direct compensation from the person receiving the service.

Sec. 15. Section 157.2, subsection 2, Code 2023, is amended to read as follows:

2. Cosmetologists and barbers shall not represent themselves to the public as electrologists, estheticians, or nail technologists unless the cosmetologist or barber has completed the ~~additional~~ course of study for the respective practice as prescribed by the board pursuant to section 157.10.

Sec. 16. Section 157.2, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 17. Section 157.3, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An applicant who has graduated from high school or its equivalent shall be issued a license to practice any of the barbering and cosmetology arts and sciences by the department when the applicant satisfies all of the following:

Sec. 18. Section 157.3, subsection 1, paragraphs a and c, Code 2023, are amended to read as follows:

a. Presents to the department a diploma, or similar evidence, issued by a licensed school of barbering and cosmetology arts and sciences indicating that the applicant has completed the course of study for the appropriate practice of the cosmetology arts and sciences prescribed by the board. An applicant may satisfy this requirement upon presenting a diploma or similar evidence issued by a school in another state, recognized by the board, which provides instruction regarding the practice for which licensure is sought, provided that the course of study is equivalent to or greater in length and scope than that required for a school in this state, and is approved by the board.

c. Passes an examination prescribed by the board. The examination may include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method. However, a member of the board who is a licensed instructor of barbering

and cosmetology arts and sciences shall not be involved in the selection or administration of the exam.

Sec. 19. Section 157.3, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding subsection 1, a person who completes the application form prescribed by the board and who submits satisfactory proof of having been licensed in a practice of the barbering and cosmetology arts and sciences in another state for at least twelve months in the twenty-four month period preceding the submission of the application shall be allowed to take the examination for a license to practice the appropriate practice of the barbering and cosmetology arts and sciences. However, the examination requirement shall be waived for those persons who submit evidence of licensure in another state which has a reciprocal agreement with the state of Iowa under sections 147.44, 147.48, and 147.49.

Sec. 20. Section 157.3A, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. A licensed cosmetologist or barber having received additional training in the use of chemical peels, microdermabrasion, a certified laser product, or an intense pulsed light device for hair removal shall submit a written application and proof of additional training and certification for approval by the board. A cosmetologist or barber who is licensed after July 1, 2005, shall not be eligible to provide chemical peels, practice microdermabrasion procedures, use certified laser products, or use an intense pulsed light device for hair removal.

b. A licensed cosmetologist or barber who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of section 135.37 and applicable rules.

Sec. 21. Section 157.3A, subsection 4, Code 2023, is amended to read as follows:

4. Any additional training received by a licensed esthetician, cosmetologist or barber, or electrologist and submitted to the board relating to utilization of a certified laser product or an intense pulsed light device shall include a safety training component which provides a thorough understanding of the procedures being performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

Sec. 22. Section 157.3A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Shaving or trimming for hair removal by a cosmetologist or barber trained and certified in the use of a straight edge razor in compliance with applicable rules of the board. The board shall not require a cosmetologist or barber to complete more than forty clock hours of training to receive a certification under this subsection.

Sec. 23. Section 157.4, subsection 1, Code 2023, is amended to read as follows:

1. The department may issue a temporary permit which allows the applicant to practice in the barbering and cosmetology arts and sciences for purposes determined by rule. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

Sec. 24. Section 157.4, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding section 157.13, subsection 1, the board may issue a temporary permit to practice in the barbering and cosmetology arts and sciences for the purpose of demonstrating barbering and cosmetology arts and sciences services to the public or for providing barbering and cosmetology arts and sciences services to the public at not-for-profit events. A permit issued pursuant to this subsection shall be subject to the following requirements:

Sec. 25. Section 157.4, subsection 3, paragraphs a, b, and g, Code 2023, are amended to read as follows:

a. The permit shall be issued for a specific event and may be issued to a ~~salon~~ an establishment, school of barbering and cosmetology arts and sciences, or person.

b. The permit shall be posted and visible to the public at the location where the barbering and cosmetology arts and sciences services are provided.

g. A person providing barbering and cosmetology arts and sciences services at a not-for-profit event shall hold a current license to practice barbering and cosmetology arts and sciences.

Sec. 26. Section 157.4B, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Advertise or market barbering or cosmetology services.

Sec. 27. Section 157.5, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A licensed cosmetologist or barber, esthetician, or electrologist who provides services relating to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall obtain a consent in writing prior to the administration of the services. A consent in writing shall create a presumption that informed consent was given if the consent:

Sec. 28. Section 157.5, subsection 2, Code 2023, is amended to read as follows:

2. A licensed cosmetologist or barber, esthetician, or electrologist who provides services related to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall submit a report to the board within thirty days of any incident involving the provision of such services which results in physical injury requiring medical attention. Failure to comply with this section shall result in disciplinary action being taken by the board.

Sec. 29. Section 157.6, Code 2023, is amended to read as follows:

157.6 Sanitary rules — practice in the home.

The department shall prescribe sanitary rules for ~~salons~~ establishments and schools of barbering and cosmetology arts and sciences which shall include the sanitary conditions necessary for the practice of barbering and cosmetology arts and sciences and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, ~~a salon~~ an establishment may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce this section and make necessary inspections for enforcement purposes.

Sec. 30. Section 157.7, subsection 1, Code 2023, is amended to read as follows:

1. The department of inspections and appeals shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. ~~The department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.~~

Sec. 31. Section 157.8, subsection 1, Code 2023, is amended to read as follows:

1. It is unlawful for a school of barbering and cosmetology arts and sciences to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms prescribed by the board.

Sec. 32. Section 157.8, subsection 2, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 33. Section 157.8, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. The school of barbering and cosmetology arts and sciences must pass a sanitary inspection under section 157.6. An annual inspection of each school of barbering and cosmetology arts and sciences, including the educational activities of each school, shall be conducted and completed by the board or its designee prior to renewal of the license.

Sec. 34. Section 157.8, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. A person employed as an instructor in the barbering and cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor's license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. Requirements for licensure as an instructor shall be determined by the board by rule.

Sec. 35. NEW SECTION. 157.8A Use of schools of barbering and cosmetology arts and sciences.

A school of barbering and cosmetology arts and sciences may be used for purposes other than student instruction so long as the other activities do not disrupt classes. The board shall adopt rules for the implementation of this section.

Sec. 36. Section 157.9, Code 2023, is amended to read as follows:

157.9 License suspension and revocation.

Any license issued by the department under the provisions of this chapter may be suspended, revoked, or renewal denied by the board for violation of any provision of this chapter or ~~chapter 158~~ or rules promulgated by the board under the provisions of chapter 17A.

Sec. 37. Section 157.10, Code 2023, is amended to read as follows:

157.10 Course of study.

1. a. The course of study required for licensure for the practice of barbering and cosmetology shall be two thousand one hundred clock hours, or seventy a minimum of one thousand five hundred fifty clock hours, or fifty-one semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education. The clock hours, and equivalent number of semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, of a course of study required for licensure for the practices of electrology, and esthetics, nail technology, manicuring, and pedicuring shall be established by the board. The board shall adopt rules to define the course and content of study for each practice of cosmetology arts and sciences.

b. The course of study required for licensure which is limited to the practice of esthetics shall be a minimum of six hundred hours.

c. The course of study required for licensure which is limited to the practice of nail technology shall be a minimum of three hundred twenty-five hours.

2. A person licensed in or a student of a practice of barbering and cosmetology arts and sciences shall be granted full credit for each course successfully completed which meets the requirements for licensure in another practice of barbering and cosmetology arts and sciences.

3. ~~A barber licensed under chapter 158 or a student in a barber school who applies for licensure in a practice of cosmetology arts and sciences or who enrolls in a school of barbering and cosmetology arts and sciences shall be granted, at the discretion of the school, at least half credit and up to full credit for each course successfully completed for licensure as a barber in the practice of barbering which meets the requirements for licensure in a practice of barbering and cosmetology arts and sciences.~~

Sec. 38. Section 157.11, Code 2023, is amended to read as follows:

157.11 ~~Salon~~ Establishment licenses.

1. ~~A salon~~ An establishment shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department may perform a sanitary inspection of each ~~salon establishment~~ biennially and may perform a sanitary inspection of ~~a salon~~ an establishment prior to the issuance of a license. An inspection of ~~a salon~~ an establishment may also be conducted upon receipt of a complaint by the department.

2. The application shall be accompanied by the biennial license fee determined pursuant to section 147.80. The license is valid for two years and may be renewed.

3. A licensed school of barbering and cosmetology arts and sciences at which students practice barbering and cosmetology arts and sciences is exempt from licensing as a ~~salon~~ an establishment.

Sec. 39. Section 157.12, Code 2023, is amended to read as follows:

157.12 Supervisors.

A person who directly supervises the work of practitioners of barbering and cosmetology arts and sciences shall be licensed in the practice supervised ~~or a barber licensed under section 158.3.~~

Sec. 40. NEW SECTION. 157.12C Blow-dry styling.

1. A person engaged exclusively in the practice of blow-dry styling is not required to receive a license issued under section 157.3.

2. A person shall not engage in the practice of blow-dry styling except at an establishment that is licensed pursuant to section 157.11 or an establishment established in a residence pursuant to section 157.6.

3. A person shall not engage exclusively in the practice of blow-dry styling unless the person has completed two hours of education related to Iowa cosmetology law and rules and sanitation, as determined by the board by rule.

4. For the purposes of this section, "blow-dry styling" means the practice of shampooing, conditioning, drying, arranging, curling, straightening or styling hair using only mechanical devices, hair sprays, and topical agents such as balms, oils and serums, and includes the use and styling of hair extensions, hair pieces and wigs. "Blow-dry styling" does not include cutting hair or the application of dyes, bleaches, reactive chemicals, keratin treatments, or other preparations to color or alter the structure of hair.

Sec. 41. Section 157.13, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

It is unlawful for a person to employ an individual to practice barbering and cosmetology arts and sciences unless that individual is licensed or has obtained a temporary permit under this chapter. It is unlawful for a licensee to practice with or without compensation in any place other than a licensed ~~salon establishment, or a licensed school of barbering and cosmetology arts and sciences, or a licensed barbershop as defined in section 158.1.~~ The following exceptions to this subsection shall apply:

Sec. 42. Section 157.13, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. A licensee may practice at a location which is not a licensed ~~salon establishment, school of barbering and cosmetology arts and sciences, or licensed barbershop under extenuating circumstances arising from physical or mental disability or death of a customer pursuant to rules adopted by the board.~~

b. Notwithstanding section 157.12, when the licensee is employed by a physician and provides barbering and cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to chapter 148.

Sec. 43. Section 157.13, subsections 2 and 3, Code 2023, are amended to read as follows:

2. ~~It is unlawful for a licensee to claim to be a licensed barber, however a~~ A licensed cosmetologist may work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist ~~or barber, esthetician, or electrologist~~ to perform the services described in section 157.3A if the licensee has not received the additional training and met the other requirements specified in section 157.3A.

3. If the owner or manager of a ~~salon an establishment~~ does not comply with the sanitary rules adopted under section 157.6 or fails to maintain the salon establishment as prescribed by rules of the department, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the salon establishment closed until the rules are complied with. It is unlawful for a person to practice in a salon an

establishment which has been closed under this section. The county attorney in each county shall assist the department in enforcing this section.

Sec. 44. Section 261.9, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Is a ~~barber school licensed under section 158.7~~ or a school of barbering and 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 paragraph "a".

Sec. 45. Section 261B.11, subsection 1, paragraph i, Code 2023, is amended to read as follows:

i. Postsecondary educational institutions licensed by the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157 to operate as schools of cosmetology arts and sciences ~~or as barber schools~~ in the state.

Sec. 46. Section 272C.1, subsection 6, paragraph g, Code 2023, is amended to read as follows:

g. The board of barbering and cosmetology arts and sciences, created pursuant to chapter 147.

Sec. 47. Section 272C.1, subsection 6, paragraph i, Code 2023, is amended by striking the paragraph.

Sec. 48. REPEAL. Chapter 158, Code 2023, is repealed.

Sec. 49. EMERGENCY RULES. The board of cosmetology arts and sciences, board of barbering, and board of barbering and cosmetology arts and sciences may 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.

Sec. 50. TRANSITION PROVISIONS.

1. a. The merger of the boards of barbering and cosmetology arts and sciences in this Act shall not affect the appointment or any term of office of a member of either board prior to the effective date of this Act. A member of the board of barbering or the board of cosmetology arts and sciences shall continue to serve until the member's term expires, as calculated from the member's initial appointment to the board of barbering or board of cosmetology arts and sciences, or the member ceases to hold office, whichever first occurs.

b. The initial membership of the board of barbering and cosmetology arts and sciences shall consist of all members of the boards of barbering and cosmetology arts and sciences serving on the effective date of this Act.

2. A rule adopted by the board of cosmetology arts and sciences or board of barbering that is in force and effect immediately prior to the effective date of this Act shall continue in full force and effect until the earlier of the following:

a. The rule is amended, rescinded, or supplemented by the affirmative action of the board of barbering and cosmetology arts and sciences.

b. The rule expires by its own terms.

3. Any license or permit issued by the board of cosmetology arts and sciences or board of barbering in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal, except as provided in subsection 8.

4. Any funds in any account or fund of the board of cosmetology arts and sciences or board of barbering shall be transferred to the control of the board of barbering and cosmetology arts and sciences.

5. Any cause of action, statute of limitation, or administrative action relating to or initiated by the board of cosmetology arts and sciences or board of barbering shall not be affected as a result of this Act and shall apply to the board of barbering and cosmetology arts and sciences.

6. All client and organizational files in the possession of the board of cosmetology arts and sciences or board of barbering shall become the property of the board of barbering and cosmetology arts and sciences.

7. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

8. A person licensed as a barber as of July 1, 2023, shall be considered to be a person licensed to practice barbering and cosmetology and shall be issued a license to practice barbering and cosmetology upon the expiration of the person's barbering license. Such a license shall permit such a person to continue to practice barbering as provided in chapter 158, Code 2023.

9. A person currently enrolled in a barbering school in a course of study requiring at least two thousand one hundred hours of instruction must complete the course of study by August 1, 2024.

Approved May 26, 2023

CHAPTER 100

PERMANENT LICENSURE FOR TEACHERS WITH ADVANCED DEGREES AND SCHOOL EMPLOYEE BACKGROUND CHECKS

H.F. 672

AN ACT relating to certain specified employees of school districts, accredited nonpublic schools, and charter schools, including renewal requirements associated with licenses issued by the board of educational examiners to practitioners with master's or doctoral degrees, fees associated with the review of certain specified records, and background checks for employees of school districts, accredited nonpublic schools, and charter schools.

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

Section 1. Section 256E.7, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0j.* Be subject to and comply with sections 279.13 and 279.69 relating to state criminal history checks for teachers and registry checks for school employees in the same manner as a school district.

Sec. 2. Section 272.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. License practitioners, which includes the authority to ~~establish~~ do all of the following:
(1) Establish criteria for the licenses; establish.
(2) Establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means; create, and there shall be no renewal requirement for a practitioner who has been employed as a practitioner for at least ten years

and who possesses a master's or doctoral degree, unless the practitioner holds an evaluator approval endorsement, which must be renewed at least once every ten years.

(3) Create application and renewal forms; ~~create.~~

(4) Create licenses that authorize different instructional functions or specialties; ~~develop.~~

(5) Develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address ~~the~~ all of the following:

(a) The failure of a practitioner to fulfill contractual obligations under section 279.13, ~~the.~~ In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

(b) The failure of an administrator to protect the safety of staff and students, ~~the.~~

(c) The failure of an administrator to meet mandatory reporter obligations, ~~the.~~

(d) The refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan, ~~and habitual.~~

(e) Habitual nonparticipation in professional development; ~~and develop.~~

(f) The development of any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. ~~In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.~~

Sec. 3. Section 272.2, subsection 17, Code 2023, is amended to read as follows:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under section 692A.121 available to the general public, information in the Iowa court information system available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal and, every five years, for practitioners who are not subject to renewal requirements pursuant to subsection 1, paragraph "a", subparagraph (2). The board may charge such a practitioner who is not subject to renewal requirements a reasonable fee for the review of the sex offender registry information, information in the Iowa court information system, the central registry for child abuse information, and the dependent adult abuse records.

Sec. 4. Section 272.7, subsection 1, Code 2023, is amended to read as follows:

1. A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. No Except as provided in section 272.2, subsection 1, paragraph "a", subparagraph (2), permanent licenses shall not be issued. A person employed as a practitioner shall hold a valid license with an endorsement for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.

Sec. 5. Section 279.13, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district or accredited nonpublic school shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant for employment as a teacher.

(2) The school district or accredited nonpublic school may charge the applicant a fee not to exceed the actual cost charged the school district or accredited nonpublic school for the state and national criminal history checks and registry checks conducted pursuant to subparagraph (1).

Sec. 6. Section 279.69, Code 2023, is amended to read as follows:

279.69 School employees — background investigations.

1. Prior to hiring an applicant for a school employee position, a school district or accredited nonpublic school shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district or accredited nonpublic school shall implement a consistent policy to follow the same procedure for each school employee employed by the school district or accredited nonpublic school on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district or accredited nonpublic school shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district or accredited nonpublic school shall maintain documentation demonstrating compliance with this subsection.

2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district or the authorities in charge of an accredited nonpublic school. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.

3. For purposes of this section, “*school employee*” means an individual employed by a school district or an accredited nonpublic school, as applicable, including a part-time, substitute, or contract employee. “*School employee*” does not include an individual subject to a background investigation pursuant to section 272.2, subsection 17, section 279.13, subsection 1, paragraph “b”, or section 321.375, subsection 2.

Approved May 26, 2023

CHAPTER 101

DAIRY INNOVATION FUND AND PROGRAM

H.F. 700

AN ACT establishing a dairy innovation fund and program to be administered by the department of agriculture and land stewardship.

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

Section 1. **NEW SECTION. 159.31A Dairy innovation fund and program.**

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

a. “*Financial assistance*” means assistance provided only from the moneys and assets legally available to the department pursuant to this section and includes assistance in the form of grants, low-interest loans, and forgivable loans.

b. “*Fund*” means the dairy innovation fund.

c. "Located in" means the place or places at which a business's operations are located and where at least ninety-eight percent of the business's employees work, or where employees that are paid at least ninety-eight percent of the business's payroll work.

d. "Program" means the dairy innovation program.

2. a. The fund is created in the state treasury under the control of the department and consists of any moneys appropriated to the fund by the general assembly and any other moneys available to or obtained or accepted by the department for placement in the fund. Moneys in the fund are appropriated to the department to award financial assistance as provided under the program. The department shall use any moneys specifically appropriated for purposes of this section only for the purposes of the program.

b. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

3. The department shall establish and administer the program for the purpose of awarding financial assistance to eligible businesses engaged in projects that do one or more of the following:

a. Expand or refurbish existing milk plants or establish a new milk plant, operating pursuant to a permit issued pursuant to section 192.111.

b. Expand or refurbish existing mobile dairy processing units, or establish new mobile dairy processing units.

c. Rent buildings, refrigeration facilities, freezer facilities, or equipment necessary to expand dairy processing capacity, including mobile dairy or refrigeration units used exclusively for dairy processing.

d. Incorporate methods and technologies that reduce farm labor associated with milk production and storage, including but not limited to the use of robotics and processes or systems that operate using computerized equipment or machinery.

4. The department shall establish eligibility criteria for the program by rule. The eligibility criteria must include all of the following:

a. The business must be located in this state.

b. The business must not have been subject to any regulatory enforcement action related to federal, state, or local environmental, worker safety, food processing, or food safety laws, rules, or regulations within the last five years.

c. The business must only employ individuals legally authorized to work in this state.

d. The business must not currently be in bankruptcy.

e. The business must employ less than fifty individuals.

5. A business seeking financial assistance under this section shall make application to the department in the manner prescribed by the department by rule.

6. Applications shall be accepted during one or more annual application periods to be determined by the department by rule. Upon reviewing and scoring all applications that are received during an application period, and subject to funding, the department may award financial assistance to eligible businesses. A financial assistance award shall not exceed the amount of eligible project costs included in the eligible business's application. Priority shall be given to eligible businesses whose proposed project under subsection 3 will do any of the following:

a. Create new jobs.

b. Create or expand opportunities for local small-scale milk producers to market pasteurized milk and milk products under private labels.

c. Provide greater flexibility or convenience for local small-scale farmers to have milk processed.

d. Reduce labor associated with the on-farm production and storage of milk.

7. A business that is awarded financial assistance under this section may apply for financial assistance under other programs administered by the authority.

8. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2. DIRECTIONS TO CODE EDITOR — NEW PART. The Code editor is directed to organize section 159.31A, as enacted in this Act, as a new part under chapter 159, subchapter II.

Approved May 26, 2023

CHAPTER 102

PERMITS TO PERFORM TATTOOING — EDUCATION REQUIREMENTS

S.F. 219

AN ACT relating to educational requirements for a permit to perform tattooing.

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

Section 1. Section 135.37, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department shall not require an applicant for a permit to perform tattooing to show proof of a high school diploma, high school equivalency diploma, or degree from an accredited college as a condition of issuing a permit to perform tattooing.

Approved June 1, 2023

CHAPTER 103

AUDITS AND EXAMINATIONS — INFORMATION AVAILABLE TO AUDITOR OF STATE — DISPUTES BETWEEN GOVERNMENTAL OFFICES AND AGENCIES

S.F. 478

AN ACT relating to the operation of state government, including the commencement of audits, information made available to the auditor of state, and disputes between governmental agencies.

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

Section 1. **NEW SECTION. 11.3 When audits and examinations begin.**

For purposes of this chapter, an audit or examination commences when the period of professional engagement begins pursuant to the government auditing standards prescribed by the comptroller general of the United States and published by the United States government accountability office or as specified in Code of Federal Regulations, Title 2, Part 200.

Sec. 2. Section 11.41, subsection 3, Code 2023, is amended to read as follows:

3. If the information, records, instrumentalities, and properties sought by the auditor of state are required by law to be kept confidential, the auditor of state shall have access to the information, records, instrumentalities, and properties, but shall maintain the confidentiality of all such information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the auditor of state shall not have access to the income tax returns of individuals or ~~to an individual's name or residential address from a reportable disease report under section 139A.3~~ information in a report to the

Iowa department of health and human services, to a local board of health, or to a local health department that identifies a person infected with a reportable disease.

Sec. 3. Section 11.41, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* The auditor of state shall not have access to the following information, except as required to comply with the standards for engagement described in section 11.3, to comply with any other state or federal regulation, or in the case of alleged or suspected embezzlement or theft:

(1) Criminal identification files of law enforcement agencies.

(2) Personal information in records regarding a student, prospective student, or former student maintained, created, collected, or assembled by or for a school corporation or educational institution maintaining such records.

(3) Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient.

(4) Records which represent and constitute the work product of an attorney and which relate to litigation or claims made by or against a public body.

(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.

(6) Records and information obtained or held by an independent special counsel during the course of an investigation conducted pursuant to section 68B.31A. This subparagraph does not prohibit the auditor of state from accessing information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by an independent special counsel and made pursuant to section 68B.31.

(7) Information and records concerning physical infrastructure, cybersecurity, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property if disclosure could reasonably be expected to jeopardize such life or property.

(8) Personal information, as defined in section 22A.1.

(9) Any other information or records that contain personal information that an individual would reasonably expect to be kept private or unnecessary to the objectives and scope of the audit or examination commenced pursuant to this chapter.

b. In the event the auditor of state obtains information listed under paragraph "a", all information shall be anonymized prior to the disclosure of the information, except as required by the standards set forth in section 11.3.

Sec. 4. Section 11.42, subsection 3, Code 2023, is amended to read as follows:

3. Upon completion of an audit or examination, a report shall be prepared as required by section 11.28 and all information included in the report shall be public information. The auditor shall not disclose information listed in section 11.41, subsection 4, paragraph "a" in a report without the express written consent of the individual identified, or, in instances of alleged or suspected embezzlement, theft, or other significant financial irregularity, without the express written consent of the audited or examined entity.

Sec. 5. Section 11.52, Code 2023, is amended to read as follows:

11.52 Refusal to testify.

~~In~~ Except as otherwise provided in section 679A.19, in case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books, and papers, or attends and refuses to make oath or affirmation, or, being sworn or affirmed, refuses to testify, the auditor of state or the auditor's designee may apply to the district court, or any judge of said district having jurisdiction thereof, for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions.

Sec. 6. Section 679A.19, Code 2023, is amended to read as follows:

679A.19 Disputes between governmental agencies.

1. Any litigation between constitutional and statutory offices, administrative departments, commissions or boards of the executive branch of state government is prohibited. All disputes

between said governmental offices and agencies shall be submitted to a board of arbitration of three members to be composed of two members to be appointed by the offices or departments involved in the dispute and a third member to be appointed by the governor. The decision of the board shall be final.

2. A board of arbitration established under this section shall resolve any dispute submitted to it within sixty days after submission of the dispute.

Approved June 1, 2023

CHAPTER 104

PUBLIC ASSISTANCE PROGRAM OVERSIGHT

S.F. 494

AN ACT relating to public assistance program oversight.

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

Section 1. **NEW SECTION. 239.1 Definitions.**

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

1. “*Applicant*” means an individual who is applying for public assistance benefits in the state.

2. “*Asset*” means the following assets of the members of the applicant’s household:

a. All liquid assets.

b. All other personal property excluding one vehicle and the fair market value in excess of ten thousand dollars of an additional vehicle.

3. “*Asset test*” means the comparison of the collective value of all countable assets of the members of the applicant’s household to the maximum allowed household asset limit of fifteen thousand dollars.¹

4. “*Department*” means the department of health and human services.

5. “*Public assistance*” means the supplemental nutrition assistance program or SNAP, the Medicaid program or Medicaid as defined in section 249A.2, the family investment program or FIP as defined in section 239B.1, and the children’s health insurance program or CHIP.

6. “*Real-time eligibility system*” means real-time electronic access to a system that allows verification of all applicable public assistance program eligibility information based on the most recent information available to the department through nonmodeled earned and unearned income, such as commercially available wage data.

7. “*Recipient*” means an individual who is receiving public assistance benefits in the state.

8. “*Supplemental nutrition assistance program*” or “*SNAP*” means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – 283, as amended.

Sec. 2. **NEW SECTION. 239.2 Supplemental nutrition assistance program — income eligibility.**

The department shall establish the gross countable monthly income threshold for the supplemental nutrition assistance program at less than or equal to one hundred sixty percent of the federal poverty level for the household size.

Sec. 3. **NEW SECTION. 239.3 Identity authentication.**

Unless otherwise prohibited by federal law or regulation, prior to the department awarding public assistance benefits, an applicant shall complete a computerized identity authentication process to confirm the identity of the applicant. Identity authentication shall be accomplished through a knowledge-based questionnaire consisting of financial and

¹ See chapter 112, §57 herein

personal questions. The questionnaire shall contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The computerized identity authentication process and questionnaire may be completed and submitted online, in person, or via telephone by the applicant or a person authorized by the applicant. The department may adopt rules pursuant to chapter 17A to administer this section.

Sec. 4. NEW SECTION. 239.4 Asset test for supplemental nutrition assistance program.

1. For the purposes of determining eligibility for receipt of SNAP benefits, the department shall conduct an asset test on all members of the applicant's household. The allowable financial resources to be included in or excluded from a determination of eligibility for SNAP shall be those specified in 7 U.S.C. §2014(g)(1),² to the extent consistent with the term "asset" as defined in this chapter.

2. Prior to determining eligibility for SNAP benefits, the department shall access, at a minimum, for every member of the applicant's household, the following information from the following federal, state, and miscellaneous sources, or successor sources:

a. Federal sources and information:

(1) Earned and unearned income information maintained by the internal revenue service.

(2) The following sources and information maintained by the United States social security administration:

(a) Earned income information.

(b) Death register information.

(c) Prisoner or incarceration status information.

(d) Supplemental security income information maintained in the state data exchange database.

(e) Beneficiary records and earnings information maintained in the beneficiary and earnings data exchange database.

(f) Earnings information maintained in the beneficiary earnings exchange record system database.

(3) The following sources and information maintained by the United States department of health and human services:

(a) Income and employment information maintained in the national directory of new hires database by the office of child support enforcement of the administration for children and families.

(b) Other federal data sources maintained by the office of child support enforcement of the administration for children and families.

b. State sources and information:

(1) The department's sources and information including but not limited to all of the following:

(a) Income and employment information maintained by child support services.

(b) Child care assistance information maintained by the department.

(c) Enrollment status in other public assistance programs.

(2) The department of workforce development sources and information including all of the following:

(a) Employment information.

(b) Employer weekly, monthly, and quarterly reports of income and unemployment insurance payments.

c. Miscellaneous sources:

(1) Any existing real-time database of persons currently receiving benefits in other states, such as the national accuracy clearinghouse.

(2) Any lottery winner databases maintained by the Iowa lottery.

(3) Any existing real-time eligibility system that includes employment and income information maintained by a consumer reporting agency, as defined by the federal Fair

² See chapter 112, §58 herein

Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.

3. Prior to determining eligibility for SNAP benefits, the department shall access information for every member of the applicant's household from the following public records:

a. A nationwide public records data source of physical asset ownership. The data source may include but is not limited to real property, automobiles, watercraft, aircraft, and luxury vehicles, or any other vehicle owned by the applicant.

b. National and state financial institutions in order to locate undisclosed depository accounts or verify account balances of disclosed accounts.

4. The department shall enter into a memorandum of understanding with any department, division, bureau, section, unit, or any other subunit of a department to obtain the information specified in this section.

5. The provisions of this section shall not apply if every member of the applicant's household receives supplemental security income.

Sec. 5. NEW SECTION. 239.5 Verification and authentication systems — public assistance programs.

1. No later than July 1, 2025, the department shall redesign an existing system; establish a new computerized income, asset, and identity eligibility verification system; or contract with a third-party vendor to provide for identity verification, identity authentication, asset verification, and dual enrollment prevention in order to deter waste, fraud, and abuse in each public assistance program administered by the department.

2. The department may contract with a third-party vendor to develop or provide a service for a real-time eligibility system that allows the department to verify or authenticate income, assets, and identity eligibility of applicants and recipients to prevent fraud, misrepresentation, and inadequate documentation when determining eligibility for public assistance programs. The system shall be accessed prior to determining eligibility, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews. The department may also contract with a third-party vendor to provide information to facilitate reviews of recipient eligibility conducted by the department. Specifically, the department may contract with a third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.

3. A contract entered into under this section shall provide, at a minimum, for all of the following:

a. The establishment of the annual savings amount from utilization of the system or service, and a provision that the contract may be terminated contingent upon the savings not exceeding the total yearly cost to the state for utilization of the system or service.

b. That the contract shall not preclude the department from continuing to conduct additional eligibility verification or authentication processes, to receive, review, or verify additional information related to the eligibility of an individual, or from contracting with a third-party vendor to provide additional eligibility authentication or verification information.

4. The department shall seek federal approval as necessary to implement and administer this section.

Sec. 6. NEW SECTION. 239.6 Public assistance programs — applicant and recipient eligibility verification.

1. All applications for initial public assistance program benefits and all determinations of ongoing recipient eligibility shall be processed through a system as specified in this section. Complete initial applications shall be processed within the minimum period required by federal law. Prior to determining initial eligibility of an applicant for, or ongoing eligibility of a recipient of, public assistance, the department shall access information for every applicant or recipient from the following federal, state, and other sources:

a. Federal sources and information:

(1) Earned and unearned income information maintained by the internal revenue service.

(2) The following sources and information maintained by the United States social security administration:

(a) Earned income information.

- (b) Death register information.
 - (c) Prisoner or incarceration status information.
 - (d) Supplemental security income information maintained in the state data exchange database.
 - (e) Beneficiary records and earnings information maintained in the beneficiary and earnings data exchange database.
 - (f) Earnings information maintained in the beneficiary earnings exchange record system database.
- (3) The following sources and information maintained by the United States department of health and human services:
- (a) Income and employment information maintained in the national directory of new hires database by the office of child support enforcement of the administration for children and families.
 - (b) Other federal data sources maintained by the office of child support enforcement of the administration for children and families.
- (4) Information maintained by the United States citizenship and immigration services of the United States department of homeland security.
- (5) National fleeing felon information maintained by the United States federal bureau of investigation.
- b. State sources and information:
 - (1) The department's sources and information including but not limited to all of the following:
 - (a) Income and employment information maintained by child support services.
 - (b) Child care assistance information maintained by the department.
 - (c) Enrollment status in other public assistance programs.
 - (2) The department of workforce development sources and information including all of the following:
 - (a) Employment information.
 - (b) Employer weekly, monthly, and quarterly reports of income and unemployment insurance payments.
 - c. Other sources including all of the following:
 - (1) Any existing real-time database of persons currently receiving benefits in other states, such as the national accuracy clearinghouse.
 - (2) An available database of persons who currently hold a license, permit, or certificate from any state agency, the cost of which exceeds five hundred dollars.
 - (3) Wage reporting and similar information maintained by states contiguous to Iowa.
 - (4) A third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.
2. Prior to determining the initial eligibility of an applicant for, or the ongoing eligibility of a recipient of, public assistance benefits, the department shall access information for every applicant or recipient from, at a minimum, the following public records:
- a. A nationwide public records data source of physical asset ownership. The data source may include but is not limited to real property, automobiles, watercraft, aircraft, and luxury vehicles, or any other vehicle owned by the applicant for or recipient of assistance.
 - b. A nationwide public records data source of incarcerated individuals.
 - c. A nationwide best address and driver's license data source to verify that individuals are residents of the state.
 - d. A comprehensive public records database from which the department may identify potential identity fraud or identity theft that is capable of closely associating name, social security number, date of birth, phone, and address information.
 - e. National and local financial institutions in order to locate undisclosed depository accounts or verify account balances of disclosed accounts.
 - f. Outstanding default or arrest warrant information.
3. The state may contract with a third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information under this section.

Sec. 7. NEW SECTION. 239.7 Case review of applicant and recipient information.

1. If the information obtained from a review of an applicant's or recipient's information under this chapter does not result in the department finding a discrepancy or change in an individual's circumstances affecting eligibility, the department shall take no further action.

2. If the information obtained from a review of the applicant's or recipient's information under this chapter results in the department finding a discrepancy or change in the individual's circumstances affecting eligibility, the department shall respond in accordance with the provisions of sections 239.8 and 239.9.

Sec. 8. NEW SECTION. 239.8 Notice and right to be heard.

1. An applicant for, or recipient of, public assistance shall be provided written notice and the opportunity to explain any issues identified in a review performed under this chapter for initial eligibility or redetermination of eligibility. Unless otherwise prohibited by federal law or regulation, a self-declaration by an applicant or recipient shall not be accepted as verification of categorical and financial eligibility during such review.

2. The notice provided to the applicant or recipient shall describe in sufficient detail the circumstances of the issue identified, the manner in which the applicant or recipient may respond, and the consequences of failing to respond to the notice or resolve the issue identified. The applicant or recipient shall be provided ten days to respond to the notice. The department may request additional information as necessary to reach a decision.

3. An applicant or recipient may respond to the notice as follows:

a. By disagreeing with the findings of the department. If the applicant or recipient responds in a timely manner and disagrees with the findings of the department, the department shall reevaluate the circumstances to determine if the applicant's or recipient's position is valid. If, through reevaluation, the department finds that the department is in error, the department shall take immediate action to correct the error. If, through reevaluation, the department affirms that the applicant's or recipient's position is invalid, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and the actions taken shall be provided to the applicant or recipient.

b. By agreeing with the findings of the department. If the applicant or recipient responds in a timely manner and agrees with the findings of the department, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and actions taken shall be provided to the applicant or recipient.

4. If the applicant or recipient fails to respond to the notice in a timely manner, the department shall provide notice to terminate the applicant's application or to discontinue the recipient's enrollment for failure to cooperate, and shall terminate the applicant's application or discontinue the recipient's enrollment. The applicant's or recipient's eligibility for such public assistance shall not be established or reestablished until the issue has been resolved.

Sec. 9. NEW SECTION. 239.9 Referrals for fraud, misrepresentation, or inadequate documentation.

1. Following a review of an applicant's or recipient's eligibility under this chapter, the department may refer cases of suspected fraud along with any supportive information to the department of inspections and appeals³ for review.

2. In cases of substantiated fraud, upon conviction, the state shall review all appropriate legal options including but not limited to removal of a recipient from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an equal amount of benefits fraudulently claimed.

3. The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation relating to initial or continued eligibility to appropriate state agencies, divisions, or departments for review of eligibility issues in programs providing public benefits other than those as defined in this chapter.

³ See chapter 112, §59 herein

Sec. 10. **NEW SECTION. 239.10 Administration — rules — reporting.**

1. The department of health and human services⁴ shall adopt rules pursuant to chapter 17A to administer this chapter.

2. The department shall submit a report to the governor and the general assembly by January 15, 2025, and by January 15 annually thereafter through January 15, 2030, detailing the impact of the verification and authentication measures taken under this chapter. The report shall include data for all affected public assistance programs including the number of cases reviewed, the number of cases closed, the number of fraud investigation referrals made, and the amount of savings and cost avoidance realized from the provisions of this chapter.⁵

Sec. 11. **NEW SECTION. 249A.59 Cooperation with child support services.**

1. Unless exempt pursuant to state or federal law or regulation, an applicant for or recipient of medical assistance shall be required to cooperate with child support services as a condition of eligibility.

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

Sec. 12. **IMPLEMENTATION.**

1. The department of health and human services shall request federal approval including for any state plan amendment or waiver necessary to administer this Act.

2. If the department of health and human services determines that any provision of this Act would result in the denial of funds or services from the federal government that would otherwise be available or would be inconsistent with the requirements of federal law or regulation, such provision shall be suspended, but only to the extent necessary to eliminate the inconsistency with federal requirements.

3. Unless otherwise provided in this Act, the department of health and human services shall implement the provisions of this Act in an incremental fashion, beginning July 1, 2023, with a goal of full implementation no later than July 1, 2025, to minimize duplication of efforts and to maximize coordination with the implementation time frames of other departmental resource enhancements.

4. The provisions of this Act requiring federal approval shall be implemented upon receipt of such federal approval.

5. The provisions of this Act not requiring federal approval shall be implemented as specified in this Act, or if not specified in this Act, no later than July 1, 2025.

6. The department⁶ may contract with multiple third-party vendors to administer this Act.

Approved June 1, 2023

CHAPTER 105

ADOPTED PERSONS AND REESTABLISHMENT OF ORIGINAL BIRTH CERTIFICATES — BIOLOGICAL PARENT INFORMATION

S.F. 517

AN ACT relating to the addition of biological parent information of an adult adopted person through reestablishment of an original certificate of birth, and providing fees.

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

Section 1. **NEW SECTION. 144.23A Biological parent information — reestablishment of original certificate of birth.**

⁴ See chapter 112, §60 herein

⁵ See chapter 112, §61 herein

⁶ See chapter 112, §62 herein

1. Notwithstanding whether an original certificate of birth is substituted with a new certificate of birth pursuant to section 144.24 following adoption of the subject of the original certificate of birth, whether a new certificate of birth is issued to show that a person for whom the new certificate is requested has been legitimated or that paternity of that person has been determined pursuant to section 144.23, or whether a new certificate of birth is issued to show paternity pursuant to section 144.40 if paternity is not shown on the original certificate of birth, an adopted person who is the subject of the original certificate of birth, who was born in this state, who is at least eighteen years of age at the time the application is filed, and whose original certificate of birth was substituted with a new certificate of birth pursuant to section 144.24 based upon the adoption, may apply to the state registrar to have that original certificate of birth reestablished to include the name on the original certificate of birth of an omitted biological parent in accordance with this section.

2. Prior to issuing a reestablished original certificate of birth as provided in subsection 1, all of the following requirements shall be met:

a. The adopted person shall file a written application, in the form and manner prescribed by the state registrar along with proof of identification, with the state registrar consenting to the adopted person's original certificate of birth being reestablished to include the name of an omitted biological parent.

b. The adopted person shall obtain and submit to the state registrar one of the following regarding the person whose name is to be added as a biological parent:

(1) If the person whose name is to be added as a biological parent is living, the adopted person shall obtain from the person a sworn affidavit along with substantiating evidence attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth.

(2) If the person whose name is to be added as a biological parent is deceased, the adopted person shall obtain from the personal representative or successor of the estate of the person, from the trustee of the trust of the person, or from a relative of the person a sworn affidavit along with substantiating evidence, attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth.

3. An adult adopted person as described in section 144.24A or an entitled person as defined in section 144.24A may apply for and obtain a noncertified copy of the reestablished original certificate of birth subject to compliance with the requirements for applying for and obtaining a noncertified copy of an original certificate of birth under section 144.24A. The reestablished original certificate of birth shall include the biological parent who was omitted from the original certificate of birth. A reestablished original certificate of birth shall be marked "reestablished". A summary statement of the evidence submitted pursuant to this section shall be endorsed on the certificate.

4. The state registrar shall adopt rules pursuant to chapter 17A to administer this section including rules relating to all of the following:

a. The establishment, collection, and deposit of fees in accordance with section 144.46 for the preparation and registration of a reestablished original certificate of birth and for issuance of a noncertified copy of a reestablished original certificate of birth under this section. The fee established for issuance of a noncertified copy of a reestablished original certificate of birth shall not exceed the fee established for issuance of a certified copy of a certificate of birth.

b. The consent and affidavit forms, the proof of identification requirements relative to provision of consent by the subject of an original certificate of birth, and the evidentiary requirements to substantiate that a person is an omitted biological parent of the subject of the original certificate of birth.

5. For the purposes of this section:

a. "*Personal representative*" means the same as defined in section 633.3.

b. "*Relative*" means any of the following:

(1) A person related to the person whose name is to be added on the original certificate of birth as a biological parent, by consanguinity or affinity within the second degree as determined by common law.

(2) A lineal descendent, by consanguinity or affinity, of the person whose name is to be added to the original certificate of birth as a biological parent, including legally adopted children and biological children, stepchildren, grandchildren, great-grandchildren, and any other lineal descendent of such individual.

c. "Successor" means the same as defined in section 633.356.

d. "Trustee" means the same as defined in section 633.3.

Sec. 2. Section 144.24, subsection 2, Code 2023, is amended to read as follows:

2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to section 600.16A, as provided in section 144.23A or 144.24A, or as provided by administrative rule for statistical or administrative purposes only.

Sec. 3. Section 144.24A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an original certificate of birth is reestablished pursuant to section 144.23A, the adopted person or the entitled person who meets the requirements of this section may apply for and obtain a noncertified copy of the reestablished original certificate of birth of the adopted person who is the subject of the original certificate of birth subject to compliance with the requirements of this section relating to the issuance of a noncertified copy of an original certificate of birth.

Approved June 1, 2023

CHAPTER 106

CROSSBOW HUNTING BY INDIVIDUALS WITH DISABILITIES — PHYSICAL THERAPIST VERIFICATION

S.F. 528

AN ACT relating to persons eligible to hunt with a crossbow.

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

Section 1. Section 481A.38, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The commission shall adopt a rule permitting a crossbow to be used only by individuals with disabilities who are physically incapable of using a bow and arrow under the conditions in which a bow and arrow is permitted. The commission shall prepare an application to be used by an individual requesting the status. The application shall require the individual's physician or physical therapist licensed under chapter 148A to sign a statement declaring that the individual is not physically able to use a bow and arrow.

Approved June 1, 2023

CHAPTER 107**TAXATION OF INSURANCE PREMIUMS AND CAPTIVE INSURANCE COMPANIES***S.F. 549*

AN ACT relating to captive insurance companies, and including applicability provisions.

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

Section 1. Section 432.1, subsections 2 and 4, Code 2023, are amended to read as follows:

2. The “*applicable percent*” for purposes of subsection 1 of this section and section 432.2 is the following:

a. For calendar years beginning before the 2003 calendar year, two percent.

b. For the 2003 calendar year, one and three-fourths percent.

c. For the 2004 calendar year, one and one-half percent.

d. For the 2005 calendar year, one and one-fourth percent.

e. For the 2006 ~~and subsequent~~ calendar years year through the 2023 calendar year, one percent.

f. For the 2024 calendar year, nine hundred seventy-five thousandths of one percent.

g. For the 2025 calendar year, ninety-five hundredths of one percent.

h. For the 2026 calendar year, nine hundred twenty-five thousandths of one percent.

i. For the 2027 and subsequent calendar years, nine-tenths of one percent.

4. The “*applicable percent*” for purposes of subsection 3 is the following:

a. For calendar years beginning before the 2004 calendar year, two percent.

b. For the 2004 calendar year, one and three-fourths percent.

c. For the 2005 calendar year, one and one-half percent.

d. For the 2006 calendar year, one and one-fourth percent.

e. For the 2007 ~~and subsequent~~ calendar years year through the 2023 calendar year, one percent.

f. For the 2024 calendar year, nine hundred seventy-five thousandths of one percent.

g. For the 2025 calendar year, ninety-five hundredths of one percent.

h. For the 2026 calendar year, nine hundred twenty-five thousandths of one percent.

i. For the 2027 and subsequent calendar years, nine-tenths of one percent.

Sec. 2. **NEW SECTION. 432.1A Tax on premiums — captive insurance companies.**

1. a. Each captive company under chapter 521J shall pay on or before March 1 of each year a tax on the direct premiums collected or contracted for on policies or contracts of insurance written by the captive company during the immediately preceding calendar year, after deducting from the direct premiums the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

b. The tax due under paragraph “a” on direct premiums collected or contracted for by a captive company shall be calculated as follows:

(1) Seven-twentieths of one percent on the first twenty million dollars of direct premiums.

(2) One-quarter of one percent on each dollar of direct premiums after the first twenty million dollars collected under subparagraph (1).

2. a. Each captive company under chapter 521J shall pay on or before March 1 of each year a tax on assumed reinsurance premiums. A reinsurance tax shall not apply to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to subsection 1.

b. A reinsurance premium tax shall not be payable by a captive company in connection with the receipt by the captive company of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if the transaction is part of a plan to discontinue the operations of the other insurer, and if the intent of the parties to the transaction is to renew or maintain the other insurer’s business with the captive company.

c. The amount of reinsurance tax due from a captive company under paragraph “a” shall be calculated as follows:

(1) Two-tenths of one percent on the first twenty million dollars of assumed reinsurance premiums.

(2) One-eighth of one percent on the twenty million dollars of assumed reinsurance premiums collected after the first twenty million dollars of assumed reinsurance premiums collected under subparagraph (1).

(3) Five percent on each dollar of assumed reinsurance premiums collected after the twenty million dollars collected under subparagraph (1) and the twenty million dollars collected under subparagraph (2).

3. a. (1) Except as provided in subparagraphs (2) and (3), if the aggregate taxes as calculated under subsections 1 and 2 that are payable by a captive company are less than five thousand dollars for any one tax year, the captive company shall pay five thousand dollars in tax for that tax year.

(2) If a captive company is subject to the minimum tax under subparagraph (1) in the calendar year in which the company is first granted a certificate of authority under section 521J.2, the tax shall be prorated as follows:

(a) If a certificate of authority is first granted in the first quarter of the calendar year, the tax shall be five thousand dollars.

(b) If a certificate of authority is first granted in the second quarter of the calendar year, the tax shall be three thousand seven hundred fifty dollars.

(c) If a certificate of authority is first granted in the third quarter of the calendar year, the tax shall be two thousand five hundred dollars.

(d) If a certificate of authority is first granted in the fourth quarter of the calendar year, the tax shall be one thousand five hundred dollars.

(3) If a captive company that is subject to the minimum tax under subparagraph (1) surrenders the company's certificate of authority in the year that the captive company is subject to the minimum tax, the tax shall be prorated on a quarterly basis as follows:

(a) If the certificate of authority is surrendered in the first quarter of the calendar year, the tax shall be one thousand dollars.

(b) If the certificate of authority is surrendered in the second quarter of the calendar year, the tax shall be two thousand five hundred dollars.

(c) If the certificate of authority is surrendered in the third quarter of the calendar year, the tax shall be three thousand seven hundred fifty dollars.

(d) If the certificate of authority is surrendered in the fourth quarter of the calendar year, the tax shall be five thousand dollars.

b. Each protected cell in a protected cell captive company shall be considered separately in determining the aggregate tax to be paid by the protected cell captive company. If the protected cell captive company insures any risks in addition to the protected cells, the determination of the aggregate tax shall, in addition to the protected cells, also include the premium on all insured risks.

c. Each series of members of a limited liability company formed as a special purpose captive company shall be considered separately under this section, except that the minimum tax as described in paragraph "a" shall be considered in the aggregate.

4. A captive company, other than a protected cell captive company, shall not be required to pay aggregate taxes under this section that exceed one hundred thousand dollars in any one tax year.

5. Two or more captive companies under common ownership and control shall be taxed as a single captive company. For the purposes of this subsection, "common ownership and control" means either of the following:

a. In the case of a stock corporation, the direct or indirect ownership of eighty percent or more of the outstanding voting stock of two or more corporations by the same shareholder or shareholders.

b. In the case of a mutual insurer, the direct or indirect ownership of eighty percent or more of the surplus, and the voting power of two or more insurers, by the same member or members.

6. Only the branch business of a branch captive company shall be subject to taxation under this section.

7. The tax provided for in this section shall be calculated on an annual basis notwithstanding a policy or a contract of insurance, or a contract of reinsurance, that is issued on a multiyear basis. In the case of a multiyear policy or a multiyear contract, the premium shall be prorated for the purpose of calculating the appropriate tax.

Sec. 3. Section 507C.3, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 8. Captive companies under chapter 521J.

Sec. 4. NEW SECTION. 521J.1 Definitions.

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

1. “*Affiliated company*” means a company that is in the same corporate system as a parent, an industrial insured, or a member based on common ownership, control, operation, or management.

2. “*Alien captive company*” means a captive company formed under the laws of an alien jurisdiction that imposes statutory or regulatory standards in a form acceptable to the commissioner on companies transacting the business of insurance in such jurisdiction.

3. “*Branch business*” means any insurance business transacted by a branch captive company in this state.

4. “*Branch captive company*” means an alien captive company authorized by the commissioner by rule to transact the business of insurance in this state through a business entity with its principal place of business in this state.

5. “*Branch operations*” means any business operations of a branch captive company.

6. “*Business entity*” means a corporation, a limited liability company, or other legal entity formed by an organizational document. “*Business entity*” does not include a sole proprietorship.

7. “*Captive company*” means any pure captive company, protected cell captive company, special purpose captive company, or industrial insured captive company formed or authorized under this chapter.

8. “*Captive reinsurance company*” means a captive insurance company in this state, as authorized by the commissioner by rule, that reinsures the risk ceded by any other insurer.

9. “*Captive risk retention group*” means a captive insurance risk retention group formed under this chapter and that is subject to chapter 515E.

10. “*Cash equivalent*” means any short-term, highly liquid investment with an original maturity of three months or less that is readily convertible to known amounts of cash.

11. “*Commissioner*” means the commissioner of insurance.

12. “*Controlled unaffiliated business entity*” means a business entity or sole proprietorship that meets all of the following requirements:

a. The business entity or sole proprietorship is not in a parent’s corporate system that consists of the parent and any affiliated companies.

b. The business entity or sole proprietorship has an existing, controlling contractual relationship with the parent or an affiliated company.

c. The business entity’s or sole proprietorship’s risks are managed by a pure captive company or an industrial insured captive company, as applicable.

13. “*Excess workers’ compensation insurance*” means, for an employer that has insured or self-insured the employer’s workers’ compensation risks in accordance with applicable state or federal law, insurance in excess of a specified per-incident or aggregate limit as established by the commissioner by rule.

14. “*Industrial insured*” means an insured that meets all of the following requirements:

a. The insured procures the insurance of any risk by use of the services of a full-time employee acting as an insurance manager or buyer.

b. The insured’s aggregate annual premiums for insurance on all risks are at least twenty-five thousand dollars.

c. The insured employs a minimum of twenty-five full-time employees.

15. “*Industrial insured captive company*” means an insurance company that insures the risks of industrial insureds, comprised of the industrial insured group and the industrial insured group’s affiliated companies and the risks of the controlled unaffiliated business of an industrial insured or its affiliates.

16. “*Industrial insured group*” means a group of industrial insureds that meets either of the following requirements:

a. The group collectively owns, controls, or holds with the power to vote all of the outstanding voting securities of an industrial insured captive company incorporated as a stock insurer, or has complete voting control over any of the following:

- (1) An industrial insured captive company incorporated as a mutual insurer.
- (2) An industrial insured captive company formed as a reciprocal insurer.
- (3) An industrial insured captive company formed as a limited liability company.

b. The group is a captive risk retention group.

17. “*Mutual insurer*” means a business entity that does not have capital stock, and that has a governing body elected by the insurer’s policyholders. “*Mutual insurer*” includes a nonprofit corporation with members.

18. “*Organizational document*” means articles of incorporation, articles of organization, a subscribers’ agreement, a charter, or any other document that can legally establish a business entity in this state.

19. “*Parent*” means a sole proprietorship, a business entity, or an individual that directly or indirectly owns, controls, or holds with power to vote more than fifty percent of the outstanding voting securities or membership interests of a captive company.

20. “*Participant*” means a sole proprietorship or a business entity and any affiliates that are insured by a protected cell captive company and whose losses are limited by a participant contract to such participant’s pro rata share of the assets of one or more protected cells identified in the participant contract.

21. “*Participant contract*” means a contract by which a protected cell captive company insures the risks of a participant and limits the losses of each participant in the contract to the participant’s pro rata share of the assets of one or more protected cells as identified in the contract.

22. “*Protected cell*” means a separate account established by a protected cell captive company formed or authorized under this chapter in which an identified pool of assets and liabilities are segregated and insulated, as provided in section 521J.17, from the remainder of the protected cell captive company’s assets and liabilities in accordance with the terms of one or more participant contracts to fund the liability of the protected cell captive company with respect to the participants.

23. “*Protected cell assets*” means all assets, contract rights, and general intangibles identified and attributable to a specific protected cell of a protected cell captive company.

24. “*Protected cell captive company*” means a captive company that meets all of the following requirements:

a. The minimum legally required capital and surplus of the company is provided by one or more sponsors.

b. The company is formed or authorized under this chapter.

c. The company insures the risks of separate participants through participant contracts.

d. The company funds the company’s liability to each participant through one or more protected cells, and segregates the assets of each protected cell from the assets of other protected cells, and from the assets of the protected cell captive company’s general account.

e. The company is incorporated or formed as a limited liability company.

25. “*Protected cell liabilities*” means all liabilities and other obligations identified with and attributable to a specific protected cell of a protected cell captive company.

26. “*Public records*” means the same as defined in section 22.1.

27. “*Pure captive company*” means an insurance company that insures the risks of the company’s parent and the parent’s affiliated companies, and the risks of controlled unaffiliated business entities.

28. “*Qualified actuary*” means an individual who meets all of the following requirements:

a. The individual is a member of the American academy of actuaries.

b. The individual is qualified to provide the certifications as described in the United States qualifications standards promulgated by the American academy of actuaries pursuant to the code of professional conduct adopted by the American academy of actuaries, the society of actuaries, the American society of pension professionals and actuaries, the casualty actuarial society, and the conference of consulting actuaries.

29. “*Series of members*” means a group or collection of members of a limited liability company who share interests and who have separate rights, powers, or duties with respect to property, obligations, or profits and losses associated with property or obligations, and who are specified in the organizational document or operating agreement of the limited liability company, or that are specified by one or more members or managers of the limited liability company or other persons as provided in the organizational document or operating agreement.

30. “*Sole proprietorship*” means an individual who does business in a noncorporate form.

31. “*Special purpose captive company*” means a captive company that is formed or authorized under this chapter that does not meet the definition of any other type of captive company as defined in this section, or that is formed by, on behalf of, or for the benefit of a political subdivision of this state.

32. “*Sponsor*” means any person that meets the requirements of sections 521J.17 and 521J.18, and that is approved by the commissioner to do all of the following:

- a. Provide all or part of the capital and surplus required of a protected cell captive company by law.
- b. Organize and operate a protected cell captive company.

Sec. 5. NEW SECTION. 521J.2 Certificate of authority.

1. If permitted by its organizational document, a captive company may apply to the commissioner for a certificate of authority to provide property insurance, casualty insurance, life insurance, disability income insurance, surety insurance, marine insurance, health insurance, or a group health plan, with the following exceptions:

a. A pure captive company shall only insure risks of the company’s parent and affiliated companies, and of the company’s controlled unaffiliated business entities.

b. An industrial insured captive company shall only insure risks of the industrial insured company, comprised of the industrial insured group and the industrial insured group’s affiliated companies, and the controlled unaffiliated business of an industrial insured group or the industrial insured group’s affiliated companies.

c. A special purpose captive company shall not provide insurance or reinsurance for risks unless approved by the commissioner.

d. A captive company or a branch captive company shall not do any of the following:

(1) Provide personal lines of insurance, including but not limited to motor vehicle insurance, homeowner’s insurance, or any component of motor vehicle insurance or homeowner’s insurance on a direct basis.

(2) Accept or cede reinsurance except as permitted by the commissioner by rule.

(3) Provide health insurance coverage or a group health plan unless the captive company or the branch captive company provides the health insurance coverage or the group health plan only for the parent company and the parent company’s affiliated companies.

(4) Write workers’ compensation insurance on a direct basis.

(5) Write life insurance on a direct basis.

e. A protected cell captive company shall not insure any risks other than those of the protected cell captive company’s participants.

2. A captive company shall not write any insurance business unless the captive company complies with all of the following:

a. The captive company obtains a certificate of authority from the commissioner prior to writing any insurance business.

b. The captive company’s board of directors, board of managing members, or a reciprocal insurer’s subscribers’ advisory committee, holds at least one annual meeting in the state.

c. The captive company maintains its principal place of business in the state.

d. The captive company designates a registered agent to accept service of process, files the name and contact information and any subsequent changes regarding the registered agent with the commissioner, and agrees that if the registered agent cannot be found with reasonable diligence, the commissioner may act as an agent of the captive company with respect to any action or proceeding and may be served pursuant to section 505.30.

3. a. Prior to receiving a certificate of authority, a captive company shall do all of the following:

- (1) File with the commissioner all of the following:
 - (a) A certified copy of the business entity's organizational document.
 - (b) A statement under oath of an officer of the business entity showing the business entity's financial condition.
 - (c) Any other statement or document required by the commissioner as established by rule.
- (2) Submit a description of coverages, deductibles, coverage limits, rates, and any additional information requested by the commissioner to the commissioner for approval.
- (3) Provide a statement to the commissioner that describes all of the following:
 - (a) The character, reputation, and financial standing of the organizers of the business entity.
 - (b) The character, reputation, financial responsibility, insurance experience, and business qualifications of all officers, directors, and managing members of the business entity.
- (4) Provide any other information required by the commissioner as established by rule.
 - b. If there is a subsequent material change in the information provided to the commissioner under paragraph "a", the captive company shall submit appropriate supporting documentation to the commissioner for approval. The captive company shall not offer any additional lines of insurance until on or after the date on which the commissioner approves the supporting documentation. The captive company shall inform the commissioner of any change in rates within thirty calendar days of the captive company's adoption of a change in rate.
 - c. In addition to the information required under paragraphs "a" and "b", each applicant captive company shall file with the commissioner evidence of all of the following:
 - (1) The amount and liquidity of the captive company's assets relative to the risks to be assumed by the captive company.
 - (2) The adequacy of the expertise, experience, and character of the persons who will manage the captive company.
 - (3) The overall soundness of the captive company's plan of operation.
 - (4) The adequacy of the loss prevention program of the captive company's parent, members, or industrial insureds, as applicable.
 - (5) Any other factors deemed relevant by the commissioner to ascertain if the proposed captive company will be able to meet the company's policy obligations.
 - d. In addition to the information required under paragraph "a", each applicant that is a protected cell captive company shall file with the commissioner all of the following:
 - (1) A business plan that demonstrates, at a level of detail deemed sufficient by the commissioner, how the applicant will account for the loss and expense experience of each protected cell, and how the applicant will report the loss and expense experience of each protected cell to the commissioner.
 - (2) A statement that acknowledges that all financial records of the protected cell captive company, including records pertaining to any protected cells, shall be made available upon request for inspection or examination by the commissioner or the commissioner's designated agent.
 - (3) A copy of each participant contract.
 - (4) Evidence that expenses will be allocated to each protected cell in a fair and equitable manner.
 - e. In addition to the requirements of paragraph "a", a captive company formed as a reciprocal insurer shall file with the commissioner a certified copy of the power of attorney of the reciprocal insurer's attorney-in-fact, a certified copy of the reciprocal insurer's subscribers' agreement, a statement under oath of the reciprocal insurer's attorney-in-fact that shows the reciprocal insurer's financial condition, and any other statements or documents required by the commissioner as established by rule.
 - f. All documents and information submitted pursuant to this subsection shall be confidential and shall not be made public without the advance written consent of the submitting company, with the following exceptions:
 - (1) The documents and information shall be discoverable by a party in a civil action or in a contested case to which the captive company that submitted the information is a party upon a showing by the party seeking to discover the information that the information sought is relevant to, and necessary for, the furtherance of the action or case; the information sought

is unavailable from other nonconfidential sources; and that a subpoena issued by a judicial or an administrative officer has been submitted to the commissioner.

(2) The commissioner may, in the commissioner's discretion, disclose the documents and information to a public official having jurisdiction over the regulation of insurance in another state, or to a public official of the federal government, provided that the public official agrees in writing to maintain the confidentiality of the information, and that the laws of the state in which the public official serves require that the information remain confidential.

4. a. Each captive company, each individual series of members of a limited liability company, and each protected cell shall pay a nonrefundable fee to the commissioner of two hundred dollars for the examination, investigation, and processing of its application for a certificate of authority. The commissioner shall be authorized to retain legal, financial, and examination services from outside experts as necessary for review of the application, the reasonable cost of which may be charged to the applicant.

b. Each captive insurance company, each individual series of members of a limited liability company, and each protected cell shall pay an initial registration fee, and an annual renewal registration fee, of three hundred dollars.

5. If the commissioner is satisfied with the documents and statements that an applicant captive company has filed in compliance with this chapter, and the applicable provisions of Title XIII, subtitle 1, the commissioner may grant a certificate of authority to the captive company that permits the company to do the business of insurance in this state. The certificate of authority must be renewed annually and may be renewed if the applicant is in compliance with this chapter.

Sec. 6. NEW SECTION. 521J.3 Captive companies — names.

A captive company shall not adopt a name that is the same, deceptively similar, or likely to be confused with or mistaken for any other existing business name already registered in this state.

Sec. 7. NEW SECTION. 521J.4 Minimum capital and surplus requirements.

1. The commissioner shall not issue a certificate of authority to a captive company unless the captive company possesses and maintains unimpaired paid-in capital and surplus that meets the following requirements:

a. Is not less than two hundred fifty thousand dollars for a pure captive company.

b. Is not less than five hundred thousand dollars for an industrial insured captive company, including a captive risk retention group.

c. Is an amount as determined by the commissioner after giving due consideration to the captive company's business plan, feasibility study, and pro forma documents, including, for a special purpose captive company, the nature of the risks to be insured.

d. Is not less than five hundred thousand dollars for a protected cell captive company. If, however, the protected cell captive company does not assume any risks, the risks insured by the protected cells are homogenous, and there are not more than ten cells, the commissioner may reduce the amount to an amount not less than two hundred fifty thousand dollars.

e. Is not less than the applicable amount of capital and surplus required in paragraphs "a" through "d", as determined based upon the organizational form of the alien captive company, for a branch captive company. The minimum capital and surplus shall be jointly held by the commissioner and the branch captive company in a bank of the federal reserve system as approved by the commissioner by rule.

f. Is not less than fifty percent of the capital required for that type of captive company for a captive reinsurance company.

2. The commissioner may require additional capital and surplus for a captive company under subsection 1 based upon the type, volume, and nature of the insurance business transacted by the captive company.

3. The capital and surplus required under subsection 1 and subsection 2, if applicable, shall be in the form of cash, cash equivalent, or an irrevocable letter of credit on a form as prescribed by the commissioner by rule and as issued by a bank chartered by the state of Iowa, a member bank of the federal reserve system, or a bank chartered by another state if approved by the commissioner.

Sec. 8. **NEW SECTION. 521J.5 Captive companies — formation.**

1. A captive company must be formed or organized as a business entity as provided under this chapter.

2. An industrial insured captive company shall be formed or organized in one of the following ways:

a. Incorporated as a stock insurer with the stock insurer's capital divided into shares and held by the stockholders.

b. Incorporated as a mutual insurer without capital stock.

c. Organized as a reciprocal insurer as permitted by the commissioner by rule.

d. Organized as a manager-managed limited liability company.

3. A captive company incorporated or organized in this state shall be incorporated or organized by at least one incorporator or organizer who is a resident of the state.

4. The capital stock of a captive company incorporated as a stock insurer may be authorized with no par value.

5. a. At least one member of the board of directors of a captive company shall be a resident of this state. A captive risk retention group shall have a minimum of five directors.

b. A captive company formed as a limited liability company shall have at least one manager who is a resident of this state. A captive risk retention group formed as a limited liability company shall not be required to have a manager who is a resident of this state; however, the limited liability company shall maintain a board of directors of which at least one board member shall be a resident of this state.

c. A reciprocal insurer shall have at least one member of the subscribers' advisory committee who is a resident of this state. A captive risk retention group formed as a reciprocal insurer shall have a minimum of five members of the subscribers' advisory committee who are residents of this state.

6. a. A captive company formed as a corporation or another business entity shall have the privileges of, and shall be subject to, state laws governing corporations or other business entities, and the applicable provisions of this chapter.

b. In the event of a conflict between a state law governing corporations or other business entities and this chapter, this chapter shall take precedence.

7. a. A subscribers' agreement, or other organizational document of a captive company formed as a reciprocal insurer, shall authorize a quorum of a subscribers' advisory committee to consist of at least one-third of the number of members on the advisory committee.

b. In addition to this chapter, a captive risk retention group shall be subject to chapter 515E. In the event of a conflict between chapter 515E and this chapter, this chapter shall take precedence.

8. Except as provided in section 521J.11, applicable provisions of chapter 508B shall apply to a merger, consolidation, conversion, mutualization, or voluntary dissolution by a captive company.

9. a. An alien captive company must apply to the secretary of state for a certificate of authority for the alien captive company's branch captive company to transact business in this state.

b. A branch captive company established under this chapter to write, in this state, only insurance or reinsurance of the employee benefit business of the branch captive company's parent and affiliated companies shall be subject to the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, et seq.

c. A branch captive company shall not conduct any insurance business in this state unless the branch captive company maintains the principal place of business for the company's branch operations in this state.

Sec. 9. **NEW SECTION. 521J.6 Dividends.**

1. A captive company shall not pay a dividend out of, or other distribution with respect to, the minimum capital or surplus required under section 521J.4 without the prior written approval of the commissioner.

2. The commissioner's approval of an ongoing plan for the payment of dividends or other distributions shall be conditioned upon retention, at the time of each payment, of capital and

surplus in excess of the amounts specified by, or determined in accordance with, a formula approved by the commissioner by rule.

Sec. 10. NEW SECTION. 521J.7 Reports.

1. A captive company shall be required to file an annual report with the commissioner that meets the following requirements:

a. Except as provided in paragraph “b”, on or before April 1 of each year, each captive company and each captive risk retention group shall submit to the commissioner a report on the company’s financial condition as of December 31 of the preceding year, as verified by oath of two of the company’s or group’s executive officers. The report shall be submitted in a form and manner as prescribed by the commissioner by rule.

b. A captive company, other than a captive risk retention group, may apply to the commissioner to file the report required under paragraph “a” on a fiscal year-end basis. If the commissioner approves reporting on a fiscal year-end basis, the captive company shall comply with all of the following requirements:

(1) Subject to subparagraph (2), the captive’s company¹ report shall be filed no later than ninety calendar days after the close of the company’s fiscal year.

(2) Prior to April 1, the captive company shall file a report covering the immediately preceding calendar year with the commissioner to provide sufficient information to support the captive company’s premium tax return under section 432.1A.

c. Each captive company shall use generally accepted accounting principles, unless the commissioner requires, approves, or accepts the use of statutory accounting principles or any other comprehensive accounting principles for the company’s report. The commissioner may require, approve, or accept any appropriate or necessary modifications of statutory accounting principles or other comprehensive accounting principles based on the type of insurance and kinds of insurers that are included in a captive company’s report. The report may include letters of credit that are established, issued, or confirmed by any of the following:

(1) A bank chartered in this state.

(2) A member of the federal reserve system.

(3) A bank chartered by another state, if approved by the commissioner.

d. An actuarial opinion from a qualified actuary regarding the adequacy of the company’s required reserves to make full provision for the company’s liabilities, insured or reinsured, shall be included in the report. The qualified actuary shall submit a memorandum to the commissioner that details the qualified actuary’s support for the actuarial opinion. The commissioner may require that additional information be submitted to supplement the actuarial opinion.

e. All captive companies shall be audited annually by an independent certified public accountant and shall annually file the audited financial report with the commissioner on or before June 1, as a supplement to the annual report required under section 521J.7, subsection 1.

f. A captive company may request an extension to file a report required by this section. A written request for an extension must be received by the commissioner not less than ten days before the filing due date, and the request must contain sufficient details to enable the commissioner to make an informed decision regarding the request. The commissioner may grant a thirty-day extension upon a determination by the commissioner that a captive company has good cause for the extension.

g. A captive company may be required to file a report on the captive company’s financial condition on a semiannual, quarterly, monthly, or other basis as determined by the commissioner.

h. Captive companies shall file all reports required under this section in the form and manner prescribed by the commissioner by rule.

2. All reports filed pursuant to this section shall be considered confidential and shall not be a public record.

Sec. 11. NEW SECTION. 521J.8 Examinations.

¹ See chapter 119, §41 herein

1. *a.* Except for captive risk retention groups as provided under paragraph “c”, the commissioner may examine each captive company’s compliance with this chapter, and may examine the affairs, transactions, accounts, records, and assets of each captive company as the commissioner deems necessary.

b. The commissioner shall upon the completion of an examination under paragraph “a”, or at such regular intervals prior to completion of an examination as the commissioner determines, prepare an account of the costs incurred in performing and preparing the report of the examination which shall be charged to and paid by the captive company examined. If the captive company fails or refuses to pay the charges, the charges may be recovered in an action brought in the name of the state.

c. The commissioner shall examine the affairs, transactions, accounts, records, and assets of each captive risk retention group as the commissioner deems necessary, but no less frequently than every three calendar years. A report produced pursuant to the examination of a captive risk retention group under this section shall be a public record.

2. Except as provided in subsection 3, this section shall apply to all business written by a captive company.

3. An examination of a branch captive company shall be conducted only on the branch business and branch operations if all of the following requirements are met:

a. The branch captive company annually provides the commissioner a certificate of compliance, or equivalent, that was issued by or filed with the licensing authority of the jurisdiction in which the branch captive company is formed.

b. The branch captive company demonstrates to the satisfaction of the commissioner that the company is operating in sound financial condition and in compliance with all applicable law and regulations of the jurisdiction in which the branch captive company is formed.

4. As a condition of authorization of a branch captive company, the alien captive company shall grant authority to the commissioner for examination of the affairs of the alien captive company in the jurisdiction in which the alien captive company is formed.

5. The applicable provisions of chapter 507 shall apply to examinations conducted under this chapter.

Sec. 12. NEW SECTION. 521J.9 Suspension or revocation.

1. A captive company’s certificate of authority to conduct the business of insurance in this state may be suspended or revoked by the commissioner for any of the following reasons:

a. Insolvency or impairment of capital or surplus.

b. Failure to meet and maintain the minimum capital and surplus requirements under section 521J.4.

c. Refusal or failure to submit an annual report pursuant to section 521J.7, or to submit any other report or statement required by law or by lawful order of the commissioner.

d. Failure to comply with the captive company’s own charter, bylaws, or other organizational document.

e. Failure to submit to an examination as required under section 521J.8.

f. Use of methods that render the captive company’s operation detrimental, or the company’s condition unsound, with respect to the company’s policyholders or to the public.

g. Failure to pay tax on premiums as required under section 432.1A.

h. Failure to submit or pay any fee under this chapter.

i. Failure to submit to or pay the cost of any examination under this chapter.

j. Failure to comply with the laws of this state.

2. *a.* If the commissioner finds upon examination, hearing, or other review that a captive company has committed an act specified in subsection 1, the commissioner may suspend or revoke the company’s certificate of authority if the commissioner deems it in the best interest of the public or of the policyholders of the captive company.

b. If the commissioner does not revoke a captive company’s certificate of authority during a suspension imposed by the commissioner under paragraph “a”, the company’s certificate of authority may be reinstated if the commissioner finds that the cause of the suspension has been rectified.

Sec. 13. NEW SECTION. 521J.10 Excess workers’ compensation insurance.

1. A captive company may provide excess workers' compensation insurance to the captive company's parent and affiliated companies unless the laws of the state that has jurisdiction over the transaction prohibits the captive company from providing excess workers' compensation insurance.

2. A captive company may reinsure workers' compensation of a qualified self-insured plan of the captive company's parent and affiliated companies.

Sec. 14. NEW SECTION. 521J.11 Captive mergers.

1. A merger between captive stock insurers, or a merger between captive mutual insurers, shall meet the requirements of chapter 521 and section 521J.5, as applicable. The commissioner may, at the commissioner's discretion, provide notice to the public of a proposed merger prior to the commissioner's approval or disapproval of a merger.

2. An industrial insured group formed as a stock insurer or as a mutual insurer may be converted to or merged with a reciprocal insurer under this section.

3. A plan for conversion or merger shall meet all of the following requirements:

a. (1) The plan shall be fair and equitable to the shareholders in the case of a stock insurer, or to the policyholders in the case of a mutual insurer.

(2) The plan shall provide for the purchase of the shares of any nonconsenting shareholder of a stock insurer, or of the policyholder interests of any nonconsenting policyholder of a mutual insurer.

b. A plan for conversion to a reciprocal insurer must be approved by the commissioner. The commissioner shall not approve a plan unless the plan meets all of the following requirements:

(1) The plan provides for a hearing upon notice to the insurer, directors, officers, and stockholders or policyholders who have the right to appear at the hearing, unless the commissioner waives or modifies the requirements for the hearing.

(2) (a) In the case of a stock insurer, the plan provides for the conversion of the existing stockholder interests into subscriber interests in the resulting reciprocal insurer proportionate to the existing stockholder interests, and is approved by a majority of the shareholders who are entitled to vote, and who are represented at a regular or special meeting at which a quorum is present either in person or by proxy.

(b) In the case of a mutual insurer, the plan provides for the conversion of the existing policyholder interests into subscriber interests in the resulting reciprocal insurer proportionate to the existing policyholder interests, and is approved by a majority of the voting interests of the policyholders who are represented at a regular or special meeting at which a quorum is present either in person or by proxy.

(3) The plan meets the applicable requirements of section 521J.5.

c. If the commissioner approves a plan of conversion, the certificate of authority for the converting insurer shall be amended to state that the converting insurer is a reciprocal insurer. The conversion shall be effective and the corporate existence of the converting entity shall cease to exist on the date on which the amended certificate of authority is issued to the attorney-in-fact for the reciprocal insurer. The resulting reciprocal insurer shall file the articles of merger or the articles of conversion with the secretary of state.

Sec. 15. NEW SECTION. 521J.12 Captive insurance — regulatory and supervision fund — appropriation.

1. A captive insurance regulatory and supervision fund is established in the state treasury under the control of the division. The fund shall consist of all moneys deposited in the fund pursuant to this section and any other moneys appropriated to or deposited in the fund.

2. All fees, assessments, fines, and administrative penalties collected under this chapter shall be deposited in the fund.

3. Moneys in the fund are appropriated to the division to administer this chapter, including the maintenance of staff, associated expenses, and necessary contractual services, and for the reimbursement of reasonable expenses incurred by the division to promote captive insurance in this state.

4. *a.* Notwithstanding section 8.33, moneys in the fund 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.

b. At the close of each fiscal year, if unencumbered or unobligated moneys remaining in the captive insurance regulatory and supervision fund exceed five hundred thousand dollars, moneys in excess of that amount shall be transferred from the captive insurance regulatory and supervision fund to the general fund of the state.

5. The division may temporarily use moneys from the general fund of the state to pay expenses in excess of moneys available in the captive insurance regulatory and supervision fund for the purposes designated in this section if those additional expenditures are fully reimbursable and the division reimburses the general fund of the state in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of moneys from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

Sec. 16. NEW SECTION. 521J.13 Legal investments.

1. *a.* Industrial insured captive companies and captive risk retention groups shall comply with investment requirements as established by the commissioner by rule. The commissioner may approve the use of alternative reliable methods of valuation and rating.

b. If a captive company's admitted assets total less than five million dollars, the commissioner may approve an investment of up to twenty percent of the captive company's admitted assets in rated credit instruments in any one investment that meets the requirements established by the commissioner by rule.

2. A pure captive company, or a protected cell captive company, shall not be subject to any restrictions on allowable investments, except that the commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive company.

3. Any captive company may make loans to any of the captive company's affiliates with prior written approval of the commissioner, and each loan must be evidenced by a note in a form as approved by the commissioner by rule. Loans made from minimum capital and surplus funds required by section 521J.4 shall be prohibited.

Sec. 17. NEW SECTION. 521J.14 Reinsurance.

1. Subject to the prior approval of the commissioner, a captive company may provide reinsurance on risks ceded by any other insurer.

2. Any captive company may take credit for reserves on risks, or portions of risks, ceded to reinsurers as provided under chapter 521B. In order to cede or take credit for the reinsurance of risks or portions of risks ceded to reinsurers that do not comply with chapter 521B, a captive company shall obtain the prior approval of the commissioner.

3. Insurance by a captive company of any workers' compensation qualified self-insured plan of the captive company's parent and affiliates shall be deemed to be reinsurance under this chapter.

4. In addition to reinsurers authorized under chapter 521B, a captive company may take credit for the reinsurance of risks or portions of risk ceded to a pool or exchange acting as a reinsurer which has been authorized by the commissioner. The commissioner may require documents, financial information, or other evidence that such a reinsurance pool or exchange will be able to provide adequate security for the reinsurance pool's or exchange's financial obligations. The commissioner may deny authorization or impose any limitations on the activities of a reinsurance pool or exchange that, in the commissioner's judgment, are necessary and proper to provide adequate security for the ceding captive company and for the protection and benefit of the public.

5. No credit shall be allowed for reinsurance if the reinsurance contract does not result in the complete transfer of the risk or liability to the reinsurer.

6. No credit shall be allowed, as an asset or a deduction from liability, to any ceding insurer for reinsurance unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contract reinsured without diminution because of the insolvency of the ceding insurer.

7. Reinsurance under this section shall be effected through a written agreement of reinsurance setting forth the terms, provisions, and conditions governing the reinsurance. The commissioner may require that complete copies of all reinsurance agreements be filed with and approved by the commissioner.

Sec. 18. NEW SECTION. **521J.15 Rating organizations.**

A captive company shall not be required to join a rating organization.

Sec. 19. NEW SECTION. **521J.16 Compulsory organizations.**

A captive company shall not join or contribute financially to any plan, pool, association, or guaranty or insolvency fund in this state. A captive company, a captive company's insureds, a captive company's parent, and any company affiliated with a captive company shall not receive any benefit from a plan, pool, association, or guaranty or insolvency fund for claims arising out of the operations of the captive company.

Sec. 20. NEW SECTION. **521J.17 Protected cell captive companies.**

1. One or more sponsors may form a protected cell captive company.

2. A protected cell captive company formed or authorized under this chapter shall be subject to all of the following requirements:

a. (1) A protected cell captive company may establish one or more protected cells subject to the prior written approval of the commissioner of a plan of operation submitted by the protected cell captive company for each protected cell. The plan of operation shall include but is not limited to the specific business objectives and investment guidelines of the protected cell.

(2) Upon the commissioner's approval of the protected cell captive company's plan of operation, the company, in accordance with the approved plan of operation, may attribute insurance obligations with respect to its insurance business to the protected cell.

(3) A protected cell captive company shall transfer all assets attributable to a protected cell to one or more separately established and separately identified protected cell accounts bearing the name or designation of that protected cell. Each protected cell shall have a distinct name or designation that must include the words "protected cell". Protected cell assets shall be held in the protected cell accounts for the purpose of satisfying the obligations of the specific protected cell.

(4) Each protected cell shall be incorporated. An incorporated protected cell may be organized and operated in any form of business organization as authorized by the commissioner by rule. Each protected cell of a protected cell captive company shall be treated as a captive insurance company under this chapter, except that the limit on maximum yearly aggregate taxes paid under section 432.1A, subsection 4, shall not apply. Unless otherwise permitted by the organizational document of a protected cell captive company, each protected cell of the protected cell captive company must have the same directors, secretary, and registered office as the protected cell captive company.

b. All attributions of assets and liabilities between a protected cell and the protected cell captive company's general account shall be in accordance with the plan of operation and the participant contracts as approved by the commissioner. No other attribution of assets and liabilities shall be made by a protected cell captive company between the protected cell captive company's general account and the company's protected cells. Any attribution of assets and liabilities between the general account and a protected cell shall be in cash or in readily marketable securities with established market values.

c. The establishment of a protected cell shall create, with respect to the protected cell, a legal person separate from the protected cell captive company. Amounts attributed to a protected cell under this chapter, including assets transferred to a protected cell account, shall be owned by the protected cell and the protected cell captive company shall not be a trustee, or hold itself out to be a trustee, with respect to the protected cell assets of that protected cell account.

d. A protected cell captive company may contract with or arrange for an investment adviser or other third party, approved by the commissioner, to manage the protected cell assets of a protected cell if all remuneration, expenses, and other compensation of the third party are

paid from the protected cell assets of that protected cell, and not from the protected cell assets of other protected cells or the assets of the protected cell captive company's general account.

e. (1) A protected cell captive company shall establish the administrative and accounting procedures necessary to properly identify each protected cell of the protected cell captive company, and the protected cell assets and protected cell liabilities attributable to each protected cell. The directors of a protected cell captive company shall be responsible for all of the following:

(a) Maintaining the assets and liabilities of protected cells separately, and separately identifiable, from the assets and liabilities of the protected cell captive company's general account.

(b) Maintaining protected cell assets and protected cell liabilities attributable to one protected cell separate, and separately identifiable, from protected cell assets and protected cell liabilities attributable to another protected cell.

(2) If a protected cell captive company fails to comply with subparagraph (1), the remedy of tracing shall be applicable to protected cell assets commingled with protected cell assets of other protected cells, or commingled with the assets of the protected cell captive company's general account. The remedy of tracing shall not be the exclusive remedy.

f. When establishing a protected cell, a protected cell captive company shall attribute assets with a value at least equal to the reserves attributed to that protected cell to the protected cell.

3. Each protected cell shall be accounted for separately on the books and records of the protected cell captive company to reflect the financial condition and result of operations of the protected cell, including but not limited to the net income or loss, dividends or other distributions to participants, and any other factor provided in the participant contract, or as required by the commissioner by rule.

4. The assets of a protected cell shall not be chargeable with liabilities arising from any other insurance business of the protected cell captive company.

5. A protected cell captive company shall not make a sale, exchange, or other transfer of assets among any of the company's protected cells without the consent of the participants of each affected protected cell.

6. A protected cell shall not make a sale, exchange, transfer of assets, dividend, or distribution to a sponsor or to a participant without the commissioner's prior written approval, which shall not be given if the sale, exchange, transfer, dividend, or distribution will result in the insolvency or impairment of the protected cell.

7. A protected cell captive company shall annually file with the commissioner any financial reports required by the commissioner, as established by rule, and shall include, without limitation, accounting statements detailing the finances of each protected cell.

8. A protected cell captive company shall notify the commissioner in writing within ten business days from the date that a protected cell has become impaired or insolvent, or is otherwise unable to meet its claim or expense obligations.

9. A participant contract shall not take effect without the commissioner's prior written approval.

10. An addition of any new protected cell, or the withdrawal of any participant of an existing protected cell, shall constitute a change in the business plan of the protected cell captive company, and the change shall not become effective without the prior written approval of the commissioner.

11. With respect to each protected cell, business written by a protected cell captive company shall be fronted by an insurance company authorized under the laws of any state, or as approved by the commissioner.

12. If a protected cell captive company's business is reinsured, with respect to each protected cell, the protected cell captive company shall comply with at least one of the following requirements:

a. The business shall be reinsured by a reinsurer authorized or approved by the commissioner.

b. The business shall be secured by a trust fund that is located in the United States for the benefit of policyholders and claimants, and which is funded by an irrevocable letter of credit or other asset that is acceptable to the commissioner, and that is subject to all of the following:

(1) The amount of security provided by the trust fund shall not be less than the reserves associated with the liabilities that are not fronted or reinsured, including but not limited to reserves for losses that are allocated for loss adjustment expenses, incurred but not reported losses, and unearned premiums for business written through the participant's protected cell.

(2) The commissioner may require the protected cell captive company to increase the funding of any trust.

(3) If the form of security in the trust is a letter of credit, the letter of credit shall be established, issued, or confirmed by a bank chartered in this state, a member of the federal reserve system, or a bank chartered by another state if the bank is approved by the commissioner.

(4) The commissioner shall approve the form and terms of the trust and trust instrument.

Sec. 21. NEW SECTION. 521J.18 Sponsors — qualifications.

A sponsor of a protected cell captive company may be any person approved by the commissioner, based on the commissioner's determination that the approval of such person as a sponsor is consistent with the purposes of this chapter. In evaluating the qualifications of a proposed sponsor, the commissioner shall consider the type and structure of the proposed sponsor entity, the sponsor's experience in financial operations, the sponsor's financial stability, the sponsor's business reputation, and any other factors deemed relevant by the commissioner. A risk retention group shall not be a sponsor of a protected cell captive company.

Sec. 22. NEW SECTION. 521J.19 Delinquency.

1. Except as otherwise provided in this section, chapter 507C shall apply to a protected cell captive company.

2. Upon any order of supervision, rehabilitation, or liquidation of a protected cell captive company, the receiver shall manage the assets and liabilities of the protected cell captive company pursuant to this section.

3. Notwithstanding chapter 507C or any other provision to² law to the contrary, in the conservation, rehabilitation, or liquidation of a protected cell captive company, all of the following requirements shall be met:

a. The assets and liabilities of a protected cell shall at all times be kept separate from, and shall not be commingled with, those of other protected cells and the protected cell captive company.

b. The assets of a protected cell shall not be used to pay any expenses or claims other than the expenses or claims attributable to the protected cell.

c. If the sponsor consents and the commissioner has granted prior written approval, the assets of the protected cell captive company's general account may be used to pay any expenses or claims attributable solely to a protected cell or protected cells of the protected cell captive company. Notwithstanding section 521J.4, if the assets of the protected cell captive company's general account are used to pay expenses or claims attributed solely to a protected cell or protected cells of the protected cell captive company, the sponsor shall not be required to contribute additional capital and surplus to the protected cell captive company's general account.

d. A protected cell captive company's capital and surplus shall be available at all times to pay any expenses of, or claims against, the protected cell captive company.

4. Notwithstanding chapter 507C or any other provision of law to the contrary, in the event of an insolvency of a protected cell captive company where the commissioner determines that one or more protected cells remain solvent, the commissioner may separate such cells from the protected cell captive company and, on application of the sponsor, may allow for the conversion of such protected cells into one or more new or existing protected cell captive companies, or one or more other captive companies, pursuant to a plan of operation approved by the commissioner.

Sec. 23. NEW SECTION. 521J.20 Participants.

² See chapter 119, §42 herein

Individuals, business entities, and sponsors may be a participant in a protected cell captive company. A participant shall not be required to be a shareholder of a protected cell captive company, or of the protected cell captive company's affiliate.

Sec. 24. NEW SECTION. **521J.21 Investments — combined assets.**

The assets of two or more protected cells may be combined for the purpose of investment by a protected cell captive company, and combining the protected cells' assets shall not be construed as defeating the segregation of the assets for accounting or any other purpose. Protected cell captive companies and protected cells shall comply with the applicable investment requirements contained in section 521J.13; however, compliance with such investment requirements shall be waived for protected cell captive companies to the extent that credit for reinsurance ceded to reinsurers is allowed under section 521J.14, or to the extent that waiver of compliance with the investment requirements is deemed reasonable and appropriate by the commissioner. The commissioner may exercise discretion in approving the accounting standards used by the company.

Sec. 25. NEW SECTION. **521J.22 Dormant captive companies.**

1. As used in this section, "*dormant captive company*" means a captive company, other than a captive risk retention group, that meets all of the following:

a. The captive company has ceased transacting the business of insurance, including the issuance of insurance policies.

b. The captive company does not have any remaining liabilities associated with its insurance business transactions or insurance policies issued prior to the captive company's filing of an application for a certificate of dormancy under subsection 2.

2. Any captive company that is domiciled in this state and that complies with this section may apply to the commissioner for a certificate of dormancy. A certificate of dormancy shall be subject to expiration five calendar years from the date that the certificate is issued, and the commissioner shall not renew a certificate of dormancy.

3. a. A captive company that has been issued a certificate of dormancy shall comply with all of the following:

(1) The dormant captive company shall possess and maintain unimpaired, paid-in capital and surplus of not less than twenty-five thousand dollars.

(2) Within ninety calendar days of the dormant captive company's fiscal year end, the company shall annually submit to the commissioner a report on the company's financial condition, verified by oath of two of the company's executive officers, in the form and manner as established by the commissioner by rule.

(3) The dormant captive company shall pay an annual one thousand dollar dormancy tax, due on or before March 1, if for any portion of the immediately preceding calendar year the captive company held a certificate of dormancy. Each series of members and each protected cell shall be considered separate for purposes of paying the annual dormancy tax under a certificate of dormancy. A dormant captive company is not otherwise liable for any annual renewal as provided in section 521J.2, subsection 4, paragraph "b".

b. A dormant captive insurance company that has been issued a certificate of dormancy shall not be subject to or liable for the payment of tax under section 432.1A from the date the certificate of dormancy is issued through the date the certificate of dormancy expires.

4. A dormant captive company shall be subject to examination under section 521J.9 for any year in which the company does not qualify as a dormant captive company. In the commissioner's discretion, a dormant captive company shall be subject to examination under section 521J.9 for any year in which the dormant captive company qualifies as a dormant captive company.

5. Prior to a dormant captive company issuing an insurance policy, the dormant captive company shall apply to the commissioner for approval to surrender the company's certificate of dormancy and to resume conducting the business of insurance.

6. A dormant captive company's certificate of dormancy shall be revoked if the company violates this section.

Sec. 26. NEW SECTION. 521J.23 Workers' compensation — compliance with state and federal laws.

1. This chapter shall not be construed to exempt a captive company, a captive company's parent, or a captive company's affiliated companies from compliance with applicable state and federal laws governing workers' compensation insurance.

2. This chapter shall not be construed to divest the division of workers' compensation of any jurisdiction, as authorized by law, over workers' compensation self-insurance plans.

Sec. 27. NEW SECTION. 521J.24 Books and records.

1. a. Unless otherwise approved by the commissioner, a captive company shall maintain the captive company's original books, records, documents, accounts, vouchers, and agreements in this state and make them available for examination and inspection by the commissioner as requested by the commissioner. The captive company may store and reproduce the books, records, documents, accounts, vouchers, and agreements electronically.

b. All books, records, documents, accounts, vouchers, and agreements shall be kept in a manner that the commissioner can readily ascertain the captive company's financial condition, affairs, and operations; can readily verify the captive company's financial statements; and can confirm the captive company's compliance with this chapter.

2. Unless otherwise approved by the commissioner, all books, records, documents, accounts, vouchers, and agreements maintained by a captive company under subsection 1 shall remain available in the state until the commissioner approves destruction or other disposition of the books, records, documents, accounts, vouchers, and agreements.

Sec. 28. NEW SECTION. 521J.26 Risk management of controlled unaffiliated business — standards.

The commissioner may adopt rules establishing standards to ensure that a parent or affiliated company is able to exercise control of the risk management function of any controlled unaffiliated business to be insured by a captive company. If rules are not adopted to establish standards pursuant to this section, the commissioner may approve the coverage of such risks on a case-by-case basis.

Sec. 29. NEW SECTION. 521J.27 Rules.

The commissioner shall adopt rules pursuant to chapter 17A to implement and administer this chapter.

Sec. 30. FUTURE REPEAL. Chapter 521G, Code 2023, is repealed effective January 1, 2025.

Sec. 31. APPLICABILITY. The following applies January 1, 2025, to protected cell captive companies formed, authorized, or continued on or after that date:

The section of this Act enacting section 521J.17.

Approved June 1, 2023

CHAPTER 108

APPROPRIATIONS — ADMINISTRATION AND REGULATION

S.F. 557

AN ACT relating to and making appropriations for state government administration and regulation, including the department of administrative services, auditor of state, ethics and campaign disclosure board, offices of governor and lieutenant governor, department of inspections, appeals, and licensing, department of insurance and financial services, department of management, Iowa public employees’ retirement system, public information board, department of revenue, secretary of state, treasurer of state, and Iowa utilities board, creating a licensing and regulation fund, and modifying provisions related to major procurement contracts for the Iowa lottery division of the department of revenue.

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

FY 2023-2024 APPROPRIATIONS

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, 2023, and ending June 30, 2024, 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:

.....	\$	3,597,181
.....	FTEs	55.30

b. For the payment of utility costs, and for not more than the following full-time equivalent positions:

.....	\$	4,487,598
.....	FTEs	1.00

Notwithstanding section 8.33, moneys appropriated for utility costs in this lettered paragraph 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 Terrace Hill operations, and for not more than the following full-time equivalent positions:

.....	\$	460,884
.....	FTEs	4.37

d. For state library services:

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,557,594
.....	FTEs	20.00

(2) For the enrich Iowa program established under section 256.57, as amended by 2023 Iowa Acts, Senate File 514: ¹

.....	\$	2,464,823
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e. For administration of cultural activities:

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	168,403
.....	FTEs	0.75

(2) The department shall coordinate historical and cultural activities with the tourism office of the economic development authority to promote attendance at the state historical building and at the state’s historic sites.

¹ Chapter 19 herein

(3) Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph and paragraphs “f” and “g”.

f. For support of the state’s historical resources, and for not more than the following full-time equivalent positions:

.....	\$	3,136,371
.....	FTEs	37.24

g. For administration and support of the state’s historic sites, and for not more than the following full-time equivalent positions:

.....	\$	425,751
.....	FTEs	2.00

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 remain available for expenditure for purposes of the fund in subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, 2023, and ending June 30, 2024, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2.00 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, 2023, and ending June 30, 2024, 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:

.....	\$	983,971
.....	FTEs	98.00

b. For auditing costs associated with the transition of state entities pursuant to 2023 Iowa Acts, Senate File 514:²

.....	\$	65,400
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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 appropriations in this section solely for audit work related to the annual comprehensive financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the annual comprehensive 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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

² Chapter 19 herein

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

.....	\$	773,554
.....	FTEs	7.00

Sec. 6. 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, 2023, and ending June 30, 2024, 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:

.....	\$	2,810,502
.....	FTEs	25.00

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:

.....	\$	142,281
.....	FTEs	1.93

Sec. 7. DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING. There is appropriated from the general fund of the state to the department of inspections, appeals, and licensing for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	545,733
.....	FTEs	10.55

2. ADMINISTRATIVE HEARINGS DIVISION

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

.....	\$	624,374
.....	FTEs	23.00

3. INVESTIGATIONS

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

.....	\$	2,235,992
.....	FTEs	50.00

b. By December 1, 2023, the department shall submit a report to the general assembly concerning the department’s activities relative to fraud in public assistance programs for the fiscal year beginning July 1, 2022, and ending June 30, 2023. 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

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

.....	\$	4,862,971
.....	FTEs	115.00

b. The department shall make all of 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 of health facilities conducted by the department annually by type of service provider and type of inspection.

(2) The total annual operations budget for the department that is associated with health facilities regulation, 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 department that are associated with health facilities regulation, 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 continuously solicit input from health facilities regulated by the department to assess and improve the department'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:

.....	\$	38,865
.....	FTEs	11.00

b. The employment appeal board shall be reimbursed by the department 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 department under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

c. The employment appeal board 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 of federal funds 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.

6. FOOD AND CONSUMER SAFETY

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

.....	\$	509,565
.....	FTEs	33.75

7. IOWA STATE CIVIL RIGHTS COMMISSION

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

.....	\$	1,337,999
.....	FTEs	27.00

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

8. LABOR SERVICES

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

.....	\$	3,365,697
.....	FTEs	56.00

9. DIVISION OF WORKERS' COMPENSATION

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

.....	\$	3,321,044
.....	FTEs	26.10

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 paragraph are appropriated to the department to be used for purposes of administering the division of workers' compensation.

10. PROFESSIONAL LICENSING

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

.....	\$	2,862,660
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..... FTEs 156.00

11. APPROPRIATION REALLOCATION. Notwithstanding section 8.39, the department of inspections, appeals, and licensing, 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.

Sec. 8. DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING — LICENSE OR REGISTRATION FEES.

1. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the department of inspections, appeals, and licensing 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 2, 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, 2024.

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 close 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 determined by the department of management in consultation with the legislative services agency.

Sec. 9. HOUSING TRUST FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING. There is appropriated from the housing trust fund created in section 16.181 to the department of inspections, appeals, and licensing for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For professional licensing salaries, support, maintenance, and miscellaneous purposes:
 \$ 62,317

Sec. 10. 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, appeals, and licensing for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, gambling structure laws, sports wagering, and fantasy sports contests, and for not more than the following full-time equivalent positions:
 \$ 7,013,449
 FTEs 53.70

Sec. 11. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections, appeals, and licensing for the fiscal year beginning July 1, 2023, and ending

June 30, 2024, 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. 12. DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES. There is appropriated from the commerce revolving fund created in section 546.12, as amended by 2023 Iowa Acts, Senate File 514,³ to the department of insurance and financial services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. BANKING DIVISION

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

..... \$ 13,025,180
..... FTEs 79.00

2. CREDIT UNION DIVISION

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

..... \$ 2,553,593
..... FTEs 16.00

3. INSURANCE DIVISION

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

..... \$ 6,876,987
..... FTEs 123.85

b. From the full-time equivalent positions authorized in this subsection, the insurance division shall use 2.00 full-time equivalent positions for two fraud investigators.

c. The insurance division shall use 1.00 full-time equivalent positions authorized in this subsection for an employee whose sole responsibility is investigating complaints and notifications related to financial exploitation of eligible adults.

d. The insurance division shall use 2.00 full-time equivalent positions authorized in this subsection for management, enforcement, and investigation of matters related to pharmacy benefit manager programs.

e. Except as provided in paragraphs "b", "c", and "d", the insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements.

f. 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 all of the following:

(1) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(2) Files with each of the entities named in subparagraph (1) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

Sec. 13. DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES — CAPTIVE INSURANCE. There is appropriated from the general fund of the state to the department of insurance and financial services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the captive insurance regulatory and supervision fund created in section 521J.12, if enacted by 2023 Iowa Acts, Senate File 549,⁴ for use as provided in section 521J.12, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

³ Chapter 19 herein
⁴ Chapter 107 herein

.....	\$	450,000
.....	FTEs	2.00

Sec. 14. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

.....	\$	2,766,693
.....	FTEs	21.00

2. For the security office of the chief information officer; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	4,421,887
.....	FTEs	24.39

Of the moneys appropriated in this subsection, \$325,000 is allocated to providing cybersecurity services to local governments.

Sec. 15. DEPARTMENT OF MANAGEMENT — OFFICE OF THE CHIEF INFORMATION OFFICER — REVOLVING FUND.

1. There is appropriated to the office of the chief information officer of the department of management for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, 2023, and ending June 30, 2024, the first \$750,000 collected 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. 16. 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, 2023, and ending June 30, 2024, 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
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Sec. 17. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

.....	\$	20,923,309
.....	FTEs	98.13

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, 2023, and ending June 30, 2024, 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:

.....	\$	357,407
.....	FTEs	3.20

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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. (1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,056,183
.....	FTEs	151.16

(2) From the moneys appropriated in this paragraph, 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.

b. For alcoholic beverage control activities; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	1,010,054
.....	FTEs	18.10

2. 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, 2023, and ending June 30, 2024, 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

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

.....	\$	2,121,759
.....	FTEs	16.50

b. 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:

.....	\$	1,417,535
.....	FTEs	16.00

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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 195,400

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 “c” and “q”, section 490.122, subsection 1, paragraph “a”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2023, 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, 2023, and ending June 30, 2024, 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:

..... \$ 1,015,300
..... FTEs 26.00

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, 2023, and ending June 30, 2024, 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 fund moneys:

..... \$ 316,788

Sec. 26. IOWA UTILITIES BOARD.

1. There is appropriated from the commerce revolving fund created in section 546.12, as amended by 2023 Iowa Acts, Senate File 514,⁵ to the Iowa utilities board for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 10,746,366
..... FTEs 75.00

2. The utilities board 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 board expends or encumbers an amount in excess of the moneys budgeted for regulation, the board shall first do all 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 paragraph “a” the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

Sec. 27. CHARGES. The Iowa utilities board and each division of the department of insurance and financial services 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.

⁵ Chapter 19 herein

Sec. 28. IOWA PRODUCTS. As a condition of receiving an appropriation, any agency appropriated moneys pursuant to this 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.

FY 2023-2024 STANDING APPROPRIATIONS — LIMITATIONS

Sec. 29. LIMITATION OF STANDING APPROPRIATION — FY 2023-2024. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the amount appropriated from the general fund of the state pursuant to that 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

DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING
LICENSING AND REGULATION FUND

Sec. 30. Section 10A.104, subsection 15, as enacted by 2023 Iowa Acts, Senate File 514,⁶ section 1430, is amended by striking the subsection and inserting in lieu thereof the following:

15. Perform fire control duties pursuant to section 10A.511.

Sec. 31. NEW SECTION. **10A.507 Licensing and regulation fund.**

1. A licensing and regulation fund is created in the state treasury under the control of the department of inspections, appeals, and licensing. Moneys in the fund are appropriated to the department to be used to fulfill the administration and enforcement responsibilities of the department and boards under the purview of the department under this subchapter.

2. The fund shall consist of moneys and fees collected by the department for deposit in the fund.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in succeeding fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 32. Section 88A.5, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁷ section 1766, is amended to read as follows:

88A.5 Fees to ~~general~~ licensing and regulation fund.

All fees collected by the department under the provisions of this chapter shall be transmitted to the treasurer of state and credited by the treasurer to the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 33. Section 89.9, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁸ section 1797, is amended to read as follows:

89.9 Disposal of fees.

All fees provided for in this chapter shall be collected by the director and remitted to the treasurer of state, to be deposited in the ~~boiler and pressure vessel safety fund pursuant to section 89.8~~ licensing and regulation fund created in section 10A.507, together with an itemized statement showing the source of collection.

⁶ Chapter 19 herein

⁷ Chapter 19 herein

⁸ Chapter 19 herein

Sec. 34. Section 89A.19, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁹ section 1820, is amended by striking the section and inserting in lieu thereof the following:

89A.19 Fees.

All fees collected by the director pursuant to this chapter shall be remitted to the treasurer of state, to be deposited in the licensing and regulation fund created in section 10A.507.

Sec. 35. Section 101A.12, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁰ section 1550, is amended to read as follows:

101A.12 Deposit and use of fees.

The fees collected by the director in issuing licenses pursuant to this chapter shall be deposited in the ~~state general fund~~ licensing and regulation fund created in section 10A.507.

Sec. 36. Section 103.7, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹¹ section 1561, is amended by striking the section and inserting in lieu thereof the following:

103.7 Fees.

All licensing, examination, renewal, and inspection fees under this chapter shall be deposited in the licensing and regulation fund created in section 10A.507.

Sec. 37. Section 105.9, subsection 3, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

3. All fees collected under this chapter shall be deposited in the licensing and regulation fund created in section 10A.507.

Sec. 38. Section 135.11A, subsection 1, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹² section 1580, is amended to read as follows:

1. Each board under ~~chapters~~ chapter 100C, 103, 103A, 105, or 147 that ~~are is~~ under the administrative authority of the department, ~~except the board of nursing, board of medicine, dental board, and board of pharmacy,~~ shall receive administrative and clerical support from the department and may not employ its own support staff for administrative and clerical duties. The executive director of the board of nursing, board of medicine, dental board, and board of pharmacy shall be appointed pursuant to section 135.11B.

Sec. 39. Section 147.80, subsection 3, Code 2023, is amended to read as follows:

3. The board of medicine, the board of pharmacy, the dental board, and the board of nursing shall retain individual executive officers pursuant to section 135.11B, ~~but shall make every effort to share administrative, clerical, and investigative staff to the greatest extent possible.~~

Sec. 40. Section 147.82, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹³ section 1624, is amended to read as follows:

147.82 Fee retention.

All fees collected by a board listed in section 147.13 or by the department, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be ~~retained by each board or by the department~~ deposited in the licensing and regulation fund created in section 10A.507. ~~The moneys retained by a board shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by a board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by a board pursuant to this section are not subject to reversion to the general fund of the state.~~

⁹ Chapter 19 herein

¹⁰ Chapter 19 herein

¹¹ Chapter 19 herein

¹² Chapter 19 herein

¹³ Chapter 19 herein

Sec. 41. Section 542.4, subsection 4, Code 2023, is amended to read as follows:

4. All moneys collected by the board from fees authorized to be charged by this chapter shall be received and accounted for by the board and shall be paid monthly to the treasurer of state for deposit in the general fund of the state licensing and regulation fund created in section 10A.507. Expenses of administering this chapter shall be paid from moneys appropriated to the department pursuant to section 10A.507 and from appropriations made by the general assembly, which expenses may include but shall not be limited to the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public and licensees and their employees.

Sec. 42. Section 542B.12, Code 2023, is amended to read as follows:

542B.12 Disposition of fees.

The staff shall collect and account for all fees provided for by this chapter and pay the fees to the treasurer of state who shall deposit the fees in the general fund of the state licensing and regulation fund created in section 10A.507.

Sec. 43. Section 543B.14, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁴ section 1669, is amended to read as follows:

543B.14 Fees and expenses.

All fees and charges collected by the real estate commission under this chapter shall be paid into the general fund of the state, except that deposited in the licensing and regulation fund created in section 10A.507. Of the moneys deposited in the fund, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee shall be appropriated to the department of inspections, appeals, and licensing for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid from funds appropriated for those purposes.

Sec. 44. Section 543D.6, subsection 2, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁵ section 1674, is amended to read as follows:

2. All fees collected by the board shall be deposited into the commerce revolving licensing and regulation fund created in section 546.12 and are appropriated to the director on behalf of the board 10A.507 to be used to administer this chapter, including but not limited to purposes such as examinations, investigations, and administrative staffing. Notwithstanding section 8.33, moneys retained by the director pursuant to this section are not subject to reversion to the general fund of the state. However, the appraisal management company national registry fees the board collects on behalf of the appraisal subcommittee as defined in section 543E.3 shall be transmitted to the appraisal subcommittee in accordance with federal laws and regulations.

Sec. 45. Section 543E.10, subsection 2, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁶ section 1685, is amended to read as follows:

2. Except as provided in subsection 3, all fees collected under this chapter shall be deposited into the commerce revolving licensing and regulation fund created in section 546.12 and are appropriated to the director 10A.507 to be used to administer this chapter including but not limited to purposes such as examinations, investigations, and administrative staffing. Notwithstanding section 8.33, moneys appropriated pursuant to this subsection are not subject to reversion to the general fund of the state.

Sec. 46. Section 544A.11, subsection 2, Code 2023, is amended to read as follows:

2. All fees shall be paid to the treasurer of state and deposited in the general fund of the state licensing and regulation fund created in section 10A.507.

¹⁴ Chapter 19 herein

¹⁵ Chapter 19 herein

¹⁶ Chapter 19 herein

Sec. 47. Section 544B.14, subsection 2, Code 2023, is amended to read as follows:

2. All fees shall be collected by the secretary, paid to the treasurer of state, and deposited in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 48. Section 544C.3, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Establishing fees for registration as a registered interior designer, renewal of registration, reinstatement of registration, and for other activities of the board pertaining to its duties. The fees shall be sufficient to defray the costs of administering this chapter, and shall be deposited in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 49. Section 546.10, subsection 3, paragraph b, Code 2023, as amended by 2023 Iowa Acts, Senate File 514, ¹⁷ section 1704, is amended by striking the paragraph.

Sec. 50. Section 546.10, subsection 5, Code 2023, as amended by 2023 Iowa Acts, Senate File 514, ¹⁸ section 1704, is amended by striking the subsection and inserting in lieu thereof the following:

5. All expenses required in the discharge of the duties and responsibilities imposed upon the department, the director, and the licensing boards by the laws of this state shall be paid from moneys appropriated for those purposes.

Sec. 51. REPEAL. Section 89.8, Code 2023, is repealed.

Sec. 52. TRANSITION PROVISIONS.

1. Any unobligated and unencumbered moneys in the boiler and pressure vessel safety revolving fund created in section 89.8, Code 2023, as of July 1, 2023, shall be transferred for deposit in the licensing and regulation fund created in section 10A.507, as enacted by this Act.

2. Any unobligated and unencumbered moneys in the revolving elevator safety fund created in section 89A.19, Code 2023, as of July 1, 2023, shall be transferred for deposit in the licensing and regulation fund created in section 10A.507, as enacted by this Act.

3. Any unobligated and unencumbered moneys in the electrician and installer licensing and inspection fund created in section 103.7, Code 2023, as of July 1, 2023, shall be transferred for deposit in the licensing and regulation fund created in section 10A.507, as enacted by this Act.

4. Any unobligated and unencumbered moneys retained by any board or the department of public health for the bureau of professional licensure pursuant to section 147.82, Code 2023, as of July 1, 2023, shall be transferred for deposit in the licensing and regulation fund created in section 10A.507, as enacted by this Act.

5. All fees collected under chapters 543D and 543E and deposited into the department of commerce revolving fund created in section 546.12, Code 2023, as of July 1, 2023, shall be transferred for deposit in the licensing and regulation fund created in section 10A.507, as enacted by this Act.

DEPARTMENT OF REVENUE
IOWA LOTTERY DIVISION
MAJOR PROCUREMENT CONTRACTS

Sec. 53. Section 99G.3, subsection 18, Code 2023, as amended by 2023 Iowa Acts, Senate File 514, ¹⁹ section 2300, is amended to read as follows:

18. “*Vendor*” means a person who provides or proposes to provide goods or services to the department pursuant to a major procurement contract, but does not include an employee of the department under this chapter, a retailer, or a state agency or instrumentality thereof.

¹⁷ Chapter 19 herein

¹⁸ Chapter 19 herein

¹⁹ Chapter 19 herein

Sec. 54. Section 99G.8, subsection 13, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²⁰ section 2309, is amended to read as follows:

13. Board members shall not have any direct or indirect interest in an undertaking that puts their personal interest in conflict with that of the department under this chapter including but not limited to an interest in a major procurement contract or a participating retailer.

Sec. 55. Section 99G.9, subsection 2, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²¹ section 2313, is amended to read as follows:

2. Approve, disapprove, amend, or modify the terms of major lottery procurements recommended by the administrator.

Sec. 56. Section 99G.22, subsections 1, 3, 4, and 6, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²² section 2324, are amended to read as follows:

1. The department shall investigate the financial responsibility, security, and integrity of any lottery system vendor who is a finalist in submitting a bid, proposal, or offer as part of a major procurement contract. Before a major procurement contract is awarded, the division of criminal investigation of the department of public safety shall conduct a background investigation of the vendor to whom the contract is to be awarded. The administrator shall consult with the division of criminal investigation and shall provide for the scope of the background investigation and due diligence to be conducted in connection with major procurement contracts. At the time of submitting a bid, proposal, or offer to the department on a major procurement contract, each vendor shall be required to submit to the division of criminal investigation appropriate investigation authorization to facilitate this investigation, together with an advance of funds to meet the anticipated investigation costs. If the division of criminal investigation determines that additional funds are required to complete an investigation, the vendor will be so advised. The background investigation by the division of criminal investigation may include a national criminal history check through the federal bureau of investigation. The screening of vendors or their employees through the federal bureau of investigation shall be conducted by submission of fingerprints through the state criminal history repository to the federal bureau of investigation.

3. A major procurement contract shall not be entered into with any lottery system vendor who has not complied with the disclosure requirements described in this section, and any contract with such a vendor is voidable. Any contract with a vendor that does not comply with the requirements for periodically updating such disclosures during the tenure of the contract as may be specified in such contract may be terminated. The provisions of this section shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the department of the competence, integrity, background, and character of vendors for major procurements.

4. A major procurement contract shall not be entered into with any vendor who has been found guilty of a felony related to the security or integrity of the lottery in this or any other jurisdiction.

6. If, based on the results of a background investigation, the department determines that the best interests of the department, including but not limited to the department's reputation for integrity, would be served thereby, the department may disqualify a potential vendor from contracting with the department for a major procurement contract or from acting as a subcontractor in connection with a contract for a major procurement contract.

Sec. 57. Section 99G.37, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²³ section 2343, is amended to read as follows:

99G.37 Competitive bidding Major procurement contracts.

All major procurement contracts under this chapter must be competitively bid entered into in accordance with chapter 8A, subchapter III, part 2. Procurement Major procurement contracts shall take into consideration the greatest integrity for the Iowa lottery. In any

²⁰ Chapter 19 herein

²¹ Chapter 19 herein

²² Chapter 19 herein

²³ Chapter 19 herein

bidding process, the services of the department of administrative services shall may be utilized.

Sec. 58. Section 99G.39, subsection 1, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²⁴ section 2345, is amended to read as follows:

1. Upon receipt of any revenue from lottery games, the director shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated for payment of prizes to the holders of winning tickets. After the payment of prizes, the expenses of conducting the lottery shall be deducted from the department’s revenue under this chapter prior to disbursement. Expenses for advertising production and media purchases shall not exceed four percent of the department’s gross revenue under this chapter for the year.

Sec. 59. REPEAL. 2023 Iowa Acts, Senate File 514,²⁵ section 2301, is repealed.

Approved June 1, 2023

CHAPTER 109

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 558

AN ACT relating to and making appropriations involving state government entities associated with agriculture, natural resources, and environmental protection.

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

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL FUND APPROPRIATIONS

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, 2023, and ending June 30, 2024, 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:

.....	\$	19,210,194
.....	FTEs	397.00

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:

.....	\$	325,000
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3. Of the amount appropriated in subsection 1, the department shall use \$250,000 for purposes of administering and supporting additional meat and poultry inspectors and fuel inspectors. Of the full-time equivalent positions authorized in subsection 1, 2.00 full-time equivalent positions shall be used to hire additional meat and poultry inspectors and fuel inspectors.

4. The department shall submit a report each quarter of the fiscal year to the general assembly and the department of management. The report shall describe in detail

²⁴ Chapter 19 herein

²⁵ Chapter 19 herein

the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

DESIGNATED APPROPRIATIONS FROM 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, 2023, and ending June 30, 2024, 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:
..... \$ 305,516

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. 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, 2023, and ending June 30, 2024, 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

SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 4. SPECIAL APPROPRIATIONS FROM GENERAL FUND TO DEPARTMENT. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DAIRY REGULATION

a. 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

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

2. LOCAL FOOD AND FARM PROGRAM

a. For purposes of supporting the local food and farm program pursuant to chapter 267A:

..... \$ 75,000

b. 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.

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 until the close of the succeeding fiscal year.

3. AGRICULTURAL EDUCATION

a. For purposes of allocating moneys to an Iowa association affiliated with a national organization that promotes agricultural education providing for future farmers:

..... \$ 75,000

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

4. FOREIGN ANIMAL DISEASES AFFLICTING LIVESTOCK

a. For deposit in the foreign animal disease preparedness and response fund created in section 163.3B:

..... \$ 1,000,000

b. For purposes of purchasing and maintaining equipment to further the implementation of the foreign animal disease preparedness and response strategy developed under section 163.3B:

..... \$ 250,000

c. For purposes of assisting in the development of vaccines against foreign animal diseases by a company based in Iowa that develops livestock and other animal vaccines:

..... \$ 250,000

5. FARMERS WITH DISABILITIES PROGRAM

a. For purposes of supporting a program for farmers with disabilities:

..... \$ 230,000

b. The moneys appropriated in this subsection 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 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.

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 until the close of the succeeding fiscal year.

6. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created pursuant to section 161D.2:

..... \$ 400,000

b. (1) Of the amount appropriated to the loess hills development and conservation fund in this subsection, \$360,000 shall be allocated to the fund’s hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the fund’s hungry canyons account as provided in this paragraph may be used for administrative costs.

c. (1) Of the amount appropriated to the loess hills development and conservation fund in this subsection, \$40,000 shall be allocated to the fund’s loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the fund’s loess hills alliance account as provided in this paragraph may be used for administrative costs.

7. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created pursuant to section 161D.12:

..... \$ 150,000

b. Not more than 10 percent of the moneys appropriated to the fund as provided in this subsection may be used for administrative costs.

8. GRAIN REGULATION

For the administration and enforcement of chapters 203 and 203C, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 350,000

9. VALUE ADDED AGRICULTURE GRANT PROGRAM

a. For the administration and execution of a value added agriculture grant program to identify, evaluate, and support programs and services that add value to agriculture products, enable new technology, and support marketing strategies:

..... \$ 463,000

b. The department shall adopt rules pursuant to chapter 17A necessary to implement and administer this subsection.

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 until the close of the succeeding fiscal year.

10. CHOOSE IOWA PROMOTIONAL PROGRAM

For deposit in the choose Iowa fund established pursuant to section 159.31:
..... \$ 500,000

11. DAIRY INNOVATION FUND

For deposit in the dairy innovation fund created in section 159.31A, if enacted by 2023 Iowa Acts, House File 700: ¹

..... \$ 750,000

DIVISION II
DEPARTMENT OF NATURAL RESOURCES

Sec. 5. 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, 2023, and ending June 30, 2024, 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:

..... \$ 11,922,293
..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact conservation officer, park ranger, or park manager positions within the department.

3. The department shall submit a report each quarter of the fiscal year to the general assembly and the department of management. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

Sec. 6. STATE FISH AND GAME PROTECTION FUND — REGULATION AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

1. There is appropriated from the state fish and game protection fund created pursuant to section 456A.17 to the department of natural resources for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 48,397,337

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 may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2023, and ending June 30, 2024, as is necessary to fund salary adjustments for departmental employees for which the general assembly has made an operating budget appropriation in subsection 1.

¹ Chapter 101 herein

Sec. 7. 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, 2023, and ending June 30, 2024, from those moneys that 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:
..... \$ 3,455,850

Sec. 8. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subparagraph division (a), Code 2023, is amended to read as follows:

(a) Thirty-five percent is appropriated annually to the Iowa nutrient research fund created in section 466B.46. Of the moneys appropriated pursuant to this subparagraph division, five hundred thousand dollars or one-third of the moneys appropriated, whichever is higher, shall be deposited 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.

Sec. 9. Section 466B.47, subsection 4, Code 2023, is amended by striking the subsection.

DESIGNATED APPROPRIATIONS FROM MISCELLANEOUS FUNDS

Sec. 10. 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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of administering and enforcing the state snowmobile programs:
..... \$ 100,000

Sec. 11. 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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of paying for administration expenses of the department’s underground storage tanks section:
..... \$ 200,000

SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 12. SPECIAL APPROPRIATIONS FROM GENERAL FUND TO DEPARTMENT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. FLOODPLAIN MANAGEMENT AND DAM SAFETY

a. For purposes of supporting floodplain management and dam safety:
..... \$ 1,510,000

b. Of the amount appropriated in this subsection, 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.

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 until the close of the succeeding fiscal year.

2. FORESTRY HEALTH MANAGEMENT

a. For purposes of providing for forestry health management programs:
..... \$ 500,000

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

3. STATE PARK OPERATIONS

For supporting operations at state parks, including maintenance and repair of grounds and facilities:

..... \$ 1,000,000

DIVISION III
IOWA STATE UNIVERSITY
SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 13. 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, 2023, and ending June 30, 2024, 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:

..... \$ 4,400,000
..... 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, 2024, 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.

Sec. 14. LIVESTOCK DISEASE RESEARCH.

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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the livestock disease research fund created in section 267.8:

..... \$ 191,390

2. Moneys appropriated under subsection 1 shall be used by Iowa state university of science and technology to support animal disease research in areas of importance to livestock producers.

DESIGNATED APPROPRIATIONS FROM MISCELLANEOUS FUNDS

Sec. 15. IOWA NUTRIENT REDUCTION FUND — VETERINARY DIAGNOSTIC LABORATORY. Notwithstanding section 466B.46, there is appropriated from the Iowa nutrient research fund created in section 466B.46 to Iowa state university of science and technology for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory:

..... \$ 120,000

DIVISION IV
STATE UNIVERSITY OF IOWA
SPECIAL GENERAL FUND APPROPRIATIONS

Sec. 16. IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH (I-CASH).

1. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supporting the operations of Iowa's center for agricultural safety and health, as part of the university's college of public health, and in cooperation with the department of agriculture and land stewardship, to anticipate, recognize, and prevent occupational illness and injury among members of the agricultural community:

..... \$ 128,154

2. a. As a condition of the appropriation made in subsection 1, the state university of Iowa shall retain the director of Iowa's center for agricultural safety and health employed on the effective date of this division of this Act for at least the same number of hours for the fiscal year beginning July 1, 2023, as worked by the director during the fiscal year beginning July 1, 2022.

b. As a condition of the appropriation made in subsection 1, the state university of Iowa shall not reduce the amount allocated to support Iowa's center for agricultural safety and health from any other source due to the appropriation made in subsection 1.

3. If by June 30, 2024, the state university of Iowa fails to use the moneys appropriated in subsection 1 in accordance with the purposes and conditions of subsections 1 and 2, any unencumbered or unobligated moneys appropriated in subsection 1 for the fiscal year beginning July 1, 2023, and ending June 30, 2024, shall revert to the general fund of the state. In addition, if moneys revert as required pursuant to section 8.33, the state university of Iowa shall transfer to the general fund of the state from any otherwise unencumbered or unobligated moneys from any other general fund appropriation or from any moneys available from other funding sources an amount equal to the amount appropriated in subsection 1 less any amount that reverted to the general fund of the state pursuant to section 8.33.

DIVISION V
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS

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, 2023, and ending June 30, 2024, 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 of 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. 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.

4. 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 hungry canyons account of the loess hills development and conservation fund created in section 161D.2:

..... \$ 140,000

(2) Not more than 10 percent of the moneys transferred to the fund’s hungry canyons account as provided in subparagraph (1) 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:

..... \$ 8,185,000

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 and water quality 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.

5. 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.

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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance and operations of state parks and staff time associated with these activities:

..... \$ 6,235,000

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, 459A, and 459B:	
.....	\$ 1,320,000
6. FLOODPLAIN MANAGEMENT AND DAM SAFETY	
For supporting floodplain management and dam safety:	
.....	\$ 375,000
7. 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

Sec. 19. Section 455B.145, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Ordinances, rules, and standards establishing requirements consistent with ~~or more strict than~~, those imposed by this subchapter II or rules and standards adopted by the department.

Sec. 20. STATE UNIVERSITY OF IOWA — IOWA GEOLOGICAL SURVEY. There is appropriated from the environment first fund created in section 8.57A to the state university of Iowa for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS	
For purposes of supporting the operations of the Iowa geological survey of the state as created within the state university of Iowa pursuant to section 456.1, including but not limited to providing analysis; data maintenance, collection, and compilation; investigative programs; and information for water supply development and protection:	
.....	\$ 200,000
2. WATER RESOURCE MANAGEMENT	
For purposes of supporting the Iowa geological survey in measuring, assessing, and evaluating the quantity of water sources in this state and assisting the department of natural resources in regulating water quantity as provided in chapter 455B, subchapter III, part 4, pursuant to sections 455B.262B and 456.14:	
.....	\$ 495,000

Sec. 21. REVERSION.

1. a. Except as provided in paragraph “b”, and notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2023, in this division 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, 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, 2023, 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 shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2026.

2. Subsection 1 does not apply to moneys transferred pursuant to this division of this Act 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

Sec. 22. 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, 2023, and ending June 30, 2024, 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 apply:

a. The demonstration projects shall utilize water quality practices as described in the Iowa nutrient reduction strategy as defined in section 455B.171.

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 VII

IOWA RESOURCES ENHANCEMENT AND PROTECTION — OPEN SPACES

Sec. 23. REAP — IN LIEU OF GENERAL FUND APPROPRIATION. In lieu of 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 for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, to be allocated as provided in section 455A.19:

..... \$ 12,000,000

Sec. 24. REAP — OPEN SPACES ACCOUNT — STATE PARK MAINTENANCE, OPERATIONS, AND FACILITY REFURBISHMENT. 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, up to \$1,000,000 may be used by the department of natural resources for state park maintenance, development operations, and facility refurbishment for the fiscal year beginning July 1, 2023, and ending on June 30, 2024.

Sec. 25. Section 465A.1, subsection 2, paragraph b, Code 2023, is amended by striking the paragraph.

Approved June 1, 2023

CHAPTER 110

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 559

AN ACT relating to and making appropriations for the economic development of the state, including to 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 modifying the housing renewal pilot program and provisions related to regional industry sector partnerships, the apprenticeship training program, and new jobs training agreements.

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

DIVISION I
FY 2023-2024 APPROPRIATIONS

Section 1. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2023, 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, 2023:

- 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. 2. 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, 2023, and ending June 30, 2024, 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:

.....	\$	12,807,359
.....	FTEs	112.50

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) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(3) For transfer to a fund created pursuant to section 15.313 for purposes of financing strategic infrastructure projects.

(4) For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the main street and rural main street programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(5) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

(6) 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.

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 residing 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 residing 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

In lieu of the standing appropriation in section 15.368, there is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount for the world food prize:

..... \$ 500,000

5. 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, 2023, and ending June 30, 2024, the following amount to be used for the purposes of providing financial assistance to Iowa’s councils of governments:

..... \$ 250,000

6. BUTCHERY INNOVATION AND REVITALIZATION PROGRAM

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For support of the butchery innovation and revitalization program established in section 15E.370:
..... \$ 633,325

b. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For support of the butchery innovation and revitalization program established in section 15E.370:

..... \$ 366,675

7. TOURISM OFFICE

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount for the tourism office to be used for advertising, promoting, placement, and implementation of the economic development authority’s strategic plan for tourism and travel:

..... \$ 1,100,000

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. The economic development authority shall submit an annual report on or before January 15 to the general assembly regarding the tourism office’s activities funded with moneys appropriated under this subsection. The report shall be provided in an electronic format and shall include metrics and criteria that allow the general assembly to quantify and evaluate the effectiveness and economic impact of the tourism office’s activities related to advertising, promoting, placement, and implementation of the economic development authority’s strategic plan for tourism and travel.

8. EMPOWER RURAL IOWA

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:
Empower rural Iowa program:

..... \$ 700,000

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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. The authority shall adopt rules pursuant to chapter 17A to establish criteria for the distribution of the moneys appropriated in this subsection.

9. CULTURAL AFFAIRS ACTIVITIES

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

(1) For planning and programming for the community cultural grants program established under section 303.3, as amended by 2023 Iowa Acts, Senate File 514: ¹
..... \$ 172,090

(2) For support of the Iowa arts council:
..... \$ 1,400,000

Of the moneys appropriated in this subparagraph, the authority shall allocate \$300,000 for purposes of the film office.

(3) For the Iowa great places program established under section 303.3C, as amended by 2023 Iowa Acts, Senate File 514: ²

..... \$ 149,710

(4) For grant programs administered by the Iowa arts council including those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:
..... \$ 150,000

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

¹ Chapter 19 herein
² Chapter 19 herein

available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2023-2024. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the amounts appropriated from the general fund of the state pursuant to those 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 4, paragraph “d”, subparagraph (1):
..... \$ 448,403
- 2. For the purposes of regional tourism marketing under section 99F.11, subsection 4, paragraph “d”, subparagraph (2):
..... \$ 1,443,700

Sec. 4. FINANCIAL ASSISTANCE REPORTING — ECONOMIC DEVELOPMENT AUTHORITY. The economic development authority shall submit an annual report to the general assembly no later than November 1, 2023, that details the amount of every direct loan, forgivable loan, tax credit, tax exemption, tax refund, grant, or any other financial assistance awarded to a person during the prior fiscal year by the authority under an economic development program administered by the authority. The report shall identify the county where the project associated with each such award is located.

Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the insurance division in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2023, \$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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. Rent subsidy program

(1) To provide reimbursement for rent expenses to eligible persons under the home and community-based services rent subsidy program established in section 16.55:
..... \$ 873,000

(2) Of the moneys appropriated in this paragraph, not more than \$35,000 may be used for administrative costs.

b. Housing renewal pilot program

To provide housing renewal moneys to a nonprofit Iowa affiliate to award grants to eligible communities for a housing renewal pilot program:
..... \$ 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 for expenditure for the purposes designated until the close of the succeeding fiscal year.

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, 2023, and ending June 30, 2024, 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:
..... \$ 1,290,230

..... FTEs 9.00

2. Of the moneys appropriated in this section, the board shall allocate \$15,000 for maintaining an internet site that allows access to a searchable 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices and the workforce development board, and for not more than the following full-time equivalent positions:

..... \$ 6,675,650

..... FTEs 166.41

b. Of the moneys appropriated in paragraph "a", 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.

2. 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:

..... \$ 387,158

..... FTEs 5.00

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities resources to improve offenders' abilities to find and retain productive employment.

3. 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

4. WORKPLACE INJURY AND SAFETY SURVEYS

For the operation of workplace safety surveys and workplace data collection and analysis, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 125,555

..... FTEs 3.00

5. SUMMER YOUTH INTERN PILOT PROGRAM

For the funding of a summer youth intern pilot program that will help young people at risk of not graduating from high school to explore and prepare for high-demand careers through summer work experience, including the development of soft skills:

..... \$ 250,000

6. VOCATIONAL REHABILITATION SERVICES DIVISION

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

..... \$ 6,106,732

..... FTEs 248.00

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, 2024, the division shall submit a written report to the general assembly regarding 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 positions:

..... \$ 84,804

..... FTEs 1.00
 c. For the entrepreneurs with disabilities program established pursuant to section 259.4, as amended by 2023 Iowa Acts, Senate File 514:³

..... \$ 138,506

d. For costs associated with centers for independent living:
 \$ 86,547

7. ADULT EDUCATION AND LITERACY PROGRAMS

For distribution as grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language:

..... \$ 500,000

In issuing grants under this subsection, the department of workforce development shall use the same application process and criteria as are used for purposes of awarding grants to community colleges for the purpose of adult basic education programs for students requiring instruction in English as a second language using moneys that are appropriated to the department from the Iowa skilled worker and job creation fund.

8. FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM

For the funding of the future ready Iowa registered apprenticeship development program under chapter 15C, as amended by 2023 Iowa Acts, Senate File 514,⁴ to encourage small to midsize businesses to start or grow registered apprenticeships:

..... \$ 760,000

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, 2023, and ending June 30, 2024, 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:

..... \$ 379,631

..... FTEs 3.00

Sec. 11. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund created in section 96.13 to the department of workforce development for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for field offices:

..... \$ 2,416,084

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, 2023, and ending June 30, 2024, 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 created in section 96.9 to the department of workforce development for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of field offices:

..... \$ 2,200,000

³ Chapter 19 herein

⁴ Chapter 19 herein

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.

1. 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 federal 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, 2023.

2. Notwithstanding subsection 1, up to \$800,000, or so much thereof as may be necessary, of the unemployment compensation modernization incentive payments made to the state's unemployment trust fund account as a special transfer under section 903 of the federal Social Security Act, pursuant to the federal Assistance for Unemployed Workers and Struggling Families Act, of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, are appropriated to the department of workforce development for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for the purpose of modification of space for unemployment insurance administrative law judge offices and conference rooms in which to hold unemployment insurance appeal hearings.

Sec. 15. 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, 2023, and ending June 30, 2024, 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 as described in section 15.335B for the high quality jobs program:

..... \$ 11,700,000

From the moneys appropriated in this subparagraph, the economic development authority may use not more than \$1,000,000 for purposes of providing infrastructure grants to main street communities under the main street Iowa program and may allocate not more than \$300,000 for the purposes of supporting statewide worker education and quality preapprenticeship programs.

(2) 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

(a) 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.

(b) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(c) The state board of regents shall submit a report by January 15, 2024, to the governor and the general assembly 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 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	50.95

(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 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.

(d) Iowa state university of science and technology shall report annually to the general assembly 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

(a) For the state university of Iowa research park and for university of Iowa pharmaceuticals located at the 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:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(b) 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

(4) UNIVERSITY OF NORTHERN IOWA. For the metal casting and foundry 4.0 centers, advance Iowa, family business center, and the institute for decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,466,419
.....	FTEs	13.00

The university of northern 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.

(5) 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

(1) 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

(a) The department of workforce development shall begin a request for proposals process, issued for purposes of this subparagraph (1), no later than September 1, 2023.

(b) As a condition of receiving moneys appropriated under this subparagraph (1), an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

(2) For the funding of a future ready Iowa coordinator in the department, and for not more than the following full-time equivalent positions:

..... \$ 150,000
..... FTEs 1.00

(3) For distribution to community colleges for the purposes of implementing adult education and literacy programs pursuant to section 84A.19, as enacted by 2023 Iowa Acts, Senate File 514:⁵

..... \$ 5,500,000

(a) From the moneys appropriated in this numbered subparagraph, \$3,883,000 shall be allocated pursuant to the formula established in section 260C.18C.

(b) From the moneys appropriated in this numbered subparagraph, not more than \$150,000 shall be used by the department of workforce development for implementation of adult education and literacy programs pursuant to section 84A.19, as enacted by 2023 Iowa Acts, Senate File 514.⁶

(c) From the moneys appropriated in this numbered subparagraph, not more than \$1,257,000 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 of workforce development shall establish an application process and criteria to award grants pursuant to this subparagraph division 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.

(d) From the moneys appropriated in this numbered subparagraph, \$210,000 shall be transferred to the department of health and human services for purposes of administering a program 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 program 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 2020 federal decennial census. The department of health and human services shall utilize a request for proposals process to identify the entity best qualified to implement the program.

(4) For deposit in the statewide work-based learning intermediary network fund created pursuant to section 256.40, as amended by 2023 Iowa Acts, Senate File 514:⁷

..... \$ 1,500,000

From the moneys appropriated in this numbered subparagraph, not more than \$50,000 shall be used by the department of workforce development to provide statewide support for work-based learning.

(5) 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”:

⁵ Chapter 19 herein

⁶ Chapter 19 herein

⁷ Chapter 19 herein

..... \$ 633,325

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. 16. GENERAL FUND — CERTAIN REGENTS INSTITUTIONS.

1. There is appropriated from the general fund of the state to the following institutions for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

In cooperation with the economic development authority, for support of a biosciences innovation ecosystem, to strengthen Iowa’s leadership positions in the area of bio-based chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,963,995
 FTEs 8.40

b. STATE UNIVERSITY OF IOWA

In cooperation with the economic development authority, for support of a biosciences innovation ecosystem, to strengthen Iowa’s leadership positions in the area of bio-based chemicals, digital agriculture, vaccines, and medical devices, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,000,000
 FTEs 4.35

c. UNIVERSITY OF NORTHERN IOWA

For equipment and technology to expand the university’s additive manufacturing capabilities related to investment castings technology and industry support, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 394,321
 FTEs 2.73

The university of northern Iowa shall make a good-faith effort to coordinate with private entities to seek moneys to supplement this appropriation to support the expansion of the university’s additive manufacturing capabilities.

2. Notwithstanding section 8.33, moneys appropriated in subsection 1, paragraphs “a” and “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.

DIVISION II

FY 2022-2023 — FUTURE READY IOWA VOLUNTEER MENTORING PROGRAM

Sec. 17. 2022 Iowa Acts, chapter 1148, section 3, subsection 11, is amended to read as follows:

11. FUTURE READY IOWA — VOLUNTEER MENTORING PROGRAM

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the economic development authority for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For allocation to the Iowa commission on volunteer services to be used for establishing a volunteer mentor program to support implementation of the future ready Iowa skilled workforce last-dollar scholarship program in section 261.131 and the future ready Iowa skilled workforce grant program created in section 261.132, and for not more than the following full-time equivalent positions:

..... \$ 400,000

..... FTEs 1.15
 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 for expenditure for the purposes designated, and for not more than the authorized full-time equivalent positions, until the close of the succeeding fiscal year.

DIVISION III
 HOUSING RENEWAL PILOT PROGRAM

Sec. 18. 2022 Iowa Acts, chapter 1148, section 20, is amended to read as follows:
 SEC. 20. HOUSING RENEWAL PILOT PROGRAM.

1. For purposes of this section, ~~“nonprofit Iowa affiliate”~~:

a. “Eligible participant” includes cities, counties, consortiums of local governments, and organizations exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

b. “Nonprofit Iowa affiliate” means a nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction, remodeling, or rehabilitation of one-family or two-family dwellings for use by low-income families.

2. a. A housing renewal program fund is created in the state treasury under the control of the Iowa finance authority. The fund shall consist of moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the Iowa finance authority to establish and administer a housing renewal pilot program.

b. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, there is appropriated from the general fund of the state to the Iowa finance authority five hundred thousand dollars for deposit in the housing renewal program fund.

c. 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.

e. d. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the housing renewal program fund shall be credited to the fund. Payment of interest, income generated from the sale of an ownership unit pursuant to subsection 6, recaptures of grant financial assistance awards, and other repayments under the housing renewal pilot program shall be deposited in the fund.

3. a. The Iowa finance authority shall provide moneys from the housing renewal program fund to a nonprofit Iowa affiliate that shall use the moneys to award grants financial assistance under the housing renewal pilot program to eligible participants.

b. ~~Eligible participants under paragraph “a” shall use a grant financial assistance awarded under the housing renewal pilot program only for purposes of the acquisition, rehabilitation, and resale of ownership units; the acquisition and demolition of blighted structures; and the redevelopment of ownership units.~~

4. Twenty-five percent of moneys appropriated to the housing renewal program fund shall be allocated to ~~rural communities~~ financial assistance awards for eligible participants located in the eighty-eight least populated counties in the state.

5. a. ~~The nonprofit Iowa affiliate may partner with a city, a county, a consortium of local governments, or an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code; however, the nonprofit Iowa affiliate shall determine the geographic location of all projects for which a grant is awarded shall determine the criteria used to evaluate eligible participants and to award financial assistance to eligible participants selected by the nonprofit Iowa affiliate.~~

b. ~~The nonprofit Iowa affiliate shall not award a grantee an eligible participant more than one hundred thousand dollars per ownership unit. A grantee may use up to five percent of a grant for administration expenses related to the grantee’s project.~~

The nonprofit Iowa affiliate may use up to five percent of the financial assistance awarded to an eligible participant for administrative expenses related to the housing renewal pilot program.

c. (1) ~~A grantee~~ An eligible participant shall have a maximum of thirty-six months from the date a contract is executed between the nonprofit Iowa affiliate and the grantee eligible participant for the grantee's eligible participant to complete the eligible participant's project. The grantee's eligible participant's project shall be considered complete when all grant funds financial assistance awarded to the grantee ~~have~~ eligible participant has been expended, and all ownership units that are covered by the contract are finished and available for sale.

(2) ~~If a grantee~~ Unless the nonprofit Iowa affiliate authorizes additional time for good cause shown, if an eligible participant has no project activity within ~~thirty-six~~ twelve months from the date a contract is executed between the nonprofit Iowa affiliate and the grantee eligible participant, the grant financial assistance award shall be returned to the Iowa finance authority for deposit in the housing renewal program fund.

d. ~~A grantee~~ An eligible participant shall sell each completed ownership unit to a homebuyer whose income is under the one hundred twenty percent area median income and who must occupy the ownership unit as the homebuyer's primary residence. The deed to the ownership unit must contain a restrictive resale requirement that prohibits the homebuyer or a subsequent owner from selling the ownership unit to a person with an income above the one hundred twenty percent area median income for five calendar years from the date the grantee eligible participant sold the ownership unit to the first homebuyer whose income is under the one hundred twenty percent area median income.

6. ~~A grantee may~~ The nonprofit Iowa affiliate shall use income generated from the sale of an ownership unit only for the purpose of additional eligible expenses awarding financial assistance to eligible participants under the housing renewal pilot program.

7. The Iowa finance authority shall not use more than five percent of moneys allocated appropriated to the housing renewal program fund for administration and oversight of the housing renewal pilot program.

8. ~~The Iowa finance authority shall adopt rules pursuant to chapter 17A to administer this division.~~

9. ~~8.~~ The Iowa finance authority, in coordination with the nonprofit Iowa affiliate, shall submit a report to the general assembly on or before December 31, ~~2023~~ 2024, describing the community, economic, and financial impact of the housing renewal pilot program.

9. This section is repealed July 1, 2025.

DIVISION IV REGIONAL INDUSTRY SECTOR PARTNERSHIPS — RULES

Sec. 19. Section 260H.7B, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁸ section 2195, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department of workforce development shall adopt rules pursuant to chapter 17A to implement this section.

DIVISION V APPRENTICESHIP TRAINING PROGRAM — DEFINITIONS

Sec. 20. Section 15B.2, subsection 9A, as enacted by 2023 Iowa Acts, Senate File 514,⁹ section 2251, is amended by striking the subsection.

DIVISION VI NEW JOBS TRAINING AGREEMENTS

Sec. 21. 2015 Iowa Acts, chapter 138, section 8, is amended to read as follows:

SEC. 8. IOWA NEW JOBS TRAINING AGREEMENTS. An Iowa community college that entered into a new jobs training agreement pursuant to chapter 260E, which was effective in April ~~2012~~ 2021, with an Iowa employer may enter into a new agreement with such employer pursuant to chapter 260E, which will be effective September ~~2015~~ 2023, and may use the base employment determined in ~~April 2012~~ October 2021 as the base employment for determining

⁸ Chapter 19 herein

⁹ Chapter 19 herein

the new jobs eligible under the new agreement if the base employment determined in ~~April 2012~~ October 2021 was ~~2,125~~ 2,335 employees. The new agreement under chapter 260E shall be limited to seven years from the effective date of the agreement.

Approved June 1, 2023

CHAPTER 111

APPROPRIATIONS — EDUCATION

S.F. 560

AN ACT relating to and making appropriations to the education system, including the funding and operation of the department for the blind, the department of education, and the state board of regents; requiring the state board of regents to conduct a study and prepare a report related to diversity, equity, and inclusion programs and efforts; providing for responsibilities of the workforce development board; establishing the Iowa workforce grant and incentive program; requiring the department of education to convene a task force to study issues related to programs for at-risk students and dropout prevention programs; modifying provisions related to the future ready Iowa skilled workforce grant program, the all Iowa opportunity scholarship program, the education savings account program, the gap tuition assistance program, the Iowa educational services for the blind and visually impaired program, career and technical education programs, the fine arts beginning teacher mentoring program, the equipment replacement and program-sharing property tax levy, and the posting of education-related job openings; and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I

FY 2023-2024 APPROPRIATIONS — DEPARTMENT FOR THE BLIND

Section 1. **GENERAL FUND APPROPRIATIONS — ADMINISTRATION.** There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	3,043,503
.....	FTEs	88.98

DIVISION II

FY 2023-2024 APPROPRIATIONS — DEPARTMENT OF EDUCATION

Sec. 2. **GENERAL FUND APPROPRIATIONS.** There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	5,893,672
.....	FTEs	63.93

b. By January 15, 2024, 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, 2023.

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	9.12

3. PUBLIC BROADCASTING DIVISION

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

.....	\$	7,943,538
.....	FTEs	58.38

4. CAREER AND TECHNICAL EDUCATION

For reimbursement for career and technical education expenditures made by regional career and technical education planning partnerships in accordance with section 258.14, as amended by 2023 Iowa Acts, Senate File 514: ¹

.....	\$	2,952,459
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5. 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	25.40

6. 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:

.....	\$	1,721,400
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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.

7. EARLY HEAD START PROJECTS

a. For early head start projects:

.....	\$	574,500
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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.

8. 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:

.....	\$	2,990,467
.....	FTEs	6.02

9. STATEWIDE STUDENT ASSESSMENT

a. For distribution to the Iowa testing program by the department of education on behalf of school districts and accredited nonpublic schools to offset the costs associated with a statewide student assessment administered in accordance with section 256.7, subsection 21, paragraph “b”:

.....	\$	3,000,000
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¹ Chapter 19 herein

b. From the moneys appropriated in this subsection, not more than \$300,000 shall be distributed to the Iowa testing programs within the university of Iowa college of education to offset the costs of administering the statewide student assessment at accredited nonpublic schools.

10. STATEWIDE CLEARINGHOUSE TO EXPAND WORK-BASED LEARNING

For support costs associated with the creation of a statewide clearinghouse to expand work-based learning as a part of the future ready Iowa initiative:

..... \$ 300,000

11. POSTSECONDARY SUMMER CLASSES FOR HIGH SCHOOL STUDENTS PROGRAM

For support costs associated with the creation of a program to provide additional moneys for resident high school pupils enrolled in grades 9 through 12 to attend a community college for college-level classes or attend a class taught by a community college-employed instructor during the summer and outside of the regular school year through a contractual agreement between a community college and a school district under the future ready Iowa initiative:

..... \$ 600,000

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 until the close of the succeeding fiscal year.

12. JOBS FOR AMERICA'S GRADUATES

For school districts to reinforce combined efforts and regional initiatives that accelerate paraeducator and teacher credential attainment and to provide direct services to the most at-risk middle school or high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

..... \$ 9,146,450

13. 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 1.83

14. 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

15. EARLY WARNING SYSTEM FOR LITERACY

a. 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

b. 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.

16. 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”:

..... \$ 1,500,000

b. From moneys appropriated in this subsection, not more than \$250,000 shall be used for collaborations with the state board of education relating to the approval of practitioner preparation programs pursuant to section 256.7, subsection 3, paragraph “c”, and with the board of educational examiners for the establishment and continuing oversight of the advanced dyslexia specialist endorsement pursuant to section 272.2, subsection 22, as amended by 2023 Iowa Acts, Senate File 514. ² For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the center shall submit a report to the general assembly detailing the expenditures of moneys used for purposes of this paragraph “b”.

c. 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 until the close of the succeeding fiscal year.

17. COMPUTER SCIENCE PROFESSIONAL DEVELOPMENT INCENTIVE FUND

For deposit in the computer science professional development incentive fund established under section 284.6A:

..... \$ 500,000

18. CHILDREN’S MENTAL HEALTH SCHOOL-BASED TRAINING AND SUPPORT

a. For distribution to area education agencies for school-based children’s mental health services, including mental health awareness training for educators:

..... \$ 3,383,936

b. Of the moneys appropriated in this subsection for distribution to area education agencies, \$200,000 shall be used for purposes of implementing a children’s grief and loss rural pilot program to serve Iowa children in rural school districts or accredited nonpublic schools. The pilot program shall be administered by, and the moneys allocated pursuant to this paragraph shall be distributed to, an existing statewide not-for-profit health care organization that currently provides grief and loss services to children. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the health care organization receiving moneys pursuant to this paragraph shall prepare a report, in collaboration with the department of education, detailing the expenditures of moneys used for the purposes of this program and its outcomes, which shall be submitted to the general assembly by September 30, 2024.

19. BEST BUDDIES IOWA

a. For school districts to create opportunities for one-to-one friendships, integrated employment, and leadership development for students with intellectual and developmental disabilities:

..... \$ 35,000

b. The department of education shall establish criteria for the distribution of moneys appropriated under this subsection and shall require an organization receiving moneys under this subsection to annually report student identifying data for students participating in the program to the department in the manner prescribed by the department as a condition of receiving such moneys.

20. 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 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 designated until the close of the succeeding fiscal year.

21. NONPUBLIC SCHOOL CONCURRENT ENROLLMENT PAYMENTS TO COMMUNITY COLLEGES

² Chapter 19 herein

For payments to community colleges for the concurrent enrollment of accredited nonpublic school students under section 261E.8, subsection 2, paragraph “b”:

..... \$ 1,000,000

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 designated until the close of the succeeding fiscal year.

22. COMMUNITY COLLEGES

For general state financial aid to merged areas, as defined in section 260C.2, in accordance with chapter 258, as amended by 2023 Iowa Acts, Senate File 514,³ and chapter 260C:

..... \$ 228,858,161

Notwithstanding the allocation formula in section 260C.18C, the moneys appropriated in this subsection shall be allocated as follows:

a. Merged Area I	\$	11,245,307
b. Merged Area II	\$	11,316,993
c. Merged Area III	\$	10,410,473
d. Merged Area IV	\$	5,187,122
e. Merged Area V	\$	13,013,760
f. Merged Area VI	\$	10,044,832
g. Merged Area VII	\$	15,372,997
h. Merged Area IX	\$	19,535,761
i. Merged Area X	\$	35,755,303
j. Merged Area XI	\$	39,069,627
k. Merged Area XII	\$	12,721,826
l. Merged Area XIII	\$	13,906,285
m. Merged Area XIV	\$	5,279,888
n. Merged Area XV	\$	16,463,807
o. Merged Area XVI	\$	9,534,180

23. IOWA SCHOOL FOR THE DEAF

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

.....	\$	11,421,710
.....	FTEs	120.00

24. IOWA BRAILLE AND SIGHT SAVING SCHOOL

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

.....	\$	4,794,040
.....	FTEs	56.00

25. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) COLLABORATIVE INITIATIVE

³ Chapter 19 herein

For purposes of the science, technology, engineering, and mathematics (STEM) collaborative initiative established pursuant to section 268.7, as amended by 2023 Iowa Acts, Senate File 514, ⁴ and for not more than the following full-time equivalent positions:

.....	\$	6,354,848
.....	FTEs	5.50

a. Except as otherwise provided in this subsection, the moneys appropriated in this subsection 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.

b. The department shall work with the community colleges to develop STEM professional development programs for community college instructors and STEM curriculum development.

c. From the moneys appropriated in this subsection, 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:

- (1) A research-based curriculum.
- (2) Online access to the curriculum.
- (3) Instructional software for classroom and student use.
- (4) Certification of skills and competencies in a broad base of information technology-related skill areas.
- (5) Professional development for teachers.
- (6) Deployment and program support, including but not limited to integration with current curriculum standards.

d. Notwithstanding section 8.33, of the moneys appropriated in this subsection 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 subsection shall not revert but shall remain available for expenditure for summer programs for students until the close of the succeeding fiscal year.

26. THERAPEUTIC CLASSROOM INCENTIVE FUND

For deposit in the therapeutic classroom incentive fund established pursuant to section 256.25:

.....	\$	2,351,382
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Notwithstanding section 8.33, moneys appropriated 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 designated until the close of the succeeding fiscal year.

27. THERAPEUTIC CLASSROOM TRANSPORTATION CLAIMS REIMBURSEMENT

For payment of school district claims for reimbursement submitted under section 256.25A, subsection 1, paragraph "a":

.....	\$	500,000
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Notwithstanding section 8.33, moneys appropriated 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 designated until the close of the succeeding fiscal year.

28. COLLEGE STUDENT AID COMMISSION

a. Administration

For general administration salaries, support, maintenance, and miscellaneous purposes, and for the administration of the future ready Iowa skilled workforce last-dollar scholarship program in accordance with section 261.131, as amended by 2023 Iowa Acts, Senate File 514, ⁵ including salaries, support, maintenance, and miscellaneous purposes related to the

⁴ Chapter 19 herein
⁵ Chapter 19 herein

future ready Iowa skilled workforce last-dollar scholarship program, and for not more than the following full-time equivalent positions:

.....	\$	591,533
.....	FTEs	4.95

b. Health care professional recruitment program

For the loan repayment program for health care professionals established pursuant to section 261.115, as amended by 2023 Iowa Acts, Senate File 514: ⁶

.....	\$	500,973
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c. National guard service scholarship program

For purposes of providing national guard service scholarships under the program established in section 261.86, as amended by 2023 Iowa Acts, Senate File 514: ⁷

.....	\$	6,600,000
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d. All Iowa opportunity scholarship program

(1) For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87, as amended by 2023 Iowa Acts, Senate File 514: ⁸

.....	\$	3,229,468
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(2) For the fiscal year beginning July 1, 2023, if the moneys appropriated in this lettered paragraph exceed \$500,000, "eligible institution" as defined in section 261.87, as amended by 2023 Iowa Acts, Senate File 514, ⁹ shall, during the fiscal year beginning July 1, 2023, include accredited private institutions as defined in section 261.9, as amended by 2023 Iowa Acts, Senate File 514. ¹⁰

e. Teach Iowa scholar program

For purposes of the teach Iowa scholar program established pursuant to section 261.110, as amended by 2023 Iowa Acts, Senate File 514: ¹¹

.....	\$	650,000
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f. Rural Iowa primary care loan repayment program

For purposes of the rural Iowa primary care loan repayment program established pursuant to section 261.113, as amended by 2023 Iowa Acts, Senate File 514: ¹²

.....	\$	2,504,933
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g. Health care loan repayment program

For purposes of the health care loan repayment program established pursuant to section 261.116, as amended by 2023 Iowa Acts, Senate File 514: ¹³

.....	\$	500,000
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h. Rural veterinarianian loan repayment program

For purposes of the rural veterinarianian loan repayment program established pursuant to section 261.120, as amended by 2023 Iowa Acts, Senate File 514: ¹⁴

.....	\$	700,000
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i. Future ready Iowa skilled workforce last-dollar scholarship program

For deposit in the future ready Iowa skilled workforce last-dollar scholarship fund established pursuant to section 261.131, as amended by 2023 Iowa Acts, Senate File 514: ¹⁵

.....	\$	23,927,005
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Moneys appropriated in this lettered paragraph shall not be used to provide scholarships under the future ready Iowa skilled workforce last-dollar scholarship program to students with expected family contributions of greater than \$20,000, as determined by the free application for federal student aid.

j. Future ready Iowa skilled workforce grant program

For deposit in the future ready Iowa skilled workforce grant program established pursuant to section 261.132, as amended by this Act and by 2023 Iowa Acts, Senate File 514: ¹⁶

⁶ Chapter 19 herein
⁷ Chapter 19 herein
⁸ Chapter 19 herein
⁹ Chapter 19 herein
¹⁰ Chapter 19 herein
¹¹ Chapter 19 herein
¹² Chapter 19 herein
¹³ Chapter 19 herein
¹⁴ Chapter 19 herein
¹⁵ Chapter 19 herein
¹⁶ Chapter 19 herein

.....	\$ 275,000
k. Mental health professional loan repayment program	
For deposit in the mental health professional loan repayment fund established pursuant to section 261.117, as amended by 2023 Iowa Acts, Senate File 514: ¹⁷	
.....	\$ 520,000
l. Iowa workforce grant and incentive program	
For deposit in the Iowa workforce grant and incentive program fund created in section 256.230, if enacted by this Act:	
.....	\$ 6,500,000
29. LEAD-K PROGRAM	
For purposes of developing guidelines for a comprehensive family support mentoring program that meets the language and communication needs of families pursuant to section 256B.10, as amended by 2023 Iowa Acts, Senate File 514: ¹⁸	
.....	\$ 200,000
Sec. 3. IOWA SKILLED WORKER AND JOB CREATION FUND APPROPRIATIONS. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the department of education for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:	
1. For purposes of providing skilled workforce shortage tuition grants in accordance with section 261.130, as amended by 2023 Iowa Acts, Senate File 514: ¹⁹	
.....	\$ 5,000,000
2. 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 subsection, 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.	
3. For capital projects at community colleges that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:	
.....	\$ 6,000,000
Moneys appropriated in this subsection shall be disbursed pursuant to section 260G.6, subsection 3. Projects that qualify for moneys appropriated in this subsection must include at least one of the following:	
a. Accelerated career education program capital projects.	
b. Major renovations and major repair needs, including health, life, and fire safety needs, including compliance with the federal Americans with Disabilities Act.	
4. 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 subsection, 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 1.00 full-time equivalent position.	
5. For deposit in the gap tuition assistance fund established pursuant to section 260I.2:	
.....	\$ 2,000,000
6. 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 section:	
.....	\$ 200,000
7. For STEM best:	
.....	\$ 700,000

¹⁷ Chapter 19 herein

¹⁸ Chapter 19 herein

¹⁹ Chapter 19 herein

8. 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. 4. CHIROPRACTIC LOAN FUNDS. Notwithstanding section 261.72, as amended by 2023 Iowa Acts, Senate File 514,²⁰ the moneys deposited in the chiropractic loan revolving fund created pursuant to section 261.72, as amended by 2023 Iowa Acts, Senate File 514,²¹ for the fiscal year beginning July 1, 2023, and ending June 30, 2024, may be used for purposes of the chiropractic loan forgiveness program established in section 261.73, as amended by 2023 Iowa Acts, Senate File 514.²²

Sec. 5. PRESCRIPTION DRUG COSTS. The department of administrative services shall pay the Iowa 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, 2023, for expenses relating to prescription drug costs for students attending the Iowa school for the deaf and the Iowa braille and sight saving school.

DIVISION III
FY 2023-2024 APPROPRIATIONS — STATE BOARD OF REGENTS

Sec. 6. GENERAL FUND APPROPRIATIONS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	764,642
.....	FTEs	2.48

For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the state board of regents shall submit a quarterly financial report to the general assembly in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted for the quarter ending December 31, 2023, shall include the five-year graduation rates for the regents universities.

b. For distribution to the western Iowa regents resource center:

.....	\$	268,297
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c. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the state board of regents and the institutions of higher learning governed by the state board of regents shall not reduce moneys budgeted for the fiscal year for the institutions' police departments.

d. For allocation in equal parts by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to support the John Pappajohn centers for entrepreneurship:

.....	\$	125,000
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The moneys appropriated in this lettered paragraph shall be used to supplement, not supplant, any other funding received by the John Pappajohn centers for entrepreneurship.

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:

.....	\$	218,045,224
.....	FTEs	5,058.55

For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the state university of Iowa shall not increase moneys budgeted for the fiscal year for implementing any

²⁰ Chapter 19 herein

²¹ Chapter 19 herein

²² Chapter 19 herein

programming, curricula, training, or related activities in furtherance of the university's diversity, equity, and inclusion efforts.

b. Oakdale campus

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

.....	\$	2,103,819
.....	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:

.....	\$	4,822,610
.....	FTEs	102.51

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:

.....	\$	2,220,598
.....	FTEs	2.71

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:

.....	\$	634,502
.....	FTEs	4.16

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	143,410
.....	FTEs	2.10

g. Substance abuse consortium

For distribution to the Iowa consortium for substance abuse research and evaluation, and for not more than the following full-time equivalent positions:

.....	\$	53,427
.....	FTEs	.99

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	696,342
.....	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:

.....	\$	624,374
.....	FTEs	6.22

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 positions:

.....	\$	36,839
.....	FTEs	.38

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:

.....	\$	156,389
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative established pursuant to section 263.8A:

.....	\$	463,616
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m. Iowa flood center

For the Iowa flood center for use by the university's college of engineering pursuant to section 466C.1:

.....	\$	1,154,593
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n. College of nursing

For employing additional instructors in the college of nursing to increase the number of students who graduate from the college of nursing:

.....	\$	2,800,000
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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:

.....	\$	174,092,719
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.....	FTEs	3,647.42
-------	------	----------

For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the Iowa state university of science and technology shall not increase moneys budgeted for the fiscal year for implementing any programming, curricula, training, or related activities in furtherance of the university's diversity, equity, and inclusion efforts.

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:

.....	\$	29,462,535
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.....	FTEs	546.98
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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:

.....	\$	18,157,366
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.....	FTEs	385.34
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d. Preparing Iowa's future ready workforce and fostering innovation

For purposes of addressing the state's workforce needs in the areas of science, technology, engineering, and mathematics by expanding degree and certificate programs in the areas of artificial intelligence, cybersecurity, computer science, computer engineering, data science, software engineering, and other high-demand areas related to technology, and fostering innovation in the areas of digital agriculture, manufacturing, water quality, vaccine delivery technologies, and biosciences:

.....	\$	2,800,000
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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:

.....	\$	99,408,923
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.....	FTEs	1,250.28
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For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the university of northern Iowa shall not increase moneys budgeted for the fiscal year for implementing any programming, curricula, training, or related activities in furtherance of the university's diversity, equity, and inclusion efforts.

b. Real estate education program

For purposes of the real estate education program, and for not more than the following full-time equivalent positions:

.....	\$	123,523
.....	FTEs	.86

c. Educators for Iowa

For purposes of recruiting additional students to participate in educational opportunities that lead to teacher licensure:

.....	\$	1,500,000
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Sec. 7. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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.

DIVISION IV
STANDING APPROPRIATIONS

Sec. 8. AT-RISK CHILDREN. Notwithstanding the standing appropriation in section 279.51 for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 \$10,524,389. 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”.

Sec. 9. WORK-STUDY APPROPRIATION. Notwithstanding section 261.85, as amended by 2023 Iowa Acts, Senate File 514,²³ for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the amount appropriated from the general fund of the state to the college student aid commission of the department of education for the work-study program under section 261.85, as amended by 2023 Iowa Acts, Senate File 514,²⁴ shall be zero.

Sec. 10. Section 261.25, subsections 1 and 2, Code 2023, 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 ~~fifty million one hundred eighteen thousand four hundred fifty-one~~ million four hundred twenty-one thousand five hundred thirty-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 ~~five hundred one hundred eight thousand~~ dollars for tuition grants for qualified students who are enrolled in eligible institutions. ~~Of the moneys appropriated under this subsection, not more than one hundred thousand dollars annually shall be used for tuition grants to qualified students who are attending an eligible institution under section 261.9, subsection 3, paragraph “b”.~~

DIVISION V
DIVERSITY, EQUITY, AND INCLUSION

Sec. 11. DIVERSITY, EQUITY, AND INCLUSION EFFORTS — STUDY — HIRING FREEZE — USE OF MONEYS.

1. The state board of regents shall conduct a comprehensive study and review of the diversity, equity, and inclusion programs and efforts of each institution of higher learning under the state board’s control. The study and review must include but is not limited to an assessment of all of the following:

a. Each institution of higher learning’s current diversity, equity, and inclusion programming, curricula, training, and related activities.

b. The salary, benefits, and any other compensation paid to employees or individuals tasked with furthering an institution of higher learning’s diversity, equity, and inclusion efforts.

²³ Chapter 19 herein

²⁴ Chapter 19 herein

c. Each institution of higher learning's compliance with required applicable federal and state laws, rules, regulations, court orders, settlement agreements, or executive orders related to diversity, equity, and inclusion.

d. Each institution of higher learning's contracts or grants requiring diversity, equity, and inclusion efforts, and the requirements of third-party accreditors or similar entities in order to assess whether and to what extent these efforts are aligned with the overall mission and purpose of the institution.

2. The state board of regents shall prepare a report containing its findings and recommendations to be considered by the state board during its November 2023 meeting. The state board of regents shall submit a final report containing findings and recommendations to the governor and the general assembly no later than December 1, 2023.

3. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, each institution of higher learning under the control of the state board of regents shall cease all hiring related to the institution's diversity, equity, and inclusion efforts.

DIVISION VI IOWA WORKFORCE GRANT AND INCENTIVE PROGRAM

Sec. 12. Section 84A.1B, Code 2023, is amended by adding the following new subsection: **NEW SUBSECTION.** 17. Create, in collaboration with the state board of regents, a list of high-wage and high-demand jobs and corresponding academic majors offered by institutions of higher education governed by the state board of regents for purposes of the Iowa workforce grant and incentive program established under section 256.230. The workforce development board, in collaboration with the state board of regents, shall update the list at least once every two years. In creating a list under this subsection, the following criteria, at a minimum, apply:

a. An entry-level annual salary of not less than forty thousand dollars.

b. Educational attainment of a qualifying credential of at least a bachelor's degree, or attainment of an initial or intern Iowa teaching license issued under chapter 256 through a pathway to licensure offered by an institution of higher education under the control of the state board of regents or an accredited private institution as defined in section 261.9.

c. At least one of any of the following:

- (1) Projected annual job openings of at least two hundred fifty during the next five years.
- (2) Projected annual growth in the number of job openings of at least one percent.

Sec. 13. **NEW SECTION. 256.230 Iowa workforce grant and incentive program.**

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Commission" means the college student aid commission.

b. "Eligible institution" means an institution of higher learning governed by the state board of regents.

c. "Eligible program" means any of the following:

(1) A program of study or an academic major jointly approved by the workforce development board and the state board of regents pursuant to section 84A.1B, subsection 17. If a job is removed from the list created under section 84A.1B, subsection 17, an eligible student who received a grant for a program based on that job shall continue to receive the grant until the eligible program is completed as long as the student continuously enrolls and continues to meet all other eligibility requirements.

(2) A teacher preparation program that leads to a bachelor's degree, or initial or intern teaching license issued under this chapter.

d. "Eligible student" means an Iowa resident who has established financial need and who meets all of the following requirements:

(1) Completes and submits application forms required by the commission, including the free application for federal student aid, by the deadline prescribed by the commission.

(2) Enrolls in at least three semester hours, or the equivalent, in an eligible program.

(3) Is making satisfactory academic progress as defined by the eligible institution.

e. "Financial need" means the difference between the student's financial resources available, including those available from the student's parents as determined by a completed

parents' confidential statement, and the student's anticipated expenses while attending an eligible institution.

f. "*Full-time*" means enrollment in at least twelve semester hours or the equivalent.

g. "*Part-time*" means enrollment in at least three semester hours or the equivalent but less than twelve semester hours or the equivalent.

2. *Student eligibility.* An eligible institution shall report promptly to the commission information requested to establish or verify student eligibility.

3. *Grant limitations — requirements.*

a. A full-time eligible student may receive an Iowa workforce grant for not more than four semesters, or the equivalent, or until the eligible student completes the eligible program, whichever occurs first. A part-time eligible student may receive the grant for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student completes the eligible program, whichever occurs first.

b. The amount of an Iowa workforce grant to a full-time eligible student shall not exceed two thousand dollars per semester, or the equivalent. The amount of an Iowa workforce grant to a part-time eligible student shall be equal to the amount that would be awarded to a full-time student except that the commission shall prorate the amount based on the recipient student's semester hour or equivalent enrollment.

c. An Iowa workforce grant shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Payments under the grant shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph "d".

d. If a grant recipient discontinues attendance before the end of any semester, or the equivalent, after receiving grant payments, the entire amount of any refund due that recipient, up to the full amount of grant payments made during that semester, or the equivalent, shall be paid by the eligible institution to the commission.

4. *Annual submission of applications.* To receive a renewal of a grant awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

5. *Priority for grant awards.* In making awards under this section, the commission shall give priority to:

a. Applicants who received an award under this section in the prior academic year.

b. Applicants with the least financial ability to pay, using a metric that ranks relative financial ability among all applicants.

6. *Iowa workforce incentive payment.* Notwithstanding the grant limitations in subsection 3, an individual who was an eligible student who received an Iowa workforce grant in the academic year in which the eligible program is completed, and who accepts and begins employment in an aligned occupation in this state within six months of completing the eligible program, may apply for one incentive payment of up to two thousand dollars. The incentive payment shall be paid upon completion of twelve consecutive months of full-time employment in the aligned occupation in this state, following completion of the eligible program.

7. *Commission's duties and responsibilities.* Subject to an appropriation of moneys by the general assembly for purposes of this section, the commission shall administer the Iowa workforce grant and incentive program and shall do all of the following:

a. Provide application forms for distribution to students by eligible institutions.

b. Adopt rules under chapter 17A for administration of this section, including establishing the duties and responsibilities of eligible institutions under the program, defining residence and satisfactory academic progress for purposes of the program, determining financial need, and establishing procedures for grant and incentive payment application, processing, and approval. The rules shall provide for determining the priority awarding of grants and incentives if moneys available for purposes of this section are insufficient to pay all eligible applicants.

c. Approve and award grants and incentive payments on an annual basis.

8. *Fund created.* An Iowa workforce grant and incentive program fund is created in the state treasury under the control of the commission. All moneys deposited or paid into the fund are appropriated to the commission to be used for grants and incentive payments

awarded as provided in this section. Notwithstanding section 8.33, moneys in the fund 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. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

DIVISION VII
DEPARTMENT OF EDUCATION — TASK FORCE

Sec. 14. DEPARTMENT OF EDUCATION — FUNDING FOR AT-RISK STUDENTS AND DROPOUT PREVENTION PROGRAMS — TASK FORCE.

1. The department of education shall convene and provide administrative support to a task force that shall study all of the following:

a. How schools currently utilize state funding for programs for at-risk students and dropout prevention programs.

b. The effectiveness of programs for at-risk students and dropout prevention programs.

c. Whether and to what extent state funding for programs for at-risk students and dropout prevention programs should be reallocated to direct intervention by a jobs for America's graduates specialist.

d. How to best utilize state funding for programs for at-risk students and dropout prevention programs.

2. Any expenses incurred by a member of the task force shall be the responsibility of the individual member or the respective entity represented by the member.

3. The task force shall submit its findings and recommendations to the general assembly in a report by December 31, 2023.

DIVISION VIII
FUTURE READY IOWA SKILLED WORKFORCE GRANT PROGRAM

Sec. 15. Section 261.132, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. *"Approved virtual institution"* means a nonprofit institution of higher learning that satisfies all of the following requirements:

(1) Is accredited by a national accrediting agency recognized by the United States department of education.

(2) Provides instruction using exclusively a competency-based educational model.

(3) Adopts a policy to require that the nonprofit institution of higher learning shall, by December 15 of each year, file a report with the governor and the general assembly providing information and statistics for the previous five academic years on the number of Iowa resident students per year who are veterans who received education credit for military education, training, and service, that number as a percentage of veterans known to be enrolled at the nonprofit institution of higher learning, the average number of credits received by students, and the average number of credits applied towards the award or completion of a course of instruction, postsecondary diploma, degree, or other evidences of distinction. For purposes of this subparagraph, "veteran" means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member's commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36, or 10 U.S.C. ch. 1606 or 1607, respectively.

a. *b.* *"Commission"* means the college student aid commission.

b. *c.* *"Eligible institution"* means an institution of higher learning governed by the state board of regents, or an accredited private institution as defined in section 261.9, or an approved virtual institution, that meets all of the following criteria:

(1) Applies to and is approved by the commission to participate in the future ready Iowa skilled workforce grant program.

(2) Requires eligible students to complete and file application forms required by the commission, apply for all available state and federal financial aid, apply to the eligible institution to participate in the program, attend orientation in person or virtually, register for

classes with the assistance of an academic advisor, and participate in academic and career advising sessions required under the program.

~~(3) Certifies that prior to participating in the program an eligible student has earned at least half of the credits necessary for a bachelor's degree and is able to complete a bachelor's degree in an eligible program of study or academic major leading to a designated high-demand job in the prescribed grant time frame.~~

~~(4)~~ (3) Facilitates the assignment of a volunteer mentor or a mentor who is a member of the faculty of the eligible institution to each eligible student based on the eligible student's interest. ~~The A~~ volunteer mentor shall have successfully passed a background investigation and a check of the national sex offender registry as required under section 15H.10, subsection 2, and both the eligible student and the volunteer mentor shall have entered into a written agreement as provided in section 15H.10, subsection 3.

~~(5)~~ (4) Facilitates connections through campus career centers and services to internships and similar local, state, and federal programs.

~~(6)~~ (5) Markets the eligible institution's eligible program and optional incentives, which may include but not be limited to credit for military experience, on the eligible institution's internet site and to other relevant agencies and organizations as recommended by the college student aid commission, the commission on volunteer service, or the department of workforce development.

~~(7)~~ (6) Submits annually information and data regarding the eligible program operated by the eligible institution, the students and volunteer mentors participating in the eligible program, and statistics on employment outcomes for eligible program participants by industry, to the commission in the manner required by the commission.

e. d. "Eligible program" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with the eligible institution, that leads to a bachelor's degree aligned with a high-demand job designated by the workforce development board pursuant to section 84A.1B, subsection 14. If the department removes a high-demand job from the list created under section 84A.1B, subsection 14, an eligible student who received a grant for a program based on that high-demand job shall continue to receive the grant until achieving a bachelor's degree as long as the student continues to meet all other eligibility requirements.

d. e. "Eligible student" means an Iowa resident who meets all of the following requirements:

~~(1) Has earned at least half of the credits necessary for a bachelor's degree and is able to complete a bachelor's degree in an eligible program of study or academic major leading to a designated high-demand job in the prescribed grant time frame.~~

~~(2)~~ (1) Completes and submits application forms required by the commission, including the free application for federal student aid; applies for all available state and federal financial aid; attends orientation in person or virtually; registers for classes with the assistance of an academic advisor; and participates in academic and career advising sessions required under the eligible program. To receive a renewal of a grant awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

~~(3) Has not been enrolled in postsecondary education during the twenty-four months preceding the date on which the commission receives the individual's application to participate in the program.~~

~~(2)~~ (2) Is at least twenty-five years of age at the time the individual enrolls in an eligible program.

~~(4)~~ (3) Enrolls in at least six semester hours, or the equivalent, in an eligible program. However, an eligible student may enroll in fewer than six semester hours, or the equivalent, if the eligible student needs fewer than six semester hours of credit, or the equivalent, to achieve a bachelor's degree under the eligible program.

~~(5)~~ (4) Is making satisfactory academic progress as defined by the eligible institution.

~~(6)~~ (5) Remains continuously enrolled unless granted a leave of absence by the eligible institution based on criteria adopted by rule by the commission.

e. f. "Full-time" means enrollment in at least twelve semester hours or the equivalent.

f. g. “Part-time” means enrollment in at least six but less than twelve semester hours or the equivalent.

2. *Allowable activities.* An eligible student may work with an assigned volunteer mentor, or a mentor who is a member of the faculty of the eligible institution, to help the student meet the requirements of this section or the requirements of an eligible program, identify and participate in work-based learning opportunities with the approval of the eligible institution, and make other career-related connections.

Sec. 16. Section 261.132, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. A future ready Iowa skilled workforce grant shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Payments under the grant shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph “d” “e”.

Sec. 17. Section 261.132, subsection 4, paragraph d, Code 2023, is amended to read as follows:

d. Transmit to the department of workforce development the compilation of information, data, and statistics submitted in accordance with subsection 1, paragraph “b” “c”, subparagraph ~~(7)~~ (6), for the annual report required under section 84A.1B.

Sec. 18. Section 261.132, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 19. APPROVED VIRTUAL INSTITUTIONS — APPLICATIONS. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, an approved virtual institution may apply to the college student aid commission to participate in the future ready Iowa skilled workforce grant program established pursuant to section 261.132 in the current academic year.

DIVISION IX ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

Sec. 20. Section 261.87, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

“*Eligible foster care student*” means a person under twenty-six years of age who has a high school diploma or a high school equivalency diploma under chapter 259A and is described by any of the following:

Sec. 21. Section 261.87, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. ~~(1) Begins~~ Except as provided in subparagraph (2), 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 or suspend 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.

(2) The requirements of subparagraph (1) do not apply to an eligible foster care student.

Sec. 22. APPLICABILITY. This division of this Act applies to applications submitted under the all Iowa opportunity scholarship program established pursuant to section 261.87 before, on, or after the effective date of this division of this Act.

DIVISION X
EDUCATION SAVINGS ACCOUNTS — CORRECTIONS

Sec. 23. Section 257.11B, subsection 2, paragraph a, subparagraph (1), subparagraph division (c), as enacted by 2023 Iowa Acts, House File 68,²⁵ section 7, is amended to read as follows:

(c) A resident pupil who is eligible to enroll in grades one through twelve and was enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested if the pupil's household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 24. Section 257.46, subsection 3, Code 2023, as amended by 2023 Iowa Acts, House File 68,²⁶ section 16, is amended to read as follows:

3. If any portion of the gifted and talented program budget remains unexpended at the end of the budget year, the remainder shall be carried over to the subsequent budget year and added to the gifted and talented program budget for that year. At the end of a fiscal year beginning on or after July 1, 2022, the school district may use all or a portion of funds for the purposes authorized under section 257.10, subsection 9, paragraph "d".

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

Sec. 26. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 24, 2023.

DIVISION XI
EDUCATION SAVINGS ACCOUNTS — DEPOSIT OF MONEYS

Sec. 27. EDUCATION SAVINGS ACCOUNTS — DEPOSIT OF MONEYS. Notwithstanding any other provision of law to the contrary, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, moneys in the education savings account fund established in section 257.11B, as enacted by 2023 Iowa Acts, House File 68,²⁷ may be deposited into an account at any financial institution, including but not limited to financial institutions outside the state of Iowa, if such deposits are adequately protected and necessary for the effective administration of the education savings account program. All liability protections of sections 12C.8 and 12C.24 apply in connection with any such deposits as if the deposits were made in compliance with chapter 12C.

DIVISION XII
GAP TUITION ASSISTANCE

Sec. 28. Section 260I.3, subsections 2 and 5, Code 2023, are amended by striking the subsections.

Sec. 29. Section 260I.4, subsections 1, 5, 6, and 7, Code 2023, are amended by striking the subsections.

Sec. 30. Section 260I.5, subsection 2, Code 2023, is amended to read as follows:

2. Direct training costs and support services.

²⁵ Chapter 1 herein

²⁶ Chapter 1 herein

²⁷ Chapter 1 herein

Sec. 31. Section 260I.6, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The program is ~~not offered for credit, but is~~ aligned with a certificate, diploma, or degree for credit, is either not offered for credit or is offered for short-term credit that is not eligible under the federal Pell grant program, and does any of the following:

Sec. 32. REPEAL. Section 260I.7, Code 2023, is repealed.

DIVISION XIII
STATE GOVERNMENT REALIGNMENT — MODIFICATIONS

Sec. 33. Section 256.103, as enacted by 2023 Iowa Acts, Senate File 514,²⁸ section 2480, is amended to read as follows:

256.103 Employees — contracts — termination and discharge procedures.

Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa educational services for the blind and visually impaired program and employees of the Iowa school for the deaf, who are licensed pursuant to subchapter VII, part 3. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the department.

Sec. 34. Section 258.6, subsection 1, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,²⁹ section 2529, is 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 bureau department which meets the standards for career and technical education programs adopted by the state board under this part.

Sec. 35. 2023 Iowa Acts, Senate File 514,³⁰ section 2514, subsection 1, is amended to read as follows:

1. The property and records in the custody of the state board of regents relating to the Iowa braille and sight saving school, the Iowa school for the deaf, the Iowa educational services for the blind and visually impaired program, the hall of fame for distinguished graduates at the Iowa braille and sight saving school, and the hall of fame for distinguished graduates at the Iowa school for the deaf shall be transferred to the department of education.

DIVISION XIV
STATE PROGRAM ALLOCATION — FINE ARTS BEGINNING TEACHER MENTORING PROGRAM

Sec. 36. Section 256.34, subsection 2, Code 2023, is amended to read as follows:

2. Program criteria shall include a required match of one dollar provided by the organization contracting to deliver services under subsection 1 for each dollar provided to the organization by the department. Moneys in the fund established under subsection 6 shall not be disbursed until the department receives evidence that the organization meets or will meet the match requirement. The department may consider in-kind contributions received by the organization for matching purposes.

Sec. 37. Section 284.13, subsection 1, paragraphs a, b, c, e, f, and g, Code 2023, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, to the department, the amount of five hundred eight 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.

²⁸ Chapter 19 herein

²⁹ Chapter 19 herein

³⁰ Chapter 19 herein

b. For the fiscal year beginning July 1, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, up to seven hundred twenty-eight thousand two 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 “b”, 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.

c. For the fiscal year beginning July 1, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, an amount up to one million seventy-seven thousand eight 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.

e. For the fiscal year beginning July 1, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, to the department an amount up to ~~twenty-five~~ fifty thousand dollars for purposes of the fine arts beginning teacher mentoring program established under section 256.34.

f. For the fiscal year beginning July 1, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, 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.

g. For the fiscal year beginning July 1, ~~2023~~ 2024, and for each subsequent fiscal year, to the department, 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.

DIVISION XV

EQUIPMENT REPLACEMENT AND PROGRAM-SHARING PROPERTY TAX LEVY

Sec. 38. Section 260C.28, subsection 2, Code 2023, is amended to read as follows:

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges or for the purchase of instructional equipment. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including, but not limited to, the programs described under section 260C.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department of education.

Sec. 39. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI
ONLINE STATE JOB POSTING SYSTEM — REPEAL

Sec. 40. Section 84A.6, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 4. *a.* The department of workforce development, in consultation with the department of education, shall establish a system that allows the department of education, school districts, charter schools, area education agencies, and accredited nonpublic schools to post job openings on an internet site. The system must include a mechanism for the electronic submission of job openings for posting on the internet site. The system and each job posting on the internet site must include a statement that an employer submitting a job opening for posting on the internet site will not discriminate in hiring on the basis of race, ethnicity, national origin, gender, age, physical disability, sexual orientation, gender identity, religion, marital status, or status as a veteran.

b. The department of education, school districts, charter schools, and area education agencies shall submit all job openings to the department of workforce development for posting on the internet site. An accredited nonpublic school may submit job openings to the department of workforce development for posting on the internet site.

c. This subsection shall not be construed to do any of the following:

(1) Prohibit any employer from advertising job openings and recruiting employees independently of the internet site.

(2) Prohibit any employer from using another method of advertising job openings or another applicant tracking system in addition to the system.

(3) Provide the department of workforce development with any regulatory authority in the hiring process or hiring decisions of any employer.

Sec. 41. REPEAL. Section 256.27, Code 2023, is repealed.

Approved June 1, 2023

CHAPTER 112

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

S.F. 561

AN ACT relating to appropriations for veterans and health and human services and including other related provisions and appropriations including health policy oversight, public assistance program provisions and a public assistance modernization fund, sprinkler systems for home and community-based services waiver recipient residences, a state-funded family medicine obstetrics fellowship program and fund, adoption subsidy program nonrecurring adoption expenses, real estate transactions involving departmental institutions, providing penalties, and including effective date and other applicability date provisions.

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

DIVISION I DEPARTMENT OF VETERANS AFFAIRS — FY 2023-2024

Section 1. 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, 2023, and ending June 30, 2024, 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:

.....	\$	1,033,289
.....	FTEs	15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	7,115,335
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a. The Iowa veterans home billings involving the department of health and human services shall be submitted to the department on at least a monthly basis.

b. The Iowa veterans home expenditure report shall be submitted monthly to the general assembly.

c. 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:

.....	\$	2,200,000
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Sec. 2. 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, 2023, and ending June 30, 2024, 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:

.....	\$	990,000
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DIVISION II

DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING — FY 2023-2024

Sec. 3. DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of health and human services and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day, respite care, chore, 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:

.....	\$	11,799,361
.....	FTEs	31.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$418,700 is transferred to the Iowa commission on volunteer service to be used for the retired and senior volunteer program.

3. a. The department of health and human services 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 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, \$1,312,000 shall be used for the purposes of chapter 231E and 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.

5. Of the funds appropriated in this section, \$1,000,000 shall be used to fund continuation of the aging and disability resource center lifelong links to provide individuals and caregivers with information and services to plan for and maintain independence.

6. Of the funds appropriated in this section, \$850,000 shall be used by the department of health and human services, in collaboration with affected stakeholders, to continue to expand the pilot initiative to provide long-term care options counseling utilizing support planning protocols, to assist non-Medicaid eligible consumers who indicate a preference to return to the community and are deemed appropriate for discharge, to return to their community following a nursing facility stay; and shall be used by the department to fund home and community-based services to enable older individuals to avoid more costly utilization of residential or institutional services and remain in their homes. The department shall submit a report regarding the outcomes of the pilot initiative to the governor and the general assembly by December 15, 2023.

DIVISION III

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2023-2024

Sec. 4. 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, 2023, and ending June 30, 2024, 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:

.....	\$	1,148,959
.....	FTEs	12.00

DIVISION IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH — FY 2023-2024

Sec. 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	23,656,992
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..... FTEs 12.00

a. (1) Of the funds appropriated in this subsection, \$4,020,894 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 health and human services 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 governor and the general assembly 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 department of revenue for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the departments as specified in the memorandum of understanding entered into between the departments.

(b) For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the terms of the memorandum of understanding, entered into between the department of revenue and the department, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under 21 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. (1) Of the funds appropriated in this subsection, \$19,638,485 shall be used for problem gambling and substance use disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation.

(2) Of the amount allocated under this paragraph, \$306,000 shall be utilized by the department to maintain a single statewide 24-hour crisis hotline for the Iowa children's behavioral health system that incorporates warmline services which may be provided through expansion of existing capabilities as required pursuant to 2018 Iowa Acts, chapter 1056, section 16.

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 use disorder treatment and addictive disorders for the fiscal year beginning July 1, 2023.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children and adolescents from birth through 21 years of age, and families, and for not more than the following full-time equivalent positions:

..... \$ 5,815,491
..... FTEs 14.00

a. Of the funds appropriated in this subsection, not more than \$734,000 shall be used for the healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106.

b. In order to implement the legislative intent stated in sections 135.106 and 256I.9, priority for home visitation program funding shall be given to programs using evidence-based or promising models for home visitation.

c. Of the funds appropriated in this subsection, \$3,075,000 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 shall also collaborate with the Medicaid program 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 Medicaid program reimbursement.

d. Of the funds appropriated in this subsection, \$64,000 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 dental lifeline network to provide dental services to indigent individuals who are elderly or with disabilities.

e. Of the funds appropriated in this subsection, \$156,000 shall be used to provide audiological services and hearing aids for children.

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 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, \$40,000 shall be used to support the Iowa effort to address the survey of children who experience adverse childhood experiences known as ACEs.

i. Of the funds appropriated in this subsection, up to \$494,000 shall be used for childhood obesity prevention.

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:

.....	\$	4,256,595
.....	FTEs	10.00

a. Of the funds appropriated in this subsection, \$188,000 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, \$1,055,000 shall be used for the brain injury services program pursuant to section 135.22B, including \$861,000 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 1.00 full-time equivalent position to serve as the state brain injury services program manager.

c. Of the funds appropriated in this subsection, \$144,000 shall be used for the public purpose of continuing to contract with an existing nationally 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. Funds allocated under this paragraph shall be distributed in their entirety for the purpose specified on July 1, 2023.

d. Of the funds appropriated in this subsection, \$809,000 shall be used for child health specialty clinics.

e. Of the funds appropriated in this subsection, \$384,000 shall be used by the regional autism assistance program established pursuant to section 256.35, and administered by the child health specialty clinic located at the university of Iowa hospitals and clinics. The funds shall be used to enhance interagency collaboration and coordination of educational, medical, and other health and 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, \$577,000 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, \$97,000 shall be used for cervical and colon cancer screening, and \$177,000 shall be used to enhance the capacity of the cervical cancer screening program to include provision of recommended prevention and early detection measures to a broader range of low-income women.

h. Of the funds appropriated in this subsection, \$506,000 shall be used for the center for congenital and inherited disorders.

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:

.....	\$	7,435,682
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, \$95,000 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 department 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 the services provided; and the continuing needs of the program.

b. Of the funds appropriated in this subsection, \$48,000 shall be used for a grant to a statewide association of psychologists, that is affiliated with the American psychological association, to be used for continuation of a program to rotate intern psychologists in placements that serve urban and rural mental health professional shortage areas. Once an intern psychologist begins service, the intern psychologist may continue serving in the location of the intern psychologist's placement, notwithstanding any change in the mental health professional shortage area designation of such location. The intern psychologist may also provide services via telehealth, to underserved populations, and to Medicaid members. For the purposes of this paragraph "b", "mental health professional shortage area" means a geographic area in this state that has been designated by the United States department of health and human services, health resources and services administration, bureau of health professionals, as having a shortage of mental health professionals.

c. Of the funds appropriated in this subsection, the following amounts are allocated to be used as follows to support the goals of increased access, health system integration, and engagement:

(1) Not less than \$600,000 is allocated to the Iowa prescription drug corporation for continuation of the pharmaceutical infrastructure originally established 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. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2023.

(2) Not less than \$334,000 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. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2023.

(3) Not less than \$25,000 is allocated to the Iowa association of rural health clinics for necessary infrastructure and service delivery transformation. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2023.

(4) Not less than \$225,000 is allocated to the Polk county medical society for continuation of the safety net provider patients access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109. Funds allocated under this subparagraph shall be distributed in their entirety for the purpose specified on July 1, 2023.

d. Of the funds appropriated in this subsection, \$191,000 is allocated for the purposes of health care and public health workforce initiatives.

e. Of the funds appropriated in this subsection, \$96,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to continue to develop the criteria and implement the loan repayment program.

f. Of the funds appropriated in this subsection, \$100,000 shall be used for the purposes of the Iowa donor registry as specified in section 142C.18.

g. Of the funds appropriated in this subsection, \$96,000 shall be used for continuation of a grant to a nationally affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, and community and patient service programs. The contractor shall submit a report to the general assembly regarding the use of funds allocated under this paragraph "g". 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, grade level if appropriate, and location within the state of individuals served; the type of services provided to the individuals served; the distribution of funds based on the services provided; and the continuing needs of the program.

h. Of the funds appropriated in this subsection, \$2,100,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph "a", and is appropriated from the account to the department to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

i. Of the funds appropriated in this subsection, \$250,000 shall be used for the public purpose of providing funding to Des Moines university to continue a provider education project to provide primary care physicians with the training and skills necessary to recognize the signs of mental illness in patients.

j. Of the funds appropriated in this subsection, \$800,000 shall be used for rural psychiatric residencies to annually fund six psychiatric residents who will provide mental health services in underserved areas of the state. Notwithstanding section 8.33, moneys 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 for subsequent fiscal years.

k. Of the funds appropriated in this subsection, \$150,000 shall be used for psychiatric training to increase access to mental health care services by expanding the mental health workforce via training of additional physician assistants and nurse practitioners.

l. Of the funds appropriated in this subsection, \$425,000 shall be used for the continuation of a center of excellence program to award two grants to encourage innovation and collaboration among regional health care providers in a rural area based upon the results of a regional community needs assessment to transform health care delivery in order to provide quality, sustainable care that meets the needs of the local communities. An applicant for the grant funds shall specify how the grant funds will be expended to accomplish the goals of the program and shall provide a detailed five-year sustainability plan prior to being awarded any grant funding. Following the receipt of grant funding, a recipient shall submit periodic reports as specified by the department to the governor and the general assembly regarding the recipient's expenditure of the grant funds and progress in accomplishing the program's goals.

m. Of the funds appropriated in this subsection, \$560,000 shall be deposited in the family medicine obstetrics fellowship program fund to be used for the state family medicine obstetrics fellowship program in accordance with section 135.182, if enacted in this Act, to meet a critical demand for well-trained family medicine obstetrics practitioners in rural and underserved areas in the state.

n. Of the funds appropriated in this subsection, \$358,201 is allocated for the Iowa commission on volunteer service for purposes of the Iowa state commission grant program and the Iowa’s promise and Iowa mentoring partnership programs.

(1) Of the funds allocated in this paragraph, \$75,000 shall be used for the purposes of the Iowa state commission grant program and \$93,201 shall be used for the purposes of the Iowa’s promise and Iowa mentoring partnership programs.

(2) Notwithstanding section 8.33, funds allocated in this paragraph 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.

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:

..... \$ 7,662,464

6. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,795,902

..... FTEs 6.00

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:

..... \$ 4,581,792

..... FTEs 57.00

a. Of the funds appropriated in this subsection, not more than \$304,000 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 \$243,000 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 \$750,000 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 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 \$504,000 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:

..... \$ 933,543

..... 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. IOWA HEALTH INFORMATION NETWORK ENHANCEMENTS

The department shall work with the board established in chapter 135D to develop plans for program enhancements in the Iowa health information network, for the purpose of empowering Iowa patients to access and direct their health information utilizing the Iowa health information network. Program enhancements shall protect data privacy, facilitate the interchange of health data for the purpose of improving public health outcomes, and increase participation by health care providers.

Sec. 6. DEPARTMENT OF HEALTH AND HUMAN SERVICES — SPORTS WAGERING RECEIPTS FUND. There is appropriated from the sports wagering receipts fund created in section 8.57, subsection 6, to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For problem gambling and substance use disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation:
..... \$ 1,750,000

DIVISION V
DEPARTMENT OF HEALTH AND HUMAN SERVICES — HUMAN SERVICES — FY
2023-2024

Sec. 7. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 (FIP) account and used for assistance under FIP in accordance with chapter 239B:

..... \$ 5,002,006

2. To be credited to the FIP account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:

..... \$ 5,412,060

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 2,888,980

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, 2024, the moneys shall revert.

4. For field operations:
..... \$ 31,296,232

5. For general administration:
..... \$ 3,744,000

6. For state child care assistance:
..... \$ 47,166,826

a. Of the funds appropriated in this subsection, \$26,205,412 is transferred to the child care and development block grant appropriation made by the Ninetieth General Assembly, 2023 session, for the federal fiscal year beginning October 1, 2023, and ending September 30, 2024. 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 FIP.

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:

..... \$ 1,913,203

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2023, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2023, 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 and state reporting, tracking, and case management requirements and other departmental needs:

..... \$ 1,037,186

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2022 Iowa Acts or 2023 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, 2023, are appropriated to the department of health and human services to the extent as may be necessary to be used in the following priority order: for FIP, for state child care assistance program payments for families who are employed, and for the FIP share of system costs for eligibility determination and related functions. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for assistance under FIP, in subsection 6 for state child care assistance, or in subsection 10 for technology needs and other resources necessary to meet departmental needs, 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 general assembly 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, 2023, is transferred to the appropriation of the federal social services block grant made to the department of health and human services for that fiscal year.

13. For continuation of the program providing categorical eligibility for the supplemental nutrition assistance program (SNAP) as specified in section 239.2, if enacted by 2023 Iowa Acts, Senate File 494: ¹

..... \$ 14,236

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 FIP from the general fund of the state.

¹ Chapter 104 herein

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 used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 8 of this division of this Act for the FIP account. If there are conflicting needs, priority shall first be given to the FIP account as specified under subsection 1 of this section and used for the purposes of assistance under FIP in accordance with chapter 239B, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the FIP account for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, including administrative and information technology costs associated with rent reimbursement and other income assistance programs administered by the department.

3. The department may transfer funds allocated in subsection 4, excluding the allocation under subsection 4, paragraph "b", 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 appropriations made in section 7 for the temporary assistance for needy families block grant and in section 9 for FIP from the general fund of the state in this division of this Act for the same fiscal year.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2023, and ending June 30, 2024, are allocated as follows:

a. To be used by the department of health and human services to more effectively serve participants in FIP and other clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 10,000

b. To the department of health and human services for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 7,192,834

(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 health and human services may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2023-2024.

(3) The department of health and human services 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:

..... \$ 1,293,000

A portion of the moneys allocated for the diversion subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of health and 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 FIP participants in work, education, or training activities, or for the purposes of assistance under FIP in accordance with chapter 239B.

d. For the SNAP employment and training program:

..... \$ 66,588

(1) The department shall apply the federal 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 SNAP participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue categorical federal SNAP eligibility as specified in section 239.2, if enacted by 2023 Iowa Acts, Senate File 494,² consistent with federal SNAP requirements. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are disqualified for committing an intentional program violation or are otherwise ineligible.

e. For the JOBS program, not more than:

..... \$ 12,018,258

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 services appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by child support services, 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.

Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the FIP account and used for FIP assistance in accordance with chapter 239B and for other costs associated with providing needs-based benefits or assistance:

..... \$ 41,003,575

1. Of the funds appropriated in this section, \$6,606,198 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$4,313,854 is allocated for the family development and self-sufficiency grant program.

3. a. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2023, 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 health and 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:

- (1) For FIP.
- (2) For state child care assistance.
- (3) For child and family services.
- (4) For field operations.
- (5) For general administration.

b. 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 general assembly.

4. Of the funds appropriated in this section, \$195,000 shall be used for a contract for tax preparation assistance to low-income Iowans to expand the usage of the earned income tax

² Chapter 104 herein

credit. The purpose of the contract is to supply this assistance to underserved areas of the state. The department shall not retain any portion of the allocation under this subsection for administrative costs.

5. Of the funds appropriated in this section, \$70,000 shall be used for the continuation of the parenting program, as specified in 441 IAC ch. 100, relating to parental obligations, in which child support services 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 450,000 according to the 2020 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 parenthood 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, excluding the allocation in subsection 2 for the family development and self-sufficiency grant program, to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section, section 7 for the temporary assistance for needy families block grant, and section 8 for the FIP account.

Sec. 10. CHILD SUPPORT SERVICES. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support services, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,914,329
.....	FTEs	459.00

1. The department shall expend up to \$24,000, including federal financial participation, for the fiscal year beginning July 1, 2023, 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 services 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.

Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2023-2024. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2023, and ending June 30, 2024, are appropriated to the department of health and 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. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2023-2024. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2023, and ending June 30, 2024, are appropriated to the department of health and 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. 13. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, 2023, 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:

..... \$ 1,543,626,779

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 health and human services for addictive disorders, \$950,000 shall be used for an integrated substance use disorder managed care system. The department shall maintain the level of mental health and substance use disorder treatment services provided by the managed care contractors. The department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

5. 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.

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 health program operations 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, health program operations, 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, and to support other reviews and quality control activities to improve the integrity of these programs.

9. 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.

10. 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.

11. A portion of the funds appropriated in this section may be transferred to the appropriation in this division of this Act for health program operations to be used for administrative activities associated with the money follows the person demonstration project.

12. 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.

13. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to sustain cost management efforts. The department shall report any such increase to the general assembly and the department of management.

b. If the savings to the medical assistance program from ongoing cost management efforts exceed the associated cost for the fiscal year beginning July 1, 2023, the department may transfer any savings generated for the fiscal year due to medical assistance program cost management efforts to the appropriation made in this division of this Act for health program operations or general administration to defray the costs associated with implementing the efforts.

14. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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.

15. 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 1.00 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 health program operations 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.

16. 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 health and 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.

17. Of the funds appropriated in this section, up to \$3,383,880 shall be used for administration of the state family planning services program pursuant to section 217.41B, and of this amount, the department may use up to \$200,000 for administrative expenses.

18. Of the funds appropriated in this section, \$1,545,530 shall be used and may be transferred to other appropriations in this division of this Act as necessary to administer the provisions in the division of this Act relating to Medicaid program administration.

19. The department shall comply with the centers for Medicare and Medicaid services' guidance related to Medicaid program and children's health insurance program maintenance of effort provisions, including eligibility standards, methodologies, procedures, and

continuous enrollment, to receive the enhanced federal medical assistance percentage under section 6008(b) of the federal Families First Coronavirus Response Act, Pub. L. No. 116-127 and section 5131 of the federal Consolidated Appropriations Act, 2023, Pub. L. No. 117-328. The department shall utilize and implement all tools, processes, and resources available to expediently return to normal eligibility and enrollment operations in compliance with federal guidance and expectations.

20. A portion of the funds appropriated in this section may be transferred to the appropriation made in this division of this Act for the children’s health insurance program, if the children’s health insurance program appropriation is insufficient to cover the designated purposes of that appropriation.

21. Notwithstanding any provision to the contrary, of the funds appropriated in this section, \$13,000,000 shall be used to increase reimbursement rates for mental health and substance use disorder providers in accordance with a methodology determined by the department. Of the amount allocated under this subsection, \$7,000,000 shall be used to increase reimbursement rates for individual mental health therapy providers, \$3,000,000 shall be used to increase reimbursement rates for mental health providers, and \$3,000,000 shall be used to increase reimbursement rates for substance use disorder providers.

22. Of the funds appropriated in this section, \$5,500,000 shall be used to maintain the reimbursement rates of eligible home and community-based services providers at the rates in effect on June 30, 2023, and to reduce the home and community-based services intellectual disabilities waiver waiting list to the extent possible.

Sec. 14. HEALTH PROGRAM OPERATIONS. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health program operations:

..... \$ 17,446,067

1. The department of inspections, appeals, and licensing shall provide all state matching funds for survey and certification activities performed by the department of inspections, appeals, and licensing. The department of health and 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 full-time equivalent positions in the development of key health initiatives such as 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 of a phased-in program to provide a dental home for children.

5. a. Of the funds appropriated in this section, \$188,000 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 amount of this allocation which shall be used as follows:

b. Of the funds allocated in this subsection, \$25,000 shall be used for the public purpose of continuation of a grant to 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 between 220,000 and 250,000 according to the 2020 federal decennial census, is licensed as a psychiatric medical institution for children, and provides school-based programming, to be used for support services for children with autism spectrum disorder and their families.

Sec. 15. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 7,349,002

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, 2023, 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.

4. 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, including for liability amounts associated with the SNAP payment error rate, until the close of the succeeding fiscal year.

Sec. 16. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 (Hawki) 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:

..... \$ 38,661,688

2. Of the funds appropriated in this section, a sufficient amount is allocated for continuation of the contract for outreach.

3. A portion of the funds appropriated in this section may be transferred to the appropriations made in this division of this Act for field operations or health program operations to be used for the integration of Hawki program eligibility, payment, and administrative functions under the purview of the department of health and human services, including for the Medicaid management information system upgrade.

Sec. 17. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 64,223,730

1. Of the funds appropriated in this section, \$34,966,931 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, \$29,256,799 shall be deposited in the school ready children grants account of the early childhood Iowa fund created in section 256I.11, and shall be allocated as follows for the fiscal year beginning July 1, 2023:

a. Of the amount deposited under this subsection, not more than \$265,950 is allocated for the early childhood Iowa program 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. The early childhood Iowa state board may reserve a portion of the allocation under paragraph "b", not to exceed \$88,650, for the technical assistance expenses of the early childhood Iowa program, including the reimbursement 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 deposited under this subsection, \$2,318,018 shall be used for efforts to improve the quality of early care, health, and education programs. Moneys allocated pursuant to this lettered paragraph may be used for additional staff and for the reimbursement of staff in early childhood Iowa areas and for local quality improvement efforts. The early childhood Iowa state board shall determine the methodology 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 deposited under this subsection, \$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 group maintained by the early childhood Iowa stakeholders alliance pursuant to section 256I.12, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities, and strategic plan implementation staff as agreed upon by the parties participating in the collaboration as approved by the early childhood Iowa state board.

d. Of the amount deposited under this subsection, \$200,000 shall be used to invest in the state's early childhood database system that integrates state administrative data to provide results that inform and improve the early childhood system of programs and services in the state.

e. Of the amount deposited under this subsection, \$5,850,000 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. Up to \$65,000 of the funds allocated in this paragraph may be used for additional technical assistance staff.

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 services, the entire amount of the increase, except as necessary to meet federal requirements including quality set asides, 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. 18. JUVENILE INSTITUTION. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. 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:

.....	\$	17,568,511
.....	FTEs	207.00

b. Of the funds appropriated in this subsection, \$91,000 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of health and 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, 2023.

3. Of the funds appropriated in this subsection, \$212,000 shall be used by the state training school at Eldora for a substance use disorder treatment program at the institution for the fiscal year beginning July 1, 2023.

4. 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. 19. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	79,027,794
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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, the state child care assistance program, or FIP 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. Of the funds appropriated in this section, up to \$40,500,000 is allocated for group foster care maintenance and services.

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 2023-2024. Of the funds appropriated in this section, \$1,717,000 is allocated specifically for expenditure for fiscal

year 2023-2024 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. Of the funds appropriated in this section, a sufficient amount is allocated for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care.

7. Federal funds received by the state during the fiscal year beginning July 1, 2023, 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 \$748,000 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.

b. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed as determined by the department. The department shall make the determination of the distribution amounts on or before June 15, 2023.

c. 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 the court-ordered services distribution amount is insufficient to pay for the service. The department 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 department shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall transfer distribution amounts as prudent.

d. 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.

9. Of the funds appropriated in this section, \$1,658,000 shall 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, and so that the remaining funds are awarded through a funding formula based upon the volume of children served. To increase access to child protection center services for children in rural areas, the funding formula for the awarding of the remaining funds shall provide for the awarding of an enhanced amount to eligible grantees to develop and maintain satellite centers in underserved regions of the state.

10. Of the funds appropriated in this section, up to \$4,025,000 is allocated for the preparation for adult living program pursuant to section 234.46.

11. Of the funds appropriated in this section, \$227,000 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.

12. Of the funds appropriated in this section, \$300,000 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

13. 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.

14. Of the funds appropriated in this section, \$630,000 is allocated for the community partnership for child protection sites.

15. Of the funds appropriated in this section, up to \$371,000 is allocated for the department’s minority youth and family projects under the redesign of the child welfare system.

16. Of the funds appropriated in this section, \$851,000 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

17. Of the funds appropriated in this section, at least \$147,000 shall be used for the continuation of the child welfare provider training program.

18. Of the funds appropriated in this section, \$211,000 shall be used for continuation of the central Iowa system of care program grant for the purposes of funding community-based services and other supports with a system of care approach for children with serious emotional disturbance and their families through a nonprofit provider that is located in a county with a population of more than 450,000 according to the 2020 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2023.

19. 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.

20. 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 230,000 according to the 2020 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2023.

21. If a separate funding source is identified that reduces the need for state funds within an allocation under this section, the allocated state funds may be redistributed to other allocations under this section for the same fiscal year.

22. Of the funds appropriated in this section, a portion may be used for family-centered services for purposes of complying with the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, and successor legislation.

Sec. 20. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and related costs and for other operations and services provided for under paragraph “b”:

..... \$ 40,883,507

b. (1) Of the funds appropriated in this section, a sufficient amount is allocated for adoption subsidy payments and related costs.

(2) Any funds appropriated in this section remaining after the allocation under subparagraph (1) are designated and allocated as 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), and shall be used for post-adoption services and for other purposes allowed under these federal laws, Tit. IV-B or Tit. IV-E of the federal Social Security Act.

(a) The department of health and human services may transfer funds allocated in this subparagraph (2) to the appropriation for child and family services in this division of this Act for the purposes designated in this subparagraph (2).

(b) Notwithstanding section 8.33, moneys allocated under this subparagraph (2) shall not revert to any fund but shall remain available for the purposes designated in this subparagraph (2) until expended.

2. The department may transfer funds appropriated in this section remaining after the transfer of funds under subsection 1, paragraph “b”, 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, 2023, 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.

4. 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 the purposes designated until the close of the succeeding fiscal year.

Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 949,282

2. At least \$931,536 of the moneys appropriated in this section shall be used 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 health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 15,923,252

..... FTEs 188.00

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:

..... \$ 19,811,470

..... FTEs 211.00

2. a. 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.

b. Notwithstanding sections 218.78 and 249A.11, any COVID-19 related funding received through federal funding sources by the state mental health institute at Cherokee or the state mental health institute at Independence 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.

4. 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. 24. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:
..... \$ 16,255,132
- b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:
..... \$ 13,389,577

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, mental health and disability services regions, 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 2023-2024.

6. Notwithstanding section 8.33, and notwithstanding the amount limitation specified in section 222.92, 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. 25. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	14,865,337
.....	FTEs	167.00

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 health and 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.

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.

Sec. 26. FIELD OPERATIONS.

1. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	72,056,945
.....	FTEs	1,589.00

2. Of the funds appropriated in this section, \$1,370,436 shall be used for the purpose of increasing compensation for child welfare case workers and to support case workers with complex cases in all service areas.

3. In addition to subsection 2, priority in filling full-time equivalent positions shall be given to those positions related to child protection services and eligibility determination for low-income families.

Sec. 27. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	18,913,662
.....	FTEs	341.86

1. The department shall report at least monthly to the general assembly concerning the department's operational and program expenditures.

2. Of the funds appropriated in this section, \$150,000 shall be used for the provision of a program to provide technical assistance, support, and consultation to providers of home and community-based services 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 Iowa commission on volunteer service to continue to be used for the 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, up to \$300,000 shall be used as follows:

a. To fund not more than 1.00 full-time equivalent position to address the department’s responsibility to support the work of the children’s behavioral health system state board and implementation of the services required pursuant to section 331.397.

b. To support the cost of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

c. Of the amount allocated, \$32,000 shall be used to support the costs of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

7. Of the funds appropriated in this section, \$800,000 shall be used for the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K.

8. Of the funds appropriated under this section, \$1,000,000 shall be used for the purposes of program administration and provision of pregnancy support services through the more options for maternal support program in accordance with section 217.41C.

9. Of the funds appropriated under this section, \$2,602,312 shall be used for the child advocacy board for foster care review and the court appointed special advocate program, including for salaries, support, maintenance, and miscellaneous purposes.

a. The department, in coordination with the child advocacy board, 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.

b. The court appointed special advocate program shall investigate and develop opportunities for expanding fundraising for the program.

c. Administrative costs charged by the department for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

Sec. 28. DEPARTMENT-WIDE DUTIES.

There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 health and human services:

..... \$ 2,157,590

The department shall submit a report to the general assembly detailing the expenditure of the funds appropriated under this section.

Sec. 29. VOLUNTEERS. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

1. a. (1) (a) (i) Notwithstanding any provision of law to the contrary, for the fiscal period beginning July 1, 2023, and ending June 30, 2025, the department of health and human services shall rebase case-mix nursing facility rates beginning July 1, 2023, using the Medicaid cost reports on file for the period ending December 31, 2022, and applying a minimum occupancy factor of 70 percent, as provided pursuant to 2021 Iowa Acts, chapter 182, section 39, to the extent possible within the state funding, including the \$15,000,000 provided for this purpose.

(ii) For the fiscal year beginning July 1, 2023, the department of health and human services shall determine and adjust each nursing facility’s case-mix index on a semiannual basis. A separate calculation shall be made to determine the average case-mix index for a nursing facility-wide case-mix index, and a case-mix index for the residents of a nursing

facility who are medical assistance program recipients using all of the minimum data set reports by the nursing facility for the previous semiannual period of the state fiscal year using a day weighted calculation.

(b) For the fiscal year beginning July 1, 2023, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2023.

(c) For managed care claims, the department of health and 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, 2023, Medicaid managed care long-term services and supports capitation rates shall be adjusted to reflect the case-mix adjusted rates specified pursuant to subparagraph division (a) for the patient populations residing in Medicaid-certified nursing facilities.

(2) Medicaid managed care organizations shall adjust facility-specific rates based upon payment rate listings issued by the department. The rate adjustments shall be applied prospectively from the effective date of the rate letter issued by the department.

b. (1) For the fiscal year beginning July 1, 2023, the department shall establish the fee-for-service pharmacy dispensing fee reimbursement at \$10.38 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. A change in the dispensing fee shall become effective following federal approval of the Medicaid state plan.

(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, 2023, reimbursement rates for outpatient hospital services shall be rebased effective January 1, 2024, 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, 2023, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2023, 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, 2023, under both fee-for-service and managed care administration of the Medicaid program, critical access hospitals shall be reimbursed for inpatient and outpatient services based on the hospital-specific critical access hospital cost adjustment factor methodology utilizing the most recent and complete cost reporting period as applied prospectively within the funds appropriated for such purpose for the fiscal year.

(4) For the fiscal year beginning July 1, 2023, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2023, 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.

(5) 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, 2023, reimbursement rates for hospices and acute psychiatric 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, 2023, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2023.

f. (1) For the fiscal year beginning July 1, 2023, 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, 2023, the department shall continue the reimbursement rate structure that provides incentives to home health care providers located in rural areas and providing home health care to Medicaid members. The rate structure shall include a telehealth component to incentivize the provision of necessary supervision for skilled care without requiring travel time. For the purposes of this subparagraph (2), "rural area" means an area that is not an Iowa core based statistical area as defined by the federal office of management and budget.

(3) For the fiscal year beginning July 1, 2023, 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, 2023.

g. For the fiscal year beginning July 1, 2023, 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, 2023, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2023, unless the department is able to adjust rates in a budget neutral manner within overall dental program expenditures.

i. (1) For the fiscal year beginning July 1, 2023, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be based on the reimbursement methodology in effect on June 30, 2023.

(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, 2023, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2023, 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, or to meet federal mental health parity requirements.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2023, the reimbursement rate for anesthesiologists shall remain at the rates in effect on June 30, 2023, and updated on January 1, 2024, to align with the most current Iowa Medicare anesthesia rate.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2023, 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, 2023; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2023, 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. (1) For the fiscal year beginning July 1, 2023, the reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2023, 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; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2023.

(2) The department of health and human services shall continue the tiered rate reimbursement methodology for psychiatric intensive inpatient care.

o. For the fiscal year beginning July 1, 2023, 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 health and human services in effect on June 30, 2023.

p. For the fiscal year beginning July 1, 2023, 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, 2023.

q. For the fiscal year beginning July 1, 2023, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2023, or as approved by the centers for Medicare and Medicaid services of the United States department of health and human services.

r. For the fiscal year beginning July 1, 2023, reimbursement rates for substance use disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2023.

s. For the fiscal year beginning July 1, 2023, assertive community treatment per diem rates shall remain at the rates in effect on June 30, 2023.

t. For the fiscal year beginning July 1, 2023, the reimbursement rate for family-centered services providers shall be established by contract.

u. For the fiscal year beginning July 1, 2023, the reimbursement rate for air ambulance services shall remain at the rate in effect on June 30, 2023.

v. For the fiscal year beginning July 1, 2023, all applied behavioral analysis services reimbursement rates shall remain at the rates in effect on June 30, 2023.

w. For the fiscal year beginning July 1, 2023, all behavioral health intervention services reimbursement rates shall remain at the rates in effect on June 30, 2023.

2. For the fiscal year beginning July 1, 2023, 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 most recently ended calendar year.

4. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2023, 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 23 who have exited foster care, the preparation for adult living program maintenance rate shall be up to \$602.70 per month as calculated based on the age of the participant.

5. For the fiscal year beginning July 1, 2023, the maximum reimbursement rates for social services providers under contract shall remain at the rates in effect on June 30, 2023, 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, 2023, 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, 2023, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2023, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

7. For the fiscal year beginning July 1, 2023, the reimbursement rate for group foster care providers shall be the combined service and maintenance reimbursement rate established by contract.

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 health and 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, 2023, 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, 2023, the combined service and maintenance components of the per day reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum per day reimbursement rate shall be the maximum per day reimbursement rate in effect on June 30, 2023. 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.

10. For the fiscal year beginning July 1, 2023, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2023, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2023.

11. The department may adopt emergency rules to implement this section.

Sec. 31. EMERGENCY RULES.

1. If necessary to comply with federal requirements including time frames, or if specifically authorized by a provision of this division of this Act, the department of health and human services or the mental health and disability services commission shall 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 shall submit such rules to the administrative rules coordinator and the administrative code editor pursuant to section 17A.5, subsection 1. 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.

2. If during a fiscal year, the department of health and 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 general assembly and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least thirty calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 32. REPORTS. Unless otherwise provided, any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2023, shall be submitted on or before the dates specified for submission of the reports or information.

Sec. 33. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, takes effect upon enactment:

The provision relating to section 232.141 and directing the department of health and human services to make the determination, by June 15, 2023, 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
DEPARTMENT OF HEALTH AND HUMAN SERVICES — HUMAN RIGHTS

Sec. 34. DEPARTMENT OF HEALTH AND HUMAN SERVICES — HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. HUMAN RIGHTS CENTRAL 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: \$ 186,913. Row 2: FTEs 5.54

2. COMMUNITY ADVOCACY AND SERVICES

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: \$ 956,894. Row 2: FTEs 7.55

3. CRIMINAL AND JUVENILE JUSTICE PLANNING

a. 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: \$ 1,318,547. Row 2: FTEs 9.00

b. (1) For a single grant to a program located in a city with a higher than average juvenile crime rate as determined by the department of health and human services and a population greater than 80,000 as determined by the 2020 federal decennial census, which may be used for studying, planning, programming, and capital, that is committed to deterring juvenile delinquency through early intervention in the criminal justice system by providing a comprehensive, multifaceted delivery of social services and which shall meet the guiding principles and standards for assessment centers set forth by the national assessment center association:

Table with 2 columns: Description and Amount. Row 1: \$ 140,000

(2) The program shall use no more than 5 percent of the grant for administrative costs.

(3) A city shall not receive a grant under this paragraph, or a similar grant from the state, for more than two consecutive fiscal years unless no other city meets the requirements specified in subparagraph (1).

c. The justice advisory board and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 35. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2023, and ending June 30, 2024, are appropriated to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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, 2022. 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, 2022. The percentage figure shall be determined by the department of health and human services based on the amount available for distribution for the fund. Notwithstanding section 232.142, the financial aid percentage of total costs payable by the state under that provision for the fiscal year beginning July 1, 2023, shall be limited to the amount appropriated for the purposes of this section.

DIVISION VII
HEALTH AND HUMAN SERVICES — HEALTH CARE ACCOUNTS AND FUNDS — FY
2023-2024

Sec. 36. PHARMACEUTICAL SETTLEMENT ACCOUNT — DEPARTMENT OF HEALTH AND HUMAN SERVICES. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 health program operations under the medical assistance program for the fiscal year beginning July 1, 2023, and ending June 30, 2024:

..... \$ 234,193

Sec. 37. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HEALTH AND 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 health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 health and human services for medical assistance for the same fiscal year:

..... \$ 111,216,205

Sec. 38. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HEALTH AND 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 health and human services for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 health and human services for medical assistance for the same fiscal year:

..... \$ 33,920,554

Sec. 39. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2023-2024. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 VIII
DECATEGORIZATION CARRYOVER FUNDING — TRANSFER TO MEDICAID PROGRAM

Sec. 40. DECATEGORIZATION CARRYOVER FUNDING FY 2021 — 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, 2020, and were deemed carryover funding to remain available for the three succeeding fiscal years that still remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2023, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2024.

DIVISION IX
HEALTH AND HUMAN SERVICES — PRIOR APPROPRIATIONS AND OTHER
PROVISIONS

FAMILY INVESTMENT PROGRAM GENERAL FUND

Sec. 41. 2022 Iowa Acts, chapter 1131, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 7. 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 the purposes designated until the close of the succeeding fiscal year.

STATE CHILD CARE ASSISTANCE

Sec. 42. 2022 Iowa Acts, chapter 1131, section 17, subsection 8, is amended to read as follows:

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~~ appropriated in 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.

CHILD AND FAMILY SERVICES

Sec. 43. 2022 Iowa Acts, chapter 1131, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 25. 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 the purposes designated until the close of the succeeding fiscal year.

FIELD OPERATIONS

Sec. 44. 2022 Iowa Acts, chapter 1131, section 27, is amended by adding the following new subsection:

NEW SUBSECTION. 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 the purposes designated until the close of the succeeding fiscal year.

MORE OPTIONS FOR MATERNAL SUPPORT PROGRAM

Sec. 45. 2022 Iowa Acts, chapter 1131, section 28, subsection 8, is amended to read as follows:

8. Of the funds appropriated under this section, \$500,000 shall be used for the purposes of program administration and provision of pregnancy support services through the more options for maternal support program created in this Act. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the succeeding fiscal year.

GENERAL ADMINISTRATION

Sec. 46. 2022 Iowa Acts, chapter 1131, section 28, is amended by adding the following new subsection:

NEW SUBSECTION. 9. 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 the purposes designated until the close of the succeeding fiscal year.

QUALITY ASSURANCE TRUST FUND

Sec. 47. 2022 Iowa Acts, chapter 1131, section 36, unnumbered paragraph 2, is amended to read as follows:

To supplement the appropriation made in this Act from the general fund of the state to the department of health and human services for medical assistance for the same fiscal year:

.....	\$	56,305,139
		<u>66,282,906</u>

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

DIVISION X
HEALTH AND HUMAN SERVICES — REPORT ON NONREVERSION OF FUNDS

Sec. 49. REPORT ON NONREVERSION OF FUNDS. The department of health and human services shall report the expenditure of any moneys for which nonreversion authorization was provided for the fiscal year beginning July 1, 2022, and ending June 30, 2023, to the general assembly on a quarterly basis beginning October 1, 2023.

DIVISION XI
ELIMINATION OF REPEAL OF HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM

Sec. 50. REPEAL. Section 249M.5, Code 2023, is repealed.

Sec. 51. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII
HEALTH AND HUMAN SERVICES — REALIGNMENT PROVISIONS

DIRECTOR OF HEALTH AND HUMAN SERVICES — INSTITUTIONS — BUYING AND SELLING OF REAL ESTATE — FUND

Sec. 52. Section 218.94, as amended by 2023 Iowa Acts, Senate File 514,³ section 411, as enacted is amended to read as follows:

218.94 Director may buy and sell real estate — options — fund.

1. a. The director may secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of the institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the director may determine. Upon sale of the real estate, the proceeds shall be deposited ~~with the treasurer of state and credited to the general fund of the state~~ in a health and human services capital reinvestment fund created in the state treasury under the control of the department. ~~There is appropriated from the general such capital reinvestment fund of the state a sum equal to the proceeds deposited and credited to the general capital reinvestment fund of the state to the department, which may be used to purchase other real estate, or for capital improvements upon property under the director's control, or for improvements to property which is owned by the state and utilized by the department.~~

b. Notwithstanding section 8.33, moneys in the capital reinvestment fund shall not revert at the close of a fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Any proceeds from the sale of real estate that were credited to the general fund of the state pursuant to section 218.94, Code 2022, and that remain available on June 30, 2023, are transferred to the capital reinvestment fund to be used for the purposes of the fund.

³ Chapter 19 herein

2. The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including but not limited to appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located. ~~Such costs shall be and the source from which the moneys were appropriated shall be~~ reimbursed from the proceeds of the sale.

SCHOOL READY CHILDREN GRANTS ACCOUNT

Sec. 53. Section 256I.11, subsection 2, unnumbered paragraph 1, as amended by 2023 Iowa Acts, Senate File 514,⁴ section 1005, is amended to read as follows:

A school ready children grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account are appropriated to and shall be distributed by the department of education in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law.

DIVISION XIII

ADMINISTRATOR OF CHILD AND FAMILY SERVICES CONFORMING REPEAL

Sec. 54. 2023 Iowa Acts, Senate File 514,⁵ section 1357, as enacted, is amended to read as follows:

SEC. 1357. REPEAL. Sections 135.2, 135.3, 135.6, 135.7, 135.8, 135.9, 135.10, 216A.2, 217.7, 217.8, 217.9, 217.10, 217.15, 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54, 222.6, 227.19, 231.22, and 234.2, Code 2023, are repealed.

DIVISION XIV

HEALTH POLICY OVERSIGHT COMMITTEE — MEDICAID PROGRAM

Sec. 55. Section 2.45, subsection 5, Code 2023, is amended to read as follows:

5. The legislative health policy oversight committee, which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. The legislative health policy oversight committee ~~shall~~ may meet at least two times, annually, during the legislative interim to provide continuing oversight for Medicaid managed care, and to ensure effective and efficient administration of the program, address stakeholder concerns, monitor program costs and expenditures, and make recommendations.

DIVISION XV

PUBLIC ASSISTANCE PROGRAM PROVISIONS

Sec. 56. Section 234.1, subsection 6, as enacted by 2023 Iowa Acts, Senate File 514,⁶ section 669, is amended to read as follows:

6. “*Supplemental nutrition assistance program*” or “SNAP” means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – ~~280~~ 283, as amended.

Sec. 57. Section 239.1, subsections 2 and 3, if enacted by 2023 Iowa Acts, Senate File 494,⁷ are amended by striking the subsections and inserting in lieu thereof the following:

2. “Asset” for the purposes of the asset test for the supplemental nutrition assistance program under section 239.4 means all of the following resources countable toward the maximum allowed household asset limit of fifteen thousand dollars:

a. All liquid resources.

b. All other personal property excluding one vehicle and the fair market value in excess of ten thousand dollars of an additional vehicle.

⁴ Chapter 19 herein

⁵ Chapter 19 herein

⁶ Chapter 19 herein

⁷ Chapter 104 herein

3. “*Asset test*” for the purposes of the asset test for the supplemental nutrition assistance program under section 239.4 means the comparison of the collective value of all countable assets of the members of the applicant’s household to the maximum allowed household asset limit of fifteen thousand dollars.

Sec. 58. Section 239.4, subsection 1, if enacted by 2023 Iowa Acts, Senate File 494,⁸ is amended to read as follows:

1. For the purposes of determining eligibility for receipt of SNAP benefits, the department shall conduct an asset test on all members of the applicant’s household. The allowable financial resources to be included in or excluded from a determination of eligibility for SNAP shall be those specified in ~~7 U.S.C. §2014(g)(1)~~ 7 U.S.C. §2014(g), to the extent consistent with the term “*asset*” as defined in this chapter.

Sec. 59. Section 239.9, subsection 1, if enacted by 2023 Iowa Acts, Senate File 494,⁹ is amended to read as follows:

1. Following a review of an applicant’s or recipient’s eligibility under this chapter, the department may refer cases of suspected fraud along with any supportive information to the department of inspections, ~~and appeals, and licensing~~ for review.

Sec. 60. Section 239.10, subsection 1, if enacted by 2023 Iowa Acts, Senate File 494,¹⁰ is amended to read as follows:

1. The department of ~~health and human services~~ shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 61. 2023 Iowa Acts, Senate File 494,¹¹ if enacted, is amended by adding the following new section:

NEW SECTION. SEC. 10A. NEW SECTION. 239.11 Public assistance modernization fund.

1. A public assistance modernization fund is created in the state treasury under the control of the department. The fund shall consist of moneys appropriated or transferred to, or deposited in, the fund as provided by law.

2. The moneys in the fund shall be used and shall be appropriated only for the purposes of modernizing information technology systems and for other modernization initiatives related to delivery of public assistance programs.

3. The moneys deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the state capitol maintenance fund shall be credited to the fund.

4. This section is repealed July 1, 2028.

Sec. 62. 2023 Iowa Acts, Senate File 494,¹² section 12, subsection 6, if enacted, is amended to read as follows:

6. The department of health and human services may contract with multiple third-party vendors to administer this Act.

Sec. 63. **ONE-TIME SETTLEMENT FUNDS — DEPOSIT IN PUBLIC ASSISTANCE MODERNIZATION FUND.** For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the department of health and human services shall deposit up to \$8,000,000 received from one-time medical assistance settlement funds in the public assistance modernization fund, if enacted in this division of this Act.

⁸ Chapter 104 herein

⁹ Chapter 104 herein

¹⁰ Chapter 104 herein

¹¹ Chapter 104 herein

¹² Chapter 104 herein

DIVISION XVI
HOME AND COMMUNITY-BASED SERVICES WAIVER RECIPIENT RESIDENCES —
SPRINKLER SYSTEMS

Sec. 64. Section 335.34, Code 2023, is amended to read as follows:

335.34 Home and community-based services waiver recipient residence.

1. A county, county board of supervisors, or county zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county.

2. A county, county board of supervisors, or a county zoning commission shall not require that the recipient, or the owner of such a residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A county, county board of supervisors, or county zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. A county, county board of supervisors, or a county zoning commission shall not classify such a residence as a residential group R-3 occupancy or as a care facility within a dwelling for the purposes of enforcement of compliance with the sprinkler systems provisions specified in section 903.3.1.3 of the international building code or section P2904 of the international residential code, if adopted, or if such residence is inspected by the county.

~~3.~~ 4. This section applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

4. 5. For the purposes of this section, “*home and community-based services waiver*” means “*waiver*” as defined in section 249A.29.

Sec. 65. Section 414.32, Code 2023, is amended to read as follows:

414.32 Home and community-based services waiver recipient residence.

1. A city, city council, or city zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city.

2. A city, city council, or city zoning commission shall not require that the recipient, or owner of such residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A city, city council, or city zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. A city, city council, or city zoning commission shall not classify such a residence as a residential group R-3 occupancy or as a care facility within a dwelling for the purposes of enforcement of compliance with the sprinkler systems provisions specified in section 903.3.1.3 of the international building code or section P2904 of the international residential code, if adopted, or if such residence is inspected by the city.

~~3.~~ 4. This section applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

4. 5. For the purposes of this section, “*home and community-based services waiver*” means “*waiver*” as defined in section 249A.29.

Sec. 66. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII

STATE-FUNDED FAMILY MEDICINE OBSTETRICS FELLOWSHIP PROGRAM

Sec. 67. NEW SECTION. **135.182 State-funded family medicine obstetrics fellowship program — fund.**

1. The department shall establish a state-funded family medicine obstetrics fellowship program to increase access to family medicine obstetrics practitioners in rural and underserved areas of the state. A person who has completed an accreditation council for graduate medical education residency program in family medicine is eligible for participation in the fellowship program. Participating fellows shall enter into a program agreement with a participating teaching hospital which, at a minimum, requires the fellow to complete a one-year fellowship and to engage in full-time family medicine obstetrics practice in a rural or underserved area of the state for a period of at least five years within nine months following completion of the fellowship and receipt of a license to practice medicine in the state.

2. Each fellow participating in the program shall be eligible for a salary and benefits including a stipend as determined by the participating teaching hospital which shall be funded through the family medicine obstetrics fellowship program fund.

3. The department shall adopt rules pursuant to chapter 17A to administer the program, including defining rural and underserved areas for the purpose of the required full-time practice of a person following completion of the fellowship.

4. *a.* A family medicine obstetrics fellowship program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the department to be used to fund fellowship positions as provided in this section.

b. For the fiscal year beginning July 1, 2023, and each fiscal year beginning July 1 thereafter, there is appropriated from the general fund of the state for deposit in the family medicine obstetrics fellowship program fund an amount sufficient to support the creation of four fellowship positions as provided in this section.

5. The department and the participating teaching hospitals shall regularly evaluate and document their experiences including identifying ways the program may be modified or expanded to facilitate increased access to family medicine obstetrics practitioners in rural and underserved areas of the state. The department shall submit an annual report to the general assembly by January 1. The report shall include the number of fellowships funded to date and any other information identified by the department and the participating teaching hospitals as indicators of outcomes and the effectiveness of the program.

6. For the purposes of this section, “*teaching hospital*” means a hospital or medical center that provides medical education to prospective and current health professionals.

DIVISION XVIII

ADOPTION SUBSIDY PROGRAM — NONRECURRING ADOPTION EXPENSES

Sec. 68. NEW SECTION. **234.48 Adoption subsidy — nonrecurring adoption expenses.**

Notwithstanding any provision to the contrary, the maximum reimbursement provided to an adoptive parent under the adoption subsidy program for nonrecurring adoption expenses is one thousand dollars. For the purposes of this section, “*nonrecurring adoption expenses*” means the same as defined in 45 C.F.R. §1356.41. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 69. REPEAL. 2010 Iowa Acts, chapter 1031, section 408, is repealed.

DIVISION XIX
SAFE HAVEN ACT HARMONIZATION

Sec. 70. Section 233.2, Code 2023, is amended to read as follows:

233.2 Newborn infant custody release procedures.

1. *a.* A parent of a newborn infant may voluntarily release custody of the newborn infant by as follows:

(1) By relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or a fire station, to an adoption service provider, or by authorizing another person to relinquish physical custody on the parent's behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at the an institutional health facility or a fire station, or to an adoption service provider, the parent may take other actions to be reasonably sure that an the individual on duty or the adoption service provider is aware that the newborn infant has been left at the institutional health facility, the fire station, or the location of the adoption service provider. The actions may include but are not limited to making telephone contact with the institutional health facility, the fire station, or the adoption service provider, or a 911 service.

(2) By relinquishing physical custody of the newborn infant to medical staff at a hospital or other facility following delivery of the newborn infant in the hospital or other facility when the parent notifies the medical staff that the parent is voluntarily relinquishing physical custody of the newborn infant without expressing an intent to again assume physical custody.

(3) By relinquishing physical custody of the newborn infant at a hospital, a fire station, or an emergency medical care provider location, through a newborn safety device, without expressing an intent to again assume physical custody.

b. In lieu of the procedure described in paragraph "a", a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of this chapter and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody ~~at an institutional health facility or to a first responder~~ in accordance with this section is the newborn infant's parent or has relinquished physical custody with the parent's authorization.

2. *a.* Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, ~~an the individual on duty or the medical staff at the institutional health facility, the emergency medical care provider location, or the fire station at which physical custody of the newborn infant was relinquished, the adoption service provider to whom physical custody of the newborn infant was relinquished, or a the first responder to whom physical custody of the newborn infant was relinquished, pursuant to subsection 1 shall take physical custody of the newborn infant. The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with this section. The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty and or the medical staff, the adoption service provider, and the first responder to whom physical custody of the newborn infant was relinquished, and the institutional health facility in, the emergency medical care provider location, and the fire station at which the individual was on duty and the first responder physical custody of the newborn infant was relinquished are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.~~

b. If the physical custody of a newborn infant is relinquished at an emergency medical care provider location or a fire station, to an adoption service provider, or to a first responder, the individual on duty at the emergency medical care provider location or the fire station, the

adoption service provider, or the first responder who responded to the 911 telephone call shall transport the newborn infant to the nearest institutional health facility. The individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder who took physical custody of the newborn infant shall provide any parental identification or medical history information to the institutional health facility.

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of human services.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty at the institutional health facility or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of public health shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

3. a. As soon as possible after the individual on duty or the medical staff, the adoption service provider, or the first responder assumes physical custody of a newborn infant released under subsection 1, and, if applicable, the individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder transports the newborn infant to the nearest institutional health facility under subsection 2, paragraph "b", the individual on duty or the medical staff shall notify either the department or an adoption service provider and the first responder shall notify the department of human services and the department or the adoption service provider shall take the actions necessary to assume the care, control, and custody of the newborn infant. The as follows:

(1) If physical custody of the newborn infant was not initially relinquished to an adoption service provider, the department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. After the department takes custody of the newborn infant, notwithstanding any provision to the contrary relating to priority placement of the child under section 232.78, the department shall, if feasible, place the newborn infant in a prospective adoptive home. The department shall maintain a list of prospective adoptive homes that have completed placement investigations and have been preapproved by the department or a certified adoption investigator.

(2) If physical custody of the newborn infant was initially relinquished to an adoption service provider, the adoption service provider shall immediately notify the juvenile court and the county attorney of the adoption service provider's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the adoption service provider to take custody of the newborn infant. Upon receiving the order, the adoption service provider shall take custody of the newborn infant.

b. Within twenty-four hours of the department or the adoption service provider taking custody of the newborn infant, the department or the adoption service provider shall notify the juvenile court and the county attorney in writing of the department's or adoption service provider's action and the circumstances surrounding the action.

c. Within twenty-four hours of the adoption service provider taking custody of the newborn infant, the adoption service provider shall notify the department in writing that the adoption service provider has taken custody of the newborn infant and will comply with the requirements of chapter 233.

4. a. Upon being notified in writing by the department or the adoption service provider under subsection 3, the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance in accordance with section 232.87 and a petition for termination

of parental rights with respect to the newborn infant in accordance with section 232.111, subsection 2, paragraph “a”. A hearing on a child in need of assistance petition filed pursuant to this subsection shall be held at the earliest practicable time. A hearing on a termination of parental rights petition filed pursuant to this subsection shall be held no later than thirty days after the day the physical custody of the newborn child was relinquished in accordance with subsection 1 unless the juvenile court continues the hearing beyond the thirty days for good cause shown.

b. Notice of a petition filed pursuant to this subsection by either the department or the adoption service provider shall be provided to any known parent and others in accordance with the provisions of chapter 232 and shall be served upon any putative father registered with the state registrar of vital statistics pursuant to section 144.12A. In addition, prior to holding a termination of parental rights hearing with respect to the newborn infant, notice by publication shall be provided as described in section 600A.6, subsection 5.

5. Reasonable efforts, as defined in section 232.102, that are made in regard to the newborn infant shall be limited to the efforts made in a timely manner to finalize a permanency plan for the newborn infant.

6. ~~An~~ The individual on duty or the medical staff at an institutional health facility, emergency medical care provider location, or fire station, the adoption service provider, or the first responder who assumes physical custody of a newborn infant upon the release of the newborn infant under subsection 1 shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual on duty or the medical staff, the adoption service provider, or the first responder may provide testimony at the hearing.

Sec. 71. Section 233.6, Code 2023, is amended to read as follows:

233.6 Educational and public information.

~~The department of human services, in consultation with the Iowa department of public health and the department of justice, shall develop and distribute the following:~~

1. An information card or other publication for distribution by an institutional health facility, an emergency medical care provider location, a fire station, an adoption service provider, or a first responder to a parent who releases custody of a newborn infant in accordance with this chapter. The publication shall inform the parent of a parent’s rights under section 233.4, explain the request for medical history information under section 233.2, subsection 2, and provide other information deemed pertinent by the departments.

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act and the involvement of adoption service providers among adolescents, young parents, and others who might avail themselves of this chapter.

3. Signage that may be used to identify the institutional health facilities, emergency medical care provider locations, fire stations, and adoption service provider locations at which physical custody of a newborn infant may be relinquished in accordance with this chapter.

Sec. 72. 2023 Iowa Acts, Senate File 514,¹³ section 656, amending section 233.6, unnumbered paragraph 1, Code 2023, as enacted, is amended by striking the section.

Sec. 73. 2023 Iowa Acts, House File 425,¹⁴ section 2, amending section 233.2, Code 2023, if enacted, is amended by striking the section.

Sec. 74. 2023 Iowa Acts, House File 425,¹⁵ section 4, amending section 233.6, Code 2023, if enacted, is amended by striking the section.

Sec. 75. 2023 Iowa Acts, House File 474,¹⁶ section 8, amending section 233.2, Code 2023, if enacted, is amended by striking the section.

¹³ Chapter 19 herein

¹⁴ Chapter 136 herein

¹⁵ Chapter 136 herein

¹⁶ Chapter 46 herein

Sec. 76. 2023 Iowa Acts, House File 474, ¹⁷ section 10, amending section 233.6, Code 2023, if enacted, is amended by striking the section.

Approved June 1, 2023

CHAPTER 113

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 562

AN ACT relating to and making appropriations to the justice system, including by providing for payments associated with indigent defense and representation, the funding of activities relating to consumer fraud and antitrust, a corrections capital reinvestment fund, an Iowa law enforcement academy study, a human trafficking study, and the funding of peace officer retirement, and including effective date and retroactive applicability provisions.

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

DIVISION I

FY 2023-2024 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, 2023, and ending June 30, 2024, 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, the office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,749,860
.....	FTEs	228.00

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.

The general office of attorney general may temporarily exceed and draw more than the amount appropriated in this lettered paragraph and incur a negative cash balance as long as there are receivables equal to or greater than the negative balances and the amount appropriated in this lettered paragraph is not exceeded at the close of the fiscal year.

b. For victim assistance grants:

.....	\$	5,016,708
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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, 7.00 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 7.00 full-time equivalent positions authorized pursuant to this

¹⁷ Chapter 46 herein

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 7.00 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 established in section 13.31.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph 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:

..... \$ 2,634,601

d. To improve the department of justice’s cybersecurity and technology infrastructure:

..... \$ 202,060

2. a. The department of justice, in submitting budget estimates for the fiscal year beginning July 1, 2024, 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 beginning July 1, 2022, and actual and expected reimbursements for the fiscal year beginning July 1, 2023.

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 general assembly. The department of justice shall submit the report on or before January 15, 2024.

3. a. The department of justice shall fully reimburse the costs and necessary related expenses incurred by the Iowa law enforcement academy to continue to employ one additional instructor position who shall provide training for 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 or 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. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the commerce revolving fund created in section 546.12, as amended by 2023 Iowa Acts, Senate File 514,¹ to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 3,378,093

..... FTEs 18.00

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. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

¹ Chapter 19 herein

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

..... \$ 44,192,771

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

..... \$ 37,022,808

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

..... \$ 56,368,832

d. For the Oakdale correctional facility for department-wide institutional pharmaceuticals and miscellaneous purposes:

..... \$ 9,550,417

e. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 30,437,665

f. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 28,642,429

g. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,090,142

h. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 27,355,684

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.

i. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 24,946,721

j. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 32,742,479

k. 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:

..... \$ 1,195,319

l. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 234,411

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. 4. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries and the adjustment of salaries throughout the department, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 6,313,331

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 unencumbered or unobligated 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 and operation 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:

..... \$ 12,974,108

Sec. 5. 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, 2023, and ending June 30, 2024, 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:

..... \$ 16,207,339

It is the intent of the general assembly that the first judicial district department of correctional services maintains the drug courts operated by the district department.

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

..... \$ 12,789,649

It is the intent of the general assembly that the second judicial district department of correctional services maintains two drug courts to be operated by the district department.

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

..... \$ 7,710,790

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

..... \$ 6,193,805

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

..... \$ 23,440,024

It is the intent of the general assembly that the fifth judicial district department of correctional services maintains the drug court operated by the district department.

f. For the sixth judicial district department of correctional services:

..... \$ 16,755,370

It is the intent of the general assembly that the sixth judicial district department of correctional services maintains the drug court operated by the district department.

g. For the seventh judicial district department of correctional services:

..... \$ 10,362,851
 It is the intent of the general assembly that the seventh judicial district department of correctional services maintains the drug court operated by the district department.

h. For the eighth judicial district department of correctional services:

..... \$ 9,238,778

2. Each judicial district department of correctional services, within the moneys 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 office of drug control policy of the department of public safety 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.

6. The public safety assessment shall not be utilized in pretrial hearings when determining whether to detain or release a defendant before trial until such time the use of the public safety assessment has been specifically authorized by the general assembly.

Sec. 6. 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. 7. 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, 2023, 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. By January 15, 2024, the department shall provide an annual status report regarding private-sector employment to the general assembly. 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. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly by January 15, 2024. 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 fiscal year.

Sec. 9. 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, 2023, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. 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, 2023, and ending June 30, 2024, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,238,504
.....	FTEs	30.25

b. 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 maintained pursuant to section 8A.365 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. 11. STATE PUBLIC DEFENDER.

1. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections, appeals, and licensing for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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:

.....	\$	30,718,203
.....	FTEs	241.00

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

.....	\$	44,046,374
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2. Moneys received by the office of the state public defender pursuant to Tit. IV-E of the federal Social Security Act remaining unencumbered and unobligated at the end of the fiscal year shall not revert but shall be transferred to the Tit. IV-E juvenile justice improvement fund created in 2022 Iowa Acts, chapter 1146, section 11, subsection 3, to remain available for expenditure by the office of the state public defender in succeeding fiscal years for the purposes allowed by Tit. IV-E of the federal Social Security Act.

Sec. 12. 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, 2023, and ending June 30, 2024, 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:

.....	\$	1,517,894
.....	FTEs	11.00

Sec. 13. 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, 2023, and ending June 30, 2024, 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:

.....	\$	6,963,037
.....	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. 14. 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, 2023, and ending June 30, 2024, 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:

.....	\$	2,439,389
.....	FTEs	25.44

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. 15. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	5,920,476
.....	FTEs	47.00

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:

.....	\$	19,712,633
.....	FTEs	180.00

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

.....	\$	650,000
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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.

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:

.....	\$	8,613,894
.....	FTEs	67.00

The division of narcotics enforcement is authorized an additional 1.00 full-time equivalent position 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:

.....	\$	209,042
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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:

.....	\$	3,230,743
.....	FTEs	21.00

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:

.....	\$	87,066,931
.....	FTEs	613.00

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 in section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

.....	\$	279,517
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8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	1,075,520
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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.

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

.....	\$	115,661
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10. For the office to combat human trafficking established pursuant to section 80.45, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	200,742
.....	FTEs	2.00

11. For department-wide duties, including operations, costs, and miscellaneous purposes:

..... \$ 6,456,270
 12. For deposit in the public safety equipment fund established in section 80.48 for the purchase, maintenance, and replacement of equipment used by the department:
 \$ 2,500,000

13. For the office of drug control policy, for salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E) programs or other similar programs, and for not more than the following full-time equivalent positions:

..... \$ 249,219
 FTEs 4.00

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.

Sec. 16. 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, 2023, and ending June 30, 2024, 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:

..... \$ 10,778,483
 FTEs 65.00

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, 2023, there is appropriated from the gaming enforcement revolving fund to the department of public safety for the fiscal year beginning July 1, 2023, and ending June 30, 2024, an additional amount of not more than \$300,000 to be used for 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, 2024, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2024. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 17. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the 911 emergency communications fund created in section 34A.7A to the department of homeland security and emergency management for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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 911 emergency communications fund:

..... \$ 300,000

Sec. 18. CONSUMER EDUCATION AND LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For farm mediation services as specified in section 13.13, subsection 2:	\$	300,000
2. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:	\$	2,000,000

DIVISION II
INDIGENT DEFENSE AND REPRESENTATION

Sec. 19. Section 815.7, subsections 6 and 7, Code 2023, are amended to read as follows:

6. For appointments made on or after July 1, 2021, through June 30, 2022, the reasonable compensation shall be calculated on the basis of seventy-six dollars per hour for class “A” felonies, seventy-one dollars per hour for class “B” felonies, and sixty-six dollars per hour for all other cases.

7. For appointments made on or after July 1, 2022, through June 30, 2023, the reasonable compensation shall be calculated on the basis of seventy-eight dollars per hour for class “A” felonies, seventy-three dollars per hour for class “B” felonies, and sixty-eight dollars per hour for all other cases.

Sec. 20. Section 815.7, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. For appointments made on or after July 1, 2023, the reasonable compensation shall be calculated on the basis of eighty-three dollars per hour for class “A” felonies, seventy-eight dollars per hour for class “B” felonies, and seventy-three dollars per hour for all other cases.

Sec. 21. NEW SECTION. **815.7A Travel time for attorney or guardian ad litem.**

1. Compensation for time spent by an attorney or guardian ad litem traveling outside of the attorney’s or guardian ad litem’s county of domicile is payable when the travel is reasonable and necessary to represent the indigent client and shall be calculated at a rate of thirty-five dollars per hour. Compensation for travel for a court proceeding other than a trial or other contested proceeding shall only be paid if the attorney or guardian ad litem files a motion for a remote hearing and the motion is denied. This section does not affect any allowable compensation for time spent traveling already compensated pursuant to any other applicable provision of law.

2. Compensation for travel for an arraignment, pretrial conference, scheduling conference, or any other uncontested or nontestimonial judicial proceeding, for which a request for a remote hearing was denied, paid to the attorney or guardian ad litem from the indigent defense fund created in section 815.11 shall be reimbursed by the judicial branch.

3. For purposes of this section, “*county of domicile*” means the address the attorney or guardian ad litem has on file with the office of the state public defender.

DIVISION III
ATTORNEY GENERAL — ANTITRUST FUND — CONSUMER EDUCATION AND
LITIGATION FUND

Sec. 22. 2014 Iowa Acts, chapter 1138, section 21, as amended by 2016 Iowa Acts, chapter 1137, section 18, 2017 Iowa Acts, chapter 167, section 24, 2019 Iowa Acts, chapter 163, section 26, and 2021 Iowa Acts, chapter 166, section 23, 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, 2023 2025, 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. 23. DEPARTMENT OF JUSTICE LITIGATION FUNDS. Notwithstanding sections 553.19 and 714.16C, for the fiscal years beginning July 1, 2022, and ending June 30, 2023, and beginning July 1, 2023, and ending June 30, 2024, any moneys not otherwise appropriated from the antitrust fund created in section 553.19 and the consumer education and litigation fund created in section 714.16C are appropriated to the department of justice for salaries,

support, maintenance, and miscellaneous purposes necessary to perform the duties described in section 13.2.

Sec. 24. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act regarding the use of moneys not otherwise appropriated from the antitrust fund and the consumer education and litigation fund.

Sec. 25. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2022:

The section of this division of this Act regarding the use of moneys not otherwise appropriated from the antitrust fund and the consumer education and litigation fund.

DIVISION IV DEPARTMENT OF CORRECTIONS

Sec. 26. Section 904.317, Code 2023, is amended to read as follows:

904.317 Director may buy and sell real estate — options.

1. The director, subject to the approval of the board, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director recommends subject to the approval of the board. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state in a corrections capital reinvestment fund, which is established in the state treasury under the purview of the department. There is appropriated from the ~~general fund of the state~~ to the department ~~a sum equal to the proceeds, so deposited and credited to the general fund of the state~~ which may be used to purchase other real estate or for capital improvements upon property under the director's supervision. Notwithstanding section 8.33, moneys in the fund 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. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. The costs incident to the securing of options and acquisition and sale of real estate including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located. The fund funding source for these costs shall be reimbursed from the proceeds of the sale.

Sec. 27. TRANSFER. Moneys remaining in the general fund of the state on June 30, 2023, from the sale of real estate pursuant to section 904.317, that are available to the department of corrections are transferred to the corrections capital reinvestment fund established in section 904.317, as amended in this division of this Act.

Sec. 28. EFFECTIVE DATE. This division of this Act takes effect June 30, 2023.

DIVISION V IOWA LAW ENFORCEMENT ACADEMY STUDY

Sec. 29. IOWA LAW ENFORCEMENT ACADEMY INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an Iowa law enforcement academy interim study committee to do all of the following:

- a. Review and evaluate minimum entrance requirements, the course of study, attendance requirements, and the sufficiency of current equipment and facilities.
- b. Review and evaluate minimum basic training requirements.
- c. Review and evaluate minimum standards of physical, mental, educational, and moral fitness.
- d. Consider additional locations for law enforcement training schools and current and future facility needs.

2. The committee shall include all of the following members:

- a. Ten members of the general assembly, including 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.
 - b. The director of the Iowa law enforcement academy or the director's designee.
 - c. A member of the Iowa law enforcement academy council.
 - d. A sheriff of a county with a population of fifty thousand or more who is a member of the Iowa state sheriffs and deputies association.
 - e. A sheriff of a county with a population of less than fifty thousand who is a member of the Iowa state sheriffs and deputies association.
 - f. A police chief of a city with a population of fifty thousand or more who is a member of the Iowa police chiefs association.
 - g. A police chief of a city with a population of less than fifty thousand who is a member of the Iowa police chiefs association.
 - h. A police officer who is a member of a police department of a city with a population of fifty thousand or more who is a member of the Iowa peace officers association.
 - i. A police officer who is a member of a police department of a city with a population of less than fifty thousand who is a member of the Iowa peace officers association.
 - j. The commissioner of the department of public safety or the commissioner's designee.
 - k. A member of the Iowa county attorneys association.
 - l. The attorney general or the attorney general's designee.
 - m. The governor or the governor's designee.
3. Members of the committee other than members of the general assembly shall be nonvoting members.
 4. The committee shall issue a report, including findings and recommendations, to the governor and the general assembly no later than December 15, 2023.

DIVISION VI HUMAN TRAFFICKING STUDY

Sec. 30. HUMAN TRAFFICKING INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish a human trafficking interim study committee to do all of the following:
 - a. Identify current initiatives to eliminate the human trafficking of minors in the state.
 - b. Identify current services available in the state for minor victims of human trafficking.
 - c. Identify and investigate the laws of other states that focus on minor victims of human trafficking, concentrating on those states that border Iowa, to determine if another state's model would be effective in Iowa. Recommendations shall include funding needs for any services or programs.
 - d. Research and recommend a model of rehabilitative services for minor victims of human trafficking that includes input from law enforcement, social services organizations, the judicial system, and mental health professionals.
 - e. Identify barriers that prevent minor victims of human trafficking from seeking legal assistance or medical attention.
 - f. Create a procedure to be followed by all law enforcement officers statewide if a law enforcement officer encounters a minor who may be a victim of human trafficking.
 - g. Investigate the efficacy of safe harbor laws.
 - h. Investigate and identify potential routes to eliminate human trafficking of minors in the state.
 - i. Make recommendations on appropriate human trafficking-related training for law enforcement officers, county attorneys, and juvenile service officers.
 - j. Identify funding needs based upon recommendations made by the committee.
2. The committee shall include all of the following members:
 - a. Three members of the senate, two of whom shall be appointed by the majority leader of the senate, and one of whom shall be appointed by the minority leader of the senate.

b. Three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the minority leader of the house of representatives.

c. A representative of the department of public safety.

d. A representative of the office to combat human trafficking.

e. A representative of the attorney general's office.

f. A representative of the department of health and human services.

g. A representative of juvenile court services.

h. The chief of police or head law enforcement official of a city in this state with a population of two hundred thousand or more as determined by the most recent population estimates issued by the United States bureau of census.

i. The chief of police or head law enforcement official of a city in this state with a population of less than two hundred thousand as determined by the most recent federal decennial census.

j. A county sheriff.

k. Up to two county attorneys who serve on child protection assistance teams under section 915.35, subsection 4, paragraph "a".

l. Up to two members of the public who are former human trafficking victims.

m. Up to two criminal defense attorneys with experience in human trafficking cases.

n. A representative from the Iowa network against human trafficking.

3. Members of the committee other than members of the general assembly shall be nonvoting members.

4. The committee shall issue a report, including findings and recommendations, to the governor and the general assembly no later than December 15, 2023.

DIVISION VII

DIRECTIVE — DEPARTMENT OF PUBLIC SAFETY

Sec. 31. DEPARTMENT OF PUBLIC SAFETY — PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, the department of public safety shall pay to the peace officers' retirement, accident, and disability system created in chapter 97A, from moneys appropriated in this Act to the department of public safety for the division of state patrol, the amount sufficient to fund the actuarial cost of the remaining transfer identified in 2023 Iowa Acts, Senate File 513,² after the trustee-to-trustee lump sum transfer required by that Act has been performed.

Sec. 32. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect July 1, 2023, if 2023 Iowa Acts, Senate File 513,³ is enacted.

Approved June 1, 2023

CHAPTER 114

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 563

AN ACT relating to the judicial branch, including appropriations to the judicial branch, apportionment of district associate judges, video recordings, noncontract attorney appointment, and contracting authority.

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

² Chapter 85 herein

³ Chapter 85 herein

DIVISION I
FY 2023-2024 APPROPRIATIONS

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, 2023, and ending June 30, 2024, 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, board of examiners of shorthand reporters, and commission on judicial qualifications; 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, 2023; and maintenance, equipment, and miscellaneous purposes:

..... \$ 193,350,550

Of the moneys appropriated in this lettered paragraph, no more than \$250,000 is allocated for reimbursement to the indigent defense fund created in section 815.11 for travel time claims as required under section 815.7A, subsection 2, if enacted by 2023 Iowa Acts, Senate File 562¹ or House Study Bill 251, or successor legislation.

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:

..... \$ 3,600,000

c. For payment of expenses for 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:

..... \$ 3,290,000

(1) Of the moneys appropriated in this lettered paragraph, no more than \$1,556,000 is allocated to provide school-based supervision of children under chapter 232, of which no more than \$15,000 may be used for purposes 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.

(2) Of the moneys appropriated in this lettered paragraph, no more than \$748,000 is allocated for the payment of expenses for court-ordered services provided to children who are under the supervision of the department of health and human services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

(3) Notwithstanding section 232.141 or any other provision of law to the contrary, the moneys appropriated in this lettered paragraph shall be distributed to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination of the distribution amounts on or before June 15, 2023.

(4) 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 moneys available in the district court distribution amounts to pay for the service. The chief juvenile court officer shall encourage use of the moneys appropriated in this lettered paragraph such that there are sufficient moneys to pay for all court-ordered services during the entire fiscal year. The chief juvenile court officer shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator to transfer moneys between the judicial districts' distribution amounts as prudent.

(5) 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.

¹ See chapter 113

(6) Of the moneys appropriated in this lettered paragraph, no more than \$83,000 may be used by the judicial branch for administration of the requirements under this lettered paragraph.

(7) Of the moneys appropriated in this lettered paragraph, \$23,000 is allocated to the judicial branch to support the interstate commission for juveniles in accordance with the interstate compact for juveniles as provided in section 232.173.

d. For juvenile justice delinquency prevention pursuant to section 232.192, if enacted by 2023 Iowa Acts, Senate File 285² or House File 699,³ or if not enacted, for juvenile delinquent graduated sanctions services pursuant to section 232.192, as enacted by 2022 Iowa Acts, chapter 1098, section 70:

..... \$ 12,253,000

Any state moneys saved as a result of efforts by juvenile court services to earn a federal fund match pursuant to Tit. IV-E of the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, for juvenile court services administration is appropriated to the judicial branch for purposes of this lettered paragraph.

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. An office of the clerk of the district court shall be open regular courthouse hours.

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 to the legislative services agency prior to the effective date. The notice shall include information on the judicial 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, 2024, concerning the amounts received and expended from the court technology and modernization fund created in section 602.8108, subsection 7, during the fiscal year beginning July 1, 2022, and ending June 30, 2023, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2023, and ending June 30, 2024.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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

² Not enacted

³ Not enacted

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.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2022 Iowa Acts, chapter 1145, section 6, for the fiscal year beginning July 1, 2023, and ending June 30, 2024, 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. 5. 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, 2023, and ending June 30, 2024.

DIVISION II APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

Sec. 6. Section 602.6301, Code 2023, is amended to read as follows:

602.6301 Number and apportionment of district associate judges.

~~1. There shall be one district associate judge in counties having a population of more than thirty five thousand and less than eighty thousand; two in counties having a population of eighty thousand or more and less than one hundred twenty five thousand; three in counties having a population of one hundred twenty five thousand or more and less than one hundred seventy thousand; four in counties having a population of one hundred seventy thousand or more and less than two hundred fifteen thousand; five in counties having a population of two hundred fifteen thousand or more and less than two hundred sixty thousand; six in counties having a population of two hundred sixty thousand or more and less than three hundred five thousand; seven in counties having a population of three hundred five thousand or more and less than three hundred fifty thousand; eight in counties having a population of three hundred fifty thousand or more and less than three hundred ninety five thousand; nine in counties having a population of three hundred ninety five thousand or more and less than four hundred forty thousand; ten in counties having a population of four hundred forty thousand or more and less than four hundred eighty five thousand; and one additional judge for every population increment of thirty five thousand which is over four hundred eighty five thousand in such counties. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial branch. The supreme court shall prescribe, subject to the restrictions of this section, a formula to determine the number of district associate judges who will serve in each judicial election district. The formula shall be based upon a model that measures and applies an estimated case-related workload formula of judicial officers, and shall account for administrative duties, travel time, and other judicial duties not related to a specific case. A district associate judge appointed pursuant to section 602.6302 or 602.6307 shall not be counted for purposes of this section and the reduction of a district associate judge pursuant to section 602.6303 also shall not be counted for purposes of this section.~~

~~2. For purposes of this section, "vacancy" means the death, resignation, retirement, or removal of a district associate judge, or the failure of a district associate judge to be retained~~

in office at the judicial election, or an increase in judgeships under the formula prescribed in subsection 1.

3. In those judicial election districts having more district associate judges than the number of judgeships specified by the formula prescribed in subsection 1, vacancies shall not be filled.

4. In those judicial election districts having fewer or the same number of district associate judges as the number of judgeships specified by the formula prescribed in subsection 1, vacancies shall be filled as the vacancies occur.

5. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district associate judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election districts of the judicial district are authorized by the formula in subsection 1.

6. An incumbent district associate judge shall not be removed from office because of a reduction in the number of authorized judgeships specified by the formula prescribed in subsection 1.

DIVISION III VIDEO RECORDINGS

Sec. 7. Section 602.3205, Code 2023, is amended to read as follows:

602.3205 Audio and video recordings.

1. Except as provided in subsection 2 or 3, a certified shorthand reporter's audio and video recordings used solely for the purpose of providing a verbatim written transcript of a court proceeding or a proceeding conducted in anticipation of use in a court proceeding shall be considered the personal property and private work product of the certified shorthand reporter.

2. An audio or video recording of a certified shorthand reporter appointed under section 602.6603 shall be provided to the presiding judge or chief judge for an in camera review upon court order for good cause shown.

3. a. An audio or video recording of a certified shorthand reporter shall be provided to the board upon request by the board if a disciplinary proceeding is pending regarding the certified shorthand reporter who is a respondent under the provisions of section 602.3203 or the rules of the board of examiners of shorthand reporters, Iowa court rules, ch. 46.

b. The audio and video recordings provided to the board pursuant to this subsection shall be kept confidential by the board in a manner as provided in section 272C.6, subsection 4.

*DIVISION IV NONCONTRACT ATTORNEY APPOINTMENT

Sec. 8. *NONCONTRACT ATTORNEY APPOINTMENT. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, a court shall not appoint a noncontract attorney under section 815.10, subsection 3, without the noncontract attorney's consent.**

DIVISION V CONTRACTING AUTHORITY

Sec. 9. **NEW SECTION. 602.1209A State court administrator may contractually limit vendor liability.**

1. The state court administrator may authorize the procurement of goods and services in which a contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement.

2. a. The state court administrator shall consider all of the following criteria when determining whether to permit a contractual limitation of vendor liability with regard to any procurement of goods or services:

(1) Whether authorizing a contractual limitation of vendor liability is necessary to prevent harm to the state from a failure to obtain the goods or services sought, or from obtaining

* Item veto; see message at end of the Act

the goods or services at a higher price if the state refuses to allow a contractual limitation of vendor liability.

(2) Whether the contractual limitation of vendor liability is commercially reasonable when taking into account any risk to the state created by the goods or services to be procured and the purpose for which they will be used.

b. The state court administrator may consider additional criteria.

3. Notwithstanding subsection 1, a contractual limitation of vendor liability shall not include any limitation on the liability of any vendor for intentional torts, criminal acts, or fraudulent conduct.

Approved June 1, 2023, with exception noted.

KIM REYNOLDS, *Governor*

Dear Mr. Secretary,

I hereby transmit Senate File 563, an Act relating to the judicial branch, including appropriations to the judicial branch, apportionment of district associate judges, video recordings, noncontract attorney appointment, and contracting authority.

When individuals charged with a crime are without the financial means to hire their own legal counsel, the government is required to provide them with an attorney. The State Public Defender (“SPD”) has primary responsibility to provide such representation. If a conflict arises or the SPD lacks the necessary resources, then a private attorney with a contract with the SPD is appointed. When both the SPD or private contract attorneys cannot provide representation, judges can appoint a private attorney in the area, or as the Code provides, a “noncontract attorney.”

Section 8 of Senate File 563 would require a noncontract attorney’s consent before being appointed to represent an indigent individual. Proponents of this legislation argue that representing indigents will cause financial burdens not seen in other licensed professions. But the constitutional right to counsel cannot be so easily subverted. All attorneys owe a duty to the legal profession to accept such an appointment if needed. And of course, this change creates the possibility that if no attorneys consent, indigent individuals will be left without legal representation. *That* possibility would truly bring about the crisis forewarned by some.

Attorneys should be encouraged to contract with the SPD, and I am proud to approve an hourly rate increase for those attorneys in Senate File 562. I also applaud the efforts of our voluntary bar association to recruit attorneys to contract with the SPD. If successful, those efforts would eliminate the need for Section 8 of Senate File 563, as noncontract attorneys are only appointed as a last resort.

For these reasons, I respectfully disapprove Senate File 563 in part, only as specified above, in accordance with Article III, Section 16 of the Iowa Constitution of the State of Iowa. The remainder of Senate File 563 not disapproved as stated herein is approved on this date.

Sincerely,
KIM REYNOLDS, *Governor*

CHAPTER 115**ADMINISTRATION OF TAX LAWS BY THE DEPARTMENT OF REVENUE —
MISCELLANEOUS CHANGES**

S.F. 565

AN ACT relating to state and local finance and the administration of the tax and related laws by the department of revenue, and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I**IOWA EDUCATIONAL SAVINGS PLAN AND FIRST-TIME HOMEBUYERS DUE DATES**

Section 1. Section 422.7, subsection 22, paragraph a, Code 2023, is amended to read as follows:

a. Subtract the maximum contribution that may be deducted for Iowa income tax purposes as a participant in the Iowa educational savings plan trust pursuant to section 12D.3, subsection 1. For purposes of this paragraph, a participant who makes a contribution on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, or the date for making and filing an individual income tax return determined by the director pursuant to an order issued under section 421.17, subsection 30, may elect to be deemed to have made the contribution on the last day of the preceding calendar year. The director, after consultation with the treasurer of state, shall prescribe by rule the manner and method by which a participant may make an election authorized by the preceding sentence.

Sec. 2. Section 541B.3, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. ~~Beginning January 1, 2018, an 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 and shall be submitted on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, or the date for making and filing an individual income tax return determined by the director pursuant to an order issued under section 421.17, subsection 30, applicable to the tax year in which the account is opened.

Sec. 3. Section 541B.3, subsection 2, paragraph a, Code 2023, is amended to read as follows:

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~~ and shall be submitted on or before the date prescribed in section 422.21 for making and filing an individual income tax return, excluding extensions, or the date for making and filing an individual income tax return determined by the director pursuant to an order issued under section 421.17, subsection 30, applicable to the tax year in which the designation is made. The account holder may change the designated beneficiary of the first-time homebuyer savings account at any time.

DIVISION II**BONUS DEPRECIATION AND INCREASED EXPENSING — APPLICABILITY**

Sec. 4. 2018 Iowa Acts, chapter 1161, section 134, is amended to read as follows:
SEC. 134. APPLICABILITY.

1. This division of this Act applies to tax years beginning on or after the effective date of this division of this Act.

2. The repeal of section 422.7, subsections 39, 39B, 43, and 53, and section 422.35, subsections 19, 19B, 20, and 24, relating to bonus depreciation under section 168 of the Internal Revenue Code or increased expensing under section 179 of the Internal Revenue Code, applies to property placed in service on or after the effective date of this division of this Act.

Sec. 5. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

DIVISION III TAX FILING STATUS MODIFICATIONS

Sec. 7. Section 422.5, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 12. For tax years beginning on or after January 1, 2023, a taxpayer shall use the same filing status for Iowa income tax purposes as the taxpayer used for federal income tax purposes.

Sec. 8. Section 422.7, subsection 4, Code 2023, is amended to read as follows:

4. ~~Individual taxpayers and married taxpayers who file a joint federal income tax return and who elect to file a joint return or separate returns for Iowa income tax purposes may avail themselves of the disability income exclusion and shall compute the amount of the disability income exclusion subject to the limitations for joint federal income tax return filers provided by section 105(d) of the Internal Revenue Code. The disability income exclusion provided in section 105(d) of the Internal Revenue Code, as amended up to and including December 31, 1982, continues to apply for state income tax purposes for tax years beginning on or after January 1, 1984.~~

Sec. 9. Section 422.7, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. ~~For tax years beginning in the 2023 calendar year, subtract the amount of federal income taxes paid during the tax year to the extent payment is for a tax year beginning prior to January 1, 2023, and add any federal income tax refunds received during the tax year to the extent the federal income tax was deducted for a tax year beginning prior to January 1, 2023. Where married persons who have filed a joint federal income tax return file separately for state tax purposes, such total shall be divided between them according to the portion of the total paid by each. Federal income taxes paid for a tax year in which an Iowa return was not required to be filed shall not be subtracted.~~

Sec. 10. Section 422.12B, subsection 2, Code 2023, is amended to read as follows:

2. ~~Married taxpayers electing to file separate returns may avail themselves of the earned income credit by allocating the earned income credit to each spouse in the proportion that each spouse's respective earned income bears to the total combined earned income. Taxpayers affected by the allocation provisions of section 422.8 shall be permitted a deduction for the credit only in the amount fairly and equitably allocable to Iowa under rules prescribed by the director.~~

Sec. 11. Section 422.12C, subsection 4, Code 2023, is amended to read as follows:

4. ~~Married taxpayers who have filed joint federal returns electing to file separate returns must determine the child and dependent care credit under subsection 1 or the early childhood development tax credit under subsection 2 based upon their combined net income and allocate the total credit amount to each spouse in the proportion that each spouse's respective net income bears to the total combined net income. Nonresidents or part-year residents of Iowa must determine their Iowa child and dependent care credit in the ratio~~

~~of their Iowa source net income to their all source net income. Nonresidents or part-year residents who are married and elect to file separate returns must allocate the Iowa child and dependent care credit between the spouses in the ratio of each spouse's Iowa source net income to the combined Iowa source net income of the taxpayers.~~

Sec. 12. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

DIVISION IV
WITHHOLDING

Sec. 13. Section 99B.8, Code 2023, is amended to read as follows:

99B.8 Tax on prizes.

All prizes awarded pursuant to a gambling activity under this chapter are Iowa earned income and are subject to state and federal income tax laws. A person conducting a game of skill, game of chance, bingo, or a raffle shall deduct state income taxes, pursuant to section 422.16, subsection 1 2, from a cash prize awarded to an individual. An amount deducted from the prize for payment of a state tax shall be remitted to the department of revenue on behalf of the prize winner.

Sec. 14. Section 99D.16, Code 2023, is amended to read as follows:

99D.16 Withholding tax on winnings.

All winnings provided in section 99D.11 are Iowa earned income and are subject to state and federal income tax laws. An amount deducted from winnings for payment of the state tax, pursuant to section 422.16, subsection 1 2, shall be remitted to the department of revenue on behalf of the individual who won the wager.

Sec. 15. Section 99F.18, Code 2023, is amended to read as follows:

99F.18 Tax on winnings.

All winnings derived from slot machines operated pursuant to this chapter are Iowa earned income and are subject to state and federal income tax laws. An amount deducted from winnings for payment of the state tax, pursuant to section 422.16, subsection 1 2, shall be remitted to the department of revenue on behalf of the winner.

Sec. 16. Section 99G.31, subsection 3, paragraph i, Code 2023, is amended to read as follows:

i. The proceeds of any lottery prize shall be subject to state and federal income tax laws. An amount deducted from the prize for payment of a state tax, pursuant to section 422.16, subsection 1 2, shall be transferred by the authority to the department of revenue on behalf of the prize winner.

Sec. 17. Section 422.16, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

422.16 Withholding of income tax at source — penalties — interest — declaration of estimated tax — bond.

1. As used in this section, unless the context otherwise requires, “withholding agent” means any individual, fiduciary, estate, trust, corporation, partnership or association in whatever capacity acting and including all officers and employees of the state of Iowa, or any municipal corporation of the state of Iowa and of any school district or school board of the state, or of any political subdivision of the state of Iowa, or any tax-supported unit of government that is obligated to pay or has control of paying or does pay to any resident or nonresident of the state of Iowa or the resident’s or nonresident’s agent any wages that are subject to the Iowa income tax in the hands of such resident or nonresident, or any of the above-designated entities making payment or having control of making such payment of any taxable Iowa income to any nonresident. The term “withholding agent” shall also include an officer or employee of a corporation or association, or a member or employee of a partnership, who as such officer, employee, or member has the responsibility to perform an act under this section and who subsequently knowingly violates the provisions of this section. The term “withholding agent”

shall also include every employer as defined in this subchapter and further defined in the Internal Revenue Code.

2. a. (1) Every withholding agent paying wages to an Iowa resident, or nonresident working in Iowa, shall deduct and withhold from the wages an amount which will approximate the annual tax liability of the person on a calendar year basis, calculated on the basis of tables to be prepared by the department and schedules or percentage rates, based on the wages, to be prescribed by the department.

(2) Every employee or other person shall declare to the withholding agent the amount of the employee's or other person's withholding allowance to be used in applying the tables and schedules or percentage rates. However, the amount of withholding allowance declared shall not exceed the amount to which the employee or other person is entitled except as allowed under sections 3402(m)(1) and 3402(m)(3) of the Internal Revenue Code and as allowed by rules prescribed by the director. The claiming of an amount of withholding allowance in excess of entitlement is a serious misdemeanor.

b. (1) In the case of a nonresident having income subject to taxation by Iowa, but not subject to withholding of such tax under this subsection or subject to the provisions of section 422.16B, a withholding agent shall withhold from such income at the same rate as provided in this subsection. A withholding agent and nonresident shall be subject to the provisions of this section, according to the context, except that a withholding agent may be absolved of the requirement to withhold taxes from the income of a nonresident upon receipt of a certificate from the department issued in accordance with the provisions of section 422.17.

(2) In the case of a nonresident having income from a trade or business carried on by the nonresident in whole or in part within the state of Iowa, the nonresident shall be considered to be subject to the provisions of this paragraph unless such trade or business is of such nature that the business entity itself, as a withholding agent, is required to and does withhold Iowa income tax from the distributions made to such nonresident from such trade or business.

c. For the purposes of this subsection, at a rate specified by the department, state income tax shall be withheld from pensions, annuities, other similar periodic payments, and other income payments under sections 3402(o), 3402(p), 3402(s), 3405(a), 3405(b), and 3405(c) of the Internal Revenue Code made to Iowa residents if the payments are subject to Iowa tax.

d. For the purposes of this subsection, state income tax shall be withheld on winnings in excess of six hundred dollars derived from gambling activities authorized under chapter 99B or 99G. State income tax shall be withheld on winnings in excess of one thousand dollars from gambling activities authorized under chapter 99D. State income tax shall be withheld on winnings in excess of one thousand two hundred dollars derived from slot machines authorized under chapter 99F.

e. For the purposes of this subsection, state income tax shall be withheld at the highest rate described in section 422.5A from supplemental wages of an employee in those circumstances in which the employer treats the supplemental wages as wholly separate from regular wages for purposes of withholding and federal income tax is withheld from the supplemental wages under section 3402(g) of the Internal Revenue Code.

3. a. A withholding agent is not required to withhold state income tax from payments subject to taxation made to a nonresident for commodity credit certificates, grain, livestock, domestic fowl, or other agricultural commodities or products sold to a withholding agent by a nonresident or the nonresident's representative, if the withholding agent provides on forms prescribed by the department information relating to the sales required by the department to determine the state income tax liabilities of a nonresident. However, a withholding agent may elect to make estimated tax payments on behalf of a nonresident on the basis of the net income of the nonresident from the agricultural commodities or products, if the estimated tax payments are made on or before the last day of the first month after the end of the tax years of the nonresident.

b. Nonresidents engaged in any facet of feature film, television, or educational production using the film or videotape disciplines in the state are not subject to Iowa withholding if the employer has applied to the department for exemption from the withholding requirement and the department has determined that any nonresident receiving wages would be entitled to a credit against Iowa income taxes paid.

c. Individuals described in section 29C.24 are not subject to withholding, as provided in that section.

4. a. A withholding agent required to deduct and withhold tax under subsection 2 shall file a return on or before the last day of the month following the quarterly period on forms prescribed by the director and remit to the department the amount of tax due at the following frequencies:

(1) A withholding agent shall remit income tax withheld on a quarterly basis if the withholding agent withholds less than six thousand dollars annually and no more than five hundred dollars in any one month. Payment shall be due on the same day as the quarterly return.

(2) A withholding agent shall remit income tax withheld on a monthly basis if the withholding agent withholds more than five hundred dollars in any one month and not more than five thousand dollars in a semimonthly period. Payment shall be made on or before the fifteenth day of the month following the month of withholding, except that a deposit for the third month in a calendar quarter shall be due on the same day as the quarterly return.

(3) A withholding agent shall remit income tax withheld on a semimonthly basis if the withholding agent withholds more than five thousand dollars in a semimonthly period. The first semimonthly deposit for the period from the first of the month through the fifteenth of the month is due on the twenty-fifth day of the month in which the withholding occurs. The second monthly deposit for the period from the sixteenth of the month through the end of the month is due on the tenth day of the month following the month in which the withholding occurs.

(4) A withholding agent may elect to remit on an annual basis if the withholding agent employs not more than two employees and expects to employ the employees for the full calendar year. The electing withholding agent shall remit the full amount of income taxes required to be withheld from the wages of the employees for the full calendar year with the quarterly return for the first calendar quarter. The amount to be paid shall be computed as if the employees were employed for the full calendar year for the same wages and with the same pay periods as prevailed during the first quarter of the year with respect to such employees. The electing withholding agent shall only remit the lump sum payment with the written consent of all employees involved. The withholding agent shall be entitled to recover from the employee any part of the lump sum payment that represents an advance to the employee. If a withholding agent pays a lump sum with the first quarterly return, the withholding agent shall be excused from filing further quarterly returns for the calendar year involved unless the withholding agent hires other or additional employees.

b. Every withholding agent on or before February 15 following the close of the calendar year in which the withholding occurs shall send to the department copies of income statements required by subsection 8. At the discretion of the director, the withholding agent shall not be required to send income statements if the information is available from the internal revenue service or other state or federal agencies.

c. If the director has reason to believe that the collection of the tax provided for in subsection 2 is in jeopardy, the director may require the withholding agent to file a return as required in paragraph "a", and pay the tax at any time, in accordance with section 422.30. The director may authorize incorporated banks, trust companies, or other depositories authorized by law which are depositories or financial agents of the United States or of this state, to receive any tax imposed under this chapter, in the manner, at the times, and under the conditions the director prescribes. The director shall also prescribe the manner, times, and conditions under which the receipt of the tax by those depositories is to be treated as payment of the tax to the department.

d. The director, in cooperation with the department of management, may periodically change the filing and remittance thresholds by administrative rule if in the best interest of the state and the taxpayer.

5. Every withholding agent who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally, individually, and corporately liable to the state of Iowa, and any sum withheld in accordance with the provisions of subsection 2, shall be deemed to be held in trust for the state of Iowa.

Notwithstanding section 489.304, this subsection applies to a member or manager of a limited liability company.

6. In the event a withholding agent fails to withhold and pay over to the department any amount required to be withheld under subsection 2, such amount may be assessed against such withholding agent in the same manner as prescribed for the assessment of income tax under the provisions of this subchapter and subchapter VI.

7. Whenever the director determines that any withholding agent has failed to withhold or pay over to the department sums required to be withheld under subsection 2, the unpaid amount shall be a lien as described in section 422.26, shall attach to the property of that withholding agent, and in all other respects the procedure with respect to such lien shall apply as set forth in section 422.26.

8. *a.* Every withholding agent required to deduct and withhold tax under subsection 2 shall furnish to each employee, nonresident, or other person with respect to the income paid by the employer or withholding agent to each employee, nonresident, or other person during the calendar year, on or before January 31 of the succeeding year, or, in the case of an employee, if the employment of the employee is terminated before the close of the calendar year, within thirty days from the day on which the last payment of wages or other taxable income is made, if requested by the employee, but not later than January 31 of the following year, an income statement showing all of the following:

(1) The name and address of the employer or withholding agent, and the taxpayer identification number of the employer or withholding agent.

(2) The name of the employee, nonresident, or other person and the taxpayer identification number of that employee, nonresident, or other person, together with the last known address of the employee, nonresident, or other person to whom wages or other taxable income has been paid during the period.

(3) The gross amount of wages or other taxable income paid to the employee, nonresident, or other person.

(4) The total amount deducted and withheld as tax under the provisions of subsection 2.

(5) The total amount of federal income tax withheld.

b. An income statement required to be furnished by this subsection with respect to any wages or other taxable Iowa income or any additional information required to be displayed on the income statement shall be in such form or forms as the director may prescribe by rule.

9. A withholding agent shall be liable for the payment of the tax required to be deducted and withheld or the amount actually deducted, whichever is greater, under subsection 2. Any amount deducted and withheld as tax under subsection 2 during any calendar year upon the wages of any employee, nonresident, or other person shall be allowed as a credit to the employee, nonresident, or other person against the tax imposed by section 422.5 for the tax year in which it was withheld, irrespective of whether or not such tax has been, or will be, paid by the withholding agent to the department as provided by this chapter.

10. *a.* If the amount of income tax withheld by the withholding agent on behalf of an employee, nonresident, or other person after complying with this section is more than the income tax liability of said employee, nonresident, or other person as determined under the provisions of this subchapter, the overpayment of tax may first be credited against any income tax or installment payment then due the state of Iowa by the employee, nonresident, or other person for the tax year, and any balance of one dollar or more shall be refunded to the employee, nonresident, or other person with interest in accordance with section 421.60, subsection 2, paragraph "e".

b. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if the application is filed within twelve months after the due date of the return.

c. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by warrants drawn by the director of the department of administrative services, or an authorized employee of the department of administrative services, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

11. *a.* In addition to any other penalty provided by law, a withholding agent required to furnish or file an income statement required by this chapter is subject to a civil penalty of five hundred dollars for each occurrence of the following:

(1) Willful failure to furnish an employee, nonresident, or other person with an income statement.

(2) Willfully furnishing an employee, nonresident, or other person with a false or fraudulent income statement.

(3) Willful failure to file an income statement with the department.

(4) Willfully filing a false or fraudulent income statement with the department.

b. A withholding agent is subject to the penalty as provided in section 421.27. Any penalty assessed under section 421.27 shall be in addition to the tax or additional tax due under this section. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each fraction of a month as an entire month, computed from the date the semimonthly, monthly, or quarterly deposit form was required to be filed. The penalty and interest become a part of the tax due from the withholding agent.

c. If any withholding agent, being a domestic or foreign corporation, required under the provisions of this section to withhold on wages or other taxable Iowa income subject to this chapter, fails to withhold the amounts required to be withheld, make the required returns or remit to the department the amounts withheld, the director may, having exhausted all other means of enforcement of the provisions of this chapter, certify such fact or facts to the secretary of state, who shall thereupon cancel the articles of incorporation or foreign registration statement, as the case may be, of such corporation, and the rights of such corporation to carry on business in the state of Iowa shall cease. The secretary of state shall immediately notify by registered mail such domestic or foreign corporation of the action taken by the secretary of state. The provisions of section 422.40, subsection 3, shall be applicable.

d. The department shall, upon request of any fiduciary, furnish said fiduciary with a certificate of acquittance showing that no liability as a withholding agent exists with respect to the estate or trust for which said fiduciary acts, provided the department has determined that there is no such liability.

12. *a.* (1) Taxpayers filing a return shall make estimated tax payments if their Iowa income tax liability can reasonably be expected to amount to two hundred dollars or more for the year.

(2) In the cases of farmers and fishermen, the exceptions provided in the Internal Revenue Code with respect to making estimated payments apply.

b. (1) The estimated tax shall be paid in quarterly installments. The first installment shall be paid on or before the last day of the fourth month of the taxpayer's tax year for which the estimated payments apply. The other installments shall be paid on or before the last day of the sixth month of the tax year, the last day of the ninth month of the tax year, and the last day of the first month after the tax year. A taxpayer may elect to pay an installment prior to the due date.

(2) If a taxpayer filing a return has reason to believe that the taxpayer's Iowa income tax may increase or decrease, either for purposes of meeting the requirement to make estimated tax payments or for the purpose of increasing or decreasing estimated tax payments, the taxpayer shall increase or decrease any subsequent estimated tax payments accordingly.

(3) Any tax still payable after applying credits for taxes paid through withholding, estimated tax, and composite return tax, is due and payable on or before the end of the fourth month following the close of the tax year.

c. If a taxpayer is unable to make the taxpayer's estimated tax payments, the payments may be made by a duly authorized agent, or by the guardian or other person charged with the care of the person or property of the taxpayer.

d. (1) Estimated tax paid is a credit against the amount of tax found payable on a final, completed return, as provided in subsection 10, relating to the credit for the tax withheld against the tax found payable on a return properly and correctly prepared under sections 422.5 through 422.25.

(2) Any overpayment of one dollar or more shall be refunded to the taxpayer and the return constitutes a claim for refund for this purpose. Amounts less than one dollar shall not be refunded.

(3) The method provided by section 6654 of the Internal Revenue Code for determining what is applicable to the addition to tax for underpayment of the tax payable applies to persons required to make payments of estimated tax under this section except the amount to be added to the tax for underpayment of estimated tax is an amount determined at the rate in effect under section 421.7. This addition to tax specified for underpayment of the tax payable is not subject to waiver provisions relating to reasonable cause, except as provided in the Internal Revenue Code. Underpayment of estimated tax shall be determined in the same manner as provided under the Internal Revenue Code and the exceptions in the Internal Revenue Code also apply.

e. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return for the taxable year credited to the taxpayer's tax liability for the following taxable year.

13. The director shall enter into an agreement with the secretary of the treasury of the United States with respect to withholding of income tax as provided by this chapter, pursuant to an Act of Congress, section 1207 of the Tax Reform Act of 1976, Pub. L. No. 94-455, amending 5 U.S.C. §5517.

14. a. The director may, when necessary and advisable in order to secure the collection of the tax required to be deducted and withheld or the amount actually deducted, whichever is greater, require a withholding agent to file with the director a bond, issued by a surety company authorized to conduct business in this state and approved by the insurance commissioner as to solvency and responsibility, in an amount as the director may fix, to secure the payment of the tax and penalty due or which may become due. In lieu of the bond, securities shall be kept in the custody of the department and may be sold by the director at public or private sale, without notice to the depositor, if it becomes necessary to do so in order to recover any tax and penalty due. Upon a sale, any surplus above the amounts due under this section shall be returned to the withholding agent who deposited the securities.

b. If the withholding agent fails to file the bond as requested by the director to secure collection of the tax, the withholding agent is subject to penalty for failure to file the bond. The penalty is equal to fifteen percent of the tax the withholding agent is required to withhold on an annual basis. However, the penalty shall not exceed five thousand dollars.

15. The director may allow additional time for filing documents required under this section with the department in the case of illness, disability, absence, or if good cause is shown.

Sec. 18. Section 422.16B, subsection 7, Code 2023, is amended to read as follows:

7. All powers of the director and requirements of the director apply to returns filed under this section including but not limited to the provisions of this subchapter and subchapter VI. The provisions of section 422.16, subsection ~~2~~ 4, paragraph "c", and subsections ~~6, 10~~ 7, 11, and 14, applying to withholding agents, shall apply in the same manner to pass-through entities under this section.

Sec. 19. Section 422.17, Code 2023, is amended to read as follows:

422.17 Certificate issued by department to make payments without withholding.

Any nonresident whose Iowa income is not subject to section 422.16, subsection ~~1~~ 2, paragraph "a", "c", "d", or "e", in whole or in part, and who elects to be governed by section 422.16, subsection ~~12~~ 2, paragraph "b", to the extent that the nonresident pays the entire amount of tax properly estimated on or before the last day of the fourth month of the nonresident's tax year, for the year, may for the year of the election and payment, be granted a certificate from the department authorizing each withholding agent, the income from whom the nonresident has considered in the payment of estimated tax and to the extent the income is included in the estimate, to make payments of income to the nonresident without withholding tax from those payments. Withholding agents, if payments exceed the tax liability estimated by the nonresident as indicated upon the certificate, shall withhold tax in accordance with section 422.16, subsection ~~12~~ 2, paragraph "b".

DIVISION V
FUTURE CORRESPONDING CHANGE

Sec. 20. Section 422.16, subsection 2, paragraph e, Code 2023, as amended in this Act, is amended to read as follows:

e. For the purposes of this subsection, state income tax shall be withheld at the ~~highest~~ rate described in section ~~422.5A~~ 422.5 from supplemental wages of an employee in those circumstances in which the employer treats the supplemental wages as wholly separate from regular wages for purposes of withholding and federal income tax is withheld from the supplemental wages under section 3402(g) of the Internal Revenue Code.

Sec. 21. EFFECTIVE DATE. This division of this Act takes effect January 1, 2026.

DIVISION VI
SETTLEMENT AUTHORITY — NOTICE OF ASSESSMENT — ESTIMATION OF TAX

Sec. 22. Section 421.5, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

421.5 Settling claims for taxes, penalties, and interest — abatement.

1. As used in this section:

a. “*Department*” means the department of revenue.

b. “*Settle*” or “*settlement*” includes any compromise or abatement of any taxes, penalties, or interest.

2. In addition to the authority granted to the department pursuant to section 17A.10 and notwithstanding section 7D.9, the department may, in its sole discretion, settle any taxes, penalties, or interest.

3. The department may enter into a settlement in the case of doubtful liability, doubtful collectability, severe economic hardship, or to promote effective tax administration, regardless of whether the amount was the subject of a timely filed appeal or return.

4. Whenever a settlement is made, the department shall make a complete record of the case showing the tax assessed or claimed due, tax refund claimed, recommendations, reports, and audits of departmental personnel if any, the taxpayer’s grounds for dispute or contest together with all of the evidence, and the amounts, conditions, and settlement of the same.

5. A taxpayer shall not have the right to a settlement of any tax, penalty, or interest liability under this section. Any determination by the department regarding the settlement shall be discretionary and shall be final and conclusive except in the case of fraud, mutual mistake of material fact, or as otherwise stated in a written settlement agreement between the taxpayer and the department.

6. The department may require an application for relief under this section.

7. The department shall adopt rules to administer this section.

Sec. 23. Section 421.10, Code 2023, is amended to read as follows:

421.10 Appeal period — applicability.

The appeal period for revision of assessment of tax, interest, and penalties set out under section 422.28, 423.37, 437A.9, 437A.22, 437B.5, 437B.18, 452A.64, 453A.29, or 453A.46 applies to appeals to notices from the department denying changes in filing methods, denying refund claims, and denying portions of refund claims for the tax covered by that section, and notices of any adverse department action directed to a specific taxpayer, other than licensing, which involves a calculation.

Sec. 24. Section 421.60, subsection 2, paragraphs i and m, Code 2023, are amended by striking the paragraphs.

Sec. 25. Section 421B.11, subsection 3, Code 2023, is amended to read as follows:

3. Judicial review of the actions of the director may be sought in accordance with section 422.29 and chapter 17A and section 423.38.

Sec. 26. Section 422.25, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. (1) The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return.

(2) If a person required to file a return with the department fails to file the return with the department, the department may, at any time, estimate the tax due based upon information or knowledge the department is able to obtain.

(3) If the department estimates an amount of tax under subparagraph (2), the following shall apply:

(a) The department shall issue a notice of assessment to the person for which the tax is estimated in accordance with section 421.60. The notice of assessment shall not be appealable pursuant to section 422.28 or 422.29, except to appeal the determination that the person is required to file a return.

(b) The department shall include a statement with the notice that if the person files a return within three years from the date on the notice of assessment, the department may replace the assessment with the amount shown due on the person's return, plus any applicable penalty and interest, and the department may examine that return and determine the tax, penalty, and interest within the period provided in this section.

(c) If the person fails to file a return within three years from the date on the notice of assessment, the person may pay the tax, penalty, and interest and file a refund claim within the time period provided in section 422.73, or may request relief under section 421.5.

Sec. 27. Section 422.75, Code 2023, is amended to read as follows:

422.75 Statistics — publication.

The department shall prepare and publish an annual report which shall include statistics reasonably available, with respect to the operation of this chapter, including amounts collected, classification of taxpayers, and such other facts as are deemed pertinent and valuable. The annual report shall also include the reports and information required pursuant to section 421.60, subsection 2, paragraphs “i” and paragraph “l”.

Sec. 28. Section 423.33, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. If a purchaser fails to pay sales tax to the retailer required to collect the tax, then in addition to all of the rights, obligations, and remedies provided, a use tax is payable by the purchaser directly to the department, and sections 423.31, 423.37, ~~423.38~~, 423.39, 423.40, 423.41, and 423.42 apply to the purchaser.

b. For failure to pay the sales or use tax as described in paragraph “a”, the retailer and purchaser are jointly liable, unless the circumstances described in section 29C.24, subsection 3, paragraph “a”, subparagraph (2), ~~section 421.60, subsection 2, paragraph “m”~~, section 423.34A, or section 423.45, subsection 4, paragraph “b” or “e”, or subsection 5, paragraph “c” or “e”, are applicable.

Sec. 29. Section 423.33, subsection 3, Code 2023, is amended to read as follows:

3. *Event sponsor's liability for sales or use tax.* A person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event shall obtain from every retailer selling tangible personal property, specified digital products, or taxable services at the event proof that the retailer possesses a valid sales or use tax permit or secure from the retailer a statement, taken in good faith, that tangible personal property, specified digital products, or services offered for sale are not subject to sales tax. Failure to do so renders a sponsor of the event liable for payment of any sales tax, interest, and penalty due and owing from any retailer selling property or services at the event. Sections 423.31, 423.37, ~~423.38~~, 423.39, 423.40, 423.41, and 423.42 apply to the sponsors. For purposes of this subsection, a “*person sponsoring a flea market or a craft, antique, coin, or stamp show or similar event*” does not include a marketplace facilitator as defined in section 423.14A, subsection 1, an organization which sponsors an event determined to qualify as an event involving casual sales pursuant to section 423.3, subsection 39, or the state fair or a fair as defined in section 174.1.

Sec. 30. Section 423.37, subsection 1, Code 2023, is amended to read as follows:

1. a. As soon as practicable after a return is filed and in any event within three years after the return is filed, the department shall ~~may~~ examine it the return, assess and determine the tax due if the return is found to be incorrect, and give notice to the person liable for the tax of the assessment and determination as provided in subsection 2 paragraph "b". If a return, when filed, is incorrect or insufficient, the department shall determine the amount of tax due from information or knowledge the department is able to obtain. The determination may be made using any generally recognized valid and reliable sampling technique, whether or not the person being audited has complete records, and if mutually agreed upon by the department and the person being audited. The period for the examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return.

b. The department shall issue a notice of assessment in accordance with section 421.60. The notice shall be appealable pursuant to sections 422.28 and 422.29. If the person fails to appeal the notice of assessment, the person may pay the tax, penalty, and interest and file a refund claim within the time period provided in section 422.73, or may request relief under section 421.5.

Sec. 31. Section 423.37, subsection 2, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. If a return required by this subchapter is not filed, the period for examination and determination of the correct amount of tax is unlimited. The department may, at any time, estimate the tax due from the information or knowledge the department is able to obtain.

b. If the department estimates an amount of tax under this subsection, the following shall apply:

(1) The department shall issue a notice of assessment to the person for which the tax is estimated in accordance with section 421.60. The notice of assessment shall not be appealable pursuant to sections 422.28 and 422.29, except to appeal the determination that the person is required to file the return.

(2) The department shall include a statement with the notice that if the person files a return within three years from the date on the notice of assessment, the department may replace the assessment with the amount shown due on the person's return, plus any applicable penalty and interest, and the department may examine that return and determine the tax, penalty, and interest within the period provided in this section.

(3) If the person fails to file a return within three years from the date on the notice of assessment, the person may pay the tax, penalty, and interest and file a refund claim within the time period provided in section 422.73, or may request relief under section 421.5.

Sec. 32. Section 423.45, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The sales tax liability for all sales of tangible personal property and specified digital products and all sales of services is upon the seller and the purchaser unless the seller takes from the purchaser a valid exemption certificate stating under penalty of perjury that the purchase is for a nontaxable purpose and is not a retail sale as defined in section 423.1, or the seller is not obligated to collect tax due, or unless the seller takes a fuel exemption certificate pursuant to subsection 5. If the tangible personal property, specified digital products, or services are purchased tax free pursuant to a valid exemption certificate and the tangible personal property, specified digital products, or services are used or disposed of by the purchaser in a nonexempt manner, the purchaser is solely liable for the taxes and shall remit the taxes directly to the department and sections 423.31, 423.37, ~~423.38~~, 423.39, 423.40, 423.41, and 423.42 shall apply to the purchaser.

Sec. 33. Section 423.45, subsection 5, paragraphs c and d, Code 2023, are amended to read as follows:

c. The seller may accept a completed fuel exemption certificate, as prepared by the purchaser, for three years unless the purchaser files a new completed exemption certificate. If the fuel is purchased tax free pursuant to a fuel exemption certificate which is taken by

the seller, and the fuel is used or disposed of by the purchaser in a nonexempt manner, the purchaser is solely liable for the taxes, and shall remit the taxes directly to the department and sections 423.31, 423.37, ~~423.38~~, 423.39, 423.40, 423.41, and 423.42 shall apply to the purchaser.

d. The purchaser may apply to the department for its review of the fuel exemption certificate. In this event, the department shall review the fuel exemption certificate within twelve months from the date of application and determine the correct amount of the exemption. If the amount determined by the department is different than the amount that the purchaser claims is exempt, the department shall promptly notify the purchaser of the determination. Failure of the department to make a determination within twelve months from the date of application shall constitute a determination that the fuel exemption certificate is correct as submitted. A determination of exemption by the department is final unless the purchaser appeals to the director for a revision of the determination within sixty days after the date of the notice of determination. The director shall grant a hearing, and upon the hearing, the director shall determine the correct exemption and notify the purchaser of the decision by mail. The decision of the director is final unless the purchaser seeks judicial review of the director's decision under section ~~423.38~~ 422.29 within sixty days after the date of the notice of the director's decision. Unless there is a substantial change, the department shall not impose penalties pursuant to section 423.40 both retroactively to purchases made after the date of application and prospectively until the department gives notice to the purchaser that a tax or additional tax is due, for failure to remit any tax due which is in excess of a determination made under this section. A determination made by the department pursuant to this subsection does not constitute an audit for purposes of section 423.37.

Sec. 34. Section 423.57, Code 2023, is amended to read as follows:

423.57 Statutes applicable.

The director shall administer this subchapter as it relates to the taxes imposed in this chapter in the same manner and subject to all the provisions of, and all of the powers, duties, authority, and restrictions contained in sections 423.14, 423.14A, 423.14B, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22, 423.23, 423.24, 423.25, 423.29, 423.31, 423.33, 423.34, 423.34A, 423.35, 423.37, ~~423.38~~, 423.39, 423.40, 423.41, and 423.42, section 423.43, subsection 1, and sections 423.45, 423.46, and 423.47.

Sec. 35. NEW SECTION. **452A.23 Motor fuel tax — administration by department.**

The department shall administer the taxes imposed by this chapter in the same manner as and subject to section 422.25, subsection 4, section 423.35, and section 423.37.

Sec. 36. Section 452A.66, Code 2023, is amended to read as follows:

452A.66 Statutes applicable to motor fuel tax.

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

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

Sec. 37. Section 453A.28, subsection 1, Code 2023, is amended to read as follows:

1. a. If after any audit, examination of records, or other investigation the department finds that any person has sold cigarettes without stamps affixed or that any person responsible

for paying the tax has not done so as required by this subchapter, the department shall fix and determine the amount of tax due, and shall assess the tax against the person, together with a penalty as provided in section 421.27. The taxpayer shall pay interest on the tax or additional tax at the rate determined under section 421.7 counting each fraction of a month as an entire month, computed from the date the tax was due. If any person fails to furnish evidence satisfactory to the director showing purchases of sufficient stamps to stamp unstamped cigarettes purchased by the person, the presumption shall be that the cigarettes were sold without the proper stamps affixed. Within three years after the report is filed or within three years after the report became due, whichever is later, the department shall examine the report and determine the correct amount of tax. The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent report made with the intent to evade tax, or in the case of a failure to file a report, or if a person purchases or is in possession of unstamped cigarettes.

b. If the department issues an estimated assessment due to failure to file a report, the procedures described in section 423.37, subsections 1 and 2, shall apply to taxes, fees, and interest imposed under this subchapter in the same manner and with the same effect as the provisions apply to the taxes imposed under chapter 423.

Sec. 38. Section 453A.46, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. (1) On or before the twentieth day of each calendar month every distributor with a place of business in this state shall file a return with the director showing for the preceding calendar month the quantity and wholesale sales price of each tobacco product brought, or caused to be brought, into this state for sale; made, manufactured, or fabricated in this state for sale in this state; and any other information the director may require. Every licensed distributor outside this state shall in like manner file a return with the director showing for the preceding calendar month the quantity and wholesale sales price of each tobacco product shipped or transported to retailers in this state to be sold by those retailers and any other information the director may require. Returns shall be made upon forms furnished or made available in electronic form and prescribed by the director and shall contain other information as the director may require. Each return shall be accompanied by a remittance for the full tax liability shown on the return, less a discount as fixed by the director not to exceed five percent of the tax. Within three years after the return is filed or within three years after the return became due, whichever is later, the department shall examine it, determine the correct amount of tax, and assess the tax against the taxpayer for any deficiency. The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax, or in the case of a failure to file a return.

(2) If the department issues an estimated assessment due to failure to file a return, the procedures described in section 423.37, subsections 1 and 2, shall apply to taxes, fees, and interest imposed under this subchapter in the same manner and with the same effect as the provisions apply to the taxes imposed under chapter 423.

Sec. 39. REPEAL. Section 423.38, Code 2023, is repealed.

Sec. 40. EFFECTIVE DATE. This division of this Act takes effect January 1, 2024.

DIVISION VII

TAX RETURN PREPARERS AND PERSONS AUTHORIZED TO ACT FOR TAXPAYERS

Sec. 41. Section 421.59, subsections 1 and 2, Code 2023, are amended to read as follows:

1. a. A taxpayer may authorize an individual to act on behalf of the taxpayer by filing a power of attorney with the department, on a form prescribed by the department. The department may prescribe a separate form or integrate the requirements of the form into a return when feasible.

b. A taxpayer may at any time revoke a power of attorney filed with the department pursuant to this subsection. Upon processing of the taxpayer's revocation of a power of attorney, the department shall cease honoring the power of attorney.

2. Unless otherwise prohibited by law, the department may authorize the following persons to act and receive information on behalf of and exercise all of the rights of a taxpayer, and may establish by rule the documentation required to verify authorization to act, regardless of whether a power of attorney has been filed pursuant to subsection 1:

a. A guardian, conservator, or custodian appointed by a court, if a taxpayer has been deemed legally incompetent by a court. The authority of the appointee to act on behalf of the taxpayer shall be limited to the extent specifically stated in the order of appointment.

~~(1) Upon request, a guardian, conservator, or custodian of a taxpayer shall submit to the department a copy of the court order appointing the guardian, conservator, or custodian.~~

~~(2) The department has standing to petition the court that appointed the guardian, conservator, or custodian to verify the appointment or to determine the scope of the appointment.~~

b. A receiver appointed pursuant to chapter 680. An appointed receiver shall be limited to act on behalf of the taxpayer by the authority stated in the order of appointment.

~~(1) Upon the request of the department, a receiver shall submit to the department a copy of the court order appointing the receiver.~~

~~(2) The department has standing to petition the court that appointed the receiver to verify the appointment or to determine the scope of the appointment.~~

c. ~~An individual who has been named as an authorized representative on a fiduciary return of income filed under section 422.14 or a tax return filed under chapter 450.~~

~~d. c.~~ An individual holding the following title or position within a corporation, association, partnership, or other business entity:

~~(1) An officer or employee of the corporation or association who is authorized to act on behalf of the corporation or association in tax matters.~~

~~(2) A designated partner or employee of the partnership who is authorized to act on behalf of the partnership in tax matters.~~

~~(3) A person authorized to act on behalf of the limited liability company in tax matters pursuant to a valid statement of authority or employee of the company who is authorized to act on behalf of the company in tax matters.~~

~~e. d.~~ A licensed attorney who has appeared on behalf of the taxpayer or the probate estate in a court proceeding. Authorization under this paragraph is limited to those matters within the scope of the representation.

~~f. e.~~ A parent or guardian of a taxpayer who has not reached the age of majority where the same parent or guardian has signed the taxpayer's return on behalf of the taxpayer. Authorization under this paragraph is limited to those matters relating to the return signed by the parent or guardian. Authorization under this paragraph automatically terminates when the taxpayer reaches the age of majority pursuant to section 599.1.

~~g. f.~~ A representative of a government entity. An individual seeking to act on behalf of a government entity pursuant to this paragraph shall affirm the authority of the individual to act on behalf of the government entity in a manner designated by the department. The department may require evidence to demonstrate the individual has authority to act on behalf of the government entity.

~~h. g.~~ An executor or personal representative of an estate.

~~(1) Upon request, the executor or personal representative shall submit to the department a copy of the will or court order appointing the executor or personal representative.~~

~~(2) The department has standing to petition the court that appointed the executor or personal representative to verify the appointment or to determine the scope of the appointment.~~

~~i. h.~~ A trustee.

~~(1) Upon request a trustee shall submit a certification of trust, or in the absence of a certification of trust a copy of the court order appointing the trustee if one has been issued, or a copy of the trust.~~

~~(2) The department has standing to petition the court that appointed the trustee to verify the appointment or to determine the scope of the appointment.~~

~~j. i.~~ A person named as an agent in a general or durable power of attorney document that is currently in force and such document has not been prescribed by the department of revenue.

~~k. j.~~ A successor as defined in section 633.356, subsection 2, of a very small estate.

Sec. 42. Section 421.62, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding subsection 1, paragraph “d”, subparagraph (2), for purposes of this subsection, “*tax return preparer*” includes any of the following:

- (1) An individual licensed as a certified public accountant or a licensed public accountant under chapter 542 or a similar law of another state.
- (2) An individual admitted to practice law in this state or another state.
- (3) An enrolled agent enrolled to practice before the federal internal revenue service pursuant to 31 C.F.R. §10.4.

DIVISION VIII SETOFF

Sec. 43. 2020 Iowa Acts, chapter 1064, section 16, subsection 6, is amended to read as follows:

6. *Fees.* The department shall may establish fees for use of the setoff system to be paid by participating public agencies to the department.

Sec. 44. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules.

DIVISION IX HOMESTEAD PROPERTY TAX CREDIT

Sec. 45. Section 425.11, subsection 1, paragraph e, Code 2023, is amended by striking the paragraph and inserting in lieu thereof the following:

e. (1) “*Owner*” means the person who holds the fee simple title to the homestead. “*Owner*” also includes the following:

- (a) The person occupying as a surviving spouse.
- (b) The person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located.
- (c) The person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage, or adoption.
- (d) The person occupying the homestead is a shareholder of a family farm corporation that owns the property.
- (e) The person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage, or adoption.
- (f) Where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead.
- (g) Where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead.
- (h) Where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. §12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead.
- (i) The person occupying the homestead regardless of whether the underlying land is in fee or as a leasehold interest, provided that the person is occupying the homestead and is liable for and pays property tax on the homestead.

(2) For the purpose of this subchapter, the word “*owner*” shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this subchapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county

recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.

Sec. 46. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 47. APPLICABILITY. This division of this Act applies to claims under chapter 425, subchapter I, for credits against property taxes due and payable in fiscal years beginning on or after July 1, 2024.

DIVISION X PROPERTY TAX CREDITS AND RENT REIMBURSEMENT

Sec. 48. Section 425.17, subsection 7, Code 2023, is amended to read as follows:

7. “Income” means the sum of Iowa net income as defined in section 422.7, plus all of the following to the extent not already included in Iowa net income: capital gains;² alimony;² child support money;² cash public assistance and relief, except property tax relief granted under this subchapter;² amount of in-kind assistance for housing expenses, ~~the gross amount of any pension or annuity, including but not limited to; total amounts received from a governmental or other pension or retirement plan, including defined benefit or defined contribution plans; annuities; individual retirement accounts; plans maintained or contributed to by an employer, or maintained or contributed to by a self-employed person as an employer; deferred compensation plans or any earnings attributable to the deferred compensation plans; income received pursuant to a farm tenancy agreement covering real property;~~ railroad retirement benefits;² payments received under the federal Social Security Act, except child insurance benefits received by a member of the claimant’s household;² ~~and all~~ military retirement and veterans’ disability pensions;² interest received from the a state or federal government or any of its instrumentalities;² workers’ compensation;² and the gross amount of disability income or “loss of time” insurance. “Income” does not include gifts from nongovernmental sources, or surplus foods or other relief in kind supplied by a governmental agency. In determining income, net operating losses and net capital losses shall not be considered.

Sec. 49. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 50. APPLICABILITY.

1. This division of this Act applies to claims under chapter 425, subchapter II, for credits against property taxes due and payable in fiscal years beginning on or after July 1, 2024.

2. This division of this Act applies to claims under chapter 425, subchapter II, for reimbursement for rent constituting property taxes paid in base years beginning on or after January 1, 2023.

3. This division of this Act applies to claims under section 435.22 for a credit for manufactured and mobile home taxes due and payable in fiscal years beginning on or after July 1, 2024.

DIVISION XI ELECTRONIC COMMUNICATIONS — RULES

Sec. 51. Section 421.60, subsection 11, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, when an electronic communication is posted to the department’s electronic portal for a person who has made such an election, the posting of the electronic communication shall satisfy any requirement of mailing or personal service in this title, chapter 17A, chapter 272D, or sections 321.105A and 533.329.

DIVISION XII
COMPOSITE RETURN FILING EXCLUSION FOR FINANCIAL INSTITUTIONS AND
CERTAIN FINANCIAL HOLDING COMPANIES

Sec. 52. Section 422.16B, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0c. The pass-through entity meets any of the following requirements for the tax year:

(1) The pass-through entity is a financial institution subject to the franchise tax under section 422.60 and files a franchise tax return required under section 422.62 and pays any franchise tax shown due on the return.

(2) The pass-through entity wholly owns one or more financial institutions subject to the franchise tax under section 422.60 that are treated as disregarded entities for federal and Iowa income tax purposes, and at least ninety percent of the gross income of the pass-through entity for the tax year is also reportable income on the franchise tax return of the financial institutions wholly owned by the pass-through entity, and such financial institutions file the franchise tax returns required under section 422.62 and pay any franchise tax shown due on the franchise tax return.

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

Sec. 54. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

DIVISION XIII
RETIRED FARMER INCOME EXCLUSIONS

Sec. 55. Section 422.7, subsection 13, paragraph a, subparagraph (4), Code 2023, is amended to read as follows:

(4) “*Materially participated*” means the same as “*material participation*” in section 469(h) of the Internal Revenue Code, except that section 469(h)(3) of the Internal Revenue Code shall not apply.

Sec. 56. Section 422.7, subsection 14, paragraph f, subparagraph (5), Code 2023, is amended to read as follows:

(5) “*Materially participated*” means the same as “*material participation*” in section 469(h) of the Internal Revenue Code, except that section 469(h)(3) of the Internal Revenue Code shall not apply.

Sec. 57. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 58. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, for tax years beginning on or after that date.

DIVISION XIV
INSTRUCTIONAL SUPPORT INCOME SURTAX

Sec. 59. Section 257.24, Code 2023, is amended to read as follows:

257.24 Deposit of instructional support income surtax.

~~1.~~ The director of revenue, ~~by the last day of each month,~~ shall deposit all moneys received as collected and determined by the department of revenue to be instructional support income surtax ~~to the in the preceding month, and shall credit of each district from which the moneys are received collected,~~ 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. 60. Section 257.25, Code 2023, is amended to read as follows:

257.25 Instructional support income surtax certification.

~~1. On or before October 20~~ November 15 each year, the director of revenue shall make an accounting of the instructional support income surtax collected under this chapter ~~applicable to tax returns for the last preceding calendar year, or for a taxpayer's fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program, or the first half of the succeeding calendar year, since January 1 of the same calendar year~~ from taxpayers in each school district in the state which has approved the instructional support program, and shall certify to the department of management and the department of education the amount of total instructional support income surtax credited from the taxpayers of each school district.

2. On or before January 15 of each year, the director of revenue shall make an accounting of the instructional support income surtax collected under this chapter during the preceding calendar year from taxpayers in each school district in the state which has approved the instructional support program, and shall certify to the department of management and the department of education the amount of total instructional support income surtax credited from the taxpayers of each school district.

DIVISION XV
COMPOSITE RETURN EXCEPTION

Sec. 61. COMPOSITE RETURN EXCEPTION — CERTIFICATES OF ACQUITTANCE RELATED TO CERTAIN ESTATES. Notwithstanding any other provision of law to the contrary, the requirements of section 422.16B, including but not limited to the requirements to file a composite return and pay composite return tax, shall not apply to any estate for a tax year that began on or after January 1, 2022, and ended before December 31, 2022, if that estate received a certificate of acquittance from the department of revenue under section 422.27 without having filed a composite return under section 422.16B.

Sec. 62. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI
PROPERTY TAX PAYMENTS — SCHOOL DISTRICTS

Sec. 63. Section 257.3, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The amount paid to each school district under section 441.21, subsection 5, paragraph “e”, shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 441.21, subsection 5, paragraph “e”, subparagraph (4), subparagraph division (a), and such amount shall be prorated pursuant to section 441.21, subsection 5, paragraph “e”, subparagraph (2), if applicable.

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

Approved June 1, 2023

CHAPTER 116**ECONOMIC DEVELOPMENT AUTHORITY — RENEWABLE CHEMICAL PRODUCTION,
WORKFORCE HOUSING, AND INNOVATION FUND TAX CREDITS — IOWA WINE,
BEER, AND SPIRITS PROMOTION BOARD**

S.F. 575

AN ACT relating to the economic development authority, including renewable chemical production, workforce housing, and innovation fund tax credits, the Iowa wine, beer, and spirits promotion board, and the beer and liquor control fund, and including applicability provisions.

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

**DIVISION I
TAX CREDITS**

Section 1. Section 15.119, subsection 2, paragraph h, Code 2023, is amended to read as follows:

h. The renewable chemical production tax credit program administered pursuant to sections 15.315 through 15.322. In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2021, and for each fiscal year thereafter beginning before July 1, 2037, the authority shall not allocate more than five million dollars for purposes of this paragraph. This paragraph is repealed July 1, 2030 2039.

Sec. 2. Section 15.316, subsection 3, Code 2023, is amended to read as follows:

3. “*Building block chemical*” means a molecule converted from biomass feedstock as a first product or a secondarily derived product that can be further refined into a higher-value chemical, material, or consumer product. “*Building block chemical*” includes but is not limited to high-purity glycerol, oleic acid, lauric acid, methanoic or formic acid, arabonic acid, erythronic acid, glyceric acid, glycolic acid, lactic acid, 3-hydroxypropionate, propionic acid, malonic acid, ~~serine~~, succinic acid, fumaric acid, malic acid, aspartic acid, 3-hydroxybutyrolactone, acetoin, ~~threonine~~, itaconic acid, furfural, levulinic acid, glutamic acid, xylonic acid, xylaric acid, xylitol, arabitol, citric acid, aconitic acid, 5-hydroxymethylfurfural, ~~lysine~~, gluconic acid, glucaric acid, sorbitol, gallic acid, ferulic acid, butyric acid, nonfuel butanol, nonfuel ethanol, or such additional molecules as may be included by the authority by rule after consultation with appropriate experts from Iowa state university, including but not limited to the Iowa state university center for biorenewable chemicals.

Sec. 3. Section 15.318, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* All complete applications submitted by eligible businesses shall be reviewed and scored on a competitive basis by the authority pursuant to rules adopted by the authority.

Sec. 4. Section 15.318, subsection 2, paragraphs c and d, Code 2023, are amended to read as follows:

c. An eligible business shall fulfill all the requirements of the program and the agreement before ~~receiving the authority issues the business a tax credit certificate or entering enters~~ into a subsequent agreement with the business under this section. The authority may decline to enter into a subsequent agreement with the business under this section or to issue a tax credit if an agreement is not successfully fulfilled.

d. Upon establishing that all requirements of the program and the agreement have been fulfilled, the authority shall issue a tax credit ~~and related tax credit~~ certificate to the eligible business stating the amount of renewable chemical production tax credit the eligible business may claim.

Sec. 5. Section 15.318, subsection 3, paragraphs a, d, and e, Code 2023, are amended to read as follows:

a. The maximum amount of tax credit that the authority may be issued ~~issue~~ under section 15.319 to an eligible business for the production of renewable chemicals in a calendar year shall not exceed the following:

(1) ~~In the case of an eligible business that has been in operation in the state for five years or less at the time of application, is~~ one million dollars.

(2) ~~In the case of an eligible business that has been in operation in the state for more than five years at the time of application, five hundred thousand dollars.~~

d. ~~An~~ The authority shall not issue an eligible business shall not receive more than five tax credits credit certificates under the program.

e. ~~The authority shall issue tax credits under the program on a first-come, first-served basis until the maximum amount of tax credits allocated pursuant to section 15.119, subsection 2, paragraph "h", is reached. The authority shall maintain a list of successful applicants under the program, so that if the maximum aggregate amount of tax credits is reached in a given fiscal year, eligible businesses that successfully applied but for which tax credits were not issued shall be placed on a wait list in the order the eligible businesses applied and shall be given priority for receiving tax credits in succeeding fiscal years. Placement on a wait list pursuant to this paragraph shall not constitute a promise binding the state. The availability of a tax credit and issuance of a tax credit certificate pursuant to this subsection in a future fiscal year is contingent upon the availability of tax credits in that particular fiscal year. In each fiscal year beginning on or after July 1, 2023, and ending on or before June 30, 2036, the authority may award an amount of tax credits under the program not to exceed the maximum aggregate amount allocated in section 15.119, subsection 2, paragraph "h".~~

Sec. 6. Section 15.319, subsection 1, Code 2023, is amended to read as follows:

1. An eligible business that has entered into an agreement pursuant to section 15.318 may claim a tax credit in an amount equal to the product of five cents multiplied by the number of pounds of renewable chemicals produced in this state from biomass feedstock by the eligible business during the calendar year in excess of the eligible business's pre-eligibility production threshold. However, an eligible business shall not receive a tax credit for the production of a secondarily derived building block chemical if that chemical is also the subject of a credit at the time of production as a first product. The renewable chemical production tax credit shall not be available for any renewable chemical produced before the 2017 calendar year or after the 2026 2035 calendar year.

Sec. 7. Section 15.320, subsection 1, Code 2023, is amended to read as follows:

1. For purposes of this section, "*successful tax credit applicant*" includes, with respect to each calendar year, an eligible business that was issued a tax credit certificate for production of renewable chemicals during that calendar year, ~~and an eligible business that successfully applied for a tax credit for the production of renewable chemicals during that calendar year, but was not issued a tax credit and was instead placed on a wait list pursuant to section 15.318, subsection 3, paragraph "e".~~

Sec. 8. Section 15.320, subsection 2, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

2. By January 31 of each year, the board, in cooperation with the department of revenue, shall submit to the general assembly and to the governor a report describing the activities of the program for the most recent calendar year for which the tax credit application period has ended pursuant to section 15.318, subsection 1, paragraph "d". The report shall, at a minimum, include the following information:

a. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

b. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during each calendar year.

c. The number of employees located in Iowa of all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

d. The number of employees located in Iowa of all successful tax credit applicants during each calendar year.

e. For each eligible business issued a renewable chemical production tax credit during each calendar year:

(1) The identity of the eligible business.

(2) The amount of the tax credit.

(3) The manner in which the eligible business first qualified as an eligible business under section 15.317, subsection 4, whether by organizing, expanding, or locating in the state.

f. The total amount of all renewable chemical production tax credits claimed during each calendar year, and the portion of the claims issued as a refund.

Sec. 9. Section 15.320, subsection 3, Code 2023, is amended to read as follows:

3. To protect the presumption of confidentiality established in section 15.318, subsection 5, the board shall report all information in an aggregate form to prevent, as much as possible, information being attributable to any particular eligible business, except as provided in subsection 2, paragraph “k” “e”.

Sec. 10. Section 15.322, Code 2023, is amended to read as follows:

15.322 Future repeal.

Section 15.315, 15.316, 15.317, 15.318, 15.319, 15.320, 15.321, and this section, are repealed July 1, ~~2030~~ 2039.

Sec. 11. Section 15.353, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. ~~For a housing project located in a small city that meets program requirements under subsection 1, paragraph “a”, development~~ Construction of new dwelling units at a greenfield site.

Sec. 12. Section 15E.52, subsection 5, paragraph b, Code 2023, is amended by striking the paragraph.

Sec. 13. Section 15E.52, subsection 8, Code 2023, is amended to read as follows:

8. The board shall not certify an innovation fund after June 30, ~~2023~~ 2028.

Sec. 14. Section 15E.52, subsection 10, paragraph b, Code 2023, is amended by striking the paragraph.

Sec. 15. Section 422.10B, Code 2023, is amended to read as follows:

422.10B Renewable chemical production tax credit.

The taxes imposed under this subchapter, less the credits allowed under section 422.12, shall be reduced by a renewable chemical production tax credit allowed under section 15.319. This section is repealed January 1, ~~2033~~ 2041.

Sec. 16. Section 422.33, subsection 22, Code 2023, is amended to read as follows:

22. The taxes imposed under this subchapter shall be reduced by a renewable chemical production tax credit allowed under section 15.319. This subsection is repealed January 1, ~~2033~~ 2041.

Sec. 17. **APPLICABILITY.**

1. The following apply to all applications submitted to the renewable chemical production tax credit program on or after July 1, 2023:

a. The section of this division of this Act amending section 15.316, subsection 3.

b. The section of this division of this Act amending section 15.318, subsection 1.

c. The section of this division of this Act amending section 15.318, subsection 3, paragraphs “a”, “d”, and “e”.

2. The following apply to all eligible businesses placed on a wait list pursuant to section 15.318, subsection 3, paragraph “e”, on or before June 30, 2023:

a. The portion of the section of this division of this Act amending section 15.318, subsection 3, paragraph “e”.

b. The section of this division of this Act amending section 15.320, subsection 1.

3. The following applies to all applications submitted for innovation fund tax credits, administered pursuant to section 15E.52, placed on a wait list pursuant to section 15E.52, subsection 5, paragraph “b”:

The section of this division of this Act amending section 15E.52, subsection 5, paragraph “b”.

DIVISION II
IOWA WINE, BEER, AND SPIRITS PROMOTION BOARD

Sec. 18. Section 15E.116, Code 2023, is amended to read as follows:

15E.116 Iowa wine, and beer, and spirits promotion board.

An Iowa wine, and beer, and spirits promotion board is created. The board consists of ~~three~~ four members appointed by the director of the economic development authority. Each member shall serve a term of two years on the board. One member shall represent the authority, one member shall represent the Iowa wine makers, and one member shall represent the Iowa beer makers, and one member shall represent Iowa distilleries. The board shall advise the authority on the best means to promote wine, and beer, and spirits made in Iowa.

Sec. 19. Section 15E.117, Code 2023, is amended to read as follows:

15E.117 Promotion of Iowa wine, and beer, and spirits.

1. The economic development authority shall consult with the Iowa wine, and beer, and spirits promotion board on the best means to promote wine, and beer, and spirits made in Iowa.

2. The authority ~~has~~ shall have the authority to contract with private persons for the promotion of beer, and wine, and spirits made in Iowa.

3. Moneys appropriated to the authority pursuant to sections 123.143 and 123.183, and moneys transferred to the authority pursuant to section 123.17, subsection 8A, may be used by the authority for the purposes of this section, including administrative expenses incurred under this section.

Sec. 20. Section 123.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. After any transfers provided for in subsections 3, 5, 6, 7, and 8 are made, and before any other transfer to the general fund, the department shall transfer to the economic development authority from the beer and liquor control fund the lesser of two hundred fifty thousand dollars or one percent of the gross sales of native distilled spirits by all class “A” native distilled spirits license holders made by the department for the purposes of promoting Iowa wine, beer, and spirits.

Approved June 1, 2023

CHAPTER 117
APPROPRIATIONS — TRANSPORTATION
S.F. 576

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:

Section 1. ROAD USE TAX FUND — FY 2023-2024. 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, 2023, and ending June 30, 2024, 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. Transportation operations:

..... \$ 19,493,072

b. Motor vehicles:

..... \$ 28,141,889

3. For payments to the department of administrative services and the office of the chief information officer for utility services:

..... \$ 465,668

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:

..... \$ 137,707

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:

..... \$ 94,920

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 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 costs associated with the statewide interoperability network:

..... \$ 63,355

12. For motor vehicle division field facility maintenance projects at various locations:

..... \$ 400,000

13. For motor vehicle enforcement division field facility maintenance projects at various locations:

..... \$ 400,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 12 and 13 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 the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND — FY 2023-2024. 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, 2023, and ending June 30, 2024, 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:

a. Transportation operations:
 \$ 321,495,055
 FTEs 2,363.00

b. Motor vehicles:
 \$ 1,194,260
 FTEs 294.00

2. For payments to the department of administrative services and the office of the chief information officer for utility services:

..... \$ 2,860,529

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:
 \$ 3,339,125

5. For disposal of hazardous wastes from field locations and the central complex:
 \$ 1,000,000

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:
 \$ 583,080

8. For inventory and equipment replacement:
 \$ 23,784,000

9. For costs associated with the statewide interoperability network:
 \$ 423,989

10. For facility major maintenance and enhancement:
 \$ 5,300,000

11. For facility routine maintenance and preservation:
 \$ 4,700,000

12. For maintenance projects at rest area facilities throughout the state:
 \$ 400,000

13. For replacement of the Davenport highway operations complex:
 \$ 21,900,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 13 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 3. 2020 Iowa Acts, chapter 1122, section 2, unnumbered paragraph 2, is amended to read as follows:

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 through ~~17~~ 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. For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 17 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 four 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 June 1, 2023

CHAPTER 118

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

S.F. 577

AN ACT relating to and making appropriations from the rebuild Iowa infrastructure fund and technology reinvestment fund, establishing a destination Iowa 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 following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For safety and security on the state capitol complex, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:

..... \$ 200,000

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”:

FY 2023-2024:

..... \$ 8,200,000

(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), 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. 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.

(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 renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2023-2024:
..... \$ 10,000,000

c. For deposit in the renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2023-2024:
..... \$ 5,000,000

The appropriation made in this paragraph shall be in lieu of the standing appropriation in section 159A.17 for the fiscal year beginning July 1, 2023, and ending June 30, 2024.

d. For updating the maximum return to nitrogen modeling system for fertilizer management, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:
..... \$ 1,000,000

Any information received, collected, or held for purposes of this paragraph is a confidential record exempt from public release if the information identifies a person who holds a legal interest in agricultural land or who has previously held a legal interest in agricultural land, a person who is involved or who has previously been involved in managing the agricultural

land or producing crops or livestock on the agricultural land, or the identifiable location of the agricultural land.

3. DEPARTMENT FOR THE BLIND

For building repairs for the building located at 524 Fourth Street, Des Moines, Iowa:
FY 2023-2024:

..... \$ 232,000

4. DEPARTMENT OF CORRECTIONS

a. For the purchase of prison body scanners at corrections facilities, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:

..... \$ 865,000

b. For construction of an apprenticeship building at the Mount Pleasant correctional facility:

FY 2023-2024:

..... \$ 1,200,000

c. For electrical service upgrades at the Iowa medical and classification center:

FY 2023-2024:

..... \$ 2,800,000

5. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:

FY 2023-2024:

..... \$ 10,000,000

b. For deposit in the destination Iowa fund created in section 15.281, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:

..... \$ 6,500,000

c. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:

..... \$ 700,000

d. 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 2020 federal decennial census:

FY 2023-2024:

..... \$ 250,000

6. DEPARTMENT OF EDUCATION

For heating, cooling, electrical, lighting, and fire detection system upgrades and exterior building repairs at the girls’ dormitory at the Iowa school for the deaf:

FY 2023-2024:

..... \$ 5,700,000

7. DEPARTMENT OF HEALTH AND HUMAN SERVICES

a. For tunnel decentralization for the state resource center at Woodward:

FY 2023-2024:

..... \$ 5,572,736

b. For costs associated with the newborn safe haven Act, chapter 233, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2023-2024:

..... \$ 15,000

Moneys appropriated in this paragraph shall be used for a one-time grant for the installation of a newborn safety device at a location authorized by and in accordance with chapter 233.

c. For a grant to a nonprofit organization specializing in brain injury rehabilitation by providing post-acute inpatient and outpatient rehabilitation, as well as long-term skilled, supported, and independent living services for people who have sustained a traumatic brain injury due to a stroke, tumor, aneurysm, or other brain injury, headquartered in a city with a population between 67,500 and 68,500 as determined by the 2020 federal decennial census, for renovation of a facility to accommodate individuals served by the organization who are being relocated from the organization’s site on the Glenwood state resource center campus:

.....	\$ 750,000
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":	
FY 2023-2024:	
.....	\$ 9,600,000
b. For state park infrastructure improvements:	
FY 2023-2024:	
.....	\$ 5,000,000
c. For water trails and low head dam safety grants, including grants for projects relating to eligible water bodies, as defined in section 456A.33C:	
FY 2023-2024:	
.....	\$ 1,500,000
d. For grants to communities or organizations for tree planting projects through the community forestry grant program, notwithstanding section 8.57, subsection 5, paragraph "c":	
FY 2023-2024:	
.....	\$ 250,000
e. For costs associated with infrastructure improvements on the state fairgrounds:	
FY 2023-2024:	
.....	\$ 500,000
f. For deferred maintenance costs at the honey creek resort state park required to be completed pursuant to a contract:	
FY 2023-2024:	
.....	\$ 6,000,000
9. DEPARTMENT OF PUBLIC DEFENSE	
a. For major maintenance projects at national guard armories and facilities:	
FY 2023-2024:	
.....	\$ 2,100,000
b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:	
FY 2023-2024:	
.....	\$ 2,100,000
c. For construction improvement projects at the Camp Dodge facility:	
FY 2023-2024:	
.....	\$ 550,000
d. For replacement of the heating and cooling system at the joint force headquarters at Camp Dodge:	
FY 2023-2024:	
.....	\$ 2,442,000
e. For costs associated with the construction of a readiness center in West Des Moines:	
FY 2023-2024:	
.....	\$ 1,000,000
f. The department of public defense shall report to the general assembly by December 15, 2023, regarding the projects the department has funded or intends to fund from moneys appropriated to the department pursuant to this subsection.	
10. DEPARTMENT OF PUBLIC SAFETY	
a. 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":	
FY 2023-2024:	
.....	\$ 6,754,358
b. For deposit in the public safety equipment fund created in section 80.48, notwithstanding section 8.57, subsection 5, paragraph "c":	
FY 2023-2024:	
.....	\$ 2,500,000

11. BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2023-2024: \$ 27,900,000

b. For an addition to the veterinary diagnostic laboratory at Iowa state university of science and technology:

FY 2023-2024: \$ 18,000,000

12. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:

FY 2023-2024: \$ 2,500,000

b. For deposit in the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of vertical infrastructure in section 8.57, subsection 5, paragraph "c":

FY 2023-2024: \$ 1,000,000

c. For deposit in the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 5, paragraph "c":

FY 2023-2024: \$ 500,000

d. For vertical infrastructure improvements at the commercial service airports within the state:

FY 2023-2024: \$ 1,900,000

e. For vertical infrastructure improvements at general aviation airports within the state:

FY 2023-2024: \$ 1,000,000

f. For vertical infrastructure improvements at commercial service airports within the state:

FY 2023-2024: \$ 10,000,000

Moneys appropriated in this paragraph shall be awarded as grants to commercial service airports within the state for commercial service airport terminal improvements. Commercial service airports shall provide a ninety percent match for grants awarded pursuant to this paragraph and shall not utilize federal funds to provide the required match.

13. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs that belong to the association of Iowa fairs for county fair vertical infrastructure improvements:

FY 2023-2024: \$ 1,060,000

14. ETHICS AND CAMPAIGN DISCLOSURE BOARD

For office space improvements and security upgrades:

FY 2023-2024: \$ 66,000

15. IOWA COMMUNICATIONS NETWORK

For heating and cooling replacement in the Lucas building switch room:

FY 2023-2024: \$ 578,412

16. JUDICIAL BRANCH

For construction projects at the Woodbury county law enforcement center:

FY 2023-2024: \$ 100,000

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made 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 two 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. 3. 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, 2023, and ending June 30, 2024, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF JUSTICE For cybersecurity and technology projects:	\$	278,503
.....		
2. AUDITOR OF STATE For the upgrade and relocation of servers and server hardware:	\$	292,500
.....		
3. DEPARTMENT OF CORRECTIONS		
a. For camera system upgrades at corrections institutions:	\$	1,879,936
.....		
b. For body cameras at corrections institutions:	\$	325,000
.....		
4. 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
.....		
Of the moneys appropriated in this lettered paragraph, the department may use a portion 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 costs associated with a searchable digital asset management system:	\$	343,808
.....		
5. DEPARTMENT OF HEALTH AND HUMAN SERVICES		
a. For the cost of equipment and computer software for the continued development and implementation of Iowa’s criminal justice information system:	\$	1,400,000
.....		
b. For the costs associated with the justice enterprise data warehouse:	\$	282,664
.....		
c. For technology costs associated with the state poison control center:	\$	34,000
.....		
6. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT		
For the continuing implementation of a statewide mass notification and emergency messaging system:	\$	400,000
.....		
7. IOWA LAW ENFORCEMENT ACADEMY		
For replacement of a simulator:	\$	100,000
.....		
8. 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:	\$ 120,000
d. For the annual licensing of a searchable database that is placed on the internet for budget and financial information:	\$ 382,131
e. For the installation of specified applications on state of Iowa mobile devices and installation of other computer programming to restrict state employees from accessing specified internet sites, to include accessing specified internet sites from an internet browser:	\$ 3,180,000
f. For technology costs associated with implementing the requirements of 2023 Iowa Acts, House File 718, ¹ if enacted:	\$ 100,000
9. BOARD OF PAROLE	
For programming enhancements to the Iowa corrections offender network (ICON) data system:	\$ 20,000
10. DEPARTMENT OF REVENUE	
For tax system modernization:	\$ 4,070,460
11. JUDICIAL BRANCH	
a. For technology projects at the Woodbury county law enforcement center:	\$ 125,290
b. For audio and visual systems in courtrooms across the state:	\$ 565,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made 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 two years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
CHANGES TO PRIOR APPROPRIATIONS

Sec. 5. 2020 Iowa Acts, chapter 1120, section 1, subsection 10, paragraph b, as amended by 2022 Iowa Acts, chapter 1150, section 9, is amended to read as follows:

b. For the renovation and construction of an industrial technology center at the university of northern Iowa to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

(1) FY 2021-2022:	\$ 13,000,000
(2) FY 2022-2023:	\$ 26,500,000

Of the money appropriated in this subparagraph, the board of regents is authorized to expend such amount as the board determines for purposes of steam tunnel repairs at the university of northern Iowa.

¹ Chapter 71 herein

Sec. 6. 2021 Iowa Acts, chapter 167, section 2, is amended to read as follows:
SEC. 2. REVERSION.

1. ~~For~~ Except as provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made 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 two years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in section 1, subsection 10, paragraph “d”, of this division of this 2021 Iowa Act, as amended by 2022 Iowa Acts, chapter 1150, section 11, shall not revert but shall remain available for expenditure for the purposes designated until the project for which the appropriation was made is completed.

Sec. 7. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV MISCELLANEOUS PROVISIONS

Sec. 8. Section 8.57C, subsection 3, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) For the fiscal year beginning July 1, ~~2023~~ 2024, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars.

Sec. 9. Section 8.57C, subsection 3, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the sum of eighteen million three hundred ninety thousand two hundred ninety dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph “c”.

DIVISION V DESTINATION IOWA FUND

Sec. 10. NEW SECTION. **15.281 Destination Iowa fund.**

1. For purposes of this section:

a. “*Eligible applicant*” means a city, county, or not-for-profit organization.

b. “*Rural community*” means a community that has a population of fewer than twenty thousand persons as determined by the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

c. “*Vertical infrastructure*” means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, recreational trails, and water trails. “*Vertical infrastructure*” does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

2. A destination Iowa fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund. The board will oversee and administer the destination Iowa fund.

3. Moneys in the destination Iowa fund are appropriated to the authority for purposes of providing grants to eligible applicants for any of the following types of projects:

a. Economically significant projects that increase tourism opportunities.

b. Development and enhancement of outdoor recreational opportunities.

c. Projects that contribute to quality of life in rural communities.

4. Projects must meet all of the following criteria to be eligible for a grant to an eligible applicant from the fund:

- a. The project must be primarily vertical infrastructure.
- b. The project must be available for year-round use by the public.
- c. An eligible applicant must intend to own the property that is the subject of the project upon completion.

5. The board shall prioritize making awards to applicants that have not been awarded money from the destination Iowa fund or other programs intended to support community attraction and tourism projects after July 1, 2018. The board shall prioritize awarding grants to projects that include primarily new construction over projects that primarily renovate or replace existing facilities. The board shall not award a grant in an amount exceeding fifty percent of the total cost of the project.

6. At the beginning of each fiscal year, the authority shall allocate fifty percent of the moneys available in the destination Iowa fund to projects in rural communities. If any portion of the moneys allocated under this subsection has not been awarded by April 1 of the fiscal year for which the allocation is made, the portion which has not been awarded may be awarded to any eligible project in the state. If a county is the applicant, a project will be deemed to be located in a rural community if the geographic location of the project is in or near a city that is a rural community.

7. Applications for grants from the destination Iowa fund shall be submitted to the authority. For those applications that meet the eligibility criteria described in subsection 4, the authority shall forward the applications and provide a staff evaluation to the board. Work completed and costs incurred prior to the date of board approval of a grant are ineligible for reimbursement, except the acquisition of real estate.

8. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for grants under the program. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subsection, the board and the authority are exempt from chapter 17A.

9. If an application is approved, the authority shall enter into an agreement with the applicant to provide a grant awarded from the fund.

10. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the destination Iowa fund shall be credited to the destination Iowa fund. Notwithstanding section 8.33, moneys credited to the destination Iowa fund shall not revert at the close of a fiscal year. The authority shall not use more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs and program support.

DIVISION VI ON-STREAM IMPOUNDMENT RESTORATION

Sec. 11. Section 456A.33C, subsections 2, 3, and 4, Code 2023, are amended by striking the subsections and inserting in lieu thereof the following:

2. The department shall establish an on-stream impoundment restoration program for purposes of funding projects for the maintenance, restoration, and sustainability of eligible water bodies and their related watersheds from moneys appropriated to the department for this purpose.

3. a. The department shall fund projects for eligible water bodies that are designed to achieve the following goals:

- (1) Ensure a cost-effective, positive return on investment for the citizens of Iowa.
- (2) Ensure local community commitment to watershed protection.
- (3) Ensure significant improvement in water clarity, safety, and quality.
- (4) Provide for sustainable, healthy, and functioning bodies of water.
- (5) Contribute to the department's fish and wildlife conservation plans.

b. The process and criteria the department shall utilize to fund projects under this section shall favor proposals which include nonstate matching funds of at least one dollar for every dollar of state funding, and funding for watershed improvement practices and participation of corresponding watershed management authority.

CHAPTER 119

STATE AND LOCAL GOVERNMENT AND REGULATORY MATTERS — APPROPRIATIONS AND CORRECTIVE CODE PROVISIONS

S.F. 578

AN ACT relating to state finances, including by making, modifying, limiting, or reducing appropriations, distributions, or transfers, authorizing expenditure of certain unappropriated moneys, making corrections, and including effective date, applicability, and retroactive applicability provisions.

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

DIVISION I

APPROPRIATIONS, DISTRIBUTIONS, TRANSFERS, AND EXPENDITURE AUTHORITY

Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2023-2024. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For payment of claims for nonpublic school pupil transportation under section 285.2:
..... \$ 8,997,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this section, the department of education shall prorate the amount of each approved claim.

Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2023-2024. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for paying instructional support state aid under section 257.20 for the fiscal year is zero.

Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS — UNAPPROPRIATED MONEYS — FY 2023-2024. For the fiscal year beginning July 1, 2023, and ending June 30, 2024, salary adjustments otherwise provided may be funded as determined by the department of management, subject to any applicable constitutional limitation, using unappropriated moneys remaining in the 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, and 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. 4. DISTRIBUTIONS OF IOWA ECONOMIC EMERGENCY FUND EXCESS — FY 2022-2023.

1. Notwithstanding section 8.55, subsection 2, paragraphs “a” and “b”, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, moneys in excess of the maximum balance of the Iowa economic emergency fund created in section 8.55 shall be distributed as follows:

a. An amount equal to the difference between the foundation property tax statewide under section 257.3 for the fiscal year beginning July 1, 2023, calculated using taxable valuations for the assessment year beginning January 1, 2022, following application of assessment limitations calculated under section 441.21, Code 2023, and the foundation property tax statewide under section 257.3 for the fiscal year beginning July 1, 2023, calculated using taxable valuations for the assessment year beginning January 1, 2022, following application of assessment limitations calculated under section 441.21, Code 2023, as amended by 2023 Iowa Acts, Senate File 181,¹ shall be transferred to the general fund of the state to pay

¹ Chapter 5 herein

foundation aid under chapter 257 as described in section 257.16 for the fiscal year beginning July 1, 2023.

b. Of the remaining moneys, if any, the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year, reduced by the amount transferred under paragraph “a”, shall be transferred to the taxpayer relief fund created in section 8.57E.

c. The remaining moneys, if any, shall be transferred to the general fund of the state.

2. The amount to be transferred under subsection 1, paragraph “a”, shall be determined by the department of management on or before July 31, 2023. The department shall notify the legislative services agency of the department’s determination.

Sec. 5. Section 257.35, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 17A. 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, 2023, and ending June 30, 2024, shall be reduced by the department of management by twenty-two million fifty-seven thousand one hundred thirty-one 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. 6. Section 441.21, subsection 5, paragraph e, subparagraph (1), Code 2023, is amended to read as follows:

(1) For the fiscal year beginning July 1, 2023, there is appropriated from the general fund of the state to the department of revenue the sum of one hundred twenty-two million three hundred fifty thousand dollars to be used for payments under this paragraph calculated as a result of the assessment limitations imposed under paragraph “b”, subparagraph (2), subparagraph division (a), and paragraph “c”, subparagraph (2), subparagraph division (a). For each fiscal year beginning on or after July 1, ~~2023~~ 2024, there is appropriated from the general fund of the state to the department of revenue the sum of one hundred twenty-five million dollars to be used for payments under this paragraph calculated as a result of the assessment limitations imposed under paragraph “b”, subparagraph (2), subparagraph division (a), and paragraph “c”, subparagraph (2), subparagraph division (a).

Sec. 7. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act providing for distributions of moneys in excess of the maximum balance of the Iowa economic emergency fund.

DIVISION II
CORRECTIVE PROVISIONS
CORRECTIONS ASSOCIATED WITH SENATE FILE 514

Sec. 8. Section 15.342A, subsection 2, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,² section 2219, is amended to read as follows:

2. For the fiscal year beginning July 1, 2023, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the apprenticeship training program fund created in section ~~15B.3~~ 84D.3 three million dollars for the purposes of chapter ~~15B~~ 84D.

Sec. 9. Section 15C.1, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. An apprenticeship sponsor receiving financial assistance under chapter ~~15B~~ 84D or section ~~15C.2~~ 84E.2 is ineligible for financial assistance under this section during the same fiscal year.

² Chapter 19 herein

Sec. 10. Section 15C.2, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. An apprenticeship sponsor receiving financial assistance under ~~chapter 15B 84D~~ or section ~~15C.1 84E.1~~ is ineligible to receive financial assistance under this section during the same fiscal year. An apprenticeship sponsor who trains through a lead apprenticeship sponsor that qualifies for financial assistance under ~~chapter 15B 84D~~ is ineligible to receive financial assistance under this section.

Sec. 11. Section 22.7, subsection 31, Code 2023, is amended to read as follows:

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in ~~chapters 86~~ chapter 10A, subchapter III, and chapter 216. Information in these confidential communications is subject to disclosure only as provided in sections ~~86.44~~ 10A.332 and 216.15B, notwithstanding any other contrary provision of this chapter.

Sec. 12. Section 92.5, subsection 11, Code 2023, is amended to read as follows:

11. Other work approved by the rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 13. Section 100D.3, subsection 1, paragraph c, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,³ section 1519, is amended to read as follows:

c. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the director, or is certified at level one by the national institute for certification in engineering technologies and as specified by rule by the director, or is certified by another entity approved by the ~~fire marshal~~ director.

Sec. 14. Section 101.22, subsection 4, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁴ section 1534, is amended to read as follows:

4. The registration notice of the owner or operator to the director under subsections 1 through 3 shall be accompanied by an annual fee of twenty dollars for each tank included in the notice. All moneys collected shall be retained by the department of inspections, appeals, and licensing and are appropriated for the use of the director. The annual renewal fee applies to all owners or operators who file a registration notice with the ~~state fire marshal~~ director pursuant to subsections 1 through 3.

Sec. 15. Section 101.24, subsection 4, paragraph a, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁵ section 1536, is amended to read as follows:

a. If the owner or operator of any property refuses admittance, or if prior to such refusal the director demonstrates the necessity for a warrant, the ~~state fire marshal~~ director may make application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.

Sec. 16. Section 101A.1, subsection 2A, paragraph c, subparagraph (4), as enacted by 2023 Iowa Acts, House File 202,⁶ section 2, is amended to read as follows:

(4) Any device the ~~state fire marshal~~ director determines is not likely to be used as a weapon or that is an antique.

Sec. 17. Section 103.14, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁷ section 1562, is amended to read as follows:

103.14 Alarm installations.

A person who is not licensed pursuant to this chapter may plan, lay out, or install electrical wiring, apparatus, and equipment for components of alarm systems that operate at seventy

³ Chapter 19 herein

⁴ Chapter 19 herein

⁵ Chapter 19 herein

⁶ Chapter 12 herein

⁷ Chapter 19 herein

volt/amps (VA) or less, only if the person is certified to conduct such work pursuant to chapter 100C. Installations of alarm systems that operate at seventy volt/amps (VA) or less are subject to inspection by state inspectors as provided in section 103.31, except that reports of such inspections, if the installation being inspected was performed by a person certified pursuant to chapter 100C, shall be submitted to the director and any action taken on a report of an inspection of an installation performed by a person certified pursuant to chapter 100C shall be taken by or at the direction of the ~~state fire marshal~~ director, unless the installation has been found to exceed the authority granted to the certificate holder pursuant to chapter 100C and therefore to be in violation of this chapter.

Sec. 18. Section 135.11A, subsection 1, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁸ section 1580, is amended to read as follows:

1. Each board under ~~chapters~~ chapter 100C, 103, 103A, 105, or 147 that ~~are~~ is under the administrative authority of the department, except the board of nursing, board of medicine, dental board, and board of pharmacy, shall receive administrative and clerical support from the department and may not employ its own support staff for administrative and clerical duties. The executive director of the board of nursing, board of medicine, dental board, and board of pharmacy shall be appointed pursuant to section 135.11B.

Sec. 19. Section 135B.34, subsection 7, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,⁹ section 166, is amended to read as follows:

7. For the purposes of this section, ~~“comprehensive preliminary background check” and “record check evaluation system” mean:~~

a. ~~“Comprehensive preliminary background check” means the same as defined in section 135C.1.~~

b. ~~“Record check evaluation system” means the same as defined in section 135C.1.~~

Sec. 20. Section 135R.1, subsection 2, as enacted by 2023 Iowa Acts, Senate File 75,¹⁰ section 22, is amended to read as follows:

2. ~~“Department” means the department of inspections, and appeals, and licensing.~~

Sec. 21. Section 156.1A, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹¹ section 1632, is amended to read as follows:

156.1A Provision of services.

Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home, funeral establishment, or cremation establishment by any person, heir, fiduciary, firm, cooperative burial association, or corporation. However, each such person, firm, cooperative burial association, or corporation shall ensure that all mortuary science services are provided by a funeral director, and shall keep the Iowa department of inspections, appeals, and licensing advised of the name of the funeral director.

Sec. 22. Section 249K.2, subsection 6, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹² section 820, is amended to read as follows:

5. ~~“New construction” means the construction of a new nursing facility which does not replace an existing licensed and certified facility and requires the provider to obtain a certificate of need pursuant to chapter 135 10A, subchapter VI VII.~~

Sec. 23. Section 252D.16, subsection 1, as enacted by 2023 Iowa Acts, Senate File 514,¹³ section 882, is amended to read as follows:

1. ~~“Child support services” means the same as child supported support services created in section 252B.2.~~

⁸ Chapter 19 herein

⁹ Chapter 19 herein

¹⁰ Chapter 16 herein

¹¹ Chapter 19 herein

¹² Chapter 19 herein

¹³ Chapter 19 herein

Sec. 24. Section 252E.1, subsection 5, as enacted by 2023 Iowa Acts, Senate File 514,¹⁴ section 895, is amended to read as follows:

5. “*Child support services*” means child support services created in section ~~252B.1~~ 252B.2.

Sec. 25. Section 256.11, subsection 5A, paragraph a, if enacted by 2023 Iowa Acts, Senate File 391,¹⁵ section 14, is amended to read as follows:

a. The board of directors of a school district or the authorities in charge of an accredited nonpublic school may authorize a teacher who is appropriately licensed by the board of educational examiners ~~under chapter 272~~ to teach two or more sequential units of one subject area in the same classroom at the same time in grades nine through twelve. The board of directors of a school district or the authorities in charge of an accredited nonpublic school shall award high school credit to a student upon the student’s successful completion of the course. The teacher must meet the minimum certification requirements of the national organization that administers the advanced placement program if one of the units being offered pursuant to this paragraph is an advanced placement course.

Sec. 26. Section 261G.4, subsection 5, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁶ section 2640, is amended to read as follows:

5. Students attending a participating nonresident institution are ineligible for state student financial aid programs established under chapter 256, subchapter VII, part 4.

Sec. 27. Section 303.3B, subsection 3, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁷ section 2087, is amended to read as follows:

3. The authority shall encourage development projects and activities located in certified cultural and entertainment districts through incentives under cultural grant programs pursuant to section ~~303.3~~ 15.436, subchapter II, part 30, and any other applicable grant programs.

Sec. 28. Section 546.10, subsection 3, paragraph a, Code 2023, as amended by 2023 Iowa Acts, Senate File 514,¹⁸ section 1704, is amended to read as follows:

a. The licensing and regulation examining boards included in the ~~bureau~~ department pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the director. Each licensing board shall adopt rules pursuant to chapter 17A. Decisions by a licensing board are final agency actions for purposes of chapter 17A.

Sec. 29. Section 727.2, subsection 3, paragraph d, as enacted by 2023 Iowa Acts, House File 202,¹⁹ section 7, is amended to read as follows:

d. Any retailer or community group offering for sale at retail any consumer fireworks 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, and shall not be subject to any other standards or requirements unless provided for by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under section ~~100.19~~ 10A.519.

Sec. 30. 2015 Iowa Acts, chapter 138, section 97, as amended by 2023 Iowa Acts, Senate File 514,²⁰ section 1710, is amended to read as follows:

SEC. 97. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING LESSONS. Notwithstanding any provision of law to the contrary, the department of inspections, appeals, and licensing shall require that a residential swimming pool used for private swimming lessons for up to two hundred seven hours in a calendar month, or the number of hours prescribed by local ordinance applicable to such use of a residential

¹⁴ Chapter 19 herein

¹⁵ Chapter 90 herein

¹⁶ Chapter 19 herein

¹⁷ Chapter 19 herein

¹⁸ Chapter 19 herein

¹⁹ Chapter 12 herein

²⁰ Chapter 19 herein

swimming pool, whichever is greater, be regulated as a residential swimming pool used for commercial purposes pursuant to chapter 135I. The department of ~~public health inspections, appeals, and licensing~~ may adopt rules to implement this section.

Sec. 31. 2021 Iowa Acts, chapter 45, section 5, is amended to read as follows:

SEC. 5. APPLICABILITY. This Act applies to financial assistance provided by ~~the economic development authority~~ to apprenticeship sponsors and lead apprenticeship sponsors that apply for financial assistance on or after July 1, 2021.

Sec. 32. 2023 Iowa Acts, Senate File 514,²¹ section 2605, is amended to read as follows:

SEC. 2605. APPLICABILITY. This portion of this division of this Act applies to individuals appointed as the executive director of the board of educational examiners before, on, or after the effective date of this division of this Act.

Sec. 33. 2023 Iowa Acts, Senate File 514,²² section 2643, is amended to read as follows:

SEC. 2643. APPLICABILITY. This portion of this division of this Act applies to individuals appointed as the executive director of the college student aid commission before, on, or after the effective date of this division of this Act.

MISCELLANEOUS CORRECTIONS

Sec. 34. Section 12K.1, subsection 4, paragraph j, if enacted by 2023 Iowa Acts, Senate File 418,²³ section 4, is amended by striking the paragraph.

Sec. 35. Section 12K.1, if enacted by 2023 Iowa Acts, Senate File 418,²⁴ section 4, is amended by adding the following new subsection:

NEW SUBSECTION. 5. “*Public fund*” means the treasurer of state, the state board of regents, the public safety peace officers’ retirement system created in chapter 97A, the Iowa public employees’ retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

Sec. 36. 2023 Iowa Acts, Senate File 418,²⁵ if enacted, is amended by adding the following new section:

NEW SECTION. SEC. 9A. Section 35A.13, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. Notwithstanding subsection 5, moneys in the fund, except so much of the fund as may be necessary to be kept on hand for the making of disbursements under this section, shall be invested by the treasurer of state, in consultation with the commission and the public retirement systems committee established by section 97D.4, in any investments authorized for the Iowa public employees’ retirement system in section 97B.7A, including common stock, and subject to the requirements of chapters 12F, 12H, ~~and 12J~~, and 12K, 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 investments of moneys in the fund.

Sec. 37. Section 135B.1, subsection 5, as enacted by 2023 Iowa Acts, Senate File 75,²⁶ section 1, is amended to read as follows:

5. “*Rural emergency hospital*” means a facility that provides rural emergency hospital services in the facility twenty-four hours per day, seven days per week; does not provide any acute care inpatient services with the exception of any distinct part of the facility licensed as a skilled nursing facility providing posthospital extended care services; and meets the

²¹ Chapter 19 herein

²² Chapter 19 herein

²³ Chapter 58 herein

²⁴ Chapter 58 herein

²⁵ Chapter 58 herein

²⁶ Chapter 16 herein

criteria specified in section 135B.1A 135B.3A and the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125.

Sec. 38. Section 135R.3, subsections 1 and 2, as enacted by 2023 Iowa Acts, Senate File 75,²⁷ section 24, are amended to read as follows:

1. An applicant for an ambulatory surgical center license shall submit an application to the department. Applications shall be upon such forms and shall include such information as the department may reasonably require, which may include affirmative evidence of the ability to comply with reasonable rules and standards prescribed under this chapter but which shall not exceed the requirements for applications required by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services.

2. An applicant for an initial ambulatory surgical center license that has been certified by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services shall be granted an initial license.

Sec. 39. Section 147.164, subsection 2, paragraph a, unnumbered paragraph 1, as enacted by 2023 Iowa Acts, Senate File 538,²⁸ section 1, is amended to read as follows:

Except as otherwise provided in paragraph “c”, a health care professional shall not knowingly engage in or cause any of the following practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor’s perception of, the minor’s gender or sex, if that appearance or perception is inconsistent with the minor’s sex-:

Sec. 40. Section 476.1A, subsection 6, paragraph c, if enacted by 2023 Iowa Acts, House File 599,²⁹ section 1, is amended to read as follows:

c. “*Safety standards*” means applicable regulations promulgated by the United States occupational safety and health administration and by ~~Iowa occupational safety and health by the administration~~ the labor commissioner under chapter 88. Safety standards for electric utilities subject to this section also include outage notifications, safety standards contained in the national electric safety code, as published by the institute of electrical and electronic engineers, inc., and electric safety standards approved by the American national standards institute.

Sec. 41. Section 521J.7, subsection 1, paragraph b, subparagraph (1), if enacted by 2023 Iowa Acts, Senate File 549,³⁰ section 10, is amended to read as follows:

(1) Subject to subparagraph (2), the ~~captive’s company~~ captive company’s report shall be filed no later than ninety calendar days after the close of the company’s fiscal year.

Sec. 42. Section 521J.19, subsection 3, unnumbered paragraph 1, if enacted by 2023 Iowa Acts, Senate File 549,³¹ section 22, is amended to read as follows:

Notwithstanding chapter 507C or any other provision ~~to~~ of law to the contrary, in the conservation, rehabilitation, or liquidation of a protected cell captive company, all of the following requirements shall be met:

Sec. 43. Section 533C.305, subsection 4, if enacted by 2023 Iowa Acts, House File 675,³² section 14, is amended to read as follows:

4. If an applicant avails itself or is otherwise subject to a multistate licensing process, the superintendent is authorized and encouraged to accept the investigation results of a lead investigative state for the purpose of subsection 3, if the lead investigative state has sufficient staffing, expertise, and minimum standards. Additionally, if this state is a lead investigative state, the superintendent is authorized and encouraged to investigate the applicant pursuant

²⁷ Chapter 16 herein

²⁸ Chapter 9 herein

²⁹ Chapter 51 herein

³⁰ Chapter 107 herein

³¹ Chapter 107 herein

³² Chapter 83 herein

to subsection 3, and the time frames established by agreement through the multistate licensing process, provided, that in no case shall such time frame be noncompliant with the application period in subsection 1, ~~paragraph “a”~~.

Sec. 44. Section 533C.804, subsection 1, paragraph m, subparagraph (1), subparagraph division (d), if enacted by 2023 Iowa Acts, House File 675,³³ section 35, is amended to read as follows:

(d) Contain an issue date and expiration date, and expressly provide for automatic extension, without written amendment, for an additional period of one year from the present or each future expiration date, unless the issuer of the letter of credit notifies the superintendent in writing by certified or registered mail or courier mail or other receipted means, at least sixty days prior to any expiration date, that the irrevocable letter of credit shall not be extended. In the event of any notice of expiration or nonextension of a letter of credit issued under this subparagraph division, the licensee shall be required to demonstrate to the satisfaction of the superintendent, fifteen days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with section 533C.803, subsection 1, upon the expiration of the letter of credit. If the licensee is not able to do so, the superintendent may draw on the letter of credit in an amount up to the amount necessary to meet the licensee’s requirements to maintain permissible investments in accordance with section 533C.803, subsection 1. Any such draw shall be offset against the licensee’s outstanding money transmission obligations. The drawn funds shall be held in trust by the superintendent or the superintendent’s designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee’s outstanding money transmission obligations.

Sec. 45. Section 544C.1, subsection 1A, if enacted by 2023 Iowa Acts, Senate File 135,³⁴ section 1, is amended to read as follows:

NEW SUBSECTION. 1A. “*Building equipment*” means any mechanical, plumbing, electrical, or structural components, including a conveyance, designed for or located in a building or structure.

Sec. 46. CODE EDITOR DIRECTIVE. If House File 421³⁵ and House File 652³⁶ are both enacted by the first session of the 90th General Assembly, the Code editor shall change the term “barber school or school of cosmetology arts and sciences” to “school of barbering and cosmetology arts and sciences” wherever the term is enacted in House File 421.³⁷

Sec. 47. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 135B.1, subsection 5.
2. The section of this division of this Act amending section 147.164, subsection 2, paragraph “a”, unnumbered paragraph 1.

Sec. 48. RETROACTIVE APPLICABILITY. The following applies retroactively to March 28, 2023:

The section of this division of this Act amending section 135B.1, subsection 5.

Sec. 49. APPLICABILITY. The following applies one hundred eighty days after March 22, 2023:

The section of this division of this Act amending section 147.164, subsection 2, paragraph “a”, unnumbered paragraph 1.

Approved June 1, 2023

³³ Chapter 83 herein

³⁴ Chapter 20 herein

³⁵ Chapter 79 herein

³⁶ Chapter 99 herein

³⁷ Chapter 79 herein

CHAPTER 120**MENTAL HEALTH PROFESSIONAL EMPLOYMENT AGREEMENTS — PROHIBITED PROVISIONS***H.F. 93*

AN ACT prohibiting specified provisions in agreements between employers and certain mental health professionals and including effective date provisions.

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

Section 1. NEW SECTION. **147.164 Mental health professionals — limitations on competition prohibited.**

1. As used in this section:

a. “Employer” means a person, as defined in chapter 4, who in this state employs for wages an employee.

b. “Mental health professional” means the same as defined in section 228.1, and includes all of the following:

(1) Individuals who are completing their supervisory requirement under a temporary license.

(2) Licensed master social workers with a current and active supervision plan on file with the board of social work.

2. An employer shall not enter into an agreement with a licensed mental health professional that limits the location at which the licensee may practice, prohibits the licensee from contacting for professional services a person previously treated by the licensee, or imposes a time restriction on the practice of the licensee.

3. A provision of an agreement entered into between an employer and a licensed mental health professional prior to, on, or after the effective date of this Act that is contrary to this section shall be void and unenforceable.

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

Approved June 1, 2023

CHAPTER 121**REAL ESTATE TRANSFER TAX EXCEPTIONS — DEEDS TRANSFERRING ASSET DISTRIBUTIONS TO TRUST BENEFICIARIES***H.F. 111*

AN ACT relating to an exception to the real estate transfer tax for deeds that transfer distributions of assets to beneficiaries of a trust.

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

Section 1. Section 428A.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Deeds transferring distributions of assets to beneficiaries of a trust when conveyed without consideration.

Approved June 1, 2023

CHAPTER 122**PRACTICE OF PHYSICAL THERAPY — REFERRALS OF PATIENTS FOR DIAGNOSTIC IMAGING***H.F. 174*

AN ACT relating to the referral of a patient for diagnostic imaging by a physical therapist.

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

Section 1. Section 148A.1, Code 2023, is amended to read as follows:

148A.1 Definitions — referral — authorization.

1. ~~As used in this chapter, “board”:~~

a. “Board” means the board of physical and occupational therapy created under chapter 147.

b. ~~As used in this chapter, “physical therapy” is that~~ “Physical therapy” means the branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment.

(1) Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities.

(2) Physical therapy permits the referral of a patient by a physical therapist for diagnostic imaging, including plain radiographs and magnetic resonance imaging, provided the diagnostic imaging is performed and the results are interpreted by an appropriately licensed and qualified health care professional. The physical therapist who ordered the diagnostic imaging shall report the results of the diagnostic imaging to the patient’s designated primary care provider within seven days following receipt of the results to ensure patient coordination of care, unless the patient does not have a designated primary care provider or the health care professional who performed and interpreted the diagnostic imaging previously provided the results to the primary care provider.

2. Physical therapy evaluation and treatment may be rendered by a physical therapist with or without a referral from a physician, podiatric physician, dentist, or chiropractor, except that a hospital may require that physical therapy evaluation and treatment provided in the hospital shall be done only upon prior review by and authorization of a member of the hospital’s medical staff.

Approved June 1, 2023

CHAPTER 123**ACTIONS TO OVERCOME ESTABLISHMENT OF PATERNITY — AUTHORITY OF JUVENILE COURT***H.F. 216*

AN ACT relating to paternity in certain actions before the juvenile court.

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

Section 1. Section 232.2, subsection 44, Code 2023, is amended to read as follows:

44. “*Parent*” means a biological or adoptive mother or father of a child; or a father whose paternity has been established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the individual’s established father’s marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law. “*Parent*” does not include a mother or father whose parental rights have been terminated or a father whose paternity has been overcome pursuant to section 232.3A.

Sec. 2. **NEW SECTION. 232.3A Authority relating to action to overcome paternity in a child in need of assistance or termination of parental rights proceeding.**

1. During an action under subchapter III, child in need of assistance proceedings, or subchapter IV, termination of parent-child relationship proceedings of this chapter, the court may on its own motion or that of any party, require the child and established father of the child to submit to blood or genetic testing in accordance with the procedures and method prescribed under section 600B.41 to overcome the paternity of the established father.

2. The juvenile court may enter an order overcoming paternity of an established father pursuant to section 600B.41A if all of the following conditions are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father’s marriage to the mother at the time of conception, birth, or at any time during the period between conception and the birth of the child.

c. Pursuant to section 600B.41, the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

d. The established father agrees that the established father’s paternity should be overcome or the established father objects to having his paternity overcome but the court finds that it is in the best interest of the child to overcome the established father’s paternity.

3. When the criteria specified in subsection 2 are met, the juvenile court shall enter an order overcoming paternity, and shall send a copy of the order to the clerk of the district court. The juvenile court shall designate the petitioner and respondent for the purposes of the order.

4. Upon receipt of the order by the district court, the clerk of the district court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to the child support recovery unit without a court order.

6. If paternity testing is completed and the established father is not excluded as the biological father of the child, the juvenile court shall find the established father to be the biological father of the child and a necessary party to the action.

7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

Sec. 3. Section 232.103A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Paternity of the child has been legally established by one of the methods enumerated in section 252A.3, subsection 10, including or by operation of law due to the individual’s established father’s marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law.

Sec. 4. Section 252A.6A, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252F has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or an order by the courts of this state, or by operation of law when the mother and due to the established father are or were married to each other~~ father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, the provisions of section 600B.41A are applicable.

Sec. 5. Section 252A.6A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. If Notwithstanding paragraph "a", subparagraph (1), if the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the party requests and is granted a stay of an action to establish child or medical support, the action shall proceed as otherwise provided.

Sec. 6. Section 252C.4, subsection 7, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or an administrative order entered pursuant to chapter 252F has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or an order by the courts of this state, or by operation of law when the mother and due to the established father are or were married to each other~~ father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, the provisions of section 600B.41A are applicable.

Sec. 7. Section 252C.4, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. If Notwithstanding paragraph "a", subparagraph (1), if the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

Sec. 8. Section 598.21E, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to section 252A.3A, or a court or administrative order entered in this state has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law when the mother and due to the established father are or were married to each other~~ father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, the provisions of section 600B.41A apply.

Sec. 9. Section 598.21E, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If Notwithstanding paragraph "a", subparagraph (1), if a determination of paternity is based on an administrative or court order or other means pursuant to the laws of another state or foreign country as defined in chapter 252K, any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this state to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the other state or foreign country as defined in chapter 252K, the action shall proceed.

Sec. 10. Section 600B.41A, subsection 1, Code 2023, is amended to read as follows:

1. Paternity which is legally established may be overcome as provided in this section if subsequent blood or genetic testing indicates that the previously established father of a child is not the biological father of the child. Unless otherwise provided in this section, this section applies to the overcoming of paternity which has been established ~~according to any of the means provided by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law when due to the established father and father's marriage to the mother of the child are or were married to each other, or as determined by a court of this state under any other applicable chapter~~ at the time of conception, birth, or at any time during the period between conception and birth of the child.

Sec. 11. Section 600B.41A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Establishment of paternity may be overcome under this section by a juvenile court pursuant to section 232.3A if all of the following conditions are met:

a. Paternity of a child is contested during an active child in need of assistance proceeding and the child is under the jurisdiction of the juvenile court at the time an order overcoming paternity is entered.

b. A guardian ad litem is appointed for the child.

c. Notice of the action to overcome paternity is served on any parent of the child in accordance with chapter 232 and if enforcement services are being provided by the child support recovery unit pursuant to chapter 252B, notice shall also be served on the child support recovery unit.

d. Blood or genetic testing is conducted in accordance with sections 232.3A and 600B.41.

(1) Unless otherwise specified pursuant to subsection 2 or 9, blood or genetic testing shall be conducted in an action to overcome the establishment of paternity in the child in need of assistance proceeding.

(2) Unless otherwise specified in this section, section 600B.41 applies to blood or genetic testing conducted as the result of an action brought to overcome paternity.

(3) The juvenile court may order additional testing to be conducted by the expert or an independent expert in order to confirm a test upon which an expert concludes that the established father is not the biological father of the child.

e. The juvenile court finds all of the following, as applicable:

(1) That the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

(2) If paternity was established pursuant to section 252A.3A, the signed affidavit was based on fraud, duress, or material mistake of fact.

(3) The established father agrees that his paternity should be overcome or the juvenile court finds it is in the best interest of the child that the established father's paternity be overcome despite the established father's objection.

Sec. 12. Section 600B.41A, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed under subsection 3 or 3A, the court shall enter an order which provides all of the following:

Sec. 13. Section 602.6306, subsection 2, Code 2023, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229; jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under chapter 235F or 236, and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under chapter 633 or 633A; and the jurisdiction provided in section

232.3A, 600.41A, or 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Approved June 1, 2023

CHAPTER 124

PROBATE PROCEEDINGS AND FIDUCIARY AND TRUSTEE POWERS AND DUTIES

H.F. 232

AN ACT relating to probate proceedings, including fiduciary and trustee duties, and including applicability provisions.

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

Section 1. Section 633.78, subsection 1, Code 2023, is amended to read as follows:

1. A fiduciary under this chapter may present a written request to any person for the purpose of obtaining property owned by a decedent or by a ward protected person of a conservatorship for which the fiduciary has been appointed, or property to which a decedent or ward protected person is entitled, including information about property owned by a decedent or protected person that has passed or will pass by beneficiary designation or joint tenancy ownership, or for information about such property needed to perform the fiduciary's duties. The request must contain statements confirming all of the following:

- a. The fiduciary's authority has not been revoked, modified, or amended in any manner which would cause the representations in the request to be incorrect.
- b. The request has been signed by all fiduciaries acting on behalf of the decedent or ward protected person.
- c. The request has been dated and affirmed under penalty of perjury to be true and correct or has been sworn and subscribed to under penalty of perjury before a notary public as provided in chapter 9B.
- d. A photocopy of the fiduciary's letters of appointment is being provided with the request.

Sec. 2. Section 633.78, subsection 4, paragraph a, Code 2023, is amended to read as follows:

- a. Damages sustained by the decedent's or ward's protected person's estate.

Sec. 3. Section 633.301, Code 2023, is amended to read as follows:

633.301 Copy of will for executor.

~~When~~ Upon request by the executor, when a will has been admitted to probate and certified pursuant to section 633.300, the clerk shall cause a certified copy thereof to be placed in the hands of the executor to whom letters are issued. The clerk shall retain the will in a separate file provided for that purpose until the time for contest has expired, and promptly thereafter shall place it with the files of the estate.

Sec. 4. Section 633.309, Code 2023, is amended to read as follows:

633.309 Time within which action must be commenced.

1. An action to contest or set aside the probate of a will must be commenced in the court in which the will was admitted to probate within the later to occur of four months from the date of second publication of notice of admission of the will to probate or one month following the mailing of the notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, at such persons' last known addresses.

2. A party claiming the decedent's will was procured in whole or in part by tortious interference with inheritance must join such claim together in a timely will contest. The

time period set out in this section applies to both the will contest and procurement of the decedent's will by tortious interference with inheritance if the party making the claim was given notice pursuant to section 633.304.

Sec. 5. Section 633.555, Code 2023, is amended to read as follows:

633.555 Procedure in lieu of conservatorship for a minor.

1. If a conservator has not been appointed for a minor, money due to a minor or other property to which a minor is entitled, not exceeding in the aggregate ~~twenty-five~~ fifty thousand dollars in value, shall be paid or delivered to a custodian under any uniform transfers to minors Act, one or more of the following:

a. A custodian under the uniform transfer to minor account established for the protected person pursuant to chapter 565B or the laws of any other state.

b. A custodial trustee under a uniform custodial trust account established for the protected person pursuant to chapter 633F or the laws of any other state.

c. An account owner or participant under a college savings plan account established for the protected person pursuant to section 529 of the Internal Revenue Code or chapter 12D.

d. The account owner under an ABLE account established for the protected person with disabilities pursuant to section 529A of the Internal Revenue Code or chapter 12I.

e. The structured settlement obligor, as defined in section 682.2, of a structured settlement, as defined in section 682.2, established for the benefit of the protected person, where the protected person will not begin receiving payments from the structured settlement prior to reaching age eighteen.

2. If a conservator has not been appointed for a minor, and the money due to a minor or other property to which a minor is entitled exceeds fifty thousand dollars in the aggregate, the property may be paid or delivered in the manner set forth in subsection 1 only if such transfer is authorized by the court.

3. The written receipt of the custodian constitutes an acquittance of the person making the payment of money or delivery of property.

Sec. 6. Section 633.561, subsections 3 and 6, Code 2023, are amended to read as follows:

3. If the respondent is entitled to representation and is indigent or incapable of requesting counsel, the court shall appoint an attorney to represent the respondent. The cost of court appointed counsel for indigents, including the cost of the trial transcript, shall be assessed against the county in which the proceedings are pending. For the purposes of this subsection, the court shall find a person is indigent if the person's income and resources do not exceed one hundred fifty percent of the federal poverty level or the person would be unable to pay such costs without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependents.

6. If the court determines that it would be in the respondent's best interest to have legal representation with respect to any proceedings in a guardianship or conservatorship, the court may appoint an attorney to represent the respondent at the expense of the respondent or the respondent's estate, or if the respondent is indigent the cost of the court appointed attorney, including the cost of the trial transcript, shall be assessed against the county in which the proceedings are pending.

Sec. 7. NEW SECTION. 633A.4403 Trustee-written request and third-party protection.

1. A trustee under this chapter may present a written request to any person for the purpose of obtaining information needed to perform the trustee's duties or information regarding any of the following property:

a. Owned by the trust for which the trustee is acting as fiduciary.

b. To which a living or deceased settlor is entitled.

c. Owned by the deceased settlor at the time of death, including information about property of a deceased settlor that has passed or will pass by beneficiary designation or joint tenancy ownership.

2. The written request must include a certification of trust that complies with section 633A.4604. A person to whom a request is presented under this section may require that the trustee presenting the request provide proof of the trustee's identity.

3. A person who in good faith provides the property or information a trustee requests under this section, after taking reasonable steps to verify the identity of the trustee and who has no knowledge that the representations contained in the request are incorrect, shall not be liable to any person for so acting and may assume without inquiry the existence of the facts contained in the request. The period of time to verify the trustee's authority shall not exceed ten business days from the date the person received the request. Any right or title acquired from the trustee in consideration of the provision of property or information under this section is not invalid in consequence of a misapplication by the trustee. A transaction, and a lien created by a transaction, entered into by the trustee and a person acting in reliance upon a request under this section is enforceable against the assets for which the trustee has responsibility.

4. If a person refuses to provide the requested property or information within ten business days after receiving a request under this section, the trustee may bring an action to recover the property or information or compel its delivery against the person to whom the trustee presented the written request. An action brought under this section must be brought within one year after the date of the act or failure to act. If the court finds that the person acted unreasonably in failing to deliver the property or information as requested in the written request, the court may award any or all of the following to the trustee:

- a. Damages sustained by the trust or by a living or deceased settlor's estate.
- b. Costs of the action.
- c. A penalty in an amount determined by the court, but not less than five hundred dollars or more than ten thousand dollars.
- d. Reasonable attorney fees, as determined by the court, based on the value of the time reasonably expended by the attorney and not by the amount of the recovery on behalf of the trustee.

5. This section does not limit or change the right of beneficiaries, heirs, or creditors of a living or deceased settlor to estate or trust property to which they are otherwise entitled.

Sec. 8. Section 633B.211, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. Establish a medical assistance special needs trust pursuant to chapter 633C for the benefit of the principal and transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of any such trust.

NEW PARAGRAPH. i. Establish a medical assistance income trust pursuant to chapter 633C for the benefit of the principal and transfer an income interest of the principal to the trustee of any such trust.

Sec. 9. **APPLICABILITY.** The following apply to estates, trusts, and conservatorships in existence on or after the effective date of this Act, that were opened or created before, on, or after the effective date of this Act:

1. The sections of this Act amending section 633.78.
2. The section of this Act amending section 633.555.
3. The section of this Act enacting section 633A.4403.

Approved June 1, 2023

CHAPTER 125

**DISPOSITION OF UNCLAIMED PROPERTY — NOTICE BY FINANCIAL INSTITUTION
— ELECTRONIC MESSAGING**

H.F. 247

AN ACT relating to communication methods regarding the disposition of unclaimed property and including applicability provisions.

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

Section 1. Section 556.1, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. “*Electronic messaging*” means communication conducted through electronic mail, text message, or other electronic means, including but not limited to an online banking website application.

Sec. 2. Section 556.2, subsection 5, paragraphs a and b, Code 2023, are amended to read as follows:

a. A banking organization or financial organization shall send to the owner of each account, to which none of the actions specified in subsection 1, paragraphs “a” through “e” or subsection 2, paragraphs “a” through “e” have occurred during the preceding three calendar years, a notice by certified mail or through electronic messaging stating in substance the following:

According to our records, we have had no contact with you regarding (describe account) for more than three years. Under Iowa law, if there is a period of three years without contact, we may be required to transfer this account to the custody of the treasurer of state of Iowa as unclaimed property. You may prevent this by taking some action, such as a deposit or withdrawal, or by contacting us through electronic messaging, which indicates your interest in this account, or by signing this form and returning it to us.

I desire to keep the above account open and active.

.....

Your signature

b. The notice required under this section shall be ~~mailed~~ sent within thirty days of the lapse of the three-year period in which there is no activity. The cost of the certified mail of the notice required in this section may be deducted from the account by the banking or financial organization.

Sec. 3. **APPLICABILITY.** This Act applies to electronic messaging sent or received on or after the effective date of this Act.

Approved June 1, 2023

CHAPTER 126

COMMERCIAL DRIVER’S LICENSES AND LEARNER’S PERMITS

H.F. 258

AN ACT relating to commercial driver’s licenses and commercial learner’s permits, including compliance with federal regulations, and making penalties applicable.

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

Section 1. Section 321.180, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. A commercial learner's permit shall be valid for a period not to exceed the period provided in 49 C.F.R. §383.25(c) and 49 C.F.R. ~~§383.73(a)(2)(iii)~~ §383.73(a)(3).

Sec. 2. Section 321.188, subsection 4, Code 2023, is amended to read as follows:

4. a. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, ~~the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73,~~ and the national driver register to determine whether the applicant qualifies for the issuance, renewal, or upgrade of a commercial driver's license, as applicable. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph "d", to the national commercial driver's license information system, if required by rule.

b. The department shall request information from the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73 and shall not issue, renew, or upgrade the commercial driver's license if the response indicates the applicant is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. §382.501(a).

Sec. 3. Section 321.207, Code 2023, is amended to read as follows:

321.207 Downgrade of commercial driver's license or commercial learner's permit.

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph "d", ~~or upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph "d",~~ or upon receiving notification of the driver's prohibited status pursuant to 49 C.F.R. §383.73(q). The rules shall include procedures regarding notification of downgrade status to the commercial driver's license information system, termination of a downgrade process, and reinstatement of a commercial learner's permit or commercial driver's license after a downgrade, and shall substantially comply with 49 C.F.R. §383.71 and 383.73, as adopted by rule by the department.

Sec. 4. Section 321.208A, Code 2023, is amended to read as follows:

321.208A Operation in violation of out-of-service order — penalties.

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to a the applicable fine of not less than two thousand five hundred dollars in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(1), upon conviction for the first violation of an out-of-service order and not less than five thousand dollars for a second or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates this subsection commits a simple misdemeanor and shall be subject to a fine of not less than two thousand seven hundred fifty dollars and not more than twenty-five thousand dollars in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(2).

Sec. 5. Section 321.343A, Code 2023, is amended to read as follows:

321.343A Employer violations — penalty.

An employer shall not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in violation of section 321.341 or 321.343 or any other federal or local law or regulation pertaining to railroad grade crossings. An employer who violates

this section shall be subject to a fine of ~~not more than ten thousand dollars~~ in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(3).

Approved June 1, 2023

CHAPTER 127

PRACTICE OF MIDWIFERY — LICENSURE

H.F. 265

AN ACT relating to midwife licensure, providing for fees, and making penalties applicable.

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

Section 1. Section 147.1, subsections 3 and 6, Code 2023, are amended to read as follows:

3. “*Licensed*” or “*certified*”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, behavior analyst, assistant behavior analyst, marital and family therapist, mental health counselor, midwife, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “*Profession*” means medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, applied behavior analysis, marital and family therapy, mental health counseling, midwifery, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.13, subsection 7, Code 2023, is amended to read as follows:

7. For nursing and midwifery, the board of nursing.

Sec. 3. Section 147.74, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 28. A midwife licensed under chapter 148I may use the words “licensed midwife” or the initials “L.M.” after the person’s name.

Sec. 4. NEW SECTION. 148I.1 Definitions.

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

1. “*Board*” means the board of nursing created pursuant to chapter 147.
2. “*Certified nurse midwife*” or “*CNM*” means a registered nurse who holds a current, valid certification from the American midwifery certification board.
3. “*Certified professional midwife*” or “*CPM*” means a person who holds a current, valid certification with the North American registry of midwives or its successor organization.
4. “*Client*” means a person under the care of a midwife and such person’s fetus or newborn.
5. “*Licensed midwife*” means a person licensed under this chapter to practice midwifery in Iowa.
6. “*Midwife*” means a person practicing midwifery.

7. “Midwifery” means the practice of providing primary maternity care to a client during the preconception, antepartum, intrapartum, and postpartum periods and newborn care up to six weeks.

8. “Midwifery bridge certificate” or “MBC” means a certificate issued by the North American registry of midwives or its successor organization that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives.

Sec. 5. **NEW SECTION. 148I.2 Licensure — licensed midwifery.**

1. Except as provided in section 148I.3, beginning July 1, 2024, every person practicing midwifery in this state shall be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapters 17A, 147, and 272C establishing procedures for the licensure of new and practicing midwives.

2. Prior to obtaining a license to practice midwifery, an applicant shall meet all of the following requirements:

a. Be at least twenty-one years old.

b. Submit proof of a high school diploma or its equivalent.

c. Submit proof of a current national certification as a certified professional midwife from the North American registry of midwives or its successor organization.

d. (1) Submit proof of completion of an educational program or pathway accredited by the midwifery education accreditation council, except as otherwise provided in this paragraph.

(2) A certified professional midwife certified before July 1, 2024, and who received certification other than through completion of an educational program or pathway described in subparagraph (1) shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa.

(3) A person licensed to practice midwifery for at least two years in a state that does not require completion of an educational program or pathway described in subparagraph (1), shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa.

e. Submit an application fee as prescribed by the board by rule.

3. The board may request, at the applicant’s expense, that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the applicant. If an applicant has a criminal record or a record of founded child or dependent adult abuse, the board shall perform an evaluation to determine whether the record warrants denial of licensure.

Sec. 6. **NEW SECTION. 148I.3 Exceptions.**

1. This chapter does not do any of the following:

a. Limit or regulate the practice of qualified members of other professions including but not limited to advanced registered nurse practitioner midwives under chapter 152, advanced practice registered nurse midwives under chapter 152E, or certified nurse midwives, from providing services that would constitute midwifery under this chapter.

b. Apply to a person who is a member of a Native American, Mennonite, or Amish community who provides traditional midwife services to such a community.

c. Apply to a person who, in good faith, engages in the practice of the religious tenets of a church or a religious act if no fee is contemplated, charged, or received.

d. Apply to a person rendering aid in an emergency.

e. Apply to a student midwife currently enrolled in an accredited midwifery education program and providing services to clients under the direct, on-site, in-person supervision of a certified professional midwife who is licensed and registered as a preceptor with the North American registry of midwives or its successor organization.

f. Apply to an advanced registered nurse practitioner licensed under chapter 152, an advanced practice registered nurse under chapter 152E, or a certified nurse midwife.

2. The practice of midwifery shall not constitute the practice of medicine, certified nurse midwifery, certified midwifery, or emergency medical care to the extent that a midwife

advises, attends, or assists a person during pregnancy, labor, childbirth, or the postpartum period.

Sec. 7. NEW SECTION. 148I.4 Board — rules.

1. The board shall adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of the board's duties. The rules shall do all of the following:

a. Regulate the practice of midwifery based on rules established by the national association of certified professional midwives and the North American registry of midwives or its successor organization.

b. Define professional and unprofessional conduct.

c. Permit a licensee to obtain appropriate screening and testing for clients, including but not limited to laboratory tests and ultrasounds.

d. Permit a licensee to obtain and administer all of the following during the practice of midwifery:

(1) Antihemorrhagic agents including but not limited to oxytocin, misoprostol, and methylergonovine.

(2) Intravenous fluids for stabilization of the laboring person.

(3) Neonatal injectable vitamin K.

(4) Newborn antibiotic eye prophylaxis.

(5) Oxygen.

(6) Intravenous antibiotics for group B streptococcal antibiotic prophylaxis.

(7) Rho (D) immune globulin.

(8) Local anesthetic.

(9) Epinephrine.

(10) Other drugs consistent with the practice of certified professional midwifery, as approved by the board.

e. Permit a licensee to administer a drug prescribed by a licensed health care provider for a client of a licensee.

f. Prohibit a licensee from using forceps or a vacuum extractor.

g. Require a licensee to develop a written plan for the consultation, collaboration, emergency transfer, and transport of the birthing client and newborn when necessary, and to submit that plan to the board.

h. Require a licensee to provide each client with, and maintain a record of, a signed consent form that describes the licensee's qualifications, a copy of the licensee's emergency plan, whether the licensee carries professional liability insurance and a copy of the licensee's professional liability insurance, if any, and the benefits and risks of birth in the client's setting of choice.

i. Require a licensee to report client data to the department of health and human services, the midwives alliance of North America statistics registry, the American association of birth centers perinatal data registry, or other similar databases, and to verify the submission of such data with the board.

j. Adopt continuing education requirements consistent with those required by the North American registry of midwives or its successor organization.

k. Establish requirements for peer review.

l. Require a licensee to file a birth certificate for each birth.

m. Establish an annual license fee.

n. Require a licensee to comply with sections 136A.5 and 136A.5A.

2. The board shall not adopt rules that do any of the following:

a. Permit a licensee to order or administer narcotic drugs.

b. Limit the location where a licensee may practice midwifery.

c. Require a licensee to practice under the supervision of or under a collaborative practice agreement with another health care provider.

3. The board shall adopt rules requiring a licensee to consult with a licensed physician or certified nurse midwife according to the appropriate standard of care for high-risk pregnancies and births in the United States. Such rules shall not require an in-hospital birth due merely to a consultation and shall, to the greatest degree medically responsible, allow a licensee to maintain care of a client according to the client's wishes.

Sec. 8. **NEW SECTION. 148I.5 Liability — limitation.**

A health care provider accepting a transfer of a client from a licensed midwife shall not be civilly or criminally liable for outcomes arising from actions or omissions of the licensed midwife.

Sec. 9. **NEW SECTION. 148I.6 Use of title — penalty.**

A person shall not use the title “licensed midwife”, or describe or imply that the person is a licensed midwife, or represent that person as a licensed midwife unless the person is licensed under this chapter.

Sec. 10. **NEW SECTION. 148I.7 Midwifery advisory council.**

1. A midwifery advisory council is established. The board shall appoint members of the council, including four members who are certified professional midwives eligible for licensure under this chapter; one member who is licensed under chapter 148 and is certified by the American college of obstetrics and gynecology; one member who is a certified nurse midwife; and one member who is not a licensed midwife or a licensed health care provider and who shall represent the general public.

2. Members of the council shall serve for terms of four years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

3. The council shall advise the board regarding licensure and continuing education requirements, standards of practice, professional ethics, disciplinary actions, and other issues relating to midwifery.

Sec. 11. Section 272C.4, subsection 6, Code 2023, is amended to read as follows:

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under section 100D.5, 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 148I, 151, or 155, as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of section 272C.3, subsection 2, paragraph “b”, which licensees are required to report to the board pursuant to section 272C.9, subsection 2.

Sec. 12. **NEW SECTION. 514C.12A Licensed midwife services.**

1. Notwithstanding section 514C.6, a person who provides 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, 509A, 514, or 514A or an individual or group health maintenance organization contract issued and regulated under chapter 514B, which is delivered, amended, or renewed on or after July 1, 1996, and which provides maternity benefits, which are not limited to complications of pregnancy, or newborn care benefits, shall provide coverage for maternity services rendered by a midwife licensed pursuant to chapter 148I, regardless of the site of services, in accordance with guidelines adopted by rule by the commissioner.

2. Coverage for maternity services provided by a licensed midwife shall not be subject to any greater copayment, deductible, or coinsurance than is applicable to any other similar benefits provided by the plan.

3. A person who provides 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, 509A, 514, or 514A or an individual or group health maintenance organization contract issued and regulated under chapter 514B may require that maternity services be provided by a licensed midwife under contract with the person.

4. This section does not require payment for any cost, charge, or fee relating to the location at which maternity services were provided by a certified professional midwife.

CHAPTER 128**ALLOWABLE FORMS OF PAYMENT FOR AMUSEMENT CONCESSIONS AT
AMUSEMENT PARKS AND ARCADES***H.F. 269*

AN ACT relating to allowable forms of payment for amusement concessions at an amusement park and an arcade and including effective date provisions.

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

Section 1. Section 99B.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Amusement park" means any permanent facility or park where amusement rides, as defined in section 88A.1, are available for use by the public.

NEW SUBSECTION. 3A. "Arcade" means any permanent facility or a distinct part of a permanent facility principally devoted to offering amusement or entertainment by means of amusement concessions or nongambling games.

Sec. 2. Section 99B.5, subsection 2, Code 2023, is amended to read as follows:

2. Except as provided by subsection 1, a participant in an activity authorized by this chapter may make payment by cash, personal check, money order, bank check, cashier's check, electronic check, or debit card. In addition, a participant in an amusement concession as authorized by this chapter at a fair ~~as authorized by this chapter~~, amusement park, or arcade, may also make payment by credit card.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2023

CHAPTER 129**INFORMAL REVIEW AND PROTEST DEADLINES FOR PROPERTY TAX ASSESSMENTS
— DISASTER AREAS OR DISASTER EMERGENCIES***H.F. 270*

AN ACT relating to certain deadlines relating to the informal review and protest of property assessments in counties declared to be a disaster area or that are the subject of a disaster emergency proclamation.

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

Section 1. Section 441.30, subsections 1 and 2, Code 2023, 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. In any county that has been declared to be a disaster area by proper federal authorities or that is the subject of a state of disaster emergency proclamation by the governor after March 1 and prior to May 20 of the year of assessment, the period for inquiries under this subsection shall be extended to and include May 25 of such 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, the assessor may, on or before April 25, or on or before May 25 if the period of time is extended under subsection 1, 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. 2. Section 441.37, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2023, 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, to 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 or that is the subject of a state of disaster emergency proclamation by the governor 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~~ July 15 and the time for filing a protest shall be extended to and include the period from May ~~25~~ 1 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:

Approved June 1, 2023

CHAPTER 130

DISPOSAL OF REAL PROPERTY OF THE STATE — AUTHORITY OF DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES — DEPOSIT OF FUNDS

H.F. 332

AN ACT relating to the disposition of real property belonging to the state by the director of the department of administrative services.

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

Section 1. Section 8A.321, subsection 8, Code 2023, is amended to read as follows:

8. a. With the authorization of a constitutional majority of each house of the general assembly and approval by the governor, dispose of real property belonging to the state ~~and its state agencies on the capitol complex~~ upon terms, conditions, and consideration as the director may recommend. ~~If real property subject to sale under this subsection has been purchased or acquired from appropriated funds, the~~ The proceeds of the sale of real property under this paragraph shall be deposited with the treasurer of state and credited to the general fund of the state ~~or other fund from which appropriated.~~

b. Except as provided in paragraph "a" and with the authorization of a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session, and subsequent approval by the governor, the director may dispose of real property belonging to the state and its state agencies upon terms, conditions, and consideration as the director may determine. However, if the real property is under the jurisdiction or control of an agency of this state which has the express statutory power to dispose of the real property, the agency must approve the director's proposed plan of disposition of that real property prior to the director's submission of the proposed plan of disposition for approval as provided by this paragraph. The approval by a state agency with

the express statutory power to dispose of the real property shall be in the same method and manner as the sale or disposition of the real property by the state agency. If real property subject to sale has been purchased or acquired from appropriated funds, the proceeds of the sale shall be deposited with the treasurer of state and credited to the general fund of the state or other fund from which appropriated. There is appropriated from that same fund, with the prior approval of the executive council and in cooperation with the director, a sum equal to the proceeds so deposited and credited to the state agency to which the disposed real property belonged or by which it was used, for purposes of the state agency.

Approved June 1, 2023

CHAPTER 131

HEALTH CARE EMPLOYMENT AGENCIES, HEALTH CARE EMPLOYMENT AGENCY WORKERS, AND HEALTH CARE ENTITIES — SERVICES PROVIDED, REGISTRATION FEES, AND EMPLOYMENT CONTRACTS

H.F. 357

AN ACT relating to health care employment agencies, health care employment agency workers, and health care entities, providing for the use of annual registration fees, and including retroactive applicability provisions.

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

Section 1. Section 135Q.1, Code 2023, is amended to read as follows:

135Q.1 Definitions.

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

1. *“Department”* means the department of inspections and appeals.
2. *“Direct services”* means ~~services provided to consumers through person-to-person contact. “Direct services” excludes services performed by persons in a health care entity setting that do not involve the provision of any service or treatment to a consumer of a health care entity. “Direct services” does not include the practice of medicine and surgery or osteopathic medicine and surgery by an individual licensed under chapter 148 or the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E.~~
3. *“Health care employment agency”* or *“agency”* means an agency that contracts with a health care entity in this state to provide agency workers for temporary, or temporary-to-hire, ~~direct hire, or other contract or~~ employee placements.
4. *“Health care employment agency worker”* or *“agency worker”* means an individual who contracts with or is employed by a health care employment agency to provide ~~direct services or~~ nursing services to health care entity consumers.
5. *“Health care entity”* means a facility, agency, or program licensed or certified facility, organization, or agency operated to provide services and supports to meet the health or personal care needs of consumers by the department or by the centers for Medicare and Medicaid services of the United States department of health and human services.
6. *“Managing entity”* means a business entity, owner, ownership group, chief executive officer, program administrator, director, or other decision maker whose responsibilities include directing the management or policies of a health care employment agency. *“Managing entity”* includes an individual who, directly or indirectly, holds a beneficial interest in a corporation, partnership, or other business entity that constitutes a managing entity.
7. *“Nursing services”* means those services which may be provided only by or under the supervision of a nurse. *“Nursing services”* includes services performed by a registered nurse, a licensed practical nurse, a certified nurse aide, a certified medication aide, a home health

aide, a medication manager, or by noncertified or nonlicensed staff providing personal care as defined in section 231C.2. "Nursing services" does not include the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E.

Sec. 2. Section 135Q.2, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A health care employment agency operating in the state shall register annually with the department. Each separate location of a health care employment agency shall register annually with and pay an annual registration fee of five hundred dollars to the department. The department shall issue each location a separate certification of registration upon approval of registration and payment of the fee. The annual registration fees shall be retained by the department as repayment receipts as defined in section 8.2.

3. *a.* A health care employment agency shall not do any of the following:

(1) Restrict in any manner the employment opportunities of an agency worker by including a non-compete clause in any contract with an agency worker or health care entity.

(2) In any contract with an agency worker or health care entity, require payment of liquidated damages, employment fees, or other compensation if the agency worker is subsequently hired as a permanent employee of the health care entity.

b. This subsection shall not apply to a contract between a health care employment agency and an agency worker or a health care entity if the contract meets all of the following criteria:

(1) The contract is entered into for the purpose of placing an agency worker the health care employment agency assisted in obtaining authorization to work in the United States.

(2) The contract contains an initial duration term of not less than twenty-four months and a total duration term, including any renewals or extensions, of not more than thirty-six months.

(3) The contract requires the agency worker to work for a single health care entity for the entire duration of the contract.

~~*b.*~~ *c.* Any contract that violates this subsection shall be unenforceable in court.

Sec. 3. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to any contract between a health care employment agency and an agency worker or health care entity referred to under section 135Q.2 that was entered into or executed on or after January 1, 2019.

Approved June 1, 2023

CHAPTER 132

CHILD IN NEED OF ASSISTANCE CASES — MODIFICATION OF BRIDGE ORDERS

H.F. 359

AN ACT relating to the modification of a bridge order issued pursuant to a previous child in need of assistance case.

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

Section 1. **NEW SECTION. 232.103B Child in need of assistance cases — transfer of jurisdiction pursuant to bridge modification order.**

1. A juvenile court may close a child in need of assistance case by returning jurisdiction of the child's custody to the district court through an order modifying issues of legal custody, physical care, and parenting time if all of the following criteria have been met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case, and a permanency order is in place in that case.

b. Legal paternity has been established for the child.

c. The child is safely unified with a parent.

d. The district court has issued an order concerning custody, physical care, and parenting time regarding the child and the order is in place at the time of the filing of the child in need of assistance petition.

e. The juvenile court has determined that the child in need of assistance case can safely close when the modified district court order for custody, physical care, and parenting time is in place.

f. Either parent has qualified for a court-appointed attorney in the juvenile case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge modification order as described in subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days but not more than ninety days from the date of filing of the motion. The juvenile court, on its own motion, may set a hearing on the issue of the bridge modification order if such hearing is set no less than thirty days from the date of notice to the parties.

3. Bridge modification orders shall only address legal custody, physical care, and parenting time. All other matters, including child support, shall be filed by separate petition in district court, and shall be subject to existing statutory requirements.

4. Upon transferring jurisdiction, the clerk of court shall docket the bridge modification order in the current district court custodial order court file. The clerk of court shall not assess any filing fees or other court costs. The juvenile court shall follow the previously designated listing of the parties as petitioner and as respondent for the purposes of the bridge modification order.

5. The district court shall take judicial notice of the current child in of assistance case related to the bridge modification order, as well as any prior child in need of assistance cases relating to any prior bridge orders in any hearing related to the case. Records that are copied or transferred from the juvenile court file shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency. Such documents shall be disclosed, upon request, to the child support recovery unit without a court order, subject to any statutory confidentiality provisions.

6. Nothing in this section shall be construed to require the appointment of counsel for the parties in the district court action.

Approved June 1, 2023

CHAPTER 133

NOTARIAL ACTS — REMOTELY LOCATED INDIVIDUALS AND IDENTITY PROOFING — EXECUTION OF REMOTE WILLS OR CODICILS

H.F. 397

AN ACT relating to remote presence for purposes of notarial acts and executing wills and codicils, and including retroactive applicability provisions.

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

Section 1. Section 9B.14A, subsection 7, Code 2023, is amended to read as follows:

7. Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the secretary of state that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the secretary of state has established standards under subsection 8 and section 9B.27 for approval of communication technology or identity proofing, ~~the~~ all of the following apply:

a. The communication technology and identity proofing the notary public intends to use must conform to the standards.

b. If the notary public elects to use identity proofing under subsection 3, paragraph “a”, the identity proofing must conform to the standards.

Sec. 2. Section 633.279, Code 2023, is amended by adding the following new subsections: NEW SUBSECTION. 3. Execution of remote will or codicil in counterparts. When a will or codicil is executed using remote signing under this section, the original document may be executed in one or more counterparts by parties located in different locations, and all such counterparts may be aggregated to comprise the complete will or codicil of the testator.

NEW SUBSECTION. 4. Remote will or codicil under disaster proclamation. Any will or codicil executed using the remote signing procedures permitted under the proclamation of disaster emergency of the governor issued April 2, 2020, and expired February 15, 2022, shall be deemed to satisfy the presence requirements of this section if the will or codicil was executed during the effective period of the proclamation of disaster emergency.

NEW SUBSECTION. 5. Definition. For purposes of this section, “presence” means any manner, physical or electronic, in which the witness and testator can see and hear the acts of each other in real time.

Sec. 3. RETROACTIVE APPLICABILITY. The following applies retroactively to wills and codicils executed on or after April 2, 2020:

The portion of the section of this Act enacting section 633.279, subsection 4.

Approved June 1, 2023

CHAPTER 134

ADOPTION PROCEEDINGS — PUBLIC DEFENDER REPRESENTATION OF ADOPTIVE PARENTS AND SERVICE AS GUARDIANS AD LITEM — PROVISION OF BIRTH CERTIFICATES OR RECORDS — NOTICE REQUIREMENTS

H.F. 398

AN ACT relating to adoption proceedings by providing for representation of adoptive parents and guardians ad litem by local public defenders for children in certain adoption proceedings and modifying filing requirements for adoption petitions and notice requirements for adoption hearings of adults.

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

Section 1. Section 13B.9, subsection 1, paragraphs b and c, Code 2023, are amended to read as follows:

b. Represent an indigent party, upon order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 when designated by the state public defender to represent the indigent party in the type of case for that county. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 to which the local public defender is appointed and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless other counsel is appointed to the case. A local public defender office or designee shall represent in a subsequent adoption proceeding ~~an indigent~~ a party including a nonindigent party who files an adoption petition pursuant to section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the representation shall be provided through referral of the indigent party

to outside counsel with whom the state public defender has contracted, subject to the fees for legal services incorporated in the contract.

c. Serve as guardian ad litem for each child in all cases in which the local public defender office is the state public defender's designee. The local public defender shall be responsible for determining who shall perform the duties of the guardian ad litem as defined in section 232.2 and shall be responsible for assuring the court that the duties of the guardian ad litem have been fulfilled. A local public defender office or designee shall serve as guardian ad litem for each child in a subsequent adoption proceeding pursuant to section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the guardian ad litem for the child shall be provided through retention of outside counsel with whom the state public defender has contracted, subject to the fees for guardian ad litem services incorporated in the contract.

Sec. 2. Section 600.6, subsection 1, Code 2023, is amended to read as follows:

1. A certified copy of the birth certificate showing parentage of the person to be adopted or, if such certificate is not available, a verified birth record. The department of health and human services shall provide a certified copy of a birth certificate or a verified birth record, as applicable, to the person adopting a child when the department of health and human services is the guardian of the child.

Sec. 3. Section 600.11, Code 2023, is amended to read as follows:

600.11 Notice of adoption hearing.

1. The juvenile court or court shall set the time and place of the adoption hearing prescribed in section 600.12 upon application of the petitioner. The juvenile court or court may continue the adoption hearing if the notice prescribed in subsections 2 and ~~3~~ 4 or subsections 3 and 4, as applicable, is given, except that such notice shall only be given at least ten days prior to the date which has been set for the continuation of the adoption hearing.

2. a. ~~At~~ Unless the person to be adopted is an adult and subsection 3 is applicable, at least twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to all of the following:

(1) A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and a person in a parent-child relationship with the person to be adopted. This subparagraph does not require notice to be given to a person whose parental rights have been terminated with regard to the person to be adopted.

~~(2) The person to be adopted who is an adult.~~

~~(3)~~ (2) Any person who is designated to make an investigation and report under section 600.8.

~~(4)~~ (3) Any other person who is required to consent under section 600.7.

~~(5)~~ (4) A person who has been granted visitation rights with the child to be adopted pursuant to section 600C.1.

~~(6)~~ (5) A person who is ordered to pay support or a postsecondary education subsidy pursuant to section 598.21F, or chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter of the Code, for a person eighteen years of age or older who is being adopted by a stepparent, and the support order or order requires payment of support or postsecondary education subsidy for any period of time after the child reaches eighteen years of age.

~~(7)~~ (6) Any siblings of the person to be adopted due to either an ongoing relationship or a court finding that ongoing contact with the person to be adopted is in the best interest of each sibling if the person to be adopted was a minor child when the minor child's parents had their parental rights terminated pursuant to chapter 232 and the person to be adopted and the person's siblings were not placed together.

b. Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.

3. If the person to be adopted is an adult, at least twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given

by the adoption petitioner to the person to be adopted and any other person who is required to consent to the adoption under section 600.7.

4. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be served in accordance with rule of civil procedure 1.305. Proof of the giving of notice shall be filed with the juvenile court or court prior to the adoption hearing. Acceptance of service by the party being given notice shall satisfy the requirements of this subsection.

Approved June 1, 2023

CHAPTER 135

VACATION OF TERMINATION OF PARENTAL RIGHTS ORDERS — TIME FRAME AND PROCEDURE IF RIGHTS OF BOTH PARENTS NOT TERMINATED

H.F. 400

AN ACT relating to the vacation of certain termination of parental rights orders.

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

Section 1. Section 600A.9, subsection 2, Code 2023, is amended to read as follows:

2. a. If an order is issued under subsection 1, paragraph “b” ~~of this section~~, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent or any putative biological parent to request vacation or appeal of the termination order which request must be made within thirty days of issuance of the granting of the order. The period for request by a terminated parent or by a putative biological parent for vacation or appeal shall not be waived or extended and a vacation or appeal shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated or putative biological parent may request a vacation or appeal of a termination order.

b. If an order is issued under subsection 1, paragraph “b”, to terminate the parental rights of a biological parent who indicated in the parent’s petition for termination of parental rights the grounds for termination specified in section 600A.8, subsection 1, but an order to terminate the parental rights of any other putative biological parent is not issued by the court pursuant to subsection 1, paragraph “b”, nor has the other putative biological parent consented to the adoption in lieu of termination of the parent’s parental rights, thereby prohibiting the filing of an adoption petition pursuant to section 600.3, subsection 2, the court shall allow the parent for whom the court issued an order terminating parental rights to request a vacation of the order within thirty days of issuance of the granting of the order. The period for request by a terminated parent for vacation shall not be waived or extended and a vacation shall not be granted after the expiration of this period. The juvenile court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish a period of thirty days, which shall not be waived or extended, in which a terminated parent may request a vacation of a termination order under this paragraph “b”.

Approved June 1, 2023

CHAPTER 136**NEWBORN SAFE HAVEN ACT — RELEASE OF CUSTODY AT FIRE STATIONS OR
EMERGENCY MEDICAL CARE LOCATIONS***H.F. 425*

AN ACT relating to the release of custody of a newborn infant under the newborn safe haven Act.

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

Section 1. Section 233.1, Code 2023, is amended to read as follows:

233.1 Newborn safe haven Act — definitions.

1. This chapter may be cited as the “*Newborn Safe Haven Act*”.

2. For the purposes of this chapter, unless the context otherwise requires:

a. “Emergency medical care provider location” means the physical business location of an emergency medical care provider.

b. “Fire department” means a paid or volunteer fire protection service provided by a benefited fire district under chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township, or governmental agency.

c. “Fire station” means the physical business location of a fire department.

d. “First responder” means an emergency medical care provider as defined in section 147A.1, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4.

e. “Institutional health facility” means a hospital as defined in section 135B.1, including a facility providing medical or health services that is open twenty-four hours per day, seven days per week, and is including a hospital emergency room or a health care facility as defined in section 135C.1.

f. “Newborn infant” means a child who is, or who appears to be, ninety days of age or younger.

g. “Newborn safety device” means a padded and climate-controlled receptacle that meets one of the following requirements:

(1) If the receptacle is located at a hospital, the receptacle is conspicuous and visible to hospital staff.

(2) If the receptacle is located at a fire station or an emergency medical care provider location:

(a) The fire station or emergency medical care provider location is staffed by a first responder twenty-four hours per day, seven days per week, notwithstanding the time staff is dispatched for an emergency.

(b) The receptacle is located in an area that is conspicuous and visible to staff, or the receptacle is located in an area that is not visible to staff but is equipped with a motion sensor and a dual alarm system. The dual alarm system shall be programmed to sound first when the receptacle is opened, immediately placing a telephone call to a 911 service and dispatching an emergency medical care provider or a fire fighter to the location of the receptacle, and to sound a second time, immediately placing a telephone call to a 911 service after movement is detected inside the receptacle.

Sec. 2. Section 233.2, Code 2023, is amended to read as follows:

233.2 Newborn infant custody release procedures.

1. a. A parent of a newborn infant may voluntarily release custody of the newborn infant by as follows:

(1) By relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or a fire station, or by authorizing another person to relinquish physical custody on the parent’s behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at the an institutional health facility or a fire station, the parent may take other actions to be

reasonably sure that an individual on duty is aware that the newborn infant has been left at the institutional health facility or fire station. The actions may include but are not limited to making telephone contact with the institutional health facility or fire station, or a 911 service.

(2) By relinquishing physical custody of the newborn infant to medical staff at a hospital or other facility following delivery of the newborn infant in the hospital or other facility when the parent notifies the medical staff that the parent is voluntarily relinquishing physical custody of the newborn infant without expressing an intent to again assume physical custody.

(3) By relinquishing physical custody of the newborn infant at a hospital, a fire station, or an emergency medical care provider location, through a newborn safety device, without expressing an intent to again assume physical custody.

b. In lieu of the procedure described in paragraph "a", a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of this chapter and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody ~~at an institutional health facility or to a first responder~~ in accordance with this section is the newborn infant's parent or has relinquished physical custody with the parent's authorization.

2. a. Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, an individual on duty or medical staff, as applicable, at the institutional health facility, emergency medical care provider location, or fire station at which physical custody of the newborn infant was relinquished, or a first responder to whom physical custody of the newborn infant was relinquished, pursuant to subsection 1 shall take physical custody of the newborn infant. The individual on-duty or first responder who takes physical custody of the newborn infant may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with this section. The individual on-duty or first responder who takes custody of the newborn infant may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on-duty and who takes custody of the newborn infant, the institutional health facility in, the emergency medical care provider location, or the fire station at which the individual was on-duty took custody of the newborn infant, and the first responder are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.

b. If the physical custody of a newborn infant is relinquished at an emergency medical care provider location or a fire station, or to a first responder who responded to a 911 telephone call, the individual who took physical custody of the newborn infant or the first responder shall transport the newborn infant to the nearest institutional health facility. The individual or first responder shall provide any parental identification or medical history information to the institutional health facility.

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of human services.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of public health and human services shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

3. As soon as possible after the individual on-duty or first responder assumes physical custody of a newborn infant released under subsection 1, the individual or first responder

shall notify the department of health and human services and the department shall take the actions necessary to assume the care, control, and custody of the newborn infant. The department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. Within twenty-four hours of taking custody of the newborn infant, the department shall notify the juvenile court and the county attorney in writing of the department's action and the circumstances surrounding the action.

4. a. Upon being notified in writing by the department under subsection 3, the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance in accordance with section 232.87 and a petition for termination of parental rights with respect to the newborn infant in accordance with section 232.111, subsection 2, paragraph "a". A hearing on a child in need of assistance petition filed pursuant to this subsection shall be held at the earliest practicable time. A hearing on a termination of parental rights petition filed pursuant to this subsection shall be held no later than thirty days after the day the physical custody of the newborn child was relinquished in accordance with subsection 1 unless the juvenile court continues the hearing beyond the thirty days for good cause shown.

b. Notice of a petition filed pursuant to this subsection shall be provided to any known parent and others in accordance with the provisions of chapter 232 and shall be served upon any putative father registered with the state registrar of vital statistics pursuant to section 144.12A. In addition, prior to holding a termination of parental rights hearing with respect to the newborn infant, notice by publication shall be provided as described in section 600A.6, subsection 5.

5. Reasonable efforts, as defined in section 232.102, that are made in regard to the newborn infant shall be limited to the efforts made in a timely manner to finalize a permanency plan for the newborn infant.

6. An individual ~~on duty at an institutional health facility~~ or first responder who assumes custody of a newborn infant upon the release of the newborn infant under subsection 1 shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual or first responder may provide testimony at the hearing.¹

Sec. 3. Section 233.4, Code 2023, is amended to read as follows:

233.4 Rights of parents.

Either parent of a newborn infant whose custody was released in accordance with section 233.2 may intervene in the child in need of assistance or termination of parental rights proceedings held regarding the newborn infant and request that the juvenile court grant custody of the newborn infant to the parent. The requester must show by clear and convincing evidence including but not limited to by the use of DNA profiling as defined in section 81.1 that the requester is the parent of the newborn infant. If the court determines that the requester is the parent of the newborn infant and that granting custody of the newborn infant to the parent is in the newborn infant's best interest, the court shall issue an order granting custody of the newborn infant to the parent. In addition to such order, the court may order services for the newborn infant and the parent as are in the best interest of the newborn infant.

Sec. 4. Section 233.6, Code 2023, is amended to read as follows:

233.6 Educational and public information.

The department of health and human services, in consultation with the ~~Iowa department of public health and~~ the department of justice, shall develop and distribute the following:

1. An information card or other publication for distribution by an institutional health facility, an emergency medical care provider location, a fire station, or a first responder to a parent who releases custody of a newborn infant in accordance with this chapter. The publication shall inform the parent of a parent's rights under section 233.4, explain the

¹ See chapter 112, §73 herein

request for medical history information under section 233.2, subsection 2, and provide other information deemed pertinent by the departments.

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act among adolescents, young parents, and others who might avail themselves of this chapter.

3. Signage that may be used to identify the institutional health facilities, emergency medical care provider locations, or fire stations, at which physical custody of a newborn infant may be relinquished in accordance with this chapter.²

Approved June 1, 2023

CHAPTER 137

UNIT OWNERS ASSOCIATION RECORDS AND DOCUMENTS — ACCESS

H.F. 432

AN ACT relating to access by certain entities to specific records and documents maintained by a unit owners association.

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

Section 1. NEW SECTION. **499C.1 Definitions.**

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

1. “Bylaws” means the instruments, however denominated, that contain the procedures for conducting the affairs of a unit owners association or an executive board regardless of the form in which the association is organized, including any amendments to such instruments.

2. “Common element” means:

a. For a cooperative under chapter 499A or a horizontal property regime under chapter 499B, all portions of the common interest community other than the units.

b. For a planned community, any real estate within the planned community which is owned or leased by the unit owners association, other than a unit.

c. For all common interest communities, any other interests in real estate for the benefit of unit owners identified in the declaration.

3. a. “Common interest community” means real estate described in a declaration with respect to which a person, by virtue of the person’s ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. “Common interest community” includes a planned community, a cooperative under chapter 499A, and a horizontal property regime under chapter 499B.

b. “Common interest community” does not include:

(1) A covenant that requires the owners of separate parcels of real estate to share costs or other obligations related to a wall, driveway, well, or other similar structure, unless all such owners consent in writing to the creation of a common interest community.

(2) Real estate described in paragraph “a” if all units are owned by a single owner.

(3) Real estate described in paragraph “a” that is managed by the original developer of the real estate.

4. “Declarant” means a person or group of persons who, as the record title owner of real estate, by a declaration, creates a common interest community.

5. “Declaration” means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

² See chapter 112, §74 herein

6. “*Executive board*” means the body, regardless of name, designated in the declaration or bylaws to act on behalf of a unit owners association.

7. “*Planned community*” means a common interest community that is not solely a cooperative under chapter 499A or solely a horizontal property regime under chapter 499B, and includes property owner or homeowner associations. A cooperative under chapter 499A or a horizontal property regime under chapter 499B, however, may be part of a planned community.

8. “*Rule*” means a policy, guideline, restriction, procedure, or regulation, however denominated, which is not set forth in the declaration or bylaws. For a common interest community comprised of less than one thousand units, “*rule*” does not include, mean, or attempt to effectuate a restrictive covenant that has expired.

9. “*Unit*” means a portion of a common interest community designated for separate ownership or occupancy or as otherwise defined in the statute under which the common interest community is organized, including but not limited to an apartment as defined in section 499B.2.

10. “*Unit owner*” means a declarant or other person that owns a unit, but does not include a person having an interest in a unit solely as security for an obligation. In a horizontal property regime under chapter 499B or a planned community, the declarant is the owner of a unit. In a cooperative under chapter 499A, the declarant is the owner of any unit to which an interest has been allocated until that unit has been conveyed to another person.

11. “*Unit owners association*” means an association, regardless of name, organized as a for-profit or nonprofit corporation, trust, limited liability company, partnership, unincorporated association, or any other form of organization authorized by the laws of this state, the membership of which consists solely of unit owners except following termination of the common interest community, at which time the association shall consist of all former unit owners entitled to distributions of proceeds or their heirs, successors, or assigns.

Sec. 2. **NEW SECTION. 499C.2 Records and documents — access.**

1. A unit owners association, a unit owners association’s designee, or a unit owners association’s management company shall make all of the following records and documents available to a unit owner or the unit owner’s authorized agent within ten business days of a request by the unit owner or the unit owner’s authorized agent:

a. The organizational documents for the common interest community, including all amendments.

b. The unit owners association’s bylaws, including all amendments.

c. The rules of the common interest community, including all amendments.

d. The minutes of the most recently held unit owners meeting, including any financial reports. The minutes must indicate the date, time, and place of the meeting, the names of all persons present at the meeting, each action taken at the meeting, and the results of each vote taken at the meeting.

e. The minutes of the most recently held executive board meeting, including any financial reports. The minutes must indicate the date, time, and place of the meeting, the names of all persons present at the meeting, each action taken at the meeting, and the results of each vote taken at the meeting.

2. A unit owners association, a unit owners association’s designee, or a unit owners association’s management company may make the records and documents under subsection 1 available to a unit owner or the unit owner’s authorized agent via any of the following methods:

a. Paper copy.

b. Electronically to an electronic mail address provided by the unit owner or the unit owner’s authorized agent.

c. By posting the records and documents to an internet site maintained by the unit owners association, the unit owners association’s designee, or the unit owners association’s management company to which the unit owner or the unit owner’s authorized agent has reasonable access.

3. A unit owners association, a unit owners association’s designee, or a unit owners association’s management company may charge a reasonable fee for all records and

documents provided under this section. The fee shall not exceed the estimated cost of production or reproduction of the records or documents.

Approved June 1, 2023

CHAPTER 138

ELECTIONS OF DIRECTORS FOR COUNTY AND STATE MUTUAL INSURANCE ASSOCIATIONS

H.F. 465

AN ACT relating to the election of directors for county and state mutual insurance associations, and including effective date provisions.

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

Section 1. Section 518.7, Code 2023, is amended to read as follows:

518.7 Officers and directors — election.

Officers or directors shall be elected in the manner and for the length of time prescribed in the articles of incorporation. The same person shall not simultaneously hold the offices of president and secretary. A director shall be a member of the association unless otherwise approved by the commissioner.

Sec. 2. Section 518A.6, Code 2023, is amended to read as follows:

518A.6 Officers — election.

Officers or directors shall be elected in the manner and for the length of time prescribed in the articles of incorporation or bylaws. The same person shall not simultaneously hold the offices of president and secretary. A director shall be a member of the association unless otherwise approved by the commissioner.

Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2023

CHAPTER 139

INVOLUNTARY CIVIL COMMITMENT PROCEEDINGS — TELEVISED OR TELEPHONE APPEARANCES, TESTIMONY, AND HEARINGS

H.F. 466

AN ACT relating to televised testimony in involuntary commitment hearings for 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 125.82, subsection 3, Code 2023, is amended to read as follows:

3. The person who filed the application and a licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, 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, televised appearance, or telephonic appearance of the licensed physician and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, 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 and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor to testify by telephone or televised means. 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. 2. Section 125.82, subsection 4, Code 2023, is amended to read as follows:

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. The hearing may be held by video or telephone conference at the discretion of the court. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a person with a substance-related disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding.

Sec. 3. Section 229.12, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The licensed physician or mental health professional who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's or mental health professional's presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence, televised appearance, or the telephonic appearance of the licensed physician or mental health professional who examined the respondent and agree to submit as evidence the written report of the licensed physician or mental health professional. 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 or mental health professional 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 or mental health professional is necessary, the court may allow the licensed physician or the mental health professional to testify by telephone or televised means.

Sec. 4. Section 229.12, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. The hearing may be held by video or telephone conference at the discretion of the court. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

Approved June 1, 2023

CHAPTER 140

STATE MENTAL HEALTH AND DISABILITY SERVICES AND GOVERNANCE — CHILD IN NEED OF ASSISTANCE PROCEEDINGS, ADOPTION NOTICES AND HEARINGS, AND CONFINEMENT OF PERSONS FOUND INCOMPETENT TO STAND TRIAL

H.F. 471

AN ACT relating to mental health and disability services provided by the state and judicial procedures relating to child in need of assistance proceedings, adoptions, and the confinement of persons found incompetent to stand trial.

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

DIVISION I

STATE MENTAL HEALTH INSTITUTES — SPECIALIZATION

Section 1. Section 226.1, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) Treatment, training, care, habilitation, and support of persons with mental illness ~~or a substance abuse problem~~ including:

(a) Specialized treatment of behaviorally complex youth at a mental health institute located in Independence.

(b) Specialized treatment and security for adults ordered by the court into the custody of the state for the purposes of competency restoration, adults who have been acquitted of a crime by reason of insanity, and similarly situated adults at a mental health institute in Cherokee.

DIVISION II

CHILD IN NEED OF ASSISTANCE — SAFETY PLANS — TEMPORARY REMOVAL

Sec. 2. Section 232.79B, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. For the purposes of this section, "*safety plan*" means a short-term, time-limited agreement entered into between the department and a child's parent or guardian designed to address signs of imminent or impending danger to a child identified by the department.

2. Upon the department's determination that potential harm to a child may be mitigated by the development of a safety plan, the department may enter into a safety plan with the child's parent or guardian.

3. A safety plan shall not be construed as a removal from parental or guardian custody absent a court order placing the child with a person or facility other than the parent or guardian who entered into the safety plan.

Sec. 3. Section 232.95, subsection 4, Code 2023, is amended to read as follows:

4. If the court orders the child removed from the home pursuant to subsection 2, paragraph “a” “b” or “c”, the court shall hold a hearing to review the removal order within six months unless a dispositional hearing pursuant to section 232.99 has been held.

Sec. 4. Section 232.102, subsection 10, Code 2023, is amended by striking the subsection.

DIVISION III

MENTAL HEALTH AND DISABILITY SERVICES REGIONS — GOVERNANCE — CORE SERVICES — REPORT

Sec. 5. Section 331.390, subsection 2, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

2. The governing board shall comply with all of the following requirements:

a. Each member of the governing board shall have one vote.

b. The membership of the governing board shall not include employees of the department of health and human services or a nonelected employee of a county.

c. The membership of the governing board shall consist of the following:

(1) Members representing the boards of supervisors of counties comprising the region. Members representing the boards of supervisors for a region’s counties shall not exceed forty-nine percent of the total membership of the governing board.

(2) One member who is an adult person who utilizes mental health and disability services or is an actively involved relative of such an adult person. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph “d”.

(3) One member representing adult service providers in the region. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph “d”.

(4) One member representing children’s behavioral health services providers in the region. This member shall be designated by the regional children’s advisory committee formed by the governing board pursuant to paragraph “e”.

(5) One member representing the education system in the region. This member shall be designated by the regional children’s advisory committee formed by the governing board pursuant to paragraph “e”.

(6) One member who is a parent of a child who utilizes children’s behavioral health services or who is an actively involved relative of such a child. This member shall be designated by the regional children’s advisory committee formed by the governing board pursuant to paragraph “e”.

(7) One member representing law enforcement in the region.

(8) One member representing the judicial system in the region.

d. The governing board shall have a regional advisory committee consisting of adults who utilize services or actively involved relatives of such adults, service providers, and regional governing board members.

e. The governing board shall have a regional children’s advisory committee consisting of parents of children who utilize services or actively involved relatives of such children, a member of the education system, an early childhood advocate, a child welfare advocate, a children’s behavioral health service provider, a member of the juvenile court, a pediatrician, a child care provider, a local law enforcement representative, and regional governing board members.

Sec. 6. Section 331.397, subsection 4, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Outpatient competency restoration.

Sec. 7. Section 331.397A, subsection 4, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Outpatient competency restoration.

Sec. 8. Section 331.400, Code 2023, is amended to read as follows:

331.400 Quarterly Annual reports.

Beginning with the fiscal year beginning July 1, ~~2022~~ 2023, the department shall deliver on ~~a quarterly~~ an annual basis a report to the general assembly that provides a summary of the status of implementing core services in each region, the accessibility of core services in each region, how each region is using the funding provided under section 225C.7A, and recommendations for improvements to the mental health and disability services system in order to attain the outcome improvement goals set by the department consistent with the goals specified in the performance-based contracts under section 225C.7A, subsection 2, paragraph “c”, subparagraph (5).

DIVISION IV
ADOPTION NOTICES — HEARINGS

Sec. 9. Section 600.11, subsection 2, paragraph a, subparagraph (7), Code 2023, is amended by striking the subparagraph.

Sec. 10. Section 600.11, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Ob.* (1) At least twenty days prior to the adoption hearing, a copy of the order setting the adoption hearing shall be provided to siblings of the person to be adopted when either of the following applies:

(a) The sibling and the person to be adopted have an existing relationship.
(b) There is a court finding that ongoing contact with the person to be adopted is in the best interest of each sibling and the person to be adopted was a minor child when the parents of the person to be adopted had their parental rights terminated subsequent to the person to be adopted having been adjudicated a child in need of assistance.

(2) Notwithstanding subsection 3, a copy of the order setting the adoption hearing may be provided to a sibling via ordinary mail if the sibling’s address is known. A copy of an order setting an adoption hearing sent to a sibling under ten years of age shall be addressed to the sibling’s custodian or guardian.

(3) This paragraph does not require a copy of the order setting the adoption hearing to be provided to any of the following:

(a) A person whose parental rights have been terminated with regard to the person to be adopted.

(b) Siblings who are placed with the sibling to be adopted at the time the court issued the order setting the adoption hearing.

(c) A previously adopted sibling, unless the siblings were the subjects of child in need of assistance or termination of parental rights proceedings that occurred at the same time.

DIVISION V
CONFINEMENT OF PERSONS FOUND INCOMPETENT TO STAND TRIAL

Sec. 11. Section 812.6, subsection 1, Code 2023, is amended to read as follows:

1. If the court finds the defendant does not pose a danger to the public peace and safety, is otherwise qualified for pretrial release, and is willing to cooperate with treatment, the court shall order, as a condition of pretrial release, that the defendant obtain mental health treatment designed to restore the defendant to competency. The costs of treatment pursuant to this subsection shall be paid by the mental health and disability services region for the county of the defendant’s residency pursuant to chapter 225C regardless of whether the defendant meets financial eligibility requirements under section 225C.62 or 225C.66.

Sec. 12. Section 812.7, Code 2023, is amended to read as follows:

812.7 Mental status reports.

The psychiatrist or licensed doctorate-level psychologist ~~providing~~ evaluating the progress of the outpatient competency restoration treatment to ~~of~~ the defendant, or the director of the facility where the defendant is being held and treated pursuant to a court order, shall provide a written status report to the court regarding the defendant’s mental disorder ~~within,~~

methods used to restore competency to the defendant, the defendant's current abilities related to competency, and whether it appears the defendant's competency can be restored within a reasonable amount of time. The psychiatrist, psychologist, or director shall submit an initial report to the court no later than thirty days of after the defendant's placement pursuant to section 812.6. The report shall also state whether it appears that the defendant can be restored to competency in a reasonable amount of time. Progress reports shall be provided to the court, and subsequent reports every sixty days or less thereafter after the submission of the initial report until the defendant's competency is restored or the placement of the defendant is terminated.

Sec. 13. Section 812.8, subsections 1 and 3, Code 2023, are amended to read as follows:

1. At any time, upon a finding by a psychiatrist or licensed doctorate-level psychologist that there is a substantial probability that the defendant has acquired the ability to appreciate the charge, understand the proceedings, and effectively assist in the defendant's defense, the psychiatrist or licensed doctorate-level psychologist ~~providing~~ evaluating the progress of the defendant's outpatient treatment to the defendant or the director of the inpatient facility shall immediately notify the court. After receiving notice the court shall proceed as provided in subsection 4.

3. At any time upon a finding by a ~~treating~~ an evaluating psychiatrist or licensed doctorate-level psychologist that there is no substantial probability that the defendant will be restored to competency in a reasonable amount of time, the psychiatrist or licensed doctorate-level psychologist ~~providing~~ evaluating the defendant's outpatient treatment to the defendant or the director of the inpatient facility shall immediately notify the court. Upon receiving notification, the court shall proceed as provided under subsection 4.

DIVISION VI CONFORMING CODE CHANGES

Sec. 14. Section 256.25, subsections 2 and 3, Code 2023, are amended to read as follows:

2. A school district, which may collaborate and partner with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, and institutions that provide children's mental health services, located in mental health and disability services regions providing children's behavioral health services in accordance with chapter 331 ~~225C~~, subchapter III ~~VII~~, ~~part 6~~, may apply for a grant under this program to establish a therapeutic classroom in the school district in accordance with this section.

3. The department shall develop a grant application and selection and evaluation criteria. Selection criteria shall include a method for prioritizing grant applications submitted by school districts. First priority shall be given to applications submitted by school districts that submitted an application pursuant to this section for the previous fiscal year. Second priority shall be given to applications submitted by school districts that, pursuant to subsection 2, are collaborating and partnering with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, or institutions that provide mental health services for children. Third priority shall be given to applications submitted by school districts located in mental health and disability services regions providing behavioral health services for children in accordance with chapter 331 ~~225C~~, subchapter III, ~~part 6~~ VII. Grant awards shall be distributed as equitably as possible among small, medium, and large school districts. For purposes of this subsection, a small school district is a district with an actual enrollment of fewer than six hundred pupils; a medium school district is a district with an actual enrollment that is at least six hundred pupils, but less than two thousand five hundred pupils; and a large school district is a district with an actual enrollment of two thousand five hundred or more pupils.

DIVISION VII CODE EDITOR DIRECTIVE — MENTAL HEALTH AND DISABILITY SERVICES CODE TRANSFERS

Sec. 15. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 331.388 to section 225C.55.
 - b. Section 331.389 to section 225C.56.
 - c. Section 331.390, as amended in this Act, to section 225C.57.
 - d. Section 331.391, as amended in this Act, to section 225C.58.
 - e. Section 331.392 to section 225C.59.
 - f. Section 331.393 to section 225C.60.
 - g. Section 331.394 to section 225C.61.
 - h. Section 331.395 to section 225C.62.
 - i. Section 331.396 to section 225C.63.
 - j. Section 331.396A to section 225C.64.
 - k. Section 331.397, as amended in this Act, to section 225C.65.
 - l. Section 331.397A, as amended in this Act, to section 225C.66.
 - m. Section 331.398 to section 225C.67.
 - n. Section 331.399 to section 225C.68.
 - o. Section 331.400, as amended in this Act, to section 225C.69.
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.
 3. The Code editor may add a new subchapter to chapter 225C preceding section 225C.55 entitled “MENTAL HEALTH AND DISABILITY SERVICES — REGIONAL SERVICE SYSTEM — CHILDREN’S BEHAVIORAL HEALTH SYSTEM”.

Approved June 1, 2023

CHAPTER 141

SANITARY DISTRICT TAX CERTIFICATION DEADLINE

H.F. 541

AN ACT relating to the tax certification deadline for sanitary districts and including applicability provisions.

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

- Section 1. Section 358.18, subsection 2, Code 2023, is amended to read as follows:
2. All taxes thus levied by the board of trustees shall be certified by the clerk on or before March 15¹ to the county auditor of each county wherein any of the property included within the territorial limits of the sanitary district is located, and shall be placed upon the tax list for the current fiscal year by the auditor or auditors. The county treasurer, or treasurers, of more than one county, shall collect all taxes so levied in the same manner as other taxes, and when delinquent the taxes shall draw the same interest. All taxes levied and collected shall be paid over by the officer collecting the taxes to the treasurer of the sanitary district.

Sec. 2. **APPLICABILITY.** This Act applies July 1, 2024, for sanitary district budgets for fiscal years beginning on or after that date.

Approved June 1, 2023

¹ See chapter 71, §88 herein

CHAPTER 142

CRIMINAL HISTORY AND INTELLIGENCE DATA ACCESS BY COUNTY ATTORNEYS IN CHILD IN NEED OF ASSISTANCE PROCEEDINGS

H.F. 564

AN ACT relating to access to criminal history data in child in need of assistance proceedings.

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

Section 1. Section 692.1, subsection 7, Code 2023, is amended to read as follows:

7. “*Criminal or juvenile justice agency*” means ~~an either of the following:~~

a. An agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

b. County attorneys and assistant county attorneys in a proceeding alleging that a child is a child in need of assistance as defined in section 232.2.

Approved June 1, 2023

CHAPTER 143

DECEDENTS AND TRANSFERS OF MOTOR VEHICLE OWNERSHIP — AFFIDAVITS — ODOMETER DISCLOSURE STATEMENTS

H.F. 583

AN ACT relating to the transfer of certain motor vehicles by operation of law, including associated odometer disclosure statements, and including retroactive applicability provisions.

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

Section 1. Section 321.47, subsection 2, Code 2023, is amended to read as follows:

2. *a.* ~~The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent who died intestate, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall must also contain an agreement by the affiant to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled shall, upon fulfilling complying with the other title transfer requirements of this chapter, to the issuance of be issued a registration card for the decedent's interest of the decedent in the vehicle and a certificate of title to it the vehicle. If a decedent dies died testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon fulfilling complying with the other title transfer requirements of this chapter, are entitled to the issuance of shall be issued a registration card for the decedent's interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall must contain the same information and indemnity agreement as is required in cases of intestacy pursuant to under this section subsection. A requirement of chapter Chapter 450 shall not be considered is not satisfied by the filing of the affidavit provided for in this section subsection. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall must~~

contain a statement of the liens unless the application is accompanied by proper evidence of ~~their~~ the satisfaction or extinction of such liens. Evidence of extinction ~~may consist of,~~ includes but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in chapter 554, article 9, part 6. The department shall waive the certificate of title fee and surcharge required under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent.

b. An affiant under this subsection is the agent of the owner of the vehicle solely for the purpose of completing the odometer disclosure statement under section 321.71 and regulations promulgated under 49 U.S.C. ch. 327, and found in 49 C.F.R. pt. 580. The affiant may submit any required odometer disclosure statement together with the affidavit required by this subsection.

Sec. 2. RETROACTIVE APPLICABILITY. This Act applies retroactively to vehicles transferred on or after July 1, 2022.

Approved June 1, 2023

CHAPTER 144

FLYING OUR COLORS SPECIAL REGISTRATION PLATE FEES — ALLOCATION TO FLOOD MITIGATION FUND

H.F. 590

AN ACT relating to moneys credited to the flood mitigation fund from fees collected for flying our colors registration plates.

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

Section 1. Section 321.34, subsection 11D, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the flood mitigation fund created under section 418.10, the amount of the special fees collected in the previous month for flying our colors plates. ~~This subparagraph is repealed July 1, 2023.~~

Approved June 1, 2023

CHAPTER 145

PUBLIC SCHOOL STUDENT IDENTIFICATION CARDS — SUICIDE PREVENTION INFORMATION

H.F. 602

AN ACT relating to the inclusion of the crisis hotline telephone and text numbers and internet address for the your life Iowa program or successor program on public school student identification cards and including applicability provisions.

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

Section 1. **NEW SECTION. 279.77 Student identification cards — suicide prevention information.**

A public school that issues identification cards to students in grades seven through twelve shall include on either side of the identification card the crisis hotline telephone and text numbers and the internet address for your life Iowa or the your life Iowa successor program. A public school that issues identification cards to students in grades five and six may include on either side of the identification card the crisis hotline telephone and text numbers and the internet address for your life Iowa or the your life Iowa successor program.

Sec. 2. **APPLICABILITY.** This Act applies to student identification cards issued on or after the effective date of this Act. A school that has a supply of unused student identification cards may use that supply prior to complying with the requirements of this Act relating to student identification cards.

Approved June 1, 2023

CHAPTER 146

VOLUNTEER EMERGENCY SERVICES PROVIDERS — PURCHASE OF PERSONAL VEHICLE TIRES UNDER MUNICIPAL TIRE PURCHASE CONTRACTS

H.F. 603

AN ACT relating to purchasing of tires from the state by certain volunteer emergency services providers.

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

Section 1. **NEW SECTION. 100B.46 Volunteer emergency services providers — tires.**

1. For purposes of this section, “volunteer emergency services provider” means any of the following:

a. A volunteer fire fighter as defined in section 85.61.

b. An emergency medical care provider as defined in section 147A.1 who performs, for a municipality as defined in section 100B.21, the functions of a volunteer operator or attendant of an ambulance or rescue squad service, a volunteer paramedic, or a volunteer emergency medical technician.

2. A municipality, as defined in section 100B.21, may authorize a volunteer emergency services provider who has performed services for the municipality for at least three years and who is currently performing services for the municipality to purchase up to four vehicle tires for one personal vehicle owned by the volunteer emergency services provider every three years under a contract for tires from which the municipality purchases vehicle tires. The volunteer emergency services provider shall pay for any tires purchased under this section, including all applicable taxes and fees.

3. The authorization by a municipality to purchase tires under this section must be in writing on the municipality’s letterhead and include the volunteer emergency services provider’s name, the number of years the volunteer emergency services provider has performed services for the municipality, the license plate of the personal vehicle authorized for the purchase, and reference the contract under which the municipality purchases vehicle tires. The municipality shall document how many tires each volunteer emergency services provider purchases during the periods specified in this section.

Approved June 1, 2023

CHAPTER 147**PROHIBITION AGAINST STATE, COUNTY, OR CITY ENERGY BENCHMARKING
REQUIREMENTS FOR PRIVATE PROPERTIES***H.F. 605*

AN ACT relating to energy benchmarking requirements for private properties.

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

Section 1. NEW SECTION. **103A.8D Energy benchmarking requirements.**

For purposes of this section, “*energy benchmarking*” means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. The commissioner shall not require energy benchmarking requirements for a private property.

Sec. 2. Section 331.301, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 22. For purposes of this subsection, “*energy benchmarking*” means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment to require energy benchmarking requirements for a private property.

Sec. 3. Section 414.1, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For purposes of this paragraph, “*energy benchmarking*” means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment to require energy benchmarking requirements for a private property.

Approved June 1, 2023

CHAPTER 148**REVIEW OF UTILITIES REGULATION AND RATEMAKING PROCEDURES***H.F. 617*

AN ACT relating to Iowa utilities board review of specified provisions and utility ratemaking procedures.

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

Section 1. **IOWA UTILITIES BOARD REVIEW.**

1. The utilities board shall initiate and coordinate an independent review of current Iowa Code provisions and ratemaking procedures. The review shall take into account the policy objectives of ensuring safe, adequate, reliable, and affordable utility services provided at rates that are nondiscriminatory, just, reasonable, and based on the utility’s cost of providing service to its customers within the state. The review shall include all of the following:

- a. An evaluation of the adequacy of current ratemaking law and procedure to promote the policy objectives described in this subsection.
- b. Identification of possible changes in law or procedure that might better advance the policy objectives described in this subsection.
- c. Recommendations for changes in law and administrative rules.

d. Identification of ratemaking laws and procedures of other states that, if adopted in Iowa, could enhance the competitiveness of utility rates in Iowa as compared with utility rates in other jurisdictions.

2. The consumer advocate division of the department of justice shall, and rate-regulated utilities and other interested persons may, participate in the review. The board may utilize additional services to assist in the coordination of the review and preparation of the report. The board shall submit a report with findings and recommendations to the general assembly by January 1, 2024.

Approved June 1, 2023

CHAPTER 149

PEACE OFFICERS AND PUBLIC SAFETY PERSONNEL — BRADY-GIGLIO LIST POLICY AND CONFIDENTIAL INFORMATION

H.F. 631

AN ACT relating to the rights of peace officers and public safety and emergency personnel, Brady-Giglio list policy, and confidential information, and including effective date provisions.

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

Section 1. Section 80F.1, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. “Brady-Giglio list” means a list compiled by a prosecuting agency containing the names and details of officers who have sustained incidents of untruthfulness, criminal convictions, candor issues, or some other type of issue which places the officer’s credibility into question. ~~This paragraph is repealed July 1, 2023.~~

Sec. 2. Section 80F.1, subsection 24, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* A prosecuting agency shall keep confidential and shall not release to the public an officer’s personnel file, medical records, or any statement, recording, transcript, or complaint protected under subsection 20, to the public. Nothing in this paragraph shall be construed to prohibit the release of records to the officer or the officer’s legal counsel as required under this section upon the request of the officer or the officer’s legal counsel or as otherwise provided by law or court order.

Sec. 3. Section 80F.1, subsection 24, paragraph i, Code 2023, is amended by striking the paragraph.

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

Approved June 1, 2023

CHAPTER 150**TIME-OF-TRANSFER INSPECTIONS OF PRIVATE SEWAGE DISPOSAL SYSTEMS —
CERTIFIED INSPECTORS***H.F. 634*

AN ACT relating to persons certified to conduct time-of-transfer inspections of private sewage disposal systems, and providing penalties.

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

Section 1. Section 455B.172, subsection 11, paragraph e, Code 2023, is amended to read as follows:

e. (1) Pursuant to chapter 17A, the department shall adopt certification requirements for inspectors, including training, testing, and fees, and shall establish uniform statewide inspection criteria and an inspection form. The inspector certification training shall include use of the criteria and form. Only a certified inspector may conduct a time-of-transfer inspection.

(2) An inspector's certification shall be considered current if the inspector has paid initial and renewal fees required to maintain certification, is up-to-date on continuing education units, is in good standing with the department, and has not otherwise been decertified.

(3) The department shall maintain a publicly available list of currently certified inspectors on the department's internet site. The department shall maintain the list such that an inspector's name is displayed next to the date that the inspector's certification first became valid and the date that the inspector's certification is set to expire.

(4) A certified inspector who fraudulently files a time-of-transfer report is subject to a civil penalty of five thousand dollars and the inspector's certification shall be suspended for one year.

Approved June 1, 2023

CHAPTER 151**INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES —
EXPUNGEMENT OF INFORMATION IN THE INVESTMENT ADVISER REGISTRATION
DEPOSITORY***H.F. 648*

AN ACT providing for the expungement of information regarding investment advisers and investment adviser representatives authorized to do business in this state.

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

Section 1. **NEW SECTION. 502.511 Investment advisers and investment adviser representatives — expungement of certain reported information.**

1. An investment adviser authorized to do business in this state under this chapter, including as provided in section 502.403, or an investment adviser representative authorized to do business in this state under this chapter, including as provided in section 502.404, may petition the district court sitting in equity to expunge information in a record in the investment adviser registration depository as provided in this section.

2. The commissioner of insurance, or the investment adviser that reported the information in the record in the investment adviser registration depository, may be named as a respondent or as respondents in the proceeding to expunge the information.

3. The district court may grant relief by ordering the expungement of the information in the record, and all references to such information in other records, in the investment adviser registration depository, if all of the following apply:

a. The information makes an allegation about the investment adviser or investment adviser representative.

b. The investment adviser filing the petition to expunge the information was doing business in this state, or the investment adviser representative filing the petition to expunge the information was a resident of this state as provided in section 422.4, when either of the following occurred:

(1) The information was first included in the record.

(2) The petition was filed in district court.

c. The information arises out of a dispute involving the client of an investment adviser and the investment adviser or investment adviser representative.

d. Any of the following apply:

(1) The petitioner was not involved in the event that resulted in the creation of the record.

(2) The information in the record is erroneous or impossible to be true.

(3) The information in the record is false.

(4) A decision in an administrative, judicial, or arbitration proceeding found that the petitioner did not act in a manner described by the record.

(5) The court determines that equitable principles require that such relief be granted.

4. Notwithstanding section 614.1, a petition may be filed and relief granted as provided in this section at any time.

Approved June 1, 2023

CHAPTER 152

UNIFORM LIMITED LIABILITY COMPANY ACT — MISCELLANEOUS CHANGES

H.F. 655

AN ACT providing for business organizations, including limited liability companies, providing penalties, and including effective date provisions.

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

DIVISION I LIMITED LIABILITY COMPANIES

Section 1. Section 489.101, Code 2023, is amended to read as follows:

489.101 Short title.

1. This chapter may be cited as the ~~“Revised Uniform~~ “Uniform Limited Liability Company Act”.

2. In addition, ~~article 14 subchapter XIV~~ of this chapter may be cited as provided in section 489.14101.

Sec. 2. Section 489.102, Code 2023, is amended to read as follows:

489.102 Definitions.

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

1. “Certificate of organization” means the certificate required by section 489.201. The term includes the certificate as amended or restated.

2. ~~“Contribution” means any benefit provided by a person to a limited liability company that is any of the following:~~

~~a. In order to become a member upon formation of the company and in accordance with an agreement between or among the persons that have agreed to become the initial members of the company.~~

~~b. In order to become a member after formation of the company and in accordance with an agreement between the person and the company.~~

~~c. In the person's capacity as a member and in accordance with the operating agreement or an agreement between the member and the company.~~

2. "Contribution", except in the phrase "right of contribution", means property or a benefit described in section 489.402 which is provided by a person to a limited liability company to become a member or in the person's capacity as a member.

3. "Debtor in bankruptcy" means a person that is the subject of any of the following:

a. An order for relief under Tit. 11 of the United States Code or a comparable order under a successor statute of general application.

b. A comparable order under federal, state, or foreign law governing insolvency.

4. "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery in person, by hand, mail, commercial delivery, and if authorized in accordance with section 489.120, by electronic transmission.

5. "Distribution", except as otherwise provided in section 489.405, subsection 6, means a transfer of money or other property from a limited liability company to another a person on account of a transferable interest or in the person's capacity as a member.

a. "Distribution" includes all of the following:

(1) A redemption or other purchase by a limited liability company of a transferable interest.

(2) A transfer to a member in return for the member's relinquishment of any right to participate as a member in the management or conduct of the limited liability company's activities and affairs or to have access to records or other information concerning the company's activities and affairs.

b. "Distribution" does not include amounts constituting reasonable compensation for present or past service or payments made in the ordinary course of business under a bona fide retirement plan or other bona fide benefits program.

6. "Domestic cooperative" means an entity organized on a cooperative basis under chapter 497, 498, or 499, a cooperative organized under chapter 499A, or a cooperative organized under chapter 501 or 501A.

7. "Effective", with respect to a record required or permitted to be delivered to the secretary of state for filing under this chapter, means effective under section 489.205, subsection 3.

7. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

8. "Electronic transmission" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval, and reproduction of information by the recipient, or another tangible medium that is all of the following:

a. Suitable for the retention, retrieval, and reproduction of information by the recipient.

b. Retrievable in paper form by the recipient through an automated process used in conventional commercial practice.

9. "Filing entity" means an unincorporated entity, other than a limited liability partnership, that is of a type that is created by filing a public organic record or is required to file a public organic record that evidences its creation.

9. 10. "Foreign limited liability company" means an unincorporated entity formed under the law of a jurisdiction other than this state and denominated by that law as a limited liability company which would be a limited liability company if formed under the law of this state.

11. "Jurisdiction", used to refer to a political entity, means the United States, a state, a foreign country, or a political subdivision of a foreign country.

12. "Jurisdiction of formation" means the jurisdiction whose law governs the internal affairs of an entity.

10. 13. "Limited liability company", except in the phrase "foreign limited liability company", and in subchapter X means an entity formed under this chapter or which becomes subject to this chapter under subchapter X or section 489.110.

~~11.~~ 14. “*Manager*” means a person that under the operating agreement of a manager-managed limited liability company is responsible, alone or in concert with others, for performing the management functions stated in section 489.407, subsection 3.

~~12.~~ 15. “*Manager-managed limited liability company*” means a limited liability company that qualifies under section 489.407, subsection 1.

~~13.~~ 16. “*Member*” means a person ~~that has become a member of a limited liability company under section 489.401 and has not dissociated under section 489.602.~~ for whom all of the following are true:

a. The person has become a member of a limited liability company under section 489.401 or was a member in a limited liability company when the company became subject to this chapter under section 489.110.

b. The person is not dissociated under section 489.602.

~~14.~~ 17. “*Member-managed limited liability company*” means a limited liability company that is not a manager-managed limited liability company.

~~18.~~ 19. “*Nonfiling entity*” means an unincorporated entity that is of a type that is not created by filing a public organic record.

~~15.~~ 20. “*Operating agreement*” means the agreement, whether or not referred to as an operating agreement and whether oral, ~~implied~~, in a record, ~~implied~~, or in any combination thereof, of all the members of a limited liability company, including a sole member, concerning the matters described in section 489.110, subsection 1. The term includes the agreement as amended or restated.

~~16.~~ 21. “*Organizer*” means a person that acts under section 489.201 to form a limited liability company.

~~17.~~ 22. a. “*Person*” means an individual, ~~business corporation, business trust, estate, trust, nonprofit corporation, partnership, limited partnership, limited liability company, domestic cooperative, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.~~

b. “Person” includes a protected series, however denominated, of an entity if the protected series is established under law that limits, or limits if conditions specified under law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

~~18.~~ 23. “*Principal office*” means the principal executive office of a limited liability company or foreign limited liability company, whether or not the office is located in this state.

~~23.~~ 24. “*Property*” means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

~~19.~~ 25. “*Record*”, used as a noun, 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.

~~20.~~ 26. “*Registered office*” means the office that a limited liability company or foreign limited liability company is required to designate and maintain under section 489.113.

~~25.~~ 27. “*Registered agent*” means an agent of a limited liability company or foreign limited liability company which is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the company.

~~26.~~ 28. “*Registered foreign limited liability company*” means a foreign limited liability company that is registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

~~21.~~ 29. “*Sign*” means, with the present intent to authenticate or adopt a record, to do any of the following:

a. Execute or adopt a tangible symbol.

b. Attach to or logically associate with the record an electronic symbol, sound, or process.

~~22.~~ 30. “*State*” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~23.~~ 31. “*Transfer*” includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, gift, or transfer by operation of law. any of the following:

a. An assignment.

- b. A conveyance.
- c. A sale.
- d. A lease.
- e. An encumbrance, including a mortgage or security interest.
- f. A gift.
- g. A transfer by operation of law.

~~24.~~ 30. a. "Transferable interest" means the right, as originally associated with initially owned by a person in the person's capacity as a member, to receive distributions from a limited liability company, in accordance with the operating agreement, whether or not the person remains a member or continues to own any part of the right.

b. "Transferable interest" applies to any fraction of the interest, by whomever owned.

~~25.~~ 31. a. "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a member.

b. "Transferee" includes a person that owns a transferable interest under section 489.603, subsection 1, paragraph "c".

Sec. 3. Section 489.103, Code 2023, is amended to read as follows:

489.103 Knowledge — notice.

1. A person knows a fact ~~when~~ if the person has or is any of the following:

- a. Has actual knowledge of it.
 - b. Is deemed to know it under subsection 4, paragraph "a", or law other than this chapter.
2. A person has notice of a fact ~~when~~ if the person has or is any of the following:
- a. Has reason to know the fact from all ~~of~~ the facts known to the person at the time in question.
 - b. Is deemed to have notice of the fact under subsection 4, paragraph "b".

3. ~~A Subject to section 489.210, subsection 6, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person knows to know the fact.~~

4. A person ~~that is~~ not a member is deemed ~~both~~ all of the following:

a. To know of a limitation on authority to transfer real property as provided in section 489.302, subsection 7.

b. To have notice of all of the following ~~regarding a limited liability company's:~~

(1) ~~Dissolution, The limited liability company's dissolution, ninety days after a statement of dissolution under section 489.702, subsection 2, paragraph "b", subparagraph (1), becomes effective.~~

(2) ~~Termination, The limited liability company's termination, ninety days after a statement of termination under section 489.702, subsection 2, paragraph "b", subparagraph (6), becomes effective.~~

(3) ~~Merger, The limited liability company's participation in a merger, interest exchange, conversion, or domestication, ninety days after articles of merger, interest exchange, conversion, or domestication under article 10 subchapter X become effective.~~

Sec. 4. Section 489.104, Code 2023, is amended to read as follows:

489.104 Nature, purpose, and duration of limited liability company.

- 1. A limited liability company is an entity distinct from its member or members.
- 2. A limited liability company may have any lawful purpose, regardless of whether for profit.
- 3. A limited liability company has perpetual duration.

Sec. 5. Section 489.105, Code 2023, is amended to read as follows:

489.105 Powers.

1. Except as otherwise provided in subsection 2, a limited liability company has the capacity to sue and be sued in its own name and the power to do all things necessary or convenient to carry on its activities and affairs.

2. Until a limited liability company has or has had at least one member, the limited liability company lacks the capacity to do any act or carry on any activity except all of the following:

a. Delivering to the secretary of state for filing a statement of change under section 489.114, an amendment to the certificate under section 489.202, a statement of correction under section 489.206, a biennial report under section 489.209, a statement of withdrawal or a statement of rescission under section 489.701A, or a statement of termination under section 489.702, subsection 2, paragraph “b”, subparagraph (6).

b. Admitting a member under section 489.401.

c. Dissolving under section 489.701.

3. A limited liability company that has or has had at least one member may ratify an act or activity that occurred when the company lacked capacity under subsection 2.

Sec. 6. Section 489.106, Code 2023, is amended to read as follows:

489.106 Governing law.

The law of this state governs all of the following:

1. The internal affairs of a limited liability company.

2. The liability of a member as member and a manager as manager for ~~the debts, obligations, a debt, obligation, or other liabilities~~ liability of a limited liability company.

Sec. 7. Section 489.108, Code 2023, is amended to read as follows:

489.108 Name Permitted names.

1. The name of a limited liability company must contain the words phrase “limited liability company” or “limited company” or the abbreviation “L. L. C.”, “LLC”, “L. C.”, or “LC”. “Limited” may be abbreviated as “Ltd.”, and “company” may be abbreviated as “Co.”.

2. ~~Unless authorized by~~ Except as otherwise provided in subsection 3, the name of a limited liability company, and the name under which a foreign limited liability company may register to do business in this state, must be distinguishable in on the records of the secretary of state from ~~all any~~ any of the following:

~~a. The name of each person that is not an individual and that is incorporated, organized, or authorized to transact business in this state.~~

~~b. Each name reserved under section 489.109.~~

a. The name of an existing person whose formation required the filing of a record by the secretary of state and which is not at the time administratively dissolved, or if such person has been administratively dissolved, within five years of the effective date of dissolution.

b. The name of a limited liability partnership whose statement of qualification is in effect.

c. The name under which a person is registered to do business in this state by the filing of a record by the secretary of state.

d. The name reserved under section 489.109 or other law of this state providing for the reservation of a name by the filing of a record by the secretary of state.

e. The name registered under section 489.114 or other law of this state providing for the registration of a name by the filing of a record by the secretary of state.

f. The name registered with the secretary of state as a fictitious name.

3. ~~A limited liability company may apply to the secretary of state for authorization to use a name that does not comply with subsection 2. The secretary of state shall authorize use of the name applied for if either of the following applies: If a person consents in a record to the use of its name and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable on the records of the secretary of state from any name in any category of names in subsection 2, the name of the consenting person may be used by the person to which the consent was given.~~

~~a. The present user, registrant, or owner of the noncomplying name consents in a signed record to the use and submits an undertaking in a form satisfactory to the secretary of state to change the noncomplying name to a name that complies with subsection 2 and is distinguishable in the records of the secretary of state from the name applied for.~~

~~b. The applicant delivers to the secretary of state a certified copy of the final judgment of a court establishing the applicant’s right to use in this state the name applied for.~~

4. ~~A limited liability company may use the name, including the fictitious name, of another entity that is used in this state if the other entity is formed under the law of this state or is authorized to transact business in this state and the proposed user limited liability company meets any of the following conditions: In determining whether a name is the same as~~

or not distinguishable on the records of the secretary of state from the name of another person, words, phrases, or abbreviations indicating a type of person, such as “corporation”, “corp.”, “incorporated”, “Inc.”, “professional corporation”, “P.C.”, “PC”, “professional association”, “P.A.”, “PA”, “Limited”, “Ltd.”, “limited partnership”, “L.P.”, “LP”, “limited liability partnership”, “L.L.P.”, “LLP”, “registered limited liability partnership”, “R.L.L.P.”, “RLLP”, “limited liability limited partnership”, “L.L.L.P.”, “LLL”, “registered limited liability limited partnership”, “R.L.L.L.P.”, “RLLL”, “limited liability company”, “L.L.C.”, “LLC”, “cooperative”, “coop”, or “CP” shall not be taken into account.

a. Has merged with the other entity.

b. Has been formed by reorganization of the other entity.

c. Has acquired all or substantially all of the assets, including the name, of the other entity.

5. This article does not control the use of fictitious names. However, if a limited liability company uses a fictitious name in this state, it shall deliver to the secretary of state for filing a certified copy of the resolution of its members if it is member-managed or its managers if it is manager-managed, adopting the fictitious name. The name of a limited liability company or foreign limited liability company shall not contain words that may be used only with approval by another state department or state agency unless the company obtains the approval of such other state department or agency and delivers to the secretary of state for filing a record certifying such approval.

6. Subject to section 489.805, this section applies to a foreign limited liability company transacting business in this state which has a certificate of authority to transact business in this state or which has applied for a certificate of authority. A limited liability company or foreign limited liability company may use a name that is not distinguishable from a name described in subsection 2, paragraphs “a” through “f”, if the company delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the right of the company to use the name in this state.

7. A limited liability company may use the name, including the fictitious name, of another entity that is used in this state if the other entity is formed under the law of this state or is authorized to transact business in this state and the proposed user limited liability company meets any of the following conditions:

a. Has merged with the other entity.

b. Has been formed by reorganization of the other entity.

c. Has acquired all or substantially all of the assets, including the name, of the other entity.

8. This subchapter does not control the use of fictitious names. However, if a limited liability company uses a fictitious name in this state, it shall deliver to the secretary of state for filing a certified copy of the resolution of its members if it is member-managed or its managers if it is manager-managed, adopting the fictitious name.

Sec. 8. Section 489.109, Code 2023, is amended to read as follows:

489.109 Reservation of name.

1. A person may reserve the exclusive use of the a name of a limited liability company, including a fictitious or assumed name for a foreign limited liability company whose name is not available, by delivering an application to the secretary of state for filing that complies with section 489.112 by delivering an application to the secretary of state for filing. The application must state the name and address of the applicant and the name proposed to be reserved. If the secretary of state finds that the name applied for is available, it must be reserved the secretary of state shall reserve the name for the applicant’s exclusive use for a one hundred twenty day period one hundred and twenty days.

2. The owner of a reserved name reserved for a limited liability company may transfer the reservation to another person by delivering to the secretary of state for filing a signed notice in a record of the transfer which states the name and address of the transferee person to which the reservation is being transferred.

Sec. 9. Section 489.110, Code 2023, is amended to read as follows:

489.110 Operating agreement — scope, function, and limitations.

1. Except as otherwise provided in subsections 2 3 and 3 4, the operating agreement governs all of the following:

a. Relations among the members as members and between the members and the limited liability company.

b. The rights and duties under this chapter of a person in the capacity of manager.

c. The activities and affairs of the company and the conduct of those activities and affairs.

d. The means and conditions for amending the operating agreement.

2. To the extent the operating agreement does not otherwise provide for a matter described in subsection 1, this chapter governs the matter.

3. An operating agreement shall not do any of the following:

a. ~~Vary a limited liability company's capacity under section 489.105 to sue and be sued in its own name the law applicable under section 489.104.~~

b. ~~Vary the law applicable under section 489.106 a limited liability company's capacity under section 489.109 to sue and be sued in its own name.~~

c. ~~Vary the power of the court under section 489.204. any requirement, procedure, or other provision of this chapter pertaining to any of the following:~~

(1) Registered agents.

(2) ~~The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this chapter.~~

d. ~~Subject to subsections 4 through 7, eliminate the duty of loyalty, the duty of care, or any other fiduciary duty Vary the provisions of section 489.204.~~

e. ~~Subject to subsections 4 through 7, eliminate the contractual obligation of good faith and fair dealing under section 489.409, subsection 4 Alter or eliminate the duty of loyalty or the duty of care, except as otherwise provided in subsection 4.~~

f. ~~Unreasonably restrict the duties and rights stated in section 489.410 Eliminate the contractual obligation of good faith and fair dealing under section 489.409, subsection 4, but the operating agreement may prescribe the standards, if not manifestly unreasonable, by which the performance of the obligation is to be measured.~~

g. ~~Vary the power of a court to decree dissolution in the circumstances specified in section 489.701, subsection 1, paragraphs "d" and "e" Relieve or exonerate a person from liability for conduct except as provided in subsection 6.~~

h. ~~Vary the requirement to wind up a limited liability company's business as specified in section 489.702, subsection 1, and section 489.702, subsection 2, paragraph "a" Unreasonably restrict the duties and rights under section 489.410, but the operating agreement may impose reasonable restrictions on the availability and use of information obtained under that section and may define appropriate remedies, including liquidated damages, for a breach of any reasonable restriction on use.~~

i. ~~Unreasonably restrict the right of a member to maintain an action under article 9 Vary the causes of dissolution specified in section 489.701, subsection 1, paragraph "d".~~

j. ~~Restrict the right to approve a merger, conversion, or domestication under section 489.1014 to a member that will have personal liability with respect to a surviving, converted, or domesticated organization Vary the requirement to wind up the limited liability company's activities and affairs as specified in section 489.702, subsection 1; subsection 2, paragraph "a"; and subsection 5.~~

k. ~~Except as otherwise provided in section 489.112, subsection 2, restrict the rights under this chapter of a person other than a member or manager Unreasonably restrict the right of a member to maintain an action under subchapter VIII.~~

l. ~~Vary the provisions of section 489.805A, but the operating agreement may provide that the limited liability company shall not have a special litigation committee.~~

m. ~~Vary the right of a member to approve a merger, interest exchange, conversion, or domestication under section 489.1023, subsection 1, paragraph "b"; section 489.1033, subsection 1, paragraph "b"; section 489.1043, subsection 1, paragraph "b"; or section 489.1053, subsection 1, paragraph "b".~~

n. ~~Vary the required contents of a plan of merger under section 489.1022, subsection 1; plan of interest exchange under section 489.1032, subsection 1; plan of conversion under section 489.1042, subsection 1; or plan of domestication under section 489.1052, subsection 1.~~

o. ~~Except as otherwise provided in sections 489.111 and 489.112, subsection 2, restrict the rights under this chapter of a person other than a member or manager.~~

4. ~~If not manifestly unreasonable, the operating agreement may do any of the following: Subject to subsection 3, paragraph "g", without limiting other terms that may be included in an operating agreement, all the following rules apply:~~

~~a. Restrict or eliminate the duty to do any~~ The operating agreement may do all of the following:

~~(1) As required in section 489.409, subsection 2, paragraph "a", and section 489.409, subsection 8, to account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the company's business, from a use by the member of the company's property, or from the appropriation of a limited liability company opportunity Specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one or more disinterested and independent persons after full disclosure of all material facts.~~

~~(2) As required in section 489.409, subsection 2, paragraph "b", and section 489.409, subsection 8, to refrain from dealing with the company in the conduct or winding up of the company's business as or on behalf of a party having an interest adverse to the company Alter the prohibition in section 489.405, subsection 1, paragraph "b", so that the prohibition requires only that the limited liability company's total assets not be less than the sum of its total liabilities.~~

~~(3) As required by section 489.409, subsection 2, paragraph "c", and section 489.409, subsection 8, to refrain from competing with the company in the conduct of the company's business before the dissolution of the company.~~

~~b. Identify specific types or categories of activities that do not violate the duty of loyalty To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of a responsibility that the member otherwise would have under this chapter and imposes the responsibility on one or more other members, the agreement also may eliminate or limit any fiduciary duty of the member relieved of the responsibility which would have pertained to the responsibility.~~

~~c. Alter the duty of care, except to authorize intentional misconduct or knowing violation of law. If not manifestly unreasonable, the operating agreement may do all of the following:~~

~~(1) Alter or eliminate the aspects of the duty of loyalty stated in section 489.409, subsections 2 and 9.~~

~~(2) Identify specific types or categories of activities that do not violate the duty of loyalty.~~

~~(3) Alter the duty of care, but may not authorize conduct involving bad faith, willful or intentional misconduct, or knowing violation of law.~~

~~(4) Alter or eliminate any other fiduciary duty.~~

~~d. Alter any other fiduciary duty, including eliminating particular aspects of that duty.~~

~~e. Prescribe the standards by which to measure the performance of the contractual obligation of good faith and fair dealing under section 489.409, subsection 4.~~

~~5. The operating agreement may specify the method by which a specific act or transaction that would otherwise violate the duty of loyalty may be authorized or ratified by one or more disinterested and independent persons after full disclosure of all material facts The court shall decide as a matter of law whether a term of an operating agreement is manifestly unreasonable under subsection 3, paragraph "f", or subsection 4, paragraph "c". All of the following shall apply:~~

~~a. The court shall make its determination as of the time the challenged term became part of the operating agreement and by considering only circumstances existing at that time.~~

~~b. The court may invalidate the term only if, in light of the purposes, activities, and affairs of the limited liability company, it is readily apparent that any of the following apply:~~

~~(1) The objective of the term is unreasonable.~~

~~(2) The term is an unreasonable means to achieve the term's objective.~~

~~6. To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of a responsibility that the member would otherwise have under this chapter and imposes the responsibility on one or more other members, the operating agreement may, to the benefit of the member that the operating agreement relieves of the responsibility, also eliminate or limit any fiduciary duty that would have pertained to the responsibility.~~

7. ~~6.~~ The An operating agreement may alter or eliminate the indemnification for a member or manager provided by section 489.408, subsection 1, and may eliminate or limit a member's or manager's liability to the limited liability company and members for money damages, except for any of the following:

a. A breach of the duty of loyalty.

b. A financial benefit received by the member or manager to which the member or manager is not entitled.

c. A breach of a duty under section 489.406.

d. Intentional infliction of harm on the company or a member.

e. An intentional violation of criminal law.

~~8. The court shall decide any claim under subsection 4 that a term of an operating agreement is manifestly unreasonable. All of the following apply:~~

~~a. The court shall make its determination as of the time the challenged term became part of the operating agreement and by considering only circumstances existing at that time.~~

~~b. The court may invalidate the term only if, in light of the purposes and activities of the limited liability company, it is readily apparent that any of the following applies:~~

~~(1) The objective of the term is unreasonable.~~

~~(2) The term is an unreasonable means to achieve the provision's objective.~~

Sec. 10. Section 489.111, Code 2023, is amended to read as follows:

489.111 Operating agreement — effect on limited liability company and persons becoming members — preformation agreement.

1. A limited liability company is bound by and may enforce the operating agreement, whether or not the company has itself manifested assent to the operating agreement.

2. A person that becomes a member of a limited liability company is deemed to assent to the operating agreement.

3. Two or more persons intending to become the initial members of a limited liability company may make an agreement providing that upon the formation of the company the agreement will become the operating agreement. One person intending to become the initial member of a limited liability company may assent to terms providing that upon the formation of the company the terms will become the operating agreement.

4. An operating agreement in a signed record that excludes modification or rescission except by a signed record cannot be otherwise modified or rescinded.

Sec. 11. Section 489.112, Code 2023, is amended to read as follows:

489.112 Operating agreement — effect on third parties and relationship to records effective on behalf of limited liability company.

1. An operating agreement may specify that its amendment requires the approval of a person that is not a party to the operating agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

2. The obligations of a limited liability company and its members to a person in the person's capacity as a transferee or a person dissociated as a member are governed by the operating agreement. Subject only to ~~any~~ a court order issued under section 489.503, subsection 2, paragraph "b", to effectuate a charging order, an amendment to the operating agreement made after a person becomes a transferee or is dissociated as a member is or is not effective as follows:

a. Is effective with regard to any debt, obligation, or other liability of the limited liability company or its members to the person in the person's capacity as a transferee or person dissociated as a member.

b. Is not effective to the extent the amendment imposes a new debt, obligation, or other liability on the transferee or person dissociated as a member.

3. If a record ~~that has been~~ delivered by a limited liability company to the secretary of state for filing ~~and has become~~ becomes effective ~~under this chapter~~ and contains a provision that would be ineffective under section 489.110, subsection 3 or subsection 4, paragraph "c", if contained in the operating agreement, the provision is ~~likewise~~ ineffective in the record.

4. Subject to subsection 3, if a record that has been delivered by a limited liability company to the secretary of state for filing and has become becomes effective under this chapter and conflicts with a provision of the operating agreement, all of the following rules apply:

a. The operating agreement prevails as to members, persons dissociated as members, transferees, and managers.

b. The record prevails as to other persons to the extent they reasonably rely on the record.

Sec. 12. Section 489.114, Code 2023, is amended to read as follows:

489.114 Change of registered office or registered agent for service of process or address for registered agency by limited liability company.

1. A limited liability company or registered foreign limited liability company may change its registered office or its registered agent for service of process agent or the address of its registered agent by delivering to the secretary of state for filing a statement of change that sets forth states all of the following:

a. The name of the limited liability company or foreign limited liability company.

b. ~~If the current registered office is to be changed, the street and mailing addresses of the new registered office~~ The information that is to be in effect as a result of the filing of the statement of change.

c. ~~If the current registered agent is to be changed, the name of the new registered agent and the new agent's consent to the appointment. The agent's consent may be on the statement or attached to it.~~

d. ~~That after the change or changes are made, the street address of its registered office and the business office of its registered agent will be identical.~~

2. ~~If a registered agent changes the street address of the registered agent's business office, the registered agent may change the street address of the registered office of any limited liability company or foreign limited liability company for which the person is the registered agent by notifying the limited liability company or foreign limited liability company in writing of the change and signing, either manually or in facsimile, and delivering to the secretary of state for filing a statement that complies with the requirements of subsection 1 and recites that the limited liability company or foreign limited liability company has been notified of the change. The members or managers of a limited liability company need not approve the delivery to the secretary of state for filing of any of the following:~~

a. ~~A statement of change under this section.~~

b. ~~A similar filing changing the registered agent or registered office, if any, of the limited liability company in any other jurisdiction.~~

3. ~~If a registered agent changes the registered agent's business address to another place, the registered agent may change the business address and the address of the registered agent by filing a statement as required by subsection 2 for each limited liability company or foreign limited liability company, or a single statement of all limited liability companies or all foreign limited liability companies named in the notice, except that it need be signed only by the registered agent and need not be responsive to subsection 1, paragraph "c", and must recite that a copy of the statement has been mailed to each limited liability company or foreign limited liability company named in the notice. A statement of change under this section designating a new registered agent is an affirmation of fact by the limited liability company or registered foreign limited liability company that the agent has consented to serve.~~

4. ~~A limited liability company or foreign limited liability company may also change its registered office or registered agent in its biennial report as provided in section 489.209. As an alternative to using the procedure in this section, a limited liability company may amend its certificate of organization.~~

5. Subject to section 489.205, subsection 3, a statement of change is effective when filed by the secretary of state.

Sec. 13. NEW SECTION. 489.114A Registration of name.

1. A foreign limited liability company not registered to do business in this state under subchapter IX may register its name, or an alternate name adopted pursuant to section 489.906A, if the name is distinguishable on the records of the secretary of state from the names that are not available under section 489.108.

2. To register its name or an alternate name adopted pursuant to section 489.906A, a foreign limited liability company must deliver to the secretary of state for filing an application stating the company's name, the jurisdiction and date of its formation, and any alternate name adopted pursuant to section 489.906A. If the secretary of state finds that the name applied for is available, the secretary of state shall register the name for the applicant's exclusive use.

3. The registration of a name under this section is effective for one year after the date of registration.

4. A foreign limited liability company whose name registration is effective may renew the registration for successive one-year periods by delivering, not earlier than three months before the expiration of the registration, to the secretary of state for filing a renewal application that complies with this section. When filed, the renewal application renews the registration for a succeeding one-year period.

5. A foreign limited liability company whose name registration is effective may register as a foreign limited liability company under the registered name or consent in a signed record to the use of that name by another person that is not an individual.

Sec. 14. Section 489.115, Code 2023, is amended to read as follows:

489.115 Resignation of registered agent for service of process.

1. ~~A registered agent may resign the agent's agency appointment by signing and as an agent for a limited liability company or registered foreign limited liability company by delivering to the secretary of state for filing the signed original a statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued. The registered agent shall send a copy of the statement of resignation by certified mail, return receipt requested, to the limited liability company or foreign limited liability company at its principal office and to the registered office, if not discontinued. The registered agent shall certify to the secretary of state that the copies have been sent to the limited liability company or foreign limited liability company, including the date the copies were sent. that states all of the following:~~

~~a. The name of the limited liability company or foreign limited liability company.~~

~~b. The name of the agent.~~

~~c. That the agent resigns from serving as registered agent for the limited liability company or foreign limited liability company.~~

~~d. The address of the limited liability company or foreign limited liability company to which the agent will send the notice required by subsection 3.~~

2. A statement of resignation takes effect on the earlier of the following:

a. ~~12:01 a.m. on the~~ The thirty-first day after the day on which it is filed with the secretary of state.

b. The designation of a new registered agent for the limited liability company or registered foreign limited liability company.

3. A registered agent promptly shall furnish to the limited liability company or registered foreign limited liability company notice in a record of the date on which a statement of resignation was filed.

4. When a statement of resignation takes effect, the registered agent ceases to have responsibility under this chapter for any matter thereafter tendered to it as agent for the limited liability company or registered foreign limited liability company. The resignation does not affect any contractual rights the company or foreign company has against the agent or that the agent has against the company or foreign company.

5. A registered agent may resign with respect to a limited liability company or registered foreign limited liability company whether or not the company or foreign company is in good standing.

Sec. 15. NEW SECTION. 489.115A Registered agent.

1. Each limited liability company and each registered foreign limited liability company shall designate and maintain a registered agent in this state. The designation of a registered agent is an affirmation of fact by the limited liability company or registered foreign limited liability company that the agent has consented to serve.

2. A registered agent for a limited liability company or registered foreign limited liability company must have a place of business in this state.

3. The only duties under this chapter of a registered agent that has complied with this chapter are as follows:

a. To forward to the limited liability company or registered foreign limited liability company at the address most recently supplied to the agent by the limited liability company or registered foreign limited liability company any process, notice, or demand pertaining to the company or foreign company which is served on or received by the agent.

b. If the registered agent resigns, to provide the notice required by section 489.115, subsection 3, to the limited liability company or registered foreign limited liability company at the address most recently supplied to the agent by the limited liability company or registered foreign limited liability company.

c. To keep current the information with respect to the agent in the certificate of organization or foreign registration statement.

Sec. 16. Section 489.116, Code 2023, is amended to read as follows:

489.116 Service of process, notice, or demand.

1. A limited liability company's company or registered foreign limited liability company's registered agent is the company's agent for service of process, notice, or demand required or permitted by law to company may be served on the company with any process, notice, or demand required or permitted by law by serving its registered agent.

2. If a limited liability company or registered foreign limited liability company has no ceases to have a registered agent, or the if its registered agent cannot with reasonable diligence be served, the limited liability company or registered foreign limited liability company may be served by registered or certified mail, return receipt requested, or by similar commercial delivery service, addressed to the limited liability company or registered foreign limited liability company at its principal office. The address of the principal office must be as shown on the limited liability company's or registered foreign limited liability company's most recent biennial report filed with the secretary of state pursuant to section 489.209. Service is perfected effected under this subsection at on the earliest of any of the following:

a. The date the limited liability company or registered foreign limited liability company receives the mail or delivery by the commercial delivery service.

b. The date shown on the return receipt, if signed on behalf of by the limited liability company or registered foreign limited liability company.

c. Five days after its deposit in with the United States mail, as evidenced by the postmark, if mailed postpaid and postal service or with the commercial delivery service, if correctly addressed and with sufficient postage or payment.

3. A limited liability company or foreign limited liability company may be served pursuant to this section, as provided in another provision of this chapter, or as provided in sections 617.3 through 617.6, unless the manner of service is otherwise specifically provided for by another provision of law If process, notice, or demand cannot be served on a limited liability company or registered foreign limited liability company pursuant to subsection 1 or 2, service may be made by handing a copy to the individual in charge of any regular place of business or activity of the limited liability company or registered foreign company if the individual served is not a plaintiff in the action.

4. Service of process, notice, or demand on a registered agent must be in a written record.

5. Service of process, notice, or demand may be made by other means under law other than this chapter, including as provided in sections 617.3 through 617.6 unless specifically provided for by another provision of law.

Sec. 17. Section 489.117, Code 2023, is amended to read as follows:

489.117 Fees.

1. The secretary of state shall collect the following fees when documents described in this subsection are delivered to the secretary's office for filing:

- a. Statement of rescission No fee
- b. Statement of withdrawal No fee
- c. Certificate of organization \$ 50

d. Application for use of indistinguishable name	\$ 10
e. Application for reserved name	\$ 10
f. Notice of transfer of reserved name	\$ 10
g. Statement of change of registered agent or registered office or both	No fee
h. Registered agent's statement of change of registered office for each affected limited liability company	No fee
i. Registered agent's statement of resignation	No fee
j. Amendment to certificate of organization	\$ 50
k. Restatement of certificate of organization with amendment of certificate	\$ 50
l. Articles of merger	\$ 50
m. Statement of dissolution	\$ 5
n. Declaration of administrative dissolution	No fee
o. Application for reinstatement following administrative dissolution	\$ 5
p. Certificate of reinstatement	No fee
q. Application for certificate of authority registration	\$100
r. Application for amended certificate of authority registration	\$100
s. Statement of cancellation	\$ 10
t. Certificate of revocation of authority to transact business	No fee
u. Statement of correction	\$ 5
v. Application for certificate of existence or authorization registration	\$ 5
w. Any other document required or permitted to be filed by this chapter	\$ 5

2. The secretary of state shall collect a fee of five dollars each time process is served on the secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

3. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a ~~domestic~~ limited liability company or foreign limited liability company as follows:

- a. One dollar a page for copying.
- b. Five dollars for the certificate.

4. The secretary of state may impose, assess, and collect a filing fee as a condition to accepting a biennial report as provided in section 489.209.

Sec. 18. NEW SECTION. 489.118 Change of name or address by registered agent.

1. If a registered agent changes its name or address, the agent may deliver to the secretary of state for filing a statement of change that states all of the following:

- a. The name of the limited liability company or registered foreign limited liability company represented by the registered agent.
- b. The name of the agent as currently shown in the records of the secretary of state for the limited liability company or registered foreign limited liability company.
- c. If the name of the agent has changed, its new name.
- d. If the address of the agent has changed, its new address.

2. A registered agent promptly shall furnish notice to the represented limited liability company or registered foreign limited liability company of the filing by the secretary of state of the statement of change and the changes made by the statement.

Sec. 19. NEW SECTION. **489.120 Delivery of record.**

1. Except as otherwise provided in this chapter, permissible means of delivery of a record include delivery by hand, mail, conventional commercial practice, and electronic transmission.

2. Delivery to the secretary of state is effective only when a record is received by the secretary of state.

Sec. 20. NEW SECTION. **489.121 Reservation of power to amend or repeal.**

The general assembly has power to amend or repeal all or part of this chapter at any time, and all limited liability companies and foreign limited liability companies subject to this chapter are governed by the amendment or repeal.

Sec. 21. Section 489.201, Code 2023, is amended to read as follows:

489.201 Formation of limited liability company — certificate of organization.

1. One or more persons may act as organizers to form a limited liability company by signing and delivering to the secretary of state for filing a certificate of organization.

2. A certificate of organization must state all of the following:

a. The name of the limited liability company, which must comply with section 489.108.

b. ~~The street address and mailing addresses of the initial registered office and the name of the initial registered agent for service of process on the company~~ limited liability company's principal office.

c. The name and street and mailing addresses in this state of the limited liability company's registered agent.

3. ~~Subject to section 489.112, subsection 3, a~~ A certificate of organization may also contain statements as to matters other than those required by subsection 2, but shall not vary or otherwise affect the provisions specified in section 489.110, subsections 3 and 4, in a manner inconsistent with that section. However, a statement in a certificate of organization is not effective as a statement of authority.

4. ~~A limited liability company is formed when the secretary of state has filed the certificate of organization, unless the certificate states a delayed becomes effective date pursuant to section 489.205, subsection 3. If the certificate states a delayed effective date, a limited liability company is not formed if, before the certificate takes effect, a statement of cancellation is signed and delivered to the secretary of state for filing and the secretary of state files the certificate.~~

5. ~~Subject to any delayed effective date and except in a proceeding by this state to dissolve a limited liability company, the filing of the certificate of organization by the secretary of state is conclusive proof that the organizer satisfied all conditions to the formation of a limited liability company.~~

Sec. 22. Section 489.202, Code 2023, is amended to read as follows:

489.202 Amendment or restatement of certificate of organization.

1. A certificate of organization may be amended or restated at any time.

2. To amend its certificate of organization, a limited liability company must deliver to the secretary of state for filing an amendment stating all of the following:

a. The name of the limited liability company.

b. The date of filing of its initial certificate of organization.

c. ~~The changes the amendment makes to the certificate as most recently amended or restated text of the amendment.~~

3. To restate its certificate of organization, a limited liability company must deliver to the secretary of state for filing a restatement, designated as such in its heading, stating and setting forth all of the following:

a. ~~In the heading or an introductory paragraph, the company's present name and the date of the filing of the company's initial certificate of organization~~ The name of the limited liability company.

~~b. If the company's name has been changed at any time since the company's formation, each of the company's former names~~ The text of the restated certificate of organization.

~~c. The changes the restatement makes to the certificate as most recently amended or restated~~ A statement that the restated certificate consolidates all amendments into a single document.

~~d. If a new amendment is included in the restated certificate of organization, the statements required under subsection 2 with respect to the new amendment if not otherwise provided.~~

~~4. Subject to section 489.112, subsection 3, and section 489.205, subsection 3, an amendment to or restatement of a certificate of organization is effective when filed by the secretary of state. If a member of a member-managed limited liability company, or a manager of a manager-managed limited liability company, knows that any information in a filed certificate of organization was inaccurate when the certificate of organization was filed or has become inaccurate due to changed circumstances, the member or manager shall promptly do any of the following:~~

~~a. Cause the certificate of organization to be amended.~~

~~b. If appropriate, deliver to the secretary of state for filing a statement of change under section 489.114 or a statement of correction under section 489.206.~~

~~5. If a member of a member-managed limited liability company, or a manager of a manager-managed limited liability company, knows that any information in a filed certificate of organization was inaccurate when the certificate was filed or has become inaccurate owing to changed circumstances, the member or manager shall promptly do any of the following:~~

~~a. Cause the certificate to be amended.~~

~~b. If appropriate, deliver to the secretary of state for filing a statement of change under section 489.114 or a statement of correction under section 489.206.~~

Sec. 23. Section 489.203, Code 2023, is amended to read as follows:

489.203 Signing of records to be delivered for filing to secretary of state.

1. A record delivered to the secretary of state for filing pursuant to this chapter must be signed as follows:

a. Except as otherwise provided in paragraphs "b" and "c", a record signed ~~on behalf of~~ by a limited liability company must be signed by a person authorized by the company.

b. A limited liability company's initial certificate of organization must be signed by at least one person acting as an organizer.

~~c. A record filed delivered on behalf of a dissolved limited liability company that does not have or has not had at least one~~ has no member must be signed by an organizer the person winding up the company's activities and affairs under section 489.702, subsection 3, or a person appointed under section 489.702, subsection 4, to wind up the activities and affairs.

~~d. A record filed on behalf of a dissolved limited liability company that has no members must be signed by the person winding up the company's activities under section 489.702, subsection 3, or a person appointed under section 489.702, subsection 4, to wind up those activities~~ A statement of denial by a person under section 489.303 must be signed by that person.

~~e. A statement of cancellation under section 489.201, subsection 4, must be signed by each organizer that signed the initial certificate of organization, but a personal representative of a deceased or incompetent organizer may sign in the place of the decedent or incompetent~~ Any other record delivered on behalf of a person to the secretary of state for filing must be signed by that person.

~~f. A statement of denial by a person under section 489.303 must be signed by that person.~~

~~g. Any other record must be signed by the person on whose behalf the record is delivered to the secretary of state.~~

2. ~~Any~~ A record filed delivered for filing under this chapter may be signed by an agent. Whenever this chapter requires a particular individual to sign a record and the individual is deceased or incompetent, the record may be signed by a legal representative of the individual.

3. A person that signs a record as an agent or legal representative affirms as a fact that the person is authorized to sign the record.

Sec. 24. Section 489.204, Code 2023, is amended to read as follows:

489.204 Signing and filing pursuant to judicial order.

1. If a person required by this chapter to sign a record or deliver a record to the secretary of state for filing under this chapter does not do so, any other person that is aggrieved may petition the district court to order one or more of the following:

- a. The person to sign the record.
- b. The person to deliver the record to the secretary of state for filing.
- c. The secretary of state to file the record unsigned.

2. If a petitioner under subsection 1 is not the limited liability company or foreign limited liability company to which the record pertains, the petitioner shall make the limited liability company or foreign limited liability company a party to the action.

3. ~~If a district court orders an unsigned record to be delivered to the secretary of state, the secretary of state shall file the record and the court order upon receipt~~ A record filed under subsection 1, paragraph "c", is effective without being signed.

Sec. 25. Section 489.205, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.205 Liability for inaccurate information in filed records.

1. If a record delivered to the secretary of state for filing under this chapter and filed by the secretary of state contains inaccurate information, a person that suffers loss by reliance on the information may recover damages for the loss from all of the following:

a. A person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be inaccurate at the time the record was signed.

b. Subject to subsection 2, a member of a member-managed limited liability company or a manager of a manager-managed limited liability company if all of the following apply:

(1) The record was delivered for filing on behalf of the limited liability company.

(2) The member or manager knew or had notice of the inaccuracy for a reasonably sufficient time before the information was relied upon so that, before the reliance, the member or manager reasonably could have done any of the following:

(a) Effected an amendment under section 489.202.

(b) Filed a petition under section 489.204.

(c) Delivered to the secretary of state for filing a statement of change under section 489.114 or a statement of correction under section 489.206.

2. To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of responsibility for maintaining the accuracy of information contained in records delivered on behalf of the limited liability company to the secretary of state for filing under this chapter and imposes that responsibility on one or more other members, the liability stated in subsection 1, paragraph "b", applies to those other members and not to the member that the operating agreement relieves of the responsibility.

3. A person commits a serious misdemeanor if that person signs a record the person knows is false in any material respect with intent that the record be delivered to the secretary of state for filing.

Sec. 26. Section 489.206, Code 2023, is amended to read as follows:

489.206 Correcting filed record.

~~1. A limited liability company or foreign limited liability company may deliver to the secretary of state for filing a statement of correction to correct a record previously delivered by the company to the secretary of state and filed by the secretary of state, if at the time of filing the record contained inaccurate information or was defectively signed. A person on whose behalf a filed record was delivered to the secretary of state for filing may correct the record if any of the following apply:~~

~~a. The record at the time of filing was inaccurate.~~

~~b. The record was defectively signed.~~

~~c. The electronic transmission of the record to the secretary of state was defective.~~

~~2. A statement of correction under subsection 1 shall not have a delayed effective date and must do all of the following: To correct a filed record, a person on whose behalf the record was~~

delivered to the secretary of state must deliver to the secretary of state for filing a statement of correction.

a. Describe the record to be corrected, including its filing date, or attach a copy of the record as filed.

b. Specify the inaccurate information and the reason it is inaccurate or the manner in which the signing was defective.

c. Correct the defective signature or inaccurate information.

3. When filed by the secretary of state, a statement of correction under subsection 1 is effective retroactively as of the effective date of the record the statement corrects, but the statement is effective when filed as to A statement of correction shall comply with all of the following:

a. For the purposes of section 489.103, subsection 4 It must not state a delayed effective date.

b. As to persons that previously relied on the uncorrected record and would be adversely affected by the retroactive effect It must be signed by the person correcting the filed record.

c. It must describe the record to be corrected including its filing date or attach a copy of the record as filed.

d. It must specify the inaccuracy or defect to be corrected.

e. It must correct the inaccuracy or defect.

4. A statement of correction is effective as of the effective date of the filed record that it corrects except for purposes of section 489.103, subsection 4, and as to persons relying on the uncorrected filed record and adversely affected by the correction. For those purposes and as to those persons, the statement of correction is effective when filed.

Sec. 27. NEW SECTION. 489.206A Filing requirements.

1. To be filed by the secretary of state pursuant to this chapter, a record must be captioned to describe the record's purpose, must be received by the secretary of state, must comply with this chapter, and must satisfy all of the following:

a. The filing of the record must be required or permitted by this chapter.

b. The record must be physically delivered in written form unless and to the extent the secretary of state permits electronic delivery of records.

c. The words in the record must be in English, and numbers must be in Arabic or Roman numerals, but the name of an entity need not be in English if written in English letters or Arabic or Roman numerals.

d. The record must be signed by a person authorized or required under this chapter to sign the record.

e. The record must state the name and capacity, if any, of each individual who signed it, either on behalf of the individual or the person authorized or required to sign the record, but need not contain a seal, attestation, acknowledgment, or verification.

2. If law other than this chapter prohibits the disclosure by the secretary of state of information contained in a record delivered to the secretary of state for filing, the secretary of state shall file the record if the record otherwise complies with this chapter but may redact the information.

3. When a record is delivered to the secretary of state for filing, any fee required under this chapter and any fee, tax, interest, or penalty required to be paid under this chapter or law other than this chapter must be paid in a manner permitted by the secretary of state or by that law.

4. The secretary of state may require that a record delivered in written form be accompanied by an identical or conformed copy.

5. The secretary of state may provide forms for filings required or permitted to be made by this chapter, but, except as otherwise provided in subsection 6, their use is not required.

6. The secretary of state may prescribe, and furnish on request and require any of the following forms:

a. A cover sheet for a filing.

b. An application for a certificate of existence or certificate of registration.

c. A foreign corporation's registration statement.

d. A foreign corporation's statement of withdrawal.

- e. A foreign corporation's transfer of registration statement.
- f. The biennial report required by section 489.209.

7. Upon request and payment of the requisite fee, the secretary of state shall send the requester a certified copy of a requested record.

Sec. 28. Section 489.207, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.207 Effective date and time.

Except as otherwise provided in section 489.115 and section 489.208A and subject to section 489.206, subsection 4, a record filed under this chapter is effective as follows:

1. On the date and at the time of its filing by the secretary of state, as provided in section 489.210, subsection 2.
2. On the date of filing and at the time specified in the record as its effective time, if later than the time under subsection 1.
3. At a specified delayed effective date and time, which may not be more than ninety days after the date of filing.
4. If a delayed effective date is specified, but no time is specified, at 12:01 a.m. on the date specified, which shall not be more than ninety days after the date of filing.

Sec. 29. Section 489.208, Code 2023, is amended to read as follows:

489.208 Certificate of existence or authorization registration.

~~1. Any person may apply to~~ On request of any person, the secretary of state ~~to be furnished shall issue a certificate of existence for a domestic limited liability company or a certificate of authorization registration for a registered foreign limited liability company.~~

2. A certificate of existence or ~~certificate of authorization registration~~ under subsection 1 must ~~set forth~~ state all of the following:

a. The ~~domestic~~ limited liability company's name or the registered foreign limited liability company's name used in this state.

b. ~~One~~ In the case of a limited liability company, all of the following:

(1) ~~If it is a domestic limited liability company, that the company is duly formed under the laws of this state, the date of its formation, and the period of its duration~~ That a certificate of organization has been filed and has taken effect.

(2) ~~If it is a foreign limited liability company, that the company is authorized to transact business in this state~~ The date the certificate became effective.

(3) The period of the limited liability company's duration if the records of the secretary of state reflect that its period of duration is less than perpetual.

(4) That all of the following apply:

(a) No statement of dissolution, statement of administrative dissolution, or statement of termination has been filed.

(b) The records of the secretary of state do not otherwise reflect that the limited liability company has been dissolved or terminated.

(c) A proceeding is not pending under section 489.705.

c. ~~That all fees, taxes, and penalties due under this chapter or other law to the secretary of state have been paid~~ In the case of a registered foreign limited liability company, that it is registered to do business in this state.

d. ~~That the company's most recent biennial report required by this chapter has been filed by the secretary of state~~ That all fees, taxes, interest, and penalties owed to this state by the limited liability company or foreign limited liability company and collected through the secretary of state have been paid, if all of the following apply:

(1) Payment is reflected in the records of the secretary of state.

(2) Nonpayment affects the good standing or registration of the limited liability company or foreign limited liability company.

e. ~~If it is a domestic limited liability company, that a statement of dissolution or statement of termination has not been filed~~ That the most recent biennial report required by section 489.209 has been delivered to the secretary of state for filing.

~~f. Other facts of record in the office reflected in the records of the secretary of state that may be requested by the applicant pertaining to the limited liability company or foreign limited liability company which the person requesting the certificate reasonably requests.~~

~~3. Subject to any qualification stated in the certificate, a certificate of existence or certificate of authorization issued by the secretary of state is under subsection 1 may be relied on as conclusive evidence that the domestic limited liability company is in existence or the foreign limited liability company is authorized to transact business in this state of the facts stated in the certificate.~~

Sec. 30. NEW SECTION. **489.208A Withdrawal of filed record before effectiveness.**

1. Except as otherwise provided in sections 489.1024, 489.1034, 489.1044, and 489.1054, a record delivered to the secretary of state for filing may be withdrawn before it takes effect by delivering to the secretary of state for filing a statement of withdrawal.

2. A statement of withdrawal must comply with all of the following:

a. Be signed by each person that signed the record being withdrawn, except as otherwise agreed by those persons.

b. Identify the record to be withdrawn.

c. If signed by fewer than all the persons that signed the record being withdrawn, state that the record is withdrawn in accordance with the agreement of all the persons that signed the record.

3. On filing by the secretary of state of a statement of withdrawal, the action or transaction evidenced by the original record does not take effect.

Sec. 31. Section 489.209, Code 2023, is amended to read as follows:

489.209 Biennial report for secretary of state.

1. A limited liability company or a foreign limited liability company ~~authorized~~ registered to ~~transact do~~ business in this state shall deliver to the secretary of state for filing a biennial report that states all of the following:

a. The name of the company.

b. The street address of the company's registered office, the name of its registered agent at that office, and the consent of any new registered agent.

c. The street address of its principal office.

d. In the case of a foreign limited liability company, the state or other jurisdiction under whose law the foreign company is formed and any alternate name adopted under section 489.805, subsection 1.

2. Information in a biennial report under this section must be current as of the date the report is delivered to the secretary of state for filing. The report shall be executed on behalf of the limited liability company or foreign limited liability company and signed as provided in section 489.203.

3. The first biennial report ~~under this section in this state~~ in this state must be delivered to the secretary of state between January 1 and April 1 of the first odd-numbered year following the calendar year in which a limited liability company was formed or a foreign limited liability company was ~~authorized~~ registered to ~~transact do~~ business. A subsequent biennial report must be delivered to the secretary of state between January 1 and April 1 of each following odd-numbered calendar year. A filing fee for the biennial report shall be determined by the secretary of state pursuant to section 489.117. Each biennial report shall contain information related to the two-year period immediately preceding the calendar year in which the report is filed.

4. If a biennial report does not contain the information required in this section, the secretary of state shall promptly notify the reporting limited liability company or foreign limited liability company in writing and return the report to it for correction.

5. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the biennial report, provided that the form contains the information required in section 489.114. If the secretary of state determines that a biennial report does not contain the information required in this section but otherwise meets the requirements of section 489.114 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change for the registered

office or registered agent, effective as provided in section 489.205 ~~489.207~~, subsection 3, before returning the biennial report to the limited liability company as provided in this section. A statement of change of registered office or registered agent accomplished pursuant to this subsection shall be executed by a person authorized to execute the biennial report.

Sec. 32. NEW SECTION. **489.210 Duty of secretary of state to file — review of refusal to file — delivery of record by secretary of state.**

1. The secretary of state shall file a record delivered to the secretary of state for filing which satisfies this chapter. The duty of the secretary of state under this section is ministerial.

2. When the secretary of state files a record, the secretary of state shall record it as filed on the date and at the time of its delivery. After filing a record, the secretary of state shall deliver to the person that submitted the record a copy of the record with an acknowledgment of the date and time of filing and, in the case of a statement of denial, also to the limited liability company to which the statement pertains.

3. If the secretary of state refuses to file a record, the secretary of state shall, not later than fifteen business days after the record is delivered, do all of the following:

- a. Return the record or notify the person that submitted the record of the refusal.
- b. Provide a brief explanation in a record of the reason for the refusal.

4. If the secretary of state refuses to file a record, the person that submitted the record may petition the district court of Polk county to compel filing of the record. The record and the explanation of the secretary of state of the refusal to file must be attached to the petition. The court may decide the matter in a summary proceeding. If the court orders the record to be filed, the court may order it filed with an effective date that is the date on which it was submitted to the secretary of state for filing.

5. The filing of or refusal to file a record does not do any of the following:

- a. Affect the validity or invalidity of the record in whole or in part.
- b. Create a presumption that the information contained in the record is correct or incorrect.

6. Except as otherwise provided by section 489.116 or by law other than this chapter, the secretary of state may deliver any record to a person by delivering it by any of the following:

- a. In person to the person that submitted it.
- b. To the address of the person's registered agent.
- c. To the principal office of the person.
- d. To another address the person provides to the secretary of state for delivery.

Sec. 33. Section 489.302, Code 2023, is amended to read as follows:

489.302 Statement of limited liability company authority.

1. A limited liability company may deliver to the secretary of state for filing a statement of authority. All of the following apply to the statement:

a. It must include the name of the limited liability company and the name and street address and mailing addresses of its ~~principal office~~ registered agent.

b. With respect to any position that exists in or with respect to the limited liability company, it may state the authority, or limitations on the authority, of all persons holding the position to do any of the following:

(1) ~~Execute~~ Sign an instrument transferring real property held in the name of the limited liability company.

(2) Enter into other transactions on behalf of, or otherwise act for or bind, the limited liability company.

c. It may state the authority, or limitations on the authority, of a specific person to do any of the following:

(1) ~~Execute~~ Sign an instrument transferring real property held in the name of the limited liability company.

(2) Enter into other transactions on behalf of, or otherwise act for or bind, the limited liability company.

2. To amend or cancel a statement of authority filed by the secretary of state ~~under section 489.205, subsection 1~~, a limited liability company must deliver to the secretary of state for filing an amendment or cancellation stating all of the following:

- a. The name of the limited liability company.

b. ~~The name and street address and mailing addresses of the limited liability company's principal office registered agent.~~

c. ~~The caption of the statement being amended or canceled and the date the statement being affected became effective.~~

d. ~~The contents of the amendment or a declaration that the statement being affected is canceled.~~

3. A statement of authority affects only the power of a person to bind a limited liability company to persons that are not members.

4. Subject to subsection 3 and section 489.103, subsection 4, and except as otherwise provided in subsections 6, 7, and 8, a limitation on the authority of a person or a position contained in an effective statement of authority is not by itself evidence of any person's knowledge or notice of the limitation ~~by any person.~~

5. Subject to subsection 3, a grant of authority not pertaining to a transfer of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that when the person gives value, any of the following applies:

a. The person has knowledge to the contrary.

b. The statement has been canceled or restrictively amended under subsection 2.

c. A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective.

6. Subject to subsection 3, an effective statement of authority that grants authority to transfer real property held in the name of the limited liability company ~~and that, a certified copy of which statement is recorded by certified copy~~ in the office for recording transfers of the real property, is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value, any of the following applies:

a. The statement has been canceled or restrictively amended under subsection 2 and a certified copy of the cancellation or restrictive amendment has been recorded in the office for recording transfers of the real property.

b. A limitation on the grant is contained in another statement of authority that became effective after the statement containing the grant became effective, and a certified copy of the later-effective statement is recorded in the office for recording transfers of the real property.

7. Subject to subsection 3, if a certified copy of an effective statement containing a limitation on the authority to transfer real property held in the name of a limited liability company is recorded in the office for recording transfers of that real property, all persons are deemed to know of the limitation.

8. Subject to subsection 9, an effective statement of dissolution or a statement of termination is a cancellation of any filed statement of authority for the purposes of subsection 6 and is a limitation on authority for the purposes of subsection 7.

9. After a statement of dissolution becomes effective, a limited liability company may deliver to the secretary of state for filing and, if appropriate, ~~the secretary of state~~ may record a statement of authority that is designated as a post-dissolution statement of authority. The statement operates as provided in subsections 6 and 7.

10. A statement of authority filed by the secretary of state under section ~~489.205~~ 489.207, subsection 1, is effective until amended or canceled as provided in subsection 2, unless an earlier cancellation date is specified in the statement.

11. An effective statement of denial operates as a restrictive amendment under this section and may be recorded by certified copy for ~~the~~ purposes of subsection 6, paragraph "a".

Sec. 34. Section 489.304, Code 2023, is amended to read as follows:

489.304 Liability of members and managers.

1. ~~For debts, obligations, or other liabilities~~ A debt, obligation, or other liability of a limited liability company, whether arising in contract, tort, or otherwise all of the following apply: is solely the debt, obligation, or other liability of the company. A member or manager is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the company solely by reason of being or acting as a member or manager. This subsection applies regardless of the dissolution of the company.

- ~~a. They are solely the debts, obligations, or other liabilities of the company.~~
- ~~b. They do not become the debts, obligations, or other liabilities of a member or manager solely by reason of the member acting as a member or manager acting as a manager.~~
- 2. The failure of a limited liability company to observe ~~any particular formalities relating to the exercise of its powers or management of its activities and affairs~~ is not a ground for imposing liability on ~~the members a member or managers manager~~ for the debts, obligations, a debt, obligation, or other liabilities liability of the company.

Sec. 35. Section 489.401, Code 2023, is amended to read as follows:

489.401 Becoming member.

1. If a limited liability company is to have only one member upon formation, a the person becomes ~~the a~~ member as agreed by that person and the organizer of the company ~~or a majority of organizers if more than one~~. That person and the organizer may be, but need not be, different persons. If different, the organizer acts on behalf of the initial member.

2. If a limited liability company is to have more than one member upon formation, those persons become members as agreed by the persons before the formation of the company. The organizer acts on behalf of the persons in forming the company and may be, but need not be, one of the persons.

3. ~~If a limited liability company has no members upon formation, a person becomes a member of the limited liability company with the consent of the organizer or a majority of the organizers if more than one. The organizers may consent to more than one person simultaneously becoming the company's initial members~~ After formation of a limited liability company, a person becomes a member according to any of the following:

- a. As provided in the operating agreement.
- b. As the result of a transaction effective under subchapter X.
- c. With the affirmative vote or consent of all the members.
- d. As provided in section 489.701, subsection 1, paragraph "c".

4. ~~After formation of a limited liability company, a person becomes a member upon A~~ person may become a member without any of the following:

- a. As provided in the operating agreement Acquiring a transferable interest.
- b. As the result of a transaction effective under article 10 Making or being obligated to make a contribution to the limited liability company.
- e. With the consent of all the members.
- d. If, within ninety consecutive days after the company ceases to have any members, all of the following occur:

(1) ~~The last person to have been a member, or the legal representative of that person, designates a person to become a member.~~

(2) ~~The designated person consents to become a member.~~

5. ~~A person may become a member without acquiring a transferable interest and without making or being obligated to make a contribution to the limited liability company.~~

Sec. 36. Section 489.402, Code 2023, is amended to read as follows:

489.402 Form of contribution.

~~A contribution may consist of tangible or intangible property or other benefit to a limited liability company, including money, services performed, promissory notes, other agreements to contribute money or property, and contracts for services to be performed~~ property transferred to, services performed for, or another benefit provided to the limited liability company or an agreement to transfer property to, perform services for, or provide another benefit to the company.

Sec. 37. Section 489.403, Code 2023, is amended to read as follows:

489.403 Liability for contributions.

1. ~~A person's obligation to make a contribution to a limited liability company is not excused by the person's death, disability, termination, or other inability to perform personally. If a person does not make a required contribution, the person or the person's estate is obligated to contribute money equal to the value of the part of the contribution which has not been made, at the option of the company.~~

~~2. A creditor of a limited liability company which extends credit or otherwise acts in reliance on an obligation described in subsection 1 may enforce the obligation. If a person does not fulfill an obligation to make a contribution other than money, the person is obligated at the option of the limited liability company to contribute money equal to the value of the part of the contribution which has not been made.~~

~~3. An operating agreement may provide that the interest of any member who fails to make a contribution that the member is obligated to make is subject to specified penalties for, or specified consequences of, such failure. The penalty or consequence may take the form of reducing or eliminating the defaulting member's proportionate interest in a limited liability company, subordinating the member's interest to that of a nondefaulting member, a forced sale of the member's interest, forfeiture of the member's interest, the lending by other members of the amount necessary to meet the member's commitment, a fixing of the value of the member's interest by appraisal or by formula and redemption, or sale of the member's interest at such value or other penalty or consequence. The obligation of a person to make a contribution may be compromised only by the affirmative vote or consent of all the members. If a creditor of a limited liability company extends credit or otherwise acts in reliance on an obligation described in subsection 1 without knowledge or notice of a compromise under this subsection, the creditor may enforce the obligation.~~

~~4. An operating agreement may provide that the interest of any member who fails to make a contribution that the member is obligated to make is subject to specified penalties for, or specified consequences of, such failure. The penalty or consequence may take the form of reducing or eliminating the defaulting member's proportionate interest in a limited liability company, subordinating the member's interest to that of a nondefaulting member, a forced sale of the member's interest, forfeiture of the member's interest, the lending by other members of the amount necessary to meet the member's commitment, a fixing of the value of the member's interest by appraisal or by formula and redemption, or sale of the member's interest at such value or other penalty or consequence.~~

Sec. 38. Section 489.404, Code 2023, is amended to read as follows:

489.404 Sharing of and right to distributions before dissolution.

1. Any ~~distributions~~ distribution made by a limited liability company before its dissolution and winding up must be in equal shares among members and persons dissociated as members, except to the extent necessary to comply with ~~any~~ a transfer effective under section 489.502 and any charging order in effect under section 489.503.

2. A person has a right to a distribution before the dissolution and winding up of a limited liability company only if the limited liability company decides to make an interim distribution. A person's dissociation does not entitle the person to a distribution.

3. A person does not have a right to demand or receive a distribution from a limited liability company in any form other than money. Except as otherwise provided in section 489.708, subsection ~~3~~ 4, a limited liability company may distribute an asset in kind only if each part of the asset is fungible with each other part and each person receives a percentage of the asset equal in value to the person's share of distributions.

4. If a member or transferee becomes entitled to receive a distribution, the member or transferee has the status of, and is entitled to all remedies available to, a creditor of the limited liability company with respect to the distribution. However, the company's obligation to make a distribution is subject to offset for any amount owed to the company by the member or a person dissociated as a member on whose account the distribution is made.

Sec. 39. Section 489.405, Code 2023, is amended to read as follows:

489.405 Limitations on distribution.

1. A limited liability company shall not make a distribution, including a distribution under section 489.708, if after the distribution any of the following applies:

a. The limited liability company would not be able to pay its debts as they become due in the ordinary course of the company's activities and affairs.

b. The limited liability company's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the company were to be dissolved, and wound up, ~~and terminated~~ at the time of the distribution, to satisfy the preferential

rights upon dissolution, and winding up, and termination of members up of members and transferees whose preferential rights are superior to those the rights of persons receiving the distribution.

2. A limited liability company may base a determination that a distribution is not prohibited under subsection 1 on ~~financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable under the circumstances~~ any of the following:

a. Financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances.

b. A fair valuation or other method that is reasonable under the circumstances.

3. Except as otherwise provided in subsection 5, the effect of a distribution under subsection 1 is measured as follows:

a. In the case of a distribution ~~by purchase, redemption, or other acquisition of a transferable interest in the company, as of the date money or other property is transferred or debt incurred by the company~~ as defined in section 489.102, subsection 5, paragraph "a", as of the earlier of any of the following:

(1) The date money or other property is transferred or debt is incurred by the limited liability company.

(2) The date the person entitled to the distribution ceases to own the interest or right being acquired by the limited liability company in return for the distribution.

b. In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

~~b.~~ c. In all other cases, as follows any of the following:

(1) The date that the distribution is authorized, if the payment occurs within not later than one hundred twenty days after that date.

(2) The date that the payment is made, if the payment occurs more than one hundred twenty days after the distribution is authorized.

4. A limited liability company's indebtedness to a member or transferee incurred by reason of a distribution made in accordance with this section is at parity with the company's indebtedness to its general, unsecured creditors, except to the extent subordinated by agreement.

5. A limited liability company's indebtedness, including indebtedness issued ~~in connection with or as part of~~ as a distribution, is not a liability for purposes of subsection 1 if the terms of the indebtedness provide that payment of principal and interest are is made only if and to the extent that payment of a distribution could then be made to members under this section. If the indebtedness is issued as a distribution, each payment of principal or interest ~~on the indebtedness~~ is treated as a distribution, the effect of which is measured on the date the payment is made.

6. ~~In subsection 1, "distribution" does not include amounts constituting reasonable compensation for present or past services or reasonable payments made in the ordinary course of business under a bona fide retirement plan or other benefits program~~ In measuring the effect of a distribution under section 489.708, the liabilities of a dissolved limited liability company do not include any claim that has been disposed of under section 489.703, 489.704, or 489.706A.

Sec. 40. Section 489.406, Code 2023, is amended to read as follows:

489.406 Liability for improper distributions.

1. Except as otherwise provided in subsection 2, if a member of a member-managed limited liability company or a manager of a manager-managed limited liability company consents to a distribution made in violation of section 489.405 and in consenting to the distribution fails to comply with section 489.409, the member or manager is personally liable to the company for the amount of the distribution ~~that which~~ exceeds the amount that could have been distributed without the violation of section 489.405.

2. To the extent the operating agreement of a member-managed limited liability company expressly relieves a member of the authority and responsibility to consent to distributions and imposes that authority and responsibility on one or more other members, the liability

stated in subsection 1 applies to the other members and not the member that the operating agreement relieves of the authority and responsibility.

3. A person that receives a distribution knowing that the distribution ~~to that person was made in violation of~~ violated section 489.405 is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under section 489.405.

4. A person against which an action is commenced because the person is liable under subsection 1 may do all of the following:

a. Implead any other person that is ~~subject to liability~~ liable under subsection 1 and seek to ~~compel~~ enforce a right of contribution from the person.

b. Implead any person that received a distribution in violation of subsection 3 and seek to ~~compel~~ enforce a right of contribution from the person in the amount the person received in violation of subsection 3.

5. An action under this section is barred ~~if not~~ unless commenced ~~within~~ not later than two years after the distribution.

Sec. 41. Section 489.407, Code 2023, is amended to read as follows:

489.407 Management of limited liability company.

1. A limited liability company is a member-managed limited liability company unless the operating agreement does any of the following:

a. Expressly provides that any of the following apply:

(1) The limited liability company is or will be “manager-managed”.

(2) The limited liability company is or will be “managed by managers”.

(3) Management of the limited liability company is or will be “vested in managers”.

b. Includes words of similar import.

2. In a member-managed limited liability company, all of the following rules apply:

a. ~~The~~ Except as expressly provided in this chapter, the management and conduct of the limited liability company are vested in the members.

b. Each member has equal rights in the management and conduct of the limited liability company’s activities and affairs.

c. A difference arising among members as to a matter in the ordinary course of the activities and affairs of the limited liability company may be decided by a majority of the members.

d. ~~An act outside the ordinary course of the activities of the company, including selling, leasing, exchanging, or otherwise disposing of all, or substantially all, of the company’s property, with or without the goodwill, may be undertaken only with the consent of all members~~ The affirmative vote or consent of all the members is required to do any of the following:

(1) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of the limited liability company’s property, with or without good will, outside the ordinary course of the company’s activities.

(2) Undertake an act outside the ordinary course of the activities and affairs of the limited liability company.

(3) Approve a merger, interest exchange, conversion, or domestication under subchapter X.

(4) Amend the operating agreement.

~~e. The operating agreement may be amended only with the consent of all members.~~

3. In a manager-managed limited liability company, all of the following rules apply:

a. Except as ~~otherwise~~ expressly provided in this chapter, any matter relating to the activities and affairs of the limited liability company is decided exclusively by the managers manager, or, if there is more than one manager, by a majority of the managers.

b. Each manager has equal rights in the management and conduct of the activities and affairs of the limited liability company.

c. ~~A difference arising among managers as to a matter in the ordinary course of the activities of the company may be decided by a majority of the managers.~~

d. c. The affirmative vote or consent of all members is required to do any of the following:

(1) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of the limited liability company's property, with or without the goodwill, outside the ordinary course of the company's activities.

~~(2) Approve a merger, conversion, or domestication under article 10~~ Undertake any other act outside the ordinary course of the limited liability company's activities and affairs.

~~(3) Undertake any other act outside the ordinary course of the company's activities~~ Approve a merger, interest exchange, conversion, or domestication under subchapter X.

(4) Amend the operating agreement.

~~e. d.~~ A manager may be chosen at any time by the affirmative vote or consent of a majority of the members and remains a manager until a successor has been chosen, unless the manager at an earlier time resigns, is removed, or dies, or, in the case of a manager that is not an individual, terminates. A manager may be removed at any time by the affirmative vote or consent of a majority of the members without notice or cause.

~~f. e.~~ A person need not be a member to be a manager, but the dissociation of a member that is also a manager removes the person as a manager. If a person that is both a manager and a member ceases to be a manager, that cessation does not by itself dissociate the person as a member.

~~g. f.~~ A person's ceasing to be a manager does not discharge any debt, obligation, or other liability to the limited liability company or members which the person incurred while a manager.

4. An action requiring the vote or consent of members under this chapter may be taken without a meeting, and a member may appoint a proxy or other agent to vote, consent, or otherwise act for the member by signing an appointing record, personally or by the member's agent.

5. The dissolution of a limited liability company does not affect the applicability of this section. However, a person that wrongfully causes dissolution of the company loses the right to participate in management as a member and a manager.

~~6. This chapter does not entitle a member to remuneration for services performed for a member-managed limited liability company, except for reasonable compensation for services rendered in winding up the activities of the company~~ A limited liability company shall reimburse a member for an advance to the company beyond the amount of capital the member agreed to contribute.

7. A payment or advance made by a member which gives rise to a limited liability company obligation under subsection 6 or section 489.408, subsection 1, constitutes a loan to the company which accrues interest from the date of the payment or advance.

8. A member is not entitled to remuneration for services performed for a member-managed limited liability company, except for reasonable compensation for services rendered in winding up the activities of the company.

Sec. 42. Section 489.407A, Code 2023, is amended to read as follows:

489.407A Real estate interest transferred by limited liability company or foreign limited liability company.

1. A transfer of an interest in real estate situated in this state held by a limited liability company or a registered foreign limited liability company authorized to ~~transact~~ do business in this state is subject to the provisions of this section.

2. *a.* In a member-managed limited liability company, a transfer of an interest in real estate held by the company may be undertaken by any of the following:

(1) As provided in the operating agreement, or if the operating agreement does not so provide, only with the consent of all members.

(2) As provided in a statement of authority filed by the limited liability company with the secretary of state and the recorder of the county where the real estate is situated pursuant to section 489.302.

b. A requirement of paragraph "a" is applicable to every transfer of an interest in real estate situated in this state held by a member-managed limited liability company, whether or not the transfer is in the ordinary course of the company's business.

3. *a.* In a manager-managed limited liability company, a transfer of an interest in real estate held by the company may be undertaken by any of the following:

(1) As provided in the operating agreement, or if the operating agreement does not so provide, only with the consent of a majority of all managers.

(2) As provided in a statement of authority filed by the limited liability company with the secretary of state and the recorder of the county where the real estate is situated pursuant to section 489.302.

b. A requirement in paragraph “a” is applicable to every transfer of an interest in real estate situated in this state held by a manager-managed limited liability company, whether or not the transfer is in the ordinary course of the company’s business.

Sec. 43. Section 489.408, Code 2023, is amended to read as follows:

489.408 Indemnification Reimbursement, indemnification, advancement, and insurance.

1. A limited liability company shall reimburse a member of a member-managed limited liability company or the manager of a manager-managed limited liability company for any payment made and indemnify for any debt, obligation, or other liability incurred by a member of a member-managed company or the manager of a manager-managed company in the course of the member’s or manager’s activities on behalf of the company, if, in making the payment or incurring the debt, obligation, or other liability, the member or manager complied with the duties stated in sections 489.405 and 489.409 by the member or manager in the course of the member’s or manager’s activities on behalf of the company, if the member or manager complied with sections 489.405, 489.407, and 489.409 in making the payment.

2. A limited liability company may purchase and maintain insurance on behalf of a member or manager of the company against liability asserted against or incurred by the member or manager in that capacity or arising from that status even if, under section 489.110, subsection 7, the operating agreement could not eliminate or limit the person’s liability to the company for the conduct giving rise to the liability. A limited liability company shall indemnify and hold harmless a person with respect to any claim or demand against the person and any debt, obligation, or other liability incurred by the person by reason of the person’s former or present capacity as a member or manager, if the claim, demand, debt, obligation, or other liability does not arise from the person’s breach of section 489.405, 489.407, or 489.409.

3. In the ordinary course of its activities and affairs, a limited liability company may advance reasonable expenses, including attorney’s fees and costs, incurred by a person in connection with a claim or demand against the person by reason of the person’s former or present capacity as a member or manager, if the person promises to repay the company if the person ultimately is determined not to be entitled to be indemnified under subsection 2.

4. A limited liability company may purchase and maintain insurance on behalf of a member or manager against liability asserted against or incurred by the member or manager in that capacity or arising from that status even if, under section 489.110, subsection 3, paragraph “g”, the operating agreement could not eliminate or limit the person’s liability to the company for the conduct giving rise to the liability.

Sec. 44. Section 489.409, Code 2023, is amended to read as follows:

489.409 Standards of conduct for members and managers.

1. A member of a member-managed limited liability company owes to the company and, subject to section 489.901, subsection 2, the other members the fiduciary duties of loyalty and care stated in subsections 2 and 3.

2. The fiduciary duty of loyalty of a member in a member-managed limited liability company includes all of the following duties:

a. To account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member regarding any of the following:

- (1) In the conduct or winding up of the limited liability company’s activities and affairs.
- (2) From a use by the member of the limited liability company’s property.
- (3) From the appropriation of a limited liability company opportunity.

b. To refrain from dealing with the limited liability company in the conduct or winding up of the company’s activities and affairs as or on behalf of a person having an interest adverse to the company.

c. To refrain from competing with the limited liability company in the conduct of the company's activities and affairs before the dissolution of the company.

~~3. Subject to the business judgment rule as stated in subsection 7, the duty of care of a member of a member-managed limited liability company in the conduct and winding up of the company's activities is to act with the care that a person in a like position would reasonably exercise under similar circumstances and in a manner the member reasonably believes to be in the best interests of the company. In discharging this duty, a member may rely in good faith upon opinions, reports, statements, or other information provided by another person that the member reasonably believes is a competent and reliable source for the information. The duty of care of a member of a member-managed limited liability company in the conduct or winding up of the company's activities and affairs is to refrain from engaging in grossly negligent or reckless conduct, willful or intentional misconduct, or knowing violation of law.~~

~~4. A member in a member-managed limited liability company or a manager-managed limited liability company shall discharge the duties under this chapter or under the operating agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing. A member shall discharge the duties and obligations under this chapter or under the operating agreement and exercise any rights consistently with the contractual obligation of good faith and fair dealing.~~

~~5. It is a defense to a claim under subsection 2, paragraph "b", and any comparable claim in equity or at common law that the transaction was fair to the limited liability company. A member does not violate a duty or obligation under this chapter or under the operating agreement solely because the member's conduct furthers the member's own interest.~~

~~6. All of the members of a member-managed limited liability company or a manager-managed limited liability company may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty.~~

~~7. a. A member satisfies the duty of care in subsection 3 if all of the following apply: It is a defense to a claim under subsection 2, paragraph "b", and any comparable claim in equity or at common law that the transaction was fair to the limited liability company.~~

~~(1) The member is not interested in the subject matter of the business judgment.~~

~~(2) The member is informed with respect to the subject of the business judgment to the extent the member reasonably believes to be appropriate in the circumstances.~~

~~(3) The member has a rational basis for believing that the business judgment is in the best interests of the limited liability company.~~

~~b. A person challenging the business judgment of a member has the burden of proving a breach of the duty of care, and in a damage action, the burden of proving that the breach was the legal cause of damage suffered by the limited liability company.~~

~~8. In a manager-managed limited liability company, all of the following rules apply: If, as permitted by subsection 6 or subsection 9, paragraph "f", or the operating agreement, a member enters into a transaction with the limited liability company which otherwise would be prohibited by subsection 2, paragraph "b", the member's rights and obligations arising from the transaction are the same as those of a person that is not a member.~~

~~a. Subsections 1, 2, 3, 5, and 7 apply to the manager or managers and not the members.~~

~~b. The duty stated under subsection 2, paragraph "c", continues until winding up is completed.~~

~~c. Subsection 4 applies to the members and managers.~~

~~d. Subsection 6 applies only to the members.~~

~~e. A member does not have any fiduciary duty to the company or to any other member solely by reason of being a member.~~

~~9. In a manager-managed limited liability company, all of the following rules apply:~~

~~a. Subsections 1, 2, 3, and 7 apply to the manager or managers and not the members.~~

~~b. The duty stated under subsection 2, paragraph "c", continues until winding up is completed.~~

~~c. Subsection 4 applies to managers and members.~~

~~d. Subsection 5 applies only to members.~~

~~e. The power to ratify under subsection 6 may be exercised only by the members.~~

~~f. Subject to subsection 4, a member does not have any duty to the limited liability company or to any other member solely by reason of being a member.~~

Sec. 45. Section 489.410, Code 2023, is amended to read as follows:

489.410 ~~Right of members, managers, and dissociated members to information~~ Rights to information of member, manager, and person dissociated as member.

1. In a member-managed limited liability company, all of the following rules apply:

a. On reasonable notice, a member may inspect and copy during regular business hours, at a reasonable location specified by the limited liability company, any record maintained by the company regarding the company's activities, affairs, financial condition, and other circumstances, to the extent the information is material to the member's rights and duties under the operating agreement or this chapter.

b. The limited liability company shall furnish to each member all of the following:

(1) Without demand, any information concerning the limited liability company's activities, affairs, financial condition, and other circumstances which the company knows and is material to the proper exercise of the member's rights and duties under the operating agreement or this chapter, except to the extent the company can establish that it reasonably believes the member already knows the information.

(2) On demand, any other information concerning the limited liability company's activities, affairs, financial condition, and other circumstances, ~~except to the extent the demand or for the~~ information demanded is unreasonable or otherwise improper under the circumstances.

c. The duty to furnish information under paragraph "b" also applies to each member to the extent the member knows any of the information described in paragraph "b".

2. In a manager-managed limited liability company, all of the following rules apply:

a. The informational rights stated in subsection 1 and the duty stated in subsection 1, paragraph "c", apply to the managers and not the members.

b. During regular business hours and at a reasonable location specified by the limited liability company, a member may ~~obtain from the company and~~ inspect and copy full information regarding the activities, affairs, financial condition, and other circumstances of the company as is just and reasonable if all of the following apply:

(1) The member seeks the information for a purpose ~~material~~ reasonably related to the member's interest as a member.

(2) The member makes a demand in a record received by the limited liability company, describing with reasonable particularity the information sought and the purpose for seeking the information.

(3) The information sought is directly connected to the member's purpose.

c. ~~Within~~ Not later than ten days after receiving a demand pursuant to paragraph "b", subparagraph (2), the limited liability company shall ~~in a record~~ inform in a record the member that made the demand ~~that includes~~ all of the following:

(1) ~~Of the~~ What information ~~that the~~ that the limited liability company will provide in response to the demand and when and where the company will provide the information.

(2) ~~If the company declines to provide any demanded information, the company's reasons for declining~~ The limited liability company's reasons for declining, if the company declines to provide any demanded information.

d. Whenever this chapter or an operating agreement provides for a member to vote on or give or withhold consent to a matter, before the vote is cast or consent is given or withheld, the limited liability company shall, without demand, provide the member with all information that is known to the company and is material to the member's decision.

3. ~~On ten days' demand made in a record received by a limited liability company, a dissociated member may have access to information to which the person was entitled while a member if the information pertains to the period during which the person was a member, the person seeks the information in good faith, and the person satisfies the requirements imposed on a member by subsection 2, paragraph "b". The company shall respond to a demand made pursuant to this subsection in the manner provided in subsection 2, paragraph "c."~~ Subject to subsection 8, on ten days' demand made in a record received by a limited liability company, a person dissociated as a member may have access to the information to which the person was entitled while a member if all of the following apply:

a. The information pertains to the period during which the person was a member.

b. The person seeks the information in good faith.

c. ~~The person satisfies the requirements imposed on a member by subsection 2, paragraph "b".~~

~~4. A limited liability company may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material shall respond to a demand made pursuant to subsection 3 in the manner provided in subsection 2, paragraph "c".~~

~~5. A member or dissociated member may exercise rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the operating agreement or under subsection 7 applies both to the agent or legal representative and the member or dissociated member. A limited liability company may charge a person that makes a demand under this section the reasonable costs of copying, limited to the costs of labor and material.~~

~~6. The rights under this section do not extend to a person as transferee. A member or person dissociated as a member may exercise the rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the operating agreement or under subsection 8 applies both to the agent or legal representative and to the member or person dissociated as a member.~~

~~7. In addition to any restriction or condition stated in its operating agreement, a limited liability company, as a matter within the ordinary course of its activities, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the company has the burden of proving reasonableness. Subject to section 489.504, the rights under this section do not extend to a person as transferee.~~

~~8. In addition to any restriction or condition stated in its operating agreement, a limited liability company, as a matter within the ordinary course of its activities and affairs, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the company has the burden of proving reasonableness.~~

Sec. 46. Section 489.502, Code 2023, is amended to read as follows:

489.502 Transfer of transferable interest.

1. ~~For~~ Subject to section 489.503, subsection 6, for a transfer, in whole or in part, all of the following applies to a transferable interest:

a. It is permissible.

b. It does not by itself cause a ~~member's~~ person's dissociation as a member or a dissolution and winding up of the limited liability company's activities and affairs.

c. Subject to section 489.504, it does not entitle the transferee to do any of the following:

(1) Participate in the management or conduct of the limited liability company's activities and affairs.

(2) Except as otherwise provided in subsection 3, have access to records or other information concerning the limited liability company's activities and affairs.

2. A transferee has the right to receive, in accordance with the transfer, distributions to which the transferor would otherwise be entitled.

3. In a dissolution and winding up of a limited liability company, a transferee is entitled to an account of the company's transactions only from the date of dissolution.

4. A transferable interest may be evidenced by a certificate of the interest issued by ~~the~~ a limited liability company in a record, and, subject to this section, the interest represented by the certificate may be transferred by a transfer of the certificate.

5. A limited liability company need not give effect to a transferee's rights under this section until the company knows or has notice of the transfer.

6. A transfer of a transferable interest in violation of a restriction on transfer contained in the operating agreement or another agreement to which the transferor is a party is ineffective

as to a person having notice of the restriction at the time of transfer if the intended transferee has knowledge or notice of the restriction at the time of transfer.

7. ~~Except as otherwise provided in section 489.602, subsection 4 5, paragraph "b", when if a member transfers a transferable interest, the transferor retains the rights of a member other than the transferable interest in distributions transferred and retains all duties and obligations of a member.~~

8. ~~When If a member transfers a transferable interest to a person that becomes a member with respect to the transferred interest, the transferee is liable for the member's obligations under section sections 489.403 and section 489.406, subsection 3, 489.406 known to the transferee when the transferee becomes a member.~~

Sec. 47. Section 489.503, Code 2023, is amended to read as follows:

489.503 Charging order.

1. On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. A Except as otherwise provided in subsection 6, a charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that would otherwise would be paid to the judgment debtor.

2. To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection 1, the court may do all of the following:

a. Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made.

b. Make all other orders necessary to give effect to the charging order.

3. Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, the court may foreclose the lien and order the sale of the transferable interest. The Except as otherwise provided in subsection 6, the purchaser at the foreclosure sale only obtains only the transferable interest, does not thereby become a member, and is subject to section 489.502.

4. At any time before foreclosure under subsection 3, the member or transferee whose transferable interest is subject to a charging order under subsection 1 may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

5. At any time before foreclosure under subsection 3, a limited liability company or one or more members whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

6. This chapter does not deprive any member or transferee of the benefit of any exemption laws applicable to the member's or transferee's transferable interest If a court orders foreclosure of a charging order lien against the sole member of a limited liability company all of the following apply:

a. The court shall confirm the sale.

b. The purchaser at the sale obtains the member's entire interest, not only the member's transferable interest.

c. The purchaser thereby becomes a member.

d. The person whose interest was subject to the foreclosed charging order is dissociated as a member.

7. ~~This section provides the exclusive remedy by which a person seeking to enforce a judgment against a member or transferee may, in the capacity of judgment creditor, satisfy the judgment from the judgment debtor's transferable interest This chapter does not deprive any member or transferee of the benefit of any exemption law applicable to the transferable interest of the member or transferee.~~

8. This section provides the exclusive remedy by which a person seeking in the capacity of judgment creditor to enforce a judgment against a member or transferee may satisfy the judgment from the judgment debtor's transferable interest.

Sec. 48. Section 489.504, Code 2023, is amended to read as follows:

489.504 Power of personal representative of deceased member.

If a member dies, the deceased member's personal legal representative or ~~other legal representative~~ may exercise all of the following:

1. ~~The~~ rights of a transferee provided in section 489.502, subsection 3, ~~and, for,~~
2. For the purposes of settling the estate, the rights ~~of a current~~ the deceased member ~~had~~ under section 489.410.

Sec. 49. Section 489.601, Code 2023, is amended to read as follows:

489.601 Member's power ~~Power to dissociate as a member~~ — wrongful dissociation.

1. A person has the power to dissociate as a member at any time, rightfully or wrongfully, by withdrawing as a member by express will under section 489.602, subsection 1.

2. A person's dissociation ~~from a limited liability company~~ as a member is wrongful only if any of the following applies to the dissociation:

a. It is in breach of an express provision of the operating agreement.

b. It occurs before the ~~termination~~ completion of the winding up of the limited liability company and any of the following applies:

(1) The person withdraws as a member by express will.

(2) The person is expelled as a member by judicial order under section 489.602, subsection ~~5~~ 6.

(3) The person is dissociated under section 489.602, subsection 7, ~~paragraph "a", by becoming a debtor in bankruptcy~~ 8.

(4) In the case of a person that is not a trust other than a business trust, an estate, or an individual, the person is expelled or otherwise dissociated as a member because it willfully dissolved or terminated.

3. A person that wrongfully dissociates as a member is liable to the limited liability company and, subject to section 489.901, to the other members for damages caused by the dissociation. The liability is in addition to any ~~other~~ debt, obligation, or other liability of the member to the company or the other members.

Sec. 50. Section 489.602, Code 2023, is amended to read as follows:

489.602 Events causing dissociation.

A person is dissociated as a member ~~from a limited liability company~~ when any of the following applies:

1. The limited liability company knows or has notice of the person's express will to withdraw as a member, but, if the person specified a withdrawal date later than the date the limited liability company knew or had notice, on that later date.

2. An event stated in the operating agreement as causing the person's dissociation occurs.

3. ~~The person is expelled as a member pursuant to the operating agreement~~ The person's entire interest is transferred in a foreclosure sale under section 489.503, subsection 6.

4. The person is expelled as a member ~~by the unanimous consent of the other members~~ if any of the following applies: pursuant to the operating agreement.

a. ~~It is unlawful to carry on the company's activities with the person as a member.~~

b. ~~There has been a transfer of all of the person's transferable interest in the company, other than any of the following:~~

(1) A transfer for security purposes.

(2) A charging order in effect under section 489.503 which has not been foreclosed.

c. ~~The person is a corporation and, within ninety days after the company notifies the person that it will be expelled as a member because the person has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, the certificate of dissolution has not been revoked or its charter or right to conduct business has not been reinstated.~~

d. ~~The person is a limited liability company or partnership that has been dissolved and whose business is being wound up.~~

5. ~~On application by the company, the person is expelled as a member by judicial order because the person has done any of the following~~ The person is expelled as a member by the affirmative vote or consent of all the other members if any of the following apply:

~~a. Has engaged, or is engaging, in wrongful conduct that has adversely and materially affected, or will adversely and materially affect, the company's activities It is unlawful to carry on the limited liability company's activities and affairs with the person as a member.~~

~~b. Has willfully or persistently committed, or is willfully and persistently committing, a material breach of the operating agreement or the person's duties or obligations under section 489.409 There has been a transfer of all the person's transferable interest in the limited liability company, other than any of the following:~~

~~(1) A transfer for security purposes.~~

~~(2) A charging order in effect under section 489.503 which has not been foreclosed.~~

~~c. Has engaged in, or is engaging in, conduct relating to the company's activities which makes it not reasonably practicable to carry on the activities with the person as a member The person is an entity and all of the following apply:~~

~~(1) The limited liability company notifies the person that it will be expelled as a member because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or the equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of formation.~~

~~(2) Not later than ninety days after the notification, the statement of dissolution or the equivalent has not been withdrawn, rescinded, or revoked, the person has not been reinstated, or the person's charter or the equivalent or right to conduct business has not been reinstated.~~

~~d. The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up.~~

~~6. In the case of a person who is an individual, any of the following applies On application by the limited liability company or a member in a direct action under section 489.901, the person is expelled as a member by judicial order because any of the following apply:~~

~~a. The person dies has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the company's activities and affairs.~~

~~b. In a member-managed limited liability company, any of the following applies: The person has committed willfully or persistently, or is committing willfully or persistently, a material breach of the operating agreement or a duty or obligation under section 489.409.~~

~~(1) A guardian or general conservator for the person is appointed.~~

~~(2) There is a judicial order that the person has otherwise become incapable of performing the person's duties as a member under this chapter or the operating agreement.~~

~~c. The person has engaged or is engaging in conduct relating to the limited liability company's activities and affairs which makes it not reasonably practicable to carry on the activities and affairs with the person as a member.~~

~~7. In a member-managed limited liability company, the person does any of the following In the case of an individual any of the following apply:~~

~~a. Becomes a debtor in bankruptcy The individual dies.~~

~~b. Executes an assignment for the benefit of creditors In a member-managed limited liability company any of the following apply:~~

~~(1) A guardian or general conservator for the individual is appointed.~~

~~(2) A court orders that the individual has otherwise become incapable of performing the individual's duties as a member under this chapter or the operating agreement.~~

~~e. Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all of the person's property.~~

~~8. In the case of a person that is a trust or is acting as a member by virtue of being a trustee of a trust, the trust's entire transferable interest in the company is distributed In a member-managed limited liability company, any of the following apply:~~

~~a. The person becomes a debtor in bankruptcy.~~

~~b. The person signs an assignment for the benefit of creditors.~~

~~c. The person seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all the person's property.~~

~~9. In the case of a person that is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire transferable interest in the company is distributed In the case of a person that is a testamentary or inter vivos trust or is acting as~~

a member by virtue of being a trustee of such a trust, the trust's entire transferable interest in the limited liability company is distributed.

~~10. In the case of a member that is not an individual, partnership, limited liability company, corporation, trust, or estate, the termination of the member~~ In the case of a person that is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire transferable interest in the limited liability company is distributed.

~~11. The company participates in a merger under article 10, if any of the following applies: In the case of a person that is not an individual, the existence of the person terminates.~~

~~a. The company is not the surviving entity.~~

~~b. Otherwise as a result of the merger, the person ceases to be a member.~~

~~12. The company participates in a conversion under article 10~~ The limited liability company participates in a merger under subchapter X and any of the following apply:

~~a. The limited liability company is not the surviving entity.~~

~~b. Otherwise as a result of the merger, the person ceases to be a member.~~

~~13. The company participates in a domestication under article 10, if, as a result of the domestication, the person ceases to be a member~~ The limited liability company participates in an interest exchange under subchapter X and, as a result of the interest exchange, the person ceases to be a member.

~~14. The limited liability company terminates~~ participates in a conversion under subchapter X.

~~15. The limited liability company participates in a domestication under subchapter X and, as a result of the domestication, the person ceases to be a member.~~

~~16. The limited liability company dissolves and completes winding up.~~

Sec. 51. Section 489.603, Code 2023, is amended to read as follows:

489.603 Effect of person's dissociation as member.

~~1. When~~ If a person is dissociated as a member₁ ~~of a limited liability company,~~ all of the following apply:

~~a. The person's right to participate as a member in the management and conduct of the limited liability company's activities and affairs terminates.~~

~~b. If the company is member managed, the person's fiduciary duties as a member end with regard to matters arising and events occurring after the person's dissociation~~ The person's duties and obligations under section 489.409 as a member end with regard to matters arising and events occurring after the person's dissociation.

~~c. Subject to section 489.504 and article 10 subchapter X, any transferable interest owned by the person in the person's capacity as a member immediately before dissociation in the person's capacity as a member is owned by the person solely as a transferee.~~

2. A person's dissociation as a member of a limited liability company does not of itself discharge the person from any debt, obligation, or other liability to the company or the other members which the person incurred while a member.

Sec. 52. Section 489.604, Code 2023, is amended to read as follows:

489.604 Member's power to dissociate under certain circumstances.

1. If the certificate of organization or an operating agreement does not specify the time or the events upon the happening of which a member may dissociate ~~from a limited liability company,~~ a member may dissociate from the ~~limited liability company~~ in the event any amendment to the certificate of organization or operating agreement that is adopted over the member's written dissent adversely affects the rights or preferences of the dissenting member's transferable interest in any of the ways described in paragraphs "a" through "f". A dissociation in the event of such dissent and adverse effect is deemed to have occurred as of the effective date of the amendment, if the member gives notice to the ~~limited liability company~~ not more than sixty days after the date of the amendment. In valuing the member's distribution pursuant to this subsection, any depreciation in anticipation of the amendment shall be excluded. An amendment that does any of the following is subject to this section:

a. Alters or abolishes a member's right to receive a distribution.

b. Alters or abolishes a member's right to voluntarily dissociate.

c. Alters or abolishes a member's right to vote on any matter, except as the rights may be altered or abolished through the acceptance of contributions or the making of contribution agreements.

d. Alters or abolishes a member's preemptive right to make contributions.

e. Establishes or changes the conditions for or consequences of expulsion.

f. Waives the application of this section to the limited liability company.

2. A member dissociating from a limited liability company under this section is not liable for damages for the breach of any agreement not to withdraw.

3. This section applies to a limited liability company whose original articles of organization or certificate of organization is filed with the secretary of state on or after July 1, 1997.

4. This section applies to a limited liability company whose original articles of organization are filed with the secretary of state and effective on or prior to June 30, 1997, if such company's operating agreement provides that it is subject to this section.

5. The operating agreement of a limited liability company may waive the applicability of this section to the company and its members.

Sec. 53. Section 489.701, Code 2023, is amended to read as follows:

489.701 Events causing dissolution.

1. A limited liability company is dissolved, and its activities and affairs must be wound up, upon the occurrence of any of the following:

a. An event or circumstance that the operating agreement states causes dissolution.

b. The affirmative vote or consent of all the members.

c. ~~Once~~ After the limited liability company has at least one member, ~~the passage of that member and any other member dissociate, and ninety consecutive days pass during which the company has no members., unless before the end of the period all of the following apply:~~

(1) Consent to admit at least one specified person as a member is given by transferees owning the rights to receive a majority of distributions as transferees at the time the consent is to be effective.

(2) At least one person becomes a member in accordance with the consent.

d. On application by a member, the entry by a the district court of an order dissolving the limited liability company on the grounds that any of the following applies:

(1) The conduct of all or substantially all of the limited liability company's activities and affairs is unlawful.

(2) It is not reasonably practicable to carry on the limited liability company's activities and affairs in conformity with the certificate of organization and the operating agreement.

(3) The managers or those members in control of the limited liability company conduct themselves according to any of the following:

(a) Have acted, are acting, or will act in a manner that is illegal or fraudulent.

(b) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant.

~~e. On application by a member or transferee, the entry by a district court of an order dissolving the company on the grounds that the managers or those members in control of the company have done any of the following: The signing and filing of a statement of administrative dissolution by the secretary of state under section 489.705.~~

~~(1) Have acted, are acting, or will act in a manner that is illegal or fraudulent.~~

~~(2) Have acted or are acting in a manner that is oppressive and was, is, or will be directly harmful to the applicant.~~

2. In a proceeding brought under subsection 1, paragraph "~~e~~", "d", subparagraph (3), the district court may order a remedy other than dissolution.

Sec. 54. Section 489.701A, Code 2023, is amended to read as follows:

489.701A Rescinding dissolution.

1. A limited liability company may rescind its dissolution, unless a statement of termination applicable to the company has become effective, a the district court has entered an order under section 489.701, subsection 1, paragraph "d", dissolving the company, or the secretary of state has dissolved the company under section 489.705.

2. Rescinding dissolution under this section requires all of the following:

- a. The affirmative vote or consent of each member.
- b. If the limited liability company has delivered to the secretary of state for filing a statement of dissolution and any of the following ~~applies~~ apply:
 - (1) If the statement has not become effective, delivery to the secretary of state for filing of a statement of withdrawal under section ~~489.205~~ 489.208A applicable to the statement of dissolution.
 - (2) If the statement of dissolution has become effective, delivery to the secretary of state for filing of a statement of rescission stating the name of the limited liability company and that dissolution has been rescinded under this section.
 - 3. If a limited liability company rescinds its dissolution all of the following apply:
 - a. The limited liability company ~~shall resume~~ resumes carrying on its activities and affairs as if ~~the~~ dissolution had never occurred.
 - b. Subject to paragraph "c", any liability incurred by the limited liability company after the dissolution and before the rescission has become effective shall be determined as if dissolution had never occurred.
 - c. The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission must not be adversely affected.

Sec. 55. Section 489.702, Code 2023, is amended to read as follows:

489.702 Winding up.

- 1. A dissolved limited liability company shall wind up its activities and affairs, and except as otherwise provided in section 489.701A, the company continues after dissolution only for the purpose of winding up.
- 2. In winding up its activities and affairs, all of the following apply to a limited liability company:
 - a. It shall discharge the limited liability company's debts, obligations, ~~or~~ and other liabilities, settle and close the company's activities and affairs, and marshal and distribute the assets of the company.
 - b. It may do all of the following:
 - (1) Deliver to the secretary of state for filing a statement of dissolution stating the name of the limited liability company and that the company is dissolved.
 - (2) Preserve the limited liability company activities, affairs, and property as a going concern for a reasonable time.
 - (3) Prosecute and defend actions and proceedings, whether civil, criminal, or administrative.
 - (4) Transfer the limited liability company's property.
 - (5) Settle disputes by mediation or arbitration.
 - (6) Deliver to the secretary of state for filing a statement of termination stating the name of the limited liability company and that the company is terminated.
 - (7) Perform other acts necessary or appropriate to the winding up.
- 3. If a dissolved limited liability company has no members, the legal representative of the last person to have been a member may wind up the activities and affairs of the company. If the person does so, the person has the powers of a sole manager under section 489.407, subsection 3, and is deemed to be a manager for the purposes of section 489.304, subsection 1, ~~paragraph "b"~~.
- 4. If the legal representative under subsection 3 declines or fails to wind up the limited liability company's activities and affairs, a person may be appointed to do so by the consent of transferees owning a majority of the rights to receive distributions as transferees at the time the consent is to be effective. All of the following apply to a person appointed under this subsection:
 - a. The person has the powers of a sole manager under section 489.407, subsection 3, and is deemed to be a manager for the purposes of section 489.304, subsection 1, ~~paragraph "b"~~.
 - b. The person shall deliver promptly ~~deliver~~ to the secretary of state for filing an amendment to the limited liability company's certificate of organization ~~to do~~ stating all of the following:
 - (1) ~~State that~~ That the limited liability company has no members.

(2) ~~State that the person has been appointed pursuant to this subsection to wind up the company~~ The name and street and mailing addresses of the person.

(3) ~~Provide the street and mailing addresses of the person~~ That the person has been appointed pursuant to this subsection to wind up the limited liability company's activities and affairs.

5. The district court may order judicial supervision of the winding up of a dissolved limited liability company, including the appointment of a person to wind up the company's activities and affairs pursuant to any of the following:

a. On application of a member, if the applicant establishes good cause.

b. On the application of a transferee, if all of the following apply:

(1) The limited liability company does not have any members.

(2) The legal representative of the last person to have been a member declines or fails to wind up the limited liability company's activities and affairs.

(3) Within a reasonable time following the dissolution a person has not been appointed pursuant to subsection 4 3.

c. In connection with a proceeding under section 489.701, subsection 1, paragraph "d" or "e".

Sec. 56. Section 489.703, Code 2023, is amended to read as follows:

489.703 Known claims against dissolved limited liability company.

1. Except as otherwise provided in subsection 4, a dissolved limited liability company may give notice of a known claim under subsection 2, which has the effect as provided in subsection 3.

2. A dissolved limited liability company may in a record notify its known claimants of the dissolution. The notice must do all of the following:

a. Specify the information required to be included in a claim.

b. ~~Provide State that a claim must be in writing and provide~~ a mailing address to which the claim is to be sent.

c. State the deadline for receipt of the a claim, which may not be less than one hundred twenty days after the date the notice is received by the claimant.

d. State that the claim will be barred if not received by the deadline.

3. A claim against a dissolved limited liability company is barred if the requirements of subsection 2 are met and any of the following applies:

a. The claim is not received by the specified deadline.

b. If the claim is timely received but rejected by the limited liability company, all of the following must apply:

(1) The limited liability company causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the company to enforce the claim ~~within~~ not later than ninety days after the claimant receives the notice.

(2) The claimant does not commence the required action ~~within~~ not later than the ninety days ~~after the claimant receives the notice.~~

4. This section does not apply to a claim based on an event occurring after the effective date of dissolution or a liability that on that date is contingent.

Sec. 57. Section 489.704, Code 2023, is amended to read as follows:

489.704 Other claims against dissolved limited liability company.

1. A dissolved limited liability company may publish notice of its dissolution and request persons having claims against the company to present them in accordance with the notice.

2. The notice ~~authorized by~~ under subsection 1 ~~must do all of the following~~ meet all of the following requirements:

a. ~~Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited liability company's principal office is located or, if it has none in this state, in the county in which the company's registered office is or was last located~~ Comply with any of the following:

(1) Publication of the notice one time in a newspaper of general circulation in the county in this state in which the dissolved limited liability company's principal office is located or, if the

principal office is not located in this state, in the county in which the office of the company's registered agent is or was last located.

(2) Publication by posting the notice conspicuously for at least thirty days on the dissolved limited liability company's internet site.

b. Describe the information required to be contained in a claim, state that the claim must be in writing, and provide a mailing address to which the claim is to be sent.

c. State that a claim against the limited liability company is barred unless an action to enforce the claim is commenced within five not later than three years after publication of the notice.

3. If a dissolved limited liability company publishes a notice in accordance with subsection 2, unless the claimant commences an action to enforce the claim against the company within five years after the publication date of the notice, the claim of each of the following claimants is barred of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the company not later than three years after the publication date of the notice:

a. A claimant that did not receive notice in a record under section 489.703.

b. A claimant whose claim was timely sent to the limited liability company but not acted on.

c. A claimant whose claim is contingent at, or based on an event occurring after, the effective date of dissolution.

4. A claim not barred under this section or section 489.703 may be enforced as follows:

a. Against a dissolved limited liability company, to the extent of its undistributed assets.

b. If Except as otherwise provided in section 489.706A, if assets of the limited liability company have been distributed after dissolution, against a member or transferee to the extent of that person's proportionate share of the claim or of the company's assets distributed to the member or transferee after dissolution, whichever is less, but a person's total liability for all claims under this paragraph does not exceed the total amount of assets distributed to the person after dissolution.

Sec. 58. Section 489.705, Code 2023, is amended to read as follows:

489.705 Administrative Grounds for administrative dissolution.

~~1. The secretary of state may commence a proceeding under this section 489.709 to administratively dissolve a limited liability company administratively, if any of the following apply:~~

~~a. 1. The limited liability company has not delivered a biennial report to the secretary of state in a form that meets the requirements of section 489.209 within sixty days after it is due, or has not paid within sixty days after the due date, any fee, tax, or penalty due to the secretary of state under this chapter or law other than this chapter. The limited liability company does not pay within sixty days after they are due any fees, taxes, interest, or penalties imposed by this chapter or other laws of this state.~~

~~b. The limited liability company is without a registered office or registered agent in this state for sixty days or more.~~

~~c. The limited liability company does not notify the secretary of state within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.~~

~~d. The limited liability company's period of duration stated in its certificate of organization has expired.~~

~~2. If the secretary of state determines that a ground exists for administratively dissolving a limited liability company, the secretary of state shall file a record of the determination and serve the company with a copy of the filed record. The limited liability company does not deliver its biennial report required by section 489.209 to the secretary of state within sixty days after it is due.~~

~~3. If within sixty days after service of the copy pursuant to subsection 2 a limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist, the secretary of state shall dissolve the company administratively by preparing, signing, and filing a declaration of dissolution that states the grounds for dissolution. The secretary of state shall serve the company with a copy of the filed declaration~~

The limited liability company is without a registered agent or the registered agent does not have a place of business in this state for sixty days or more.

4. A limited liability company that has been administratively dissolved continues in existence but, subject to section 489.706, may carry on only activities necessary to wind up its activities and liquidate its assets under sections 489.702 and 489.708 and to notify claimants under sections 489.703 and 489.704. The secretary of state has not been notified within sixty days that the limited liability company's registered agent or place of business of the registered agent has been changed, or that its registered agent has resigned, or that its registered office has been discontinued.

5. The administrative dissolution of a limited liability company does not terminate the authority of its registered agent for service of process. The limited liability company's period of duration stated in its certificate of organization expires.

Sec. 59. Section 489.706, Code 2023, is amended to read as follows:

489.706 Reinstatement following administrative dissolution.

1. A limited liability company administratively dissolved under section 489.705 may apply to the secretary of state for reinstatement at any time after the effective date of dissolution. The application must be delivered to the secretary of state and meet all of the following requirements:

a. Recite State the name of the limited liability company at its date of dissolution and the effective date of its administrative dissolution.

b. State that the ground or grounds for dissolution as provided in section 489.705 either did not exist or have been eliminated.

c. If the application is received more than five years after the effective date of the administrative dissolution, state a name that satisfies the requirements of section 489.108.

d. State the federal tax identification number of the limited liability company.

2. a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the department of workforce development. The department of workforce development shall report to the secretary of state the tax status of the limited liability company. If the department reports to the secretary of state that a filing delinquency or liability exists against the limited liability company, the secretary of state shall not cancel the declaration certificate of dissolution until the filing delinquency or liability is satisfied.

3. b. (1) If the secretary of state determines that the application contains the information required by subsection 1, and that a delinquency or liability reported pursuant to subsection 2 paragraph "a" has been satisfied, and that the information is correct, the secretary of state shall cancel the declaration certificate of dissolution and prepare a certificate of reinstatement that recites the secretary of state's determination and the effective date of reinstatement, file the original of the certificate of reinstatement, and serve deliver a copy on to the limited liability company under section 489.116.

(2) If the limited liability company's name in subsection 1, paragraph "c", is different than from the name in subsection 1, paragraph "a", the certificate of reinstatement shall constitute an amendment to the limited liability company's certificate of organization insofar as it pertains to its name. A limited liability company shall not relinquish the right to retain its name as provided in section 489.108, if the reinstatement is effective within five years of the effective date of the limited liability company's dissolution.

4. 3. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution as if the administrative dissolution had never occurred.

Sec. 60. **NEW SECTION. 489.706A Court proceedings.**

1. A dissolved limited liability company that has published a notice under section 489.704 may file an application with the district court in the county where the company's principal office is located or, if the principal office is not located in this state, where the office of its registered agent is or was last located, for a determination of the amount and form of security to be provided for payment of claims that are reasonably expected to arise after the date of dissolution based on facts known to the company and any of the following apply:

a. At the time of application any of the following apply:

- (1) The facts are contingent.
- (2) The facts have not been made known to the limited liability company.
 - b. The facts are based on an event occurring after the date of dissolution.
2. Security is not required for any claim that is or is reasonably anticipated to be barred under section 489.704.
3. Not later than ten days after the filing of an application under subsection 1, the dissolved limited liability company shall give notice of the proceeding to each claimant holding a contingent claim known to the company.
4. In a proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, must be paid by the dissolved limited liability company.
5. A dissolved limited liability company that provides security in the amount and form ordered by the court under subsection 1 satisfies the company's obligations with respect to claims that are contingent, have not been made known to the company, or are based on an event occurring after the date of dissolution, and such claims may not be enforced against a member or transferee on account of assets received in liquidation.

Sec. 61. Section 489.707, Code 2023, is amended to read as follows:

489.707 Appeal from rejection denial of reinstatement.

1. If the secretary of state ~~rejects~~ denies a limited liability company's application for reinstatement following administrative dissolution, the secretary of state shall ~~prepare, sign, and file a notice that explains the reason for rejection and serve the company under section 489.116 with a copy of the written notice that explains the reason or reasons for denial.~~
2. ~~Within thirty days after service of a notice of rejection of reinstatement under subsection 1, a limited liability company may appeal from the rejection by petitioning the district court to set aside the dissolution. The petition must be served on the secretary of state and contain a copy of the secretary of state's declaration of dissolution, the company's application for reinstatement, and the secretary of state's notice of rejection. The limited liability company may appeal the denial of reinstatement to the district court of the county where the company's principal office or, if none in this state, where its registered office is located within thirty days after service of the notice of denial is effected. The company appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the secretary of state's certificate of dissolution, the company's application for reinstatement, and the secretary of state's notice of denial.~~
3. The court may summarily order the secretary of state to reinstate a the dissolved limited liability company or may take other action the court considers appropriate.
4. The court's final decision may be appealed as in other civil proceedings.

Sec. 62. Section 489.708, Code 2023, is amended to read as follows:

489.708 ~~Distribution~~ Disposition of assets in winding up ~~limited liability company's~~ activities.

1. In winding up its activities and affairs, a limited liability company ~~must~~ shall apply its assets to discharge its the company's obligations to creditors, including members that are creditors.
2. After a limited liability company complies with subsection 1, any surplus must be distributed in the following order, subject to any charging order in effect under section 489.503:
 - a. ~~To each person owning a transferable interest that reflects contributions made by a member and not previously returned, an amount equal to the value of the unreturned contributions and not previously returned, an amount equal to the value of the unreturned contributions.~~
 - b. ~~In equal shares among members and dissociated members, except to the extent necessary to comply with any transfer effective under section 489.502. Among persons owning transferable interests in proportion to their respective rights to share in distributions immediately before the dissolution of the limited liability company.~~

3. If a limited liability company does not have sufficient surplus to comply with subsection 2, paragraph "a", any surplus must be distributed among the owners of transferable interests in proportion to the value of ~~their~~ the respective unreturned contributions.

4. All distributions made under subsections 2 and 3 must be paid in money.

Sec. 63. NEW SECTION. 489.709 Procedure for and effect of administrative dissolution.

1. If the secretary of state determines that one or more grounds exist under section 489.705 for dissolving a limited liability company, the secretary of state shall serve the company with written notice of such determination under section 489.116.

2. If the limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty days after service of the notice under section 489.116, the secretary of state shall administratively dissolve the company by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the company under section 489.116.

3. A limited liability company administratively dissolved continues its existence but shall not carry on any business except that necessary to wind up and liquidate its business and affairs under section 489.702 and notify claimants under sections 489.703 and 489.704.

4. The administrative dissolution of a limited liability company does not terminate the authority of its registered agent.

Sec. 64. Section 489.801, Code 2023, is amended to read as follows:

489.801 Governing law.

1. ~~Subject to sections 489.14402 and 489.14404, the law of the state or other jurisdiction under which~~ The law of the jurisdiction of formation of a foreign limited liability company is formed governs all of the following:

a. The internal affairs of the foreign limited liability company.

b. The liability of a member as member and a manager as manager ~~for the debts, obligations, or other liabilities~~ a debt, obligation, or other liability of the foreign limited liability company.

c. The liability of a series of the foreign limited liability company.

2. ~~A foreign limited liability company shall not be denied a certificate of authority by reason of any difference between the law of the jurisdiction under which the company is formed is not precluded from registering to do business in this state because of any difference between the law of the foreign limited liability company's jurisdiction of formation and the law of this state.~~

3. ~~A certificate of authority does not authorize a foreign limited liability company to engage in any business or exercise any power that a limited liability company shall not~~ Registration of a foreign limited liability company to do business in this state does not permit the foreign limited liability company to engage in any business or affairs or exercise any power that a limited liability company cannot lawfully engage in or exercise in this state.

Sec. 65. NEW SECTION. 489.805A Special litigation committee.

1. If a limited liability company is named as or made a party in a derivative proceeding, the company may appoint a special litigation committee to investigate the claims asserted in the proceeding and determine whether pursuing the action is in the best interests of the company. If the company appoints a special litigation committee, on motion by the committee made in the name of the company, except for good cause shown, the court shall stay discovery for the time reasonably necessary to permit the committee to make its investigation. This subsection does not prevent the court from doing any of the following:

a. Enforcing a person's right to information under section 489.410.

b. Granting extraordinary relief in the form of a temporary restraining order or preliminary injunction.

2. A special litigation committee must be composed of one or more disinterested and independent individuals, who may be members.

3. A special litigation committee may be appointed as follows:
 - a. In a member-managed limited liability company, any of the following:
 - (1) By the affirmative vote or consent of a majority of the members not named as parties in the proceeding.
 - (2) If all members are named as parties in the proceeding, by a majority of the members named as defendants.
 - b. In a manager-managed limited liability company, any of the following:
 - (1) By a majority of the managers not named as parties in the proceeding.
 - (2) If all managers are named as parties in the proceeding, by a majority of the managers named as defendants.
4. After appropriate investigation, a special litigation committee may determine that it is in the best interests of the limited liability company that the proceeding comply with any of the following:
 - a. Continue under the control of the plaintiff.
 - b. Continue under the control of the committee.
 - c. Be settled on terms approved by the committee.
 - d. Be dismissed.
5. After making a determination under subsection 4, a special litigation committee shall file with the court a statement of its determination and its report supporting its determination and shall serve each party with a copy of the determination and report. The court shall determine whether the members of the committee were disinterested and independent and whether the committee conducted its investigation and made its recommendation in good faith, independently, and with reasonable care, with the committee having the burden of proof. If the court finds that the members of the committee were disinterested and independent and that the committee acted in good faith, independently, and with reasonable care, the court shall enforce the determination of the committee. Otherwise, the court shall dissolve the stay of discovery entered under subsection 1 and allow the action to continue under the control of the plaintiff.

Sec. 66. Section 489.809, Code 2023, is amended to read as follows:

489.809 Action by attorney general.

The attorney general may maintain an action to enjoin a foreign limited liability company from ~~transacting doing~~ doing business in this state in violation of this ~~article~~ chapter.

Sec. 67. Section 489.902, Code 2023, is amended to read as follows:

489.902 Derivative action.

~~A member may maintain a derivative action to enforce a right of a limited liability company as follows:~~

~~1. The A member may maintain a derivative action to enforce a right of a limited liability company, if the member first makes a demand on the other members in a member-managed limited liability company, or the managers of a manager-managed limited liability company, requesting that they cause the company to bring an action to enforce the right, and the managers or other members do not bring the action within ninety days from the date the demand was made unless the member has earlier been notified that the demand has been rejected by the company or unless irreparable injury to the company would result by waiting for the expiration of the ninety-day period.~~

~~2. A demand under subsection 1 would be futile.~~

Sec. 68. Section 489.904, Code 2023, is amended to read as follows:

489.904 Pleading.

In a derivative action under section 489.902, the complaint must state with particularity any of the following:

1. The date and content of the plaintiff's demand and the response to the demand by the managers or other members.
2. ~~If a demand has not been made, the reasons a demand under section 489.902, subsection 1, would be~~ Why demand should be excused as futile.

Sec. 69. NEW SECTION. **489.905 Activities not constituting doing business in this state.**

1. Activities of a foreign limited liability company that do not constitute doing business in this state for purposes of this subchapter include all of the following:

- a. Maintaining, defending, mediating, arbitrating, or settling a proceeding.
- b. Carrying on any activity concerning the internal affairs of the foreign limited liability company, including holding meetings of its members or managers.
- c. Maintaining accounts in financial institutions.
- d. Maintaining offices or agencies for the transfer, exchange, and registration of securities of the foreign limited liability company or maintaining trustees or depositories with respect to those securities.
- e. Selling through independent contractors.
- f. Soliciting or obtaining orders by any means if the orders require acceptance outside this state before they become contracts.
- g. Creating or acquiring indebtedness, mortgages, or security interests in property.
- h. Securing or collecting debts or enforcing mortgages or other security interests in property securing the debts and holding, protecting, or maintaining property so acquired.
- i. Conducting an isolated transaction that is not in the course of similar transactions.
- j. Owning, protecting, and maintaining property.
- k. Doing business in interstate commerce.

2. This section does not apply in determining the contacts or activities that may subject a foreign limited liability company to service of process, taxation, or regulation under the laws of this state other than this chapter.

Sec. 70. Section 489.906, Code 2023, is amended to read as follows:

489.906 Proceeds and expenses.

1. Except as otherwise provided in subsection 2, all of the following apply:

a. Any proceeds or other benefits of a derivative action ~~under section 489.902~~, whether by judgment, compromise, or settlement, belong to the limited liability company and not to the plaintiff.

b. If the plaintiff receives any proceeds, the plaintiff shall remit them immediately to the limited liability company.

2. If a derivative action ~~under section 489.902~~ is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney fees and costs, from the recovery of the limited liability company.

3. A derivative action on behalf of a limited liability company shall not be voluntarily dismissed or settled without the court's approval.

Sec. 71. NEW SECTION. **489.906A Noncomplying name of foreign limited liability company.**

1. A foreign limited liability company whose name does not comply with section 489.108 shall not register to do business in this state until it adopts, for the purpose of doing business in this state, an alternate name that complies with section 489.108 by filing a foreign registration statement under section 489.911B, or if applicable, a transfer of registration statement under section 489.910, setting forth that alternate name. After registering to do business in this state with an alternate name, a foreign limited liability company shall do business in this state under any of the following:

- a. The alternate name.
- b. The foreign limited liability company's name, with the addition of its jurisdiction of formation.

2. If a registered foreign limited liability company changes its name after registration to a name that does not comply with section 489.108, it shall not do business in this state until it complies with subsection 1 by amending its registration statement to adopt an alternate name that complies with section 489.108.

Sec. 72. NEW SECTION. **489.907 Withdrawal of registration of registered foreign limited liability company.**

1. A registered foreign limited liability company may withdraw its registration by delivering a statement of withdrawal to the secretary of state for filing. The statement of withdrawal must be signed by the foreign limited liability company and state all of the following:

- a. The name of the foreign limited liability company and its jurisdiction of formation.
- b. That the foreign limited liability company is not doing business in this state and that it withdraws its registration to do business in this state.
- c. That the foreign limited liability company revokes the authority of its registered agent in this state.
- d. An address to which process on the foreign limited liability company may be sent by the secretary of state under section 489.116, subsection 3.

2. After the withdrawal of the registration of a foreign limited liability company, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 489.116.

Sec. 73. NEW SECTION. 489.908 Deemed withdrawal upon domestication or conversion to certain domestic entities.

A registered foreign limited liability company that domesticates to a domestic limited liability company or converts to a domestic business corporation or domestic nonprofit corporation or any type of domestic filing entity or to a domestic limited liability partnership is deemed to have withdrawn its registration on the effectiveness of such event.

Sec. 74. NEW SECTION. 489.909 Withdrawal upon dissolution or conversion to certain nonfiling entities.

1. A registered foreign limited liability company that has dissolved and completed winding up or has converted to a domestic or foreign nonfiling entity other than a limited liability partnership shall deliver to the secretary of state for filing a statement of withdrawal. The statement must be signed by the dissolved foreign limited liability company or the converted domestic or foreign nonfiling entity and state:

a. In the case of a foreign limited liability company that has completed winding up all of the following:

- (1) Its name and jurisdiction of formation.
- (2) That the foreign limited liability company withdraws its registration to do business in this state and revokes the authority of its registered agent to accept service on its behalf.
- (3) An address to which process on the foreign limited liability company may be sent by the secretary of state under section 489.116, subsection 3.

b. In the case of a foreign limited liability company that has converted to a domestic or foreign nonfiling entity other than a limited liability partnership, all of the following:

- (1) The name of the converting foreign limited liability company and its jurisdiction of formation.
- (2) The type of the nonfiling entity to which it has converted and its name and jurisdiction of formation.
- (3) That it withdraws its registration to do business in this state and revokes the authority of its registered agent to accept service on its behalf.
- (4) An address to which process on the foreign limited liability company may be sent by the secretary of state under section 489.116, subsection 3.

2. After the withdrawal of the registration of a foreign limited liability company, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 489.116.

Sec. 75. NEW SECTION. 489.910 Transfer of registration.

1. If a registered foreign limited liability company merges into a nonregistered foreign entity or converts to a foreign entity required to register with the secretary of state to do business in this state, the foreign entity shall deliver to the secretary of state for filing a transfer of registration statement. The transfer of registration statement must be signed by the surviving or converted foreign entity and state all of the following:

- a. The name of the registered foreign limited liability company and its jurisdiction of formation before the merger or conversion.

b. The name and type of the surviving or converted foreign entity and its jurisdiction of formation after the merger or conversion and, if the name does not comply with section 489.108, an alternate name adopted pursuant to section 489.906A.

c. All of the following information regarding the surviving or converted foreign entity after the merger or conversion:

(1) The street and mailing addresses of the principal office of the foreign entity and, if the law of the foreign entity's jurisdiction of formation requires it to maintain an office in that jurisdiction, the street and mailing addresses of that office.

(2) The street and mailing addresses of the place of business of the foreign entity's registered agent in this state and the name of its registered agent.

2. On the effective date of a transfer of registration statement as determined in accordance with section 489.207, the registration of the registered foreign limited liability company to do business in this state is transferred without interruption to the foreign entity into which it has merged or to which it has been converted.

Sec. 76. NEW SECTION. 489.911 Administrative termination of registration.

1. The secretary of state may terminate the registration of a registered foreign limited liability company in the manner provided in subsections 2 and 3, if any of the following applies:

a. The foreign limited liability company does not pay within sixty days after they are due any fees, taxes, interest, or penalties imposed by this chapter or other laws of this state.

b. The foreign limited liability company does not deliver its biennial report to the secretary of state within sixty days after it is due.

c. The foreign limited liability company is without a registered agent or its registered agent has no place of business in this state for sixty days or more.

d. The secretary of state has not been notified within sixty days that the foreign limited liability company's registered agent or the registered agent's place of business has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

2. The secretary of state may terminate the registration of a registered foreign limited liability company by doing all of the following:

a. Filing a certificate of termination.

b. Delivering a copy of the certificate of termination to the foreign company's registered agent or, if the foreign company does not have a registered agent, to the foreign company's principal office.

3. The certificate of termination must state all of the following:

a. The effective date of the termination, which must be not less than sixty days after the secretary of state delivers the copy of the certificate of termination as prescribed in subsection 2, paragraph "b".

b. The grounds for termination under subsection 1.

4. The registration of a registered foreign limited liability company to do business in this state ceases on the effective date of the termination as set forth in the certificate of termination, unless before that date the foreign company cures each ground for termination stated in the certificate of termination. If the foreign company cures each ground, the secretary of state shall file a statement that the certificate of termination is withdrawn.

5. After the effective date of the termination as set forth in the certificate of termination, service of process in any proceeding based on a cause of action arising during the time the entity was registered to do business in this state may be made as provided in section 489.116.

Sec. 77. NEW SECTION. 489.911A Registration to do business in this state.

1. A foreign limited liability company shall not do business in this state until it registers with the secretary of state under this chapter.

2. A foreign limited liability company doing business in this state shall not maintain a proceeding in any court of this state until it is registered to do business in this state.

3. The failure of a foreign limited liability company to register to do business in this state does not impair the validity of a contract or act of the foreign company or preclude it from defending a proceeding in this state.

4. A limitation on the liability of a member or manager of a foreign limited liability company is not waived solely because the foreign company does business in this state without registering.

5. Section 489.801, subsection 1, applies even if a foreign limited liability company fails to register under this subchapter.

Sec. 78. NEW SECTION. **489.911B Foreign registration statement.**

1. To register to do business in this state, a foreign limited liability company shall deliver a foreign registration statement to the secretary of state for filing. The registration statement must be signed by the foreign company and state all of the following:

a. The name of the foreign limited liability company and, if the name does not comply with section 489.108, an alternate name as required by section 489.906A.

b. The foreign limited liability company's jurisdiction of formation.

c. The street and mailing addresses of the foreign limited liability company's principal office and, if the law of the foreign company's jurisdiction of formation requires the foreign company to maintain an office in that jurisdiction, the street and mailing addresses of that required office.

d. The street and mailing addresses of the place of business of the foreign limited liability company's registered agent in this state and the name of its registered agent.

2. The foreign limited liability company shall deliver the completed foreign registration statement to the secretary of state, and also deliver to the secretary of state a certificate of existence or a document of similar import duly authenticated by the secretary of state or other official having custody of corporate records in the state or country under whose law it is incorporated which is dated no earlier than ninety days prior to the date the application is filed by the secretary of state.

Sec. 79. NEW SECTION. **489.911C Amendment of foreign registration statement.**

A registered foreign limited liability company shall sign and deliver to the secretary of state for filing an amendment to its foreign registration statement if there is a change in any of the following:

1. Its name or alternate name.

2. Its jurisdiction of formation, unless its registration is deemed to have been withdrawn under section 489.908 or transferred under section 489.910.

3. An address required by section 489.911B, subsection 1, paragraph "c".

4. The information required by section 489.911B, subsection 1, paragraph "d".

Sec. 80. Section 489.1001, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1001 Definitions.

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

1. "*Acquired entity*" means the entity, all of one or more classes or series of interests of which are acquired in an interest exchange.

2. "*Acquiring entity*" means the entity that acquires all of one or more classes or series of interests of the acquired entity in an interest exchange.

3. "*Conversion*" means a transaction authorized by part 4.

4. "*Converted entity*" means the converting entity as it continues in existence after a conversion.

5. "*Converting entity*" means the domestic entity that approves a plan of conversion pursuant to section 489.1043 or the foreign entity that approves a conversion pursuant to the law of its jurisdiction of formation.

6. "*Distributional interest*" means the right under an unincorporated entity's organic law and organic rules to receive distributions from the entity.

7. "*Domestic*", with respect to an entity, means governed as to its internal affairs by the law of this state.

8. "*Domesticated limited liability company*" means the domesticating limited liability company as it continues in existence after a domestication.

9. “*Domesticating limited liability company*” means the domestic limited liability company that approves a plan of domestication pursuant to section 489.1053 or the foreign limited liability company that approves a domestication pursuant to the law of its jurisdiction of formation.

10. “*Domestication*” means a transaction authorized by part 5.

11. a. “*Entity*” means any of the following:

- (1) A business corporation.
- (2) A nonprofit corporation.
- (3) A general partnership, including a limited liability partnership.
- (4) A limited partnership, including a limited liability limited partnership.
- (5) A limited liability company.
- (6) A domestic cooperative.
- (7) An unincorporated nonprofit association.
- (8) A statutory trust, business trust, or common-law business trust.
- (9) Any other person that has any of the following:
 - (a) A legal existence separate from any interest holder of that person.
 - (b) The power to acquire an interest in real property in its own name.

b. “*Entity*” does not include any of the following:

- (1) An individual.
- (2) A trust with a predominantly donative purpose or a charitable trust.
- (3) An association or relationship that is not an entity listed in paragraph “a” and is not a partnership under the rules stated in section 486A.202, subsection 3, or a similar provision of the law of another jurisdiction.

(4) A decedent’s estate.

(5) A government or a governmental subdivision, agency, or instrumentality.

12. “*Filing entity*” means an entity whose formation requires the filing of a public organic record. The term does not include a limited liability partnership.

13. “*Foreign*”, with respect to an entity, means an entity governed as to its internal affairs by the law of a jurisdiction other than this state.

14. “*Governance interest*” means a right under the organic law or organic rules of an unincorporated entity, other than as a governor, agent, assignee, or proxy, to any of the following:

a. Receive or demand access to information concerning, or the books and records of, the entity.

b. Vote for or consent to the election of the governors of the entity.

c. Receive notice of or vote on or consent to an issue involving the internal affairs of the entity.

15. “*Governor*” means any of the following:

a. A director of a business corporation.

b. A director or trustee of a nonprofit corporation.

c. A general partner of a general partnership.

d. A general partner of a limited partnership.

e. A manager of a manager-managed limited liability company.

f. A member of a member-managed limited liability company.

g. A director of a domestic cooperative.

h. A manager of an unincorporated nonprofit association.

i. A trustee of a statutory trust, business trust, or common-law business trust.

j. Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

16. “*Interest*” means any of the following:

a. A share in a business corporation.

b. A membership in a nonprofit corporation.

c. A partnership interest in a general partnership.

d. A partnership interest in a limited partnership.

e. A membership interest in a limited liability company.

f. A share in a domestic cooperative.

- g. A membership in an unincorporated nonprofit association.
 - h. A beneficial interest in a statutory trust, business trust, or common-law business trust.
 - i. A governance interest or distributional interest in any other type of unincorporated entity.
17. "Interest exchange" means a transaction authorized by part 3.
18. "Interest holder" means any of the following:
- a. A shareholder of a business corporation.
 - b. A member of a nonprofit corporation.
 - c. A general partner of a general partnership.
 - d. A general partner of a limited partnership.
 - e. A limited partner of a limited partnership.
 - f. A member of a limited liability company.
 - g. A shareholder of a domestic cooperative.
 - h. A member of an unincorporated nonprofit association.
 - i. A beneficiary or beneficial owner of a statutory trust, business trust, or common-law business trust.
 - j. Any other direct holder of an interest.
19. "Interest holder liability" means any of the following:
- a. Personal liability for a liability of an entity which is imposed on a person due to any of the following:
 - (1) Solely by reason of the status of the person as an interest holder.
 - (2) By the organic rules of the entity which make one or more specified interest holders or categories of interest holders liable in their capacity as interest holders for all or specified liabilities of the entity.
 - b. An obligation of an interest holder under the organic rules of an entity to contribute to the entity.
20. "Merger" means a transaction authorized by part 2.
21. "Merging entity" means an entity that is a party to a merger and exists immediately before the merger becomes effective.
22. "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.
23. "Organic rules" means the public organic record and private organic rules of an entity.
24. "Plan" means a plan of merger, plan of interest exchange, plan of conversion, or plan of domestication.
25. "Plan of conversion" means a plan under section 489.1042.
26. "Plan of domestication" means a plan under section 489.1052.
27. "Plan of interest exchange" means a plan under section 489.1032.
28. "Plan of merger" means a plan under section 489.1022.
29. a. "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any.
- b. "Private organic rules" includes all of the following:
 - (1) The bylaws of a business corporation.
 - (2) The bylaws of a nonprofit corporation.
 - (3) The partnership agreement of a general partnership.
 - (4) The partnership agreement of a limited partnership.
 - (5) The operating agreement of a limited liability company.
 - (6) The bylaws of a domestic cooperative.
 - (7) The governing principles of an unincorporated nonprofit association.
 - (8) The trust instrument of a statutory trust or similar rules of a business trust or common-law business trust.
30. "Protected agreement" means any of the following:
- a. A record evidencing indebtedness and any related agreement in effect on January 1, 2009.
 - b. An agreement that is binding on an entity on January 1, 2009.
 - c. The organic rules of an entity in effect on January 1, 2009.
 - d. An agreement that is binding on any of the governors or interest holders of an entity on January 1, 2009.

31. *a. "Public organic record"* means the record the filing of which by the secretary of state is required to form an entity and any amendment to or restatement of that record.

b. "Public organic record" includes any of the following:

- (1) The articles of incorporation of a business corporation.
- (2) The articles of incorporation of a nonprofit corporation.
- (3) The certificate of limited partnership of a limited partnership.
- (4) The certificate of organization of a limited liability company.
- (5) The articles of incorporation of a domestic cooperative.
- (6) The certificate of trust of a statutory trust or similar record of a business trust.

32. "*Registered foreign entity*" means a foreign entity that is registered to do business in this state pursuant to a record filed by the secretary of state.

33. "*Statement of conversion*" means a statement under section 489.1045.

34. "*Statement of domestication*" means a statement under section 489.1055.

35. "*Statement of interest exchange*" means a statement under section 489.1035.

36. "*Statement of merger*" means a statement under section 489.1025.

37. "*Surviving entity*" means the entity that continues in existence after or is created by a merger.

38. "*Type of entity*" means a generic form of entity that is any of the following:

a. Recognized at common law.

b. Formed under an organic law, whether or not some entities formed under that organic law are subject to provisions of that law that create different categories of the form of entity.

Sec. 81. Section 489.1002, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1002 Relationship of subchapter to other laws.

1. This subchapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this subchapter.

2. A transaction effected under this subchapter shall not create or impair a right, duty, or obligation of a person under the statutory law of this state other than this subchapter relating to a change in control, takeover, business combination, control-share acquisition, or similar transaction involving a domestic merging, acquired, converting, or domesticating business corporation unless any of the following applies:

a. If the corporation does not survive the transaction, the transaction satisfies any requirements of the law.

b. If the corporation survives the transaction, the approval of the plan is by a vote of the shareholders or directors which would be sufficient to create or impair the right, duty, or obligation directly under the law.

Sec. 82. Section 489.1003, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1003 Required notice or approval.

1. A domestic or foreign entity that is required to give notice to, or obtain the approval of, a governmental agency or officer of this state to be a party to a merger must give the notice or obtain the approval to be a party to an interest exchange, conversion, or domestication.

2. Property held for a charitable purpose under the law of this state by a domestic or foreign entity immediately before a transaction under this subchapter becomes effective may be diverted from the objects for which it was donated, granted, devised, or otherwise transferred only to the extent a public benefit corporation is able to divert from such objects under chapter 504.

3. A bequest, devise, gift, grant, or promise contained in a will or other instrument of donation, subscription, or conveyance which is made to a merging entity that is not the surviving entity and which takes effect or remains payable after the merger inures to the surviving entity.

4. A trust obligation that would govern property if transferred to a nonsurviving entity applies to property that is transferred to the surviving entity under this section.

Sec. 83. Section 489.1004, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1004 Nonexclusivity.

The fact that a transaction under this subchapter produces a certain result does not preclude the same result from being accomplished in any other manner permitted by law other than this subchapter.

Sec. 84. Section 489.1005, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1005 Reference to external facts.

1. A plan may refer to facts ascertainable outside the plan if the manner in which the facts will operate upon the plan is specified in the plan. The facts may include the occurrence of an event or a determination or action by a person, whether or not the event, determination, or action is within the control of a party to the transaction.

2. The following provisions of a record delivered to the secretary of state for filing under this chapter or a plan delivered for filing in lieu of a statement shall not be made dependent on facts outside the record or plan:

a. The name and address of any person.

b. The registered office of any entity.

c. The registered agent of any entity.

d. The number of authorized interests and designation of each class or series of interests.

e. The effective date of a record delivered to the secretary of state for filing.

f. Any required statement in a record delivered to the secretary of state for filing of the date on which the underlying transaction was approved or the manner in which that approval was given.

Sec. 85. Section 489.1006, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1006 Appraisal rights.

An interest holder of a domestic merging, acquired, converting, or domesticating limited liability company is entitled to contractual appraisal rights in connection with a transaction under this subchapter to the extent provided in any of the following:

1. The operating agreement.

2. The plan.

Sec. 86. Section 489.1007, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

489.1007 Excluded entities and transactions.

This subchapter shall not be used to effect a transaction involving a bank, insurance company, or public utility where any chapter governing the regulation of such entity does not permit the transaction.

Sec. 87. NEW SECTION. **489.1021 Merger authorized.**

1. By complying with this part, all of the following apply:

a. One or more domestic limited liability companies may merge with one or more domestic or foreign entities into a domestic or foreign surviving entity.

b. Two or more foreign entities may merge into a domestic limited liability company.

2. By complying with the provisions of this part applicable to foreign entities, a foreign entity may be a party to a merger under this part or may be the surviving entity in such a merger if the merger is authorized by the law of the foreign entity's jurisdiction of formation.

Sec. 88. NEW SECTION. **489.1022 Plan of merger.**

1. A domestic limited liability company may become a party to a merger under this part by approving a plan of merger. The plan must be in a record and contain all of the following:

a. As to each merging entity, its name, jurisdiction of formation, and type of entity.

b. If the surviving entity is to be created in the merger, a statement to that effect and the entity's name, jurisdiction of formation, and type of entity.

c. The manner of converting the interests in each party to the merger into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

d. If the surviving entity exists before the merger, any proposed amendments to all of the following:

- (1) Its public organic record, if any.
- (2) Its private organic rules that are, or are proposed to be, in a record.

e. If the surviving entity is to be created in the merger, all of the following:

- (1) Its proposed public organic record, if any.
- (2) The full text of its private organic rules that are proposed to be in a record.

f. The other terms and conditions of the merger.

g. Any other provision required by the law of a merging entity's jurisdiction of formation or the organic rules of a merging entity.

2. In addition to the requirements of subsection 1, a plan of merger may contain any other provision not prohibited by law.

Sec. 89. NEW SECTION. 489.1023 Approval of merger.

1. A plan of merger is not effective unless it has been approved according to all of the following:

a. By a domestic merging limited liability company, by all the members of the company entitled to vote on or consent to any matter.

b. In a record, by each member of a domestic merging limited liability company which will have interest holder liability for debts, obligations, and other liabilities that are incurred after the merger becomes effective, unless all of the following apply:

(1) The operating agreement of the limited liability company provides in a record for the approval of a merger in which some or all of its members become subject to interest holder liability by the affirmative vote or consent of fewer than all the members.

(2) The member consented in a record to or voted for that provision of the operating agreement or became a member after the adoption of that provision.

2. A merger involving a domestic merging entity that is not a limited liability company is not effective unless the merger is approved by that entity in accordance with its organic law.

3. A merger involving a foreign merging entity is not effective unless the merger is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

Sec. 90. NEW SECTION. 489.1024 Amendment or abandonment of plan of merger.

1. A plan of merger may be amended only with the consent of each party to the plan, except as otherwise provided in the plan.

2. A domestic merging limited liability company may approve an amendment of a plan of merger according to any of the following:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. By its managers or members in the manner provided in the plan, but a member that was entitled to vote on or consent to approval of the merger is entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by the interest holders of any party to the plan.

(2) The public organic record, if any, or private organic rules of the surviving entity that will be in effect immediately after the merger becomes effective, except for changes that do not require approval of the interest holders of the surviving entity under its organic law or organic rules.

(3) Any other terms or conditions of the plan, if the change would adversely affect the member in any material respect.

3. After a plan of merger has been approved and before a statement of merger becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan,

a domestic merging limited liability company may abandon the plan in the same manner as the plan was approved.

4. If a plan of merger is abandoned after a statement of merger has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by a party to the plan, must be delivered to the secretary of state for filing before the statement of merger becomes effective. The statement of abandonment takes effect on filing, and the merger is abandoned and does not become effective. The statement of abandonment must contain all of the following:

- a. The name of each party to the plan of merger.
- b. The date on which the statement of merger was filed by the secretary of state.
- c. A statement that the merger has been abandoned in accordance with this section.

Sec. 91. NEW SECTION. 489.1025 Statement of merger — effective date of merger.

1. A statement of merger must be signed by each merging entity and delivered to the secretary of state for filing.

2. A statement of merger must contain all of the following:

a. The name, jurisdiction of formation, and type of entity of each merging entity that is not the surviving entity.

b. The name, jurisdiction of formation, and type of entity of the surviving entity, and if the surviving entity is a foreign entity, the street and mailing addresses of an office of the surviving entity that the secretary of state may use for purposes of section 489.1026, subsection 5.

c. A statement that the merger was approved by each domestic merging entity, if any, in accordance with this part and by each foreign merging entity, if any, in accordance with the law of its jurisdiction of formation.

d. If the surviving entity exists before the merger and is a domestic filing entity, any amendment to its public organic record approved as part of the plan of merger.

e. If the surviving entity is created by the merger and is a domestic filing entity, its public organic record, as an attachment.

f. If the surviving entity is created by the merger and is a domestic limited liability partnership, its statement of qualification, as an attachment.

3. In addition to the requirements of subsection 2, a statement of merger may contain any other provision not prohibited by law.

4. If the surviving entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed.

5. If the surviving entity is a domestic limited liability company, the merger becomes effective when the statement of merger is effective. In all other cases, the merger becomes effective on the later of the following:

- a. The date and time provided by the organic law of the surviving entity.
- b. When the statement is effective.

Sec. 92. NEW SECTION. 489.1026 Effect of merger.

1. When a merger becomes effective, all of the following apply:

a. The surviving entity continues or comes into existence.

b. Each merging entity that is not the surviving entity ceases to exist.

c. All property of each merging entity vests in the surviving entity without transfer, reversion, or impairment.

d. All debts, obligations, and other liabilities of each merging entity are debts, obligations, and other liabilities of the surviving entity.

e. Except as otherwise provided by law or the plan of merger, all the rights, privileges, immunities, powers, and purposes of each merging entity vest in the surviving entity.

f. If the surviving entity exists before the merger, all of the following apply:

(1) All its property continues to be vested in it without transfer, reversion, or impairment.

(2) It remains subject to all its debts, obligations, and other liabilities.

(3) All its rights, privileges, immunities, powers, and purposes continue to be vested in it.

g. The name of the surviving entity may be substituted for the name of any merging entity that is a party to any pending action or proceeding.

h. If the surviving entity exists before the merger, all of the following apply:

(1) Its public organic record, if any, is amended to the extent provided in the statement of merger.

(2) Its private organic rules that are to be in a record, if any, are amended to the extent provided in the plan of merger.

i. If the surviving entity is created by the merger, its private organic rules are effective and all of the following apply:

(1) If it is a filing entity, its public organic record becomes effective.

(2) If it is a limited liability partnership, its statement of qualification becomes effective.

j. The interests in each merging entity which are to be converted in the merger are converted, and the interest holders of those interests are entitled only to the rights provided to them under the plan of merger and to any appraisal rights they have under section 489.1006 and the merging entity's organic law.

2. Except as otherwise provided in the organic law or organic rules of a merging entity, the merger does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the merging entity.

3. When a merger becomes effective, a person that did not have interest holder liability with respect to any of the merging entities and becomes subject to interest holder liability with respect to a domestic entity as a result of the merger has interest holder liability only to the extent provided by the organic law of that entity and only for those debts, obligations, and other liabilities that are incurred after the merger becomes effective.

4. When a merger becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic merging limited liability company with respect to which the person had interest holder liability is subject to the following rules:

a. The merger does not discharge any interest holder liability under this chapter to the extent the interest holder liability was incurred before the merger became effective.

b. The person does not have interest holder liability under this chapter for any debt, obligation, or other liability that is incurred after the merger becomes effective.

c. This chapter continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph "a" as if the merger had not occurred.

d. The person has whatever rights of contribution from any other person as are provided by this chapter, law other than this chapter, or the operating agreement of the domestic merging limited liability company with respect to any interest holder liability preserved under paragraph "a" as if the merger had not occurred.

5. When a merger becomes effective, a foreign entity that is the surviving entity may be served with process in this state for the collection and enforcement of any debts, obligations, or other liabilities of a domestic merging limited liability company as provided in section 489.116.

6. When a merger becomes effective, the registration to do business in this state of any foreign merging entity that is not the surviving entity is canceled.

Sec. 93. NEW SECTION. 489.1031 Interest exchange authorized.

1. By complying with this part, any of the following apply:

a. A domestic limited liability company may acquire all of one or more classes or series of interests of another domestic entity or a foreign entity in exchange for interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

b. All of one or more classes or series of interests of a domestic limited liability company may be acquired by another domestic entity or a foreign entity in exchange for interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

2. By complying with the provisions of this part applicable to foreign entities, a foreign entity may be the acquiring or acquired entity in an interest exchange under this part if the interest exchange is authorized by the law of the foreign entity's jurisdiction of formation.

3. If a protected agreement contains a provision that applies to a merger of a domestic limited liability company but does not refer to an interest exchange, the provision applies to an interest exchange in which the domestic limited liability company is the acquired entity

as if the interest exchange were a merger until the provision is amended on or after January 1, 2009.

Sec. 94. NEW SECTION. 489.1032 Plan of interest exchange.

1. A domestic limited liability company may be the acquired entity in an interest exchange under this part by approving a plan of interest exchange. The plan must be in a record and contain all of the following:

- a. The name of the acquired entity.
- b. The name, jurisdiction of formation, and type of entity of the acquiring entity.
- c. The manner of converting the interests in the acquired entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.
- d. Any proposed amendments to all of the following:
 - (1) The certificate of organization of the acquired entity.
 - (2) The operating agreement of the acquired entity that are, or are proposed to be, in a record.
- e. The other terms and conditions of the interest exchange.
- f. Any other provision required by the law of this state or the operating agreement of the acquired entity.

2. In addition to the requirements of subsection 1, a plan of interest exchange may contain any other provision not prohibited by law.

Sec. 95. NEW SECTION. 489.1033 Approval of interest exchange.

1. A plan of interest exchange is not effective unless it has been approved according to all of the following:

- a. By all the members of a domestic acquired limited liability company entitled to vote on or consent to any matter.
- b. In a record, by each member of the domestic acquired limited liability company that will have interest holder liability for debts, obligations, and other liabilities that are incurred after the interest exchange becomes effective, unless all of the following apply:

(1) The operating agreement of the limited liability company provides in a record for the approval of an interest exchange or a merger in which some or all of its members become subject to interest holder liability by the affirmative vote or consent of fewer than all the members.

(2) The member consented in a record to or voted for that provision of the operating agreement or became a member after the adoption of that provision.

2. An interest exchange involving a domestic acquired entity that is not a limited liability company is not effective unless it is approved by the domestic entity in accordance with its organic law.

3. An interest exchange involving a foreign acquired entity is not effective unless it is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

4. Except as otherwise provided in its organic law or organic rules, the interest holders of the acquiring entity are not required to approve the interest exchange.

Sec. 96. NEW SECTION. 489.1034 Amendment or abandonment of plan of interest exchange.

1. A plan of interest exchange may be amended only with the consent of each party to the plan, except as otherwise provided in the plan.

2. A domestic acquired limited liability company may approve an amendment of a plan of interest exchange according to any of the following:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. By its managers or members in the manner provided in the plan, but a member that was entitled to vote on or consent to approval of the interest exchange is entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the members of the acquired company under the plan.

(2) The certificate of organization or operating agreement of the acquired company that will be in effect immediately after the interest exchange becomes effective, except for changes that do not require approval of the members of the acquired company under this chapter or the operating agreement.

(3) Any other terms or conditions of the plan, if the change would adversely affect the member in any material respect.

3. After a plan of interest exchange has been approved and before a statement of interest exchange becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic acquired limited liability company may abandon the plan in the same manner as the plan was approved.

4. If a plan of interest exchange is abandoned after a statement of interest exchange has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the acquired limited liability company, must be delivered to the secretary of state for filing before the statement of interest exchange becomes effective. The statement of abandonment takes effect on filing, and the interest exchange is abandoned and does not become effective. The statement of abandonment must contain all of the following:

- a. The name of the acquired limited liability company.
- b. The date on which the statement of interest exchange was filed by the secretary of state.
- c. A statement that the interest exchange has been abandoned in accordance with this section.

Sec. 97. NEW SECTION. 489.1035 Statement of interest exchange — effective date of interest exchange.

1. A statement of interest exchange must be signed by a domestic acquired limited liability company and delivered to the secretary of state for filing.

2. A statement of interest exchange must contain all of the following:

- a. The name of the acquired limited liability company.
- b. The name, jurisdiction of formation, and type of entity of the acquiring entity.
- c. A statement that the plan of interest exchange was approved by the acquired company in accordance with this part.
- d. Any amendments to the acquired company's certificate of organization approved as part of the plan of interest exchange.

3. In addition to the requirements of subsection 2, a statement of interest exchange may contain any other provision not prohibited by law.

4. An interest exchange becomes effective when the statement of interest exchange is effective.

Sec. 98. NEW SECTION. 489.1036 Effect of interest exchange.

1. When an interest exchange in which the acquired entity is a domestic limited liability company becomes effective, all of the following apply:

a. The interests in the acquired limited liability company which are the subject of the interest exchange are converted, and the members holding those interests are entitled only to the rights provided to them under the plan of interest exchange and to any appraisal rights they have under section 486.1006.

b. The acquiring entity becomes the interest holder of the interests in the acquired limited liability company stated in the plan of interest exchange to be acquired by the acquiring entity.

c. The certificate of organization of the acquired limited liability company is amended to the extent provided in the statement of interest exchange.

d. The provisions of the operating agreement of the acquired limited liability company that are to be in a record, if any, are amended to the extent provided in the plan of interest exchange.

2. Except as otherwise provided in the operating agreement of a domestic acquired limited liability company, the interest exchange does not give rise to any rights that a member,

manager, or third party would have upon a dissolution, liquidation, or winding up of the acquired limited liability company.

3. When an interest exchange becomes effective, a person that did not have interest holder liability with respect to a domestic acquired limited liability company and becomes subject to interest holder liability with respect to a domestic entity as a result of the interest exchange has interest holder liability only to the extent provided by the organic law of the entity and only for those debts, obligations, and other liabilities that are incurred after the interest exchange becomes effective.

4. When an interest exchange becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic acquired limited liability company with respect to which the person had interest holder liability is subject to all of the following rules:

a. The interest exchange does not discharge any interest holder liability under this chapter to the extent the interest holder liability was incurred before the interest exchange became effective.

b. The person does not have interest holder liability under this chapter for any debt, obligation, or other liability that is incurred after the interest exchange becomes effective.

c. This chapter continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph "a" as if the interest exchange had not occurred.

d. The person has whatever rights of contribution from any other person as are provided by this chapter, law other than this chapter, or the operating agreement of the acquired limited liability company with respect to any interest holder liability preserved under paragraph "a" as if the interest exchange had not occurred.

Sec. 99. NEW SECTION. 489.1041 Conversion authorized.

1. By complying with this part, a domestic limited liability company may become any of the following:

a. A domestic entity that is a different type of entity.

b. A foreign entity that is a different type of entity, if the conversion is authorized by the law of the foreign entity's jurisdiction of formation.

2. By complying with the provisions of this part applicable to foreign entities, a foreign entity that is not a foreign limited liability company may become a domestic limited liability company if the conversion is authorized by the law of the foreign entity's jurisdiction of formation.

3. If a protected agreement contains a provision that applies to a merger of a domestic limited liability company but does not refer to a conversion, the provision applies to a conversion of the limited liability company as if the conversion were a merger until the provision is amended on or after January 1, 2009.

4. A domestic entity that is not a limited liability company may become a domestic limited liability company if all of the following apply:

a. The domestic converting entity complies with section 489.1043.

b. The domestic converting entity files a statement of conversion in accordance with section 489.1045.

Sec. 100. NEW SECTION. 489.1042 Plan of conversion.

1. A domestic limited liability company may convert to a different type of entity under this part by approving a plan of conversion. The plan must be in a record and contain all of the following:

a. The name of the converting limited liability company.

b. The name, jurisdiction of formation, and type of entity of the converted entity.

c. The manner of converting the interests in the converting limited liability company into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

d. The proposed public organic record of the converted entity if it will be a filing entity.

e. The full text of the private organic rules of the converted entity which are proposed to be in a record.

f. The other terms and conditions of the conversion.

g. Any other provision required by the law of this state or the operating agreement of the converting limited liability company.

2. In addition to the requirements of subsection 1, a plan of conversion may contain any other provision not prohibited by law.

Sec. 101. NEW SECTION. 489.1043 Approval of conversion.

1. A plan of conversion is not effective unless it has been approved according to all of the following:

a. By a domestic converting limited liability company, by all the members of the limited liability company entitled to vote on or consent to any matter.

b. In a record, by each member of a domestic converting limited liability company which will have interest holder liability for debts, obligations, and other liabilities that are incurred after the conversion becomes effective, unless all of the following apply:

(1) The operating agreement of the limited liability company provides in a record for the approval of a conversion or a merger in which some or all of its members become subject to interest holder liability by the affirmative vote or consent of fewer than all the members.

(2) The member voted for or consented in a record to that provision of the operating agreement or became a member after the adoption of that provision.

2. A conversion involving a domestic converting entity that is not a limited liability company is not effective unless it is approved by the domestic converting entity in accordance with its organic law.

3. A conversion of a foreign converting entity is not effective unless it is approved by the foreign entity in accordance with the law of the foreign entity's jurisdiction of formation.

Sec. 102. NEW SECTION. 489.1044 Amendment or abandonment of plan of conversion.

1. A plan of conversion of a domestic converting limited liability company may be amended according to any of the following:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. By its managers or members in the manner provided in the plan, but a member that was entitled to vote on or consent to approval of the conversion is entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the members of the converting limited liability company under the plan.

(2) The public organic record, if any, or private organic rules of the converted entity which will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the interest holders of the converted entity under its organic law or organic rules.

(3) Any other terms or conditions of the plan, if the change would adversely affect the member in any material respect.

2. After a plan of conversion has been approved by a domestic converting limited liability company and before a statement of conversion becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic converting limited liability company may abandon the plan in the same manner as the plan was approved.

3. If a plan of conversion is abandoned after a statement of conversion has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the converting entity, must be delivered to the secretary of state for filing before the statement of conversion becomes effective. The statement of abandonment takes effect on filing, and the conversion is abandoned and does not become effective. The statement of abandonment must contain all of the following:

a. The name of the converting limited liability company.

b. The date on which the statement of conversion was filed by the secretary of state.

c. A statement that the conversion has been abandoned in accordance with this section.

Sec. 103. NEW SECTION. **489.1045 Statement of conversion — effective date of conversion.**

1. A statement of conversion must be signed by the converting entity and delivered to the secretary of state for filing.

2. A statement of conversion must contain all of the following:

a. The name, jurisdiction of formation, and type of entity of the converting entity.

b. The name, jurisdiction of formation, and type of entity of the converted entity and if the converted entity is a foreign entity, the street and mailing addresses of an office of the converted entity that the secretary of state may use for purposes of section 489.1046, subsection 5.

c. If the converting entity is a domestic limited liability company, a statement that the plan of conversion was approved in accordance with this part or, if the converting entity is a foreign entity, a statement that the conversion was approved by the foreign entity in accordance with the law of its jurisdiction of formation.

d. If the converted entity is a domestic filing entity, its public organic record, as an attachment.

e. If the converted entity is a domestic limited liability partnership, its statement of qualification, as an attachment.

3. In addition to the requirements of subsection 2, a statement of conversion may contain any other provision not prohibited by law.

4. If the converted entity is a domestic entity, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed.

5. If the converted entity is a domestic limited liability company, the conversion becomes effective when the statement of conversion is effective. In all other cases, the conversion becomes effective on the later of the following:

a. The date and time provided by the organic law of the converted entity.

b. When the statement is effective.

Sec. 104. NEW SECTION. **489.1046 Effect of conversion.**

1. When a conversion becomes effective all of the following apply:

a. The converted entity is any of the following:

(1) Organized under and subject to the organic law of the converted entity.

(2) The same entity without interruption as the converting entity.

b. All property of the converting entity continues to be vested in the converted entity without transfer, reversion, or impairment.

c. All debts, obligations, and other liabilities of the converting entity continue as debts, obligations, and other liabilities of the converted entity.

d. Except as otherwise provided by law or the plan of conversion, all the rights, privileges, immunities, powers, and purposes of the converting entity remain in the converted entity.

e. The name of the converted entity may be substituted for the name of the converting entity in any pending action or proceeding.

f. The certificate of organization of the converted entity becomes effective.

g. The provisions of the operating agreement of the converted entity which are to be in a record, if any, approved as part of the plan of conversion become effective.

h. The interests in the converting entity are converted, and the interest holders of the converting entity are entitled only to the rights provided to them under the plan of conversion and to any appraisal rights they have under section 489.1006.

2. Except as otherwise provided in the operating agreement of a domestic converting limited liability company, the conversion does not give rise to any rights that a member, manager, or third party would have upon a dissolution, liquidation, or winding up of the converting entity.

3. When a conversion becomes effective, a person that did not have interest holder liability with respect to the converting entity and becomes subject to interest holder liability with respect to a domestic entity as a result of the conversion has interest holder liability only to the extent provided by the organic law of the entity and only for those debts, obligations, and other liabilities that are incurred after the conversion becomes effective.

4. When a conversion becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic converting limited liability company with respect to which the person had interest holder liability is subject to all of the following rules:

a. The conversion does not discharge any interest holder liability under this chapter to the extent the interest holder liability was incurred before the conversion became effective.

b. The person does not have interest holder liability under this chapter for any debt, obligation, or other liability that arises after the conversion becomes effective.

c. This chapter continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph "a" as if the conversion had not occurred.

d. The person has whatever rights of contribution from any other person as are provided by this chapter, law other than this chapter, or the organic rules of the converting entity with respect to any interest holder liability preserved under paragraph "a" as if the conversion had not occurred.

5. When a conversion becomes effective, a foreign entity that is the converted entity may be served with process in this state for the collection and enforcement of any of its debts, obligations, and other liabilities as provided in section 489.116.

6. If the converting entity is a registered foreign entity, its registration to do business in this state is canceled when the conversion becomes effective.

7. A conversion does not require the entity to wind up its affairs and does not constitute or cause the dissolution of the entity.

Sec. 105. NEW SECTION. 489.1051 Domestication authorized.

1. By complying with this part, a domestic limited liability company may become a foreign limited liability company if the domestication is authorized by the law of the foreign jurisdiction.

2. By complying with the provisions of this part applicable to foreign limited liability companies, a foreign limited liability company may become a domestic limited liability company if the domestication is authorized by the law of the foreign limited liability company's jurisdiction of formation.

3. If a protected agreement contains a provision that applies to a merger of a domestic limited liability company but does not refer to a domestication, the provision applies to a domestication of the limited liability company as if the domestication were a merger until the provision is amended on or after January 1, 2009.

Sec. 106. NEW SECTION. 489.1052 Plan of domestication.

1. A domestic limited liability company may become a foreign limited liability company in a domestication by approving a plan of domestication. The plan must be in a record and contain all of the following:

a. The name of the domesticating limited liability company.

b. The name and jurisdiction of formation of the domesticated limited liability company.

c. The manner of converting the interests in the domesticating limited liability company into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing.

d. The proposed certificate of organization of the domesticated limited liability company.

e. The full text of the provisions of the operating agreement of the domesticated limited liability company that are proposed to be in a record.

f. The other terms and conditions of the domestication.

g. Any other provision required by the law of this state or the operating agreement of the domesticating limited liability company.

2. In addition to the requirements of subsection 1, a plan of domestication may contain any other provision not prohibited by law.

Sec. 107. NEW SECTION. 489.1053 Approval of domestication.

1. A plan of domestication of a domestic domesticating limited liability company is not effective unless it has been approved according to any of the following:

a. By all the members entitled to vote on or consent to any matter.

b. In a record, by each member that will have interest holder liability for debts, obligations, and other liabilities that are incurred after the domestication becomes effective, unless all of the following apply:

(1) The operating agreement of the domesticating limited liability company in a record provides for the approval of a domestication or merger in which some or all of its members become subject to interest holder liability by the affirmative vote or consent of fewer than all the members.

(2) The member voted for or consented in a record to that provision of the operating agreement or became a member after the adoption of that provision.

2. A domestication of a foreign domesticating limited liability company is not effective unless it is approved in accordance with the law of the foreign limited liability company's jurisdiction of formation.

Sec. 108. NEW SECTION. 489.1054 Amendment or abandonment of plan of domestication.

1. A plan of domestication of a domestic domesticating limited liability company may be amended according to any of the following:

a. In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended.

b. By its managers or members in the manner provided in the plan, but a member that was entitled to vote on or consent to approval of the domestication is entitled to vote on or consent to any amendment of the plan that will change any of the following:

(1) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the members of the domesticating limited liability company under the plan.

(2) The certificate of organization or operating agreement of the domesticated limited liability company that will be in effect immediately after the domestication becomes effective, except for changes that do not require approval of the members of the domesticated limited liability company under its organic law or operating agreement.

(3) Any other terms or conditions of the plan, if the change would adversely affect the member in any material respect.

2. After a plan of domestication has been approved by a domestic domesticating limited liability company and before a statement of domestication becomes effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic domesticating limited liability company may abandon the plan in the same manner as the plan was approved.

3. If a plan of domestication is abandoned after a statement of domestication has been delivered to the secretary of state for filing and before the statement becomes effective, a statement of abandonment, signed by the domesticating limited liability company, must be delivered to the secretary of state for filing before the statement of domestication becomes effective. The statement of abandonment takes effect on filing, and the domestication is abandoned and does not become effective. The statement of abandonment must contain all of the following:

a. The name of the domesticating limited liability company.

b. The date on which the statement of domestication was filed by the secretary of state.

c. A statement that the domestication has been abandoned in accordance with this section.

Sec. 109. NEW SECTION. 489.1055 Statement of domestication — effective date of domestication.

1. A statement of domestication must be signed by the domesticating limited liability company and delivered to the secretary of state for filing.

2. A statement of domestication must contain all of the following:

a. The name and jurisdiction of formation of the domesticating limited liability company.

b. The name and jurisdiction of formation of the domesticated limited liability company and the street and mailing addresses of an office of the domesticated limited liability company that the secretary of state may use for purposes of section 489.1056, subsection 5.

c. If the domesticating limited liability company is a domestic limited liability company, a statement that the plan of domestication was approved in accordance with this part or, if the

domesticating limited liability company is a foreign limited liability company, a statement that the domestication was approved in accordance with the law of its jurisdiction of formation.

d. The certificate of organization of the domesticated limited liability company, as an attachment.

3. In addition to the requirements of subsection 2, a statement of domestication may contain any other provision not prohibited by law.

4. The certificate of organization of a domestic domesticated limited liability company must satisfy the requirements of this chapter, but the certificate does not need to be signed.

5. If the domesticated entity is a domestic limited liability company, the domestication becomes effective when the statement of domestication is effective. If the domesticated entity is a foreign limited liability company, the domestication becomes effective on the later of all of the following:

- a. The date and time provided by the organic law of the domesticated entity.
- b. When the statement is effective.

Sec. 110. NEW SECTION. 489.1056 Effect of domestication.

1. When a domestication becomes effective, all of the following apply:

a. The domesticated entity is all of the following:

- (1) Organized under and subject to the organic law of the domesticated entity.
- (2) The same entity without interruption as the domesticating entity.

b. All property of the domesticating entity continues to be vested in the domesticated entity without transfer, reversion, or impairment.

c. All debts, obligations, and other liabilities of the domesticating entity continue as debts, obligations, and other liabilities of the domesticated entity.

d. Except as otherwise provided by law or the plan of domestication, all the rights, privileges, immunities, powers, and purposes of the domesticating entity remain in the domesticated entity.

e. The name of the domesticated entity may be substituted for the name of the domesticating entity in any pending action or proceeding.

f. The certificate of organization of the domesticated entity becomes effective.

g. The provisions of the operating agreement of the domesticated entity that are to be in a record, if any, approved as part of the plan of domestication become effective.

h. The interests in the domesticating entity are converted to the extent and as approved in connection with the domestication, and the members of the domesticating entity are entitled only to the rights provided to them under the plan of domestication and to any appraisal rights they have under section 489.1006.

2. Except as otherwise provided in the organic law or operating agreement of the domesticating limited liability company, the domestication does not give rise to any rights that a member, manager, or third party would otherwise have upon a dissolution, liquidation, or winding up of the domesticating company.

3. When a domestication becomes effective, a person that did not have interest holder liability with respect to the domesticating limited liability company and becomes subject to interest holder liability with respect to a domestic limited liability company as a result of the domestication has interest holder liability only to the extent provided by this chapter and only for those debts, obligations, and other liabilities that are incurred after the domestication becomes effective.

4. When a domestication becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic domesticating limited liability company with respect to which the person had interest holder liability is subject to all of the following rules:

a. The domestication does not discharge any interest holder liability under this chapter to the extent the interest holder liability was incurred before the domestication became effective.

b. A person does not have interest holder liability under this chapter for any debt, obligation, or other liability that is incurred after the domestication becomes effective.

c. This chapter continues to apply to the release, collection, or discharge of any interest holder liability preserved under paragraph "a" as if the domestication had not occurred.

d. A person has whatever rights of contribution from any other person as are provided by this chapter, law other than this chapter, or the operating agreement of the domestic

domesticating limited liability company with respect to any interest holder liability preserved under paragraph "a" as if the domestication had not occurred.

5. When a domestication becomes effective, a foreign limited liability company that is the domesticated company may be served with process in this state for the collection and enforcement of any of its debts, obligations, and other liabilities as provided in section 489.116.

6. If the domesticating limited liability company is a registered foreign entity, the registration of the limited liability company is canceled when the domestication becomes effective.

7. A domestication does not require a domestic domesticating limited liability company to wind up its affairs and does not constitute or cause the dissolution of the limited liability company.

Sec. 111. Section 489.1101, Code 2023, is amended to read as follows:

489.1101 Definitions.

As used in this article subchapter, unless the context otherwise requires:

1. "Employee" or "agent" does not include a clerk, stenographer, secretary, bookkeeper, technician, or other person who is not usually and ordinarily considered by custom and practice to be practicing a profession nor any other person who performs all that person's duties for the professional limited liability company under the direct supervision and control of one or more managers, employees, or agents of the professional limited liability company who are duly licensed in this state to practice a profession which the limited liability company is authorized to practice in this state. This article subchapter does not require any such persons to be licensed to practice a profession if they are not required to be licensed under any other law of this state.

2. "Foreign professional limited liability company" means a limited liability company organized under laws other than the laws of this state for a purpose for which a professional limited liability company may be organized under this article subchapter.

3. "Licensed" includes registered, certified, admitted to practice, or otherwise legally authorized under the laws of this state.

4. "Profession" means the following professions:

- a. Certified public accountancy.
- b. Architecture.
- c. Chiropractic.
- d. Dentistry.
- e. Physical therapy.
- f. Practice as a physician assistant.
- g. Psychology.
- h. Professional engineering.
- i. Land surveying.
- j. Landscape architecture.
- k. Law.
- l. Medicine and surgery.
- m. Optometry.
- n. Osteopathic medicine and surgery.
- o. Accounting practitioner.
- p. Podiatry.
- q. Real estate brokerage.
- r. Speech pathology.
- s. Audiology.
- t. Veterinary medicine.
- u. Pharmacy.
- v. Nursing.
- w. Marital and family therapy or mental health counseling, provided that the marital and family therapist or mental health counselor is licensed under chapters 147 and 154D.
- x. Social work, provided that the social worker is licensed pursuant to chapter 147 and section 154C.3, subsection 1, paragraph "c".

5. “Professional limited liability company” means a limited liability company subject to this ~~article subchapter~~, except a foreign professional limited liability company.

6. “Regulating board” means any board, commission, court, or governmental authority which, under the laws of this state, is charged with the licensing, registration, certification, admission to practice, or other legal authorization of the practitioners of any profession.

7. a. “Voluntary transfer” includes a sale, voluntary assignment, gift, pledge, or encumbrance; a voluntary change of legal or equitable ownership or beneficial interest; or a voluntary change of persons having voting rights with respect to any transferable interest, except as proxies.

b. “Voluntary transfer” does not include a transfer of an individual’s interest in a limited liability company or other property to a guardian or conservator appointed for that individual or the individual’s property.

Sec. 112. Section 489.1106, Code 2023, is amended to read as follows:

489.1106 Professional regulation.

A professional limited liability company shall not be required to register with or to obtain any license, registration, certificate, or other legal authorization from a regulating board in order to practice a profession. Except as provided in this section, this ~~article subchapter~~ does not restrict or limit in any manner the authority or duties of any regulating board with respect to ~~individuals~~ an individual practicing a profession which is within the jurisdiction of the regulating board, even if the individual is a member, manager, employee, or agent of a professional limited liability company or foreign professional limited liability company and practices the individual’s profession through such professional limited liability company.

Sec. 113. Section 489.1107, Code 2023, is amended to read as follows:

489.1107 Relationship and liability to persons served.

This ~~article subchapter~~ does not modify any law applicable to the relationship between an individual practicing a profession and a person receiving professional services, including but not limited to any liability arising out of such practice or any law respecting privileged communications. This ~~article subchapter~~ does not modify or affect the ethical standards or standards of conduct of any profession, including but not limited to any standards prohibiting or limiting the practice of the profession by a limited liability company or prohibiting or limiting the practice of two or more professions in combination. All such standards shall apply to the members, managers, employees, and agents through whom a professional limited liability company practices any profession in this state, to the same extent that the standards apply to an individual practitioner.

Sec. 114. Section 489.1110, Code 2023, is amended to read as follows:

489.1110 Convertible interests — rights and options.

A professional limited liability company shall not create or issue any interest convertible into an interest of the professional limited liability company. The provisions of this ~~article subchapter~~ with respect to the issuance and transfer of interests apply to the creation, issuance, and transfer of any right or option entitling the holder to purchase from a professional limited liability company any interest of the professional limited liability company. A right or option shall not be transferable, whether voluntarily, involuntarily, by operation of law, or in any other manner. Upon the death of the holder, or when the holder ceases to be licensed to practice a profession in this state which the professional limited liability company is authorized to practice, the right or option shall expire.

Sec. 115. Section 489.1112, subsections 4, 5, and 6, Code 2023, are amended to read as follows:

4. When a person other than a member of record becomes entitled to have interests of a professional limited liability company transferred into that person’s name or to exercise voting rights, except as a proxy, with respect to interests of the professional limited liability company, the professional limited liability company shall immediately purchase the interests. Without limiting the generality of the foregoing, this section shall be applicable whether the event occurs as a result of appointment of a guardian or conservator for a member or the member’s property, transfer of interests by operation of law, involuntary transfer

of interests, judicial proceeding, execution, levy, bankruptcy proceeding, receivership proceeding, foreclosure or enforcement of a pledge or encumbrance, or any other situation or occurrence. However, this section does not apply to any voluntary transfer of interests as defined in this article subchapter.

5. Interests purchased by a professional limited liability company under this section shall be transferred to the professional limited liability company as of the close of business on the date of the death or other event which requires purchase. The member and the member's executors, administrators, legal representatives, or successors in interest, shall promptly do all things which may be necessary or convenient to cause transfer to be made as of the transfer date. However, the interests shall promptly be transferred on the books and records of the professional limited liability company as of the transfer date, notwithstanding any delay in transferring or surrendering the interests or certificates representing the interests, and the transfer shall be valid and effective for all purposes as of the close of business on the transfer date. The purchase price for such interests shall be paid as provided in this article subchapter, but the transfer of interests to the professional limited liability company as provided in this section shall not be delayed or affected by any delay or default in making payment.

6. *a.* Notwithstanding subsections 1 through 5, purchase by the professional limited liability company is not required upon the occurrence of any event other than death of a member, if the professional limited liability company is dissolved within sixty days after the occurrence of the event or voluntarily elects to no longer be a professional limited liability company but continue its existence as a limited liability company pursuant to section 489.1119A within sixty days after the occurrence of the event. The certificate of organization or operating agreement of the professional limited liability company may provide that purchase is not required upon the death of a member, if the professional limited liability company is dissolved within sixty days after the date of the member's death.

b. Notwithstanding sections 1 through 5, purchase by the professional limited liability company is not required upon the death of a member if the professional limited liability company voluntarily elects to no longer be a professional limited liability company but continue its existence as a limited liability company pursuant to section 489.1119A within sixty days after death.

Sec. 116. Section 489.1113, Code 2023, is amended to read as follows:

489.1113 Certificates representing interests.

Each certificate representing an interest of a professional limited liability company shall state in substance that the certificate represents an interest in a professional limited liability company and is not transferable except as expressly provided in this article subchapter and in the certificate of organization or an operating agreement of the professional limited liability company.

Sec. 117. Section 489.1114, Code 2023, is amended to read as follows:

489.1114 Management.

1. All managers of a professional limited liability company shall at all times be individuals who are licensed to practice a profession in this state or a lawful combination of professions pursuant to section 489.1102, which the limited liability company is authorized to practice. ~~A person who is not licensed shall have no authority or duties in the management or control of the professional limited liability company. If a manager ceases to have this qualification, the manager shall immediately and automatically cease to hold such management position.~~

2. Notwithstanding subsection 1, upon the occurrence of any event that requires the professional limited liability company either to be dissolved or to elect to no longer be a professional limited liability company but continue its existence as a limited liability company, as provided in section 489.1119A, all of the following apply:

a. The professional limited liability company ceases to practice the profession that the professional limited liability company is authorized to practice, as provided in section 489.1119A.

b. The individuals who are not licensed to practice in this state a profession that the professional limited liability company is authorized to practice may be appointed as officers and directors for the sole purpose of doing any of the following:

- (1) Carrying out the dissolution of the professional limited liability company.
- (2) If applicable, carrying out the voluntary election of the professional limited liability company to no longer be a professional limited liability company but continue its existence as a limited liability company, as provided in section 489.1119A.

Sec. 118. Section 489.1115, Code 2023, is amended to read as follows:

489.1115 Merger.

A professional limited liability company shall not merge with any entity except another professional limited liability company subject to this ~~article~~ subchapter or a professional corporation subject to chapter 496C. Merger is not permitted unless the surviving or new professional limited liability company is a professional limited liability company ~~which~~ that complies with all requirements of this ~~article~~ subchapter.

Sec. 119. Section 489.1116, Code 2023, is amended to read as follows:

489.1116 Dissolution or liquidation.

A violation of any provision of this ~~article~~ subchapter by a professional limited liability company or any of its members or managers shall be cause for its involuntary dissolution, or liquidation of its assets and business by the district court. Upon the death of the last remaining member of a professional limited liability company, or when the last remaining member is not licensed or ceases to be licensed to practice a profession in this state which the professional limited liability company is authorized to practice, or when any person other than the member of record becomes entitled to have all interests of the last remaining member of the professional limited liability company transferred into that person's name or to exercise voting rights, except as a proxy, with respect to such interests, the professional limited liability company shall not practice any profession ~~and it~~. In that case, the professional limited liability company shall either be promptly dissolved or shall promptly elect to no longer be a professional limited liability company but continue its existence as a limited liability company as provided in section 489.1119A. However, if prior to dissolution all outstanding interests of the professional limited liability company are acquired by two or more persons licensed to practice a profession in this state which the professional limited liability company is authorized to practice, the professional limited liability company need not be dissolved ~~nor~~ elect to no longer be a professional limited liability company and may instead practice the profession as provided in this article subchapter.

Sec. 120. Section 489.1117, Code 2023, is amended to read as follows:

489.1117 Foreign professional limited liability company.

1. A foreign professional limited liability company may practice a profession in this state if it complies with the provisions of this ~~article~~ subchapter. The secretary of state may prescribe forms for this purpose. A foreign professional limited liability company may practice a profession in this state only through members, managers, employees, and agents who are licensed to practice the profession in this state. The provisions of this ~~article~~ subchapter with respect to the practice of a profession by a professional limited liability company apply to a foreign professional limited liability company.

2. This ~~article~~ subchapter does not prohibit the practice of a profession in this state by an individual who is a member, manager, employee, or agent of a foreign professional limited liability company, if the individual could lawfully practice the profession in this state in the absence of any relationship to a foreign professional limited liability company. This subsection applies regardless of whether or not the foreign professional limited liability company is authorized to practice a profession in this state.

Sec. 121. Section 489.1118, Code 2023, is amended to read as follows:

489.1118 Limited liability companies organized under the other laws.

This ~~article~~ subchapter does not apply to or interfere with the practice of any profession by or through any professional limited liability company organized after July 1, 1992, under any other law of this state or any other state or country, if the practice is lawful under any other statute or rule of law of this state. Any such professional limited liability company may voluntarily elect to adopt this ~~article~~ subchapter and become subject to its provisions, by amending its certificate of organization to be consistent with all provisions of this ~~article~~

subchapter and by stating in its amended certificate of organization that the limited liability company has voluntarily elected to adopt this ~~article~~ subchapter. Any limited liability company organized under any law of any other state or country may become subject to the provisions of this ~~article~~ subchapter by complying with all provisions of this ~~article~~ subchapter with respect to foreign professional limited liability companies.

Sec. 122. Section 489.1119, Code 2023, is amended to read as follows:

489.1119 Conflicts with other provisions of this chapter.

The provisions of this ~~article~~ subchapter shall prevail over any inconsistent provisions of this chapter.

Sec. 123. NEW SECTION. **489.1119A Election to no longer be a professional limited liability company.**

A professional limited liability company may elect to no longer be a professional limited liability company but continue its existence as a limited liability company by filing with the secretary of state an amendment to or restatement of its certificate of organization that states that the limited liability company is no longer a professional limited liability company and amending its name to no longer indicate it is a professional limited liability company.

Sec. 124. NEW SECTION. **489.1204 Severability clause.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 125. NEW SECTION. **489.1207 Application to existing relationships.**

1. For purposes of applying this chapter to a limited liability company formed before the effective date of this Act, references in the limited liability company's operating agreement to provisions in this chapter in effect before the effective date of this Act are deemed to be references to the comparable provision in this chapter after the effective date of this Act.

2. A limited liability company that has published notice of its dissolution and requested persons having claims against the limited liability company to present them in accordance with the notice pursuant to section 489.703 as that section existed immediately prior to the effective date of this Act shall be subject to the requirements set forth in that section as it existed immediately prior to the effective date of this Act, including the right of a claim by a person that is commenced within five years after publication of the notice.

3. For the purposes of applying this chapter to a limited liability company formed before January 1, 2009, all of the following apply:

a. The limited liability company's articles of organization are deemed to be the company's certificate of organization.

b. For the purposes of applying section 489.102, subsection 15, and subject to section 489.112, subsection 4, language in the limited liability company's articles of organization designating the limited liability company's management structure operates as if that language were in the operating agreement.

c. If a professional limited liability company's name complied with section 490A.1503 as that section existed on December 30, 2010, that company's name shall also be deemed to comply with the name requirements of section 489.1103 of the 2011 edition of the Iowa Code.

Sec. 126. Section 489.14101, Code 2023, is amended to read as follows:

489.14101 Short title.

This ~~article~~ subchapter may be cited as the "*Uniform Protected Series Act*".

Sec. 127. Section 489.14102, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~article~~ subchapter, unless the context otherwise requires:

Sec. 128. Section 489.14102, subsections 4 and 9, Code 2023, are amended to read as follows:

4. “*Foreign protected series*” means an arrangement, configuration, or other structure established by a foreign limited liability company which has attributes comparable to a protected series established under this article subchapter. The term applies whether or not the law under which the foreign company is organized refers to “protected series”.

9. “*Protected-series manager*” means a person under whose authority the powers of a protected series are exercised and under whose direction the activities and affairs of the protected series are managed under the operating agreement, this article subchapter, and this chapter.

Sec. 129. Section 489.14104, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. Except as permitted by law of this state other than this article subchapter, have a purpose or power that the law of this state other than this article subchapter prohibits a limited liability company from doing or having.

Sec. 130. Section 489.14106, subsections 2, 3, and 4, Code 2023, are amended to read as follows:

2. If this chapter otherwise restricts the power of an operating agreement to affect a matter, the restriction applies to a matter under this article subchapter in accordance with section 489.14108.

3. If law of this state other than this article subchapter imposes a prohibition, limitation, requirement, condition, obligation, liability, or other restriction on a limited liability company, a member, manager, or other agent of the company, or a transferee of the company, except as otherwise provided in law of this state other than this article subchapter, the restriction applies in accordance with section 489.14108.

4. Except as otherwise provided in section 489.14107, if the operating agreement of a series limited liability company does not provide for a matter described in subsection 1 in a manner permitted by this article subchapter, the matter is determined in accordance with the following rules:

a. To the extent this article subchapter addresses the matter, this article subchapter governs.

b. To the extent this article subchapter does not address the matter, the other articles subchapters of this chapter govern the matter in accordance with section 489.14108.

Sec. 131. Section 489.14107, subsection 1, paragraphs v, w, x, and y, Code 2023, are amended to read as follows:

v. Article 6 Subchapter VI.

w. Article 7 Subchapter VII.

x. Article 8 Subchapter VIII.

y. A provision of this article subchapter pertaining to any of the following:

(1) Registered agents.

(2) The secretary of state, including provisions pertaining to records authorized or required to be delivered to the secretary of state for filing under this article subchapter.

Sec. 132. Section 489.14108, subsection 2, paragraph b, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Accept for filing a type of record that neither this article subchapter nor any of the other articles subchapters of this chapter authorizes or requires a person to deliver to the secretary of state for filing.

(2) Make or deliver a record that neither this article subchapter nor the other articles subchapters of this chapter authorizes or requires the secretary of state to make or deliver.

Sec. 133. Section 489.14204, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Other means authorized by law of this state other than the other articles subchapters of this chapter.

Sec. 134. Section 489.14301, subsection 5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

To the extent permitted by this section and law of this state other than this ~~article~~ subchapter, a series limited liability company or protected series of the company may hold an associated asset directly or indirectly, through a representative, nominee, or similar arrangement, except that all of the following applies:

Sec. 135. Section 489.14303, subsection 4, Code 2023, is amended to read as follows:

4. Except for section 489.14108, subsection 1, paragraph “c”, a provision of this ~~article~~ subchapter which applies to a protected-series transferee of a protected series of a series limited liability company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series. A provision of the operating agreement of a series limited liability company which applies to a protected-series transferee of a protected series of the company applies to the company in its capacity as an owner of a protected-series transferable interest of the protected series.

Sec. 136. Section 489.14304, subsection 6, Code 2023, is amended to read as follows:

6. ~~Article 9~~ Subchapter IX applies to a protected series in accordance with section 489.14108.

Sec. 137. Section 489.14402, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The claim is to establish or enforce a liability arising under law of this state other than this ~~article~~ subchapter or from an act or omission in this state.

Sec. 138. Section 489.14404, subsection 3, Code 2023, is amended to read as follows:

3. In addition to any other remedy provided by law or equity, if a claim against a series limited liability company or a protected series has not been reduced to a judgment and law other than this ~~article~~ subchapter permits a prejudgment remedy by attachment, levy, or the like, the court may apply subsection 2 as a prejudgment remedy.

Sec. 139. Section 489.14404, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The claimant is a resident of this state or doing business or authorized to do business in this state, or the claim under section 489.14404 is to enforce a judgment, or to seek a prejudgment remedy, pertaining to a liability arising from law of this state other than this ~~article~~ subchapter or an act or omission in this state.

Sec. 140. Section 489.14801, Code 2023, is amended to read as follows:

489.14801 Uniformity of application and construction.

In applying and construing this ~~article~~ subchapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the uniform protected series Act as approved and recommended by the national conference of commissioners on uniform state laws.

Sec. 141. Section 489.14804, Code 2023, is amended to read as follows:

489.14804 Savings clause.

This ~~article~~ subchapter does not affect an action commenced, proceeding brought, or right accrued before July 1, 2020.

Sec. 142. REPEAL. Sections 489.113, 489.802, 489.803, 489.804, 489.805, 489.806, 489.807, 489.808, 489.1008, 489.1009, 489.1010, 489.1011, 489.1012, 489.1013, 489.1014, 489.1015, 489.1016, and 489.1304, Code 2023, are repealed.

Sec. 143. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfers:

- a. Section 489.104 to section 489.108.
- b. Section 489.105 to section 489.109.

- c. Section 489.106 to section 489.104.
- d. Section 489.107 to section 489.111.
- e. Section 489.108 to section 489.112.
- f. Section 489.109 to section 489.113.
- g. Section 489.110 to section 489.105.
- h. Section 489.111 to section 489.106.
- i. Section 489.112 to section 489.107.
- j. Section 489.114 to section 489.116.
- k. Section 489.114A, as enacted by this Act, to section 489.114.
- l. Section 489.115 to section 489.117.
- m. Section 489.115A, as enacted by this Act, to section 489.115.
- n. Section 489.116 to section 489.119.
- o. Section 489.117 to section 489.122.
- p. Section 489.205A to section 489.122A.
- q. Section 489.206 to section 489.209.
- r. Section 489.206A, as enacted by this Act, to section 489.206.
- s. Section 489.208 to section 489.211.
- t. Section 489.208A, as enacted by this Act, to section 489.208.
- u. Section 489.209 to section 489.211A.
- v. Section 489.701A to section 489.703.
- w. Section 489.703 to section 489.704.
- x. Section 489.704 to section 489.705.
- y. Section 489.705 to section 489.708.
- z. Section 489.706 to section 489.710.
- aa. Section 489.706A, as enacted by this Act, to section 489.706.
- ab. Section 489.707 to section 489.711.
- ac. Section 489.708 to section 489.707.
- ad. Section 489.801 to section 489.901.
- ae. Section 489.805A, as enacted by this Act, to section 489.805.
- af. Section 489.809 to section 489.912.
- ag. Section 489.901 to section 489.801.
- ah. Section 489.902 to section 489.802.
- ai. Section 489.903 to section 489.803.
- aj. Section 489.904 to section 489.804.
- ak. Section 489.906 to section 489.806.
- al. Section 489.906A, as enacted by this Act, to section 489.906.
- am. Section 489.911A to section 489.902.
- an. Section 489.911B to section 489.903.
- ao. Section 489.911C to section 489.904.
- ap. Section 489.1119 to section 489.1120.
- aq. Section 489.1119A to section 489.1119.
- ar. Section 489.1301 to section 489.1201.
- as. Section 489.1302 to section 489.1202.
- at. Section 489.1303 to section 489.1203.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 144. DIRECTIONS TO THE CODE EDITOR — DIVIDING SUBCHAPTER X INTO PARTS. The Code editor is directed to divide the provisions of chapter 489, subchapter X, as amended or enacted in this division of this Act, into parts as follows:

- 1. Part 1, including sections 489.1001 through 489.1007.
- 2. Part 2, including sections 489.1021 through 489.1026.
- 3. Part 3, including sections 489.1031 through 489.1036.
- 4. Part 4, including sections 489.1041 through 489.1046.
- 5. Part 5, including sections 489.1051 through 489.1056.

DIVISION II
COORDINATING AMENDMENTS

Sec. 145. Section 9.11, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Chapter 489, including as provided in section ~~489.205~~, 489.205A and as stated in section 489.117 or as otherwise described in sections ~~489.112, 489.302, 489.702, 489.1008, 489.1012, and 489.14502~~ section 489.210.

Sec. 146. Section 10.1, subsection 9, paragraph b, Code 2023, is amended to read as follows:

b. As used in paragraph “a”, a type of membership interest in a limited liability company includes a protected series as provided in chapter 489, ~~article 14~~ subchapter XIV.

Sec. 147. Section 10.1, subsection 17, paragraph b, Code 2023, is amended to read as follows:

b. As used in paragraph “a”, a type of membership interest in a limited liability company includes a protected series of a series limited liability company as provided in chapter 489, ~~article 14~~ subchapter XIV.

Sec. 148. Section 10.10, subsection 1, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) As used in subparagraph (1), a type of membership interest in a limited liability company includes a protected series of a series limited liability company as provided in chapter 489, ~~article 14~~ subchapter XIV.

Sec. 149. Section 488.108, subsection 4, paragraph b, subparagraph (4), Code 2023, is amended to read as follows:

(4) For a limited liability company under chapter 489, section 489.108, 489.109, 489.114A, or 489.706.

Sec. 150. Section 490.401, subsection 2, paragraph h, subparagraph (4), Code 2023, is amended to read as follows:

(4) For a limited liability company under chapter 489, section 489.108, 489.109, 489.114A, or 489.706.

Sec. 151. Section 501A.102, subsection 13, Code 2023, is amended by striking the subsection.

Sec. 152. Section 501A.1101, subsections 1, 2, and 5, Code 2023, are amended to read as follows:

1. *Authorization.* Unless otherwise prohibited, cooperatives organized under the laws of this state, including cooperatives organized under this chapter or traditional cooperatives, may merge or consolidate with each other, ~~an Iowa limited liability company under the provisions of section 489.1015, or other another business entities entity~~ organized under the laws of another state, by complying with the provisions of this section and the law of the state where the surviving or new business entity will exist. A cooperative shall not merge or consolidate with a business entity organized under the laws of this state, other than a traditional cooperative, unless the law governing the business entity expressly authorizes merger or consolidation with a cooperative. This subsection does not authorize a foreign business entity to do any act not authorized by the law governing the foreign business entity.

2. *Plan.* To initiate a merger or consolidation of a cooperative, a written plan of merger or consolidation shall be prepared by the board or by a committee selected by the board to prepare a plan. The plan shall state all of the following:

a. The names of ~~the each~~ constituent domestic cooperative, ~~the name of any Iowa limited liability company that is a party to the merger, to the extent authorized under section 489.1015,~~ and any foreign business ~~entities~~ entity that is a party to the merger.

b. The name of the surviving or new domestic cooperative, ~~Iowa limited liability company as required by section 489.1015,~~ or other foreign business entity.

c. The manner and basis of converting membership or ownership interests of the constituent domestic cooperative, ~~the Iowa limited liability company that is a party as provided in section 489.1015,~~ or foreign business entity into membership or ownership interests in the surviving or new domestic cooperative, ~~the surviving Iowa limited liability company as authorized in section 489.1015,~~ or foreign business entity.

d. The terms of the merger or consolidation.

e. The proposed effect of the merger or consolidation on the members and patron members of each constituent domestic cooperative.

f. For a consolidation, the plan shall contain the articles of the entity or organizational documents to be filed with the state in which the entity is organized ~~or, if the surviving organization is an Iowa limited liability company, the articles of organization.~~

5. ~~Effect of merger or consolidation. For a merger that does not involve an Iowa limited liability company, the following shall apply to the~~ The effect of a merger or consolidation shall be as follows:

a. ~~After the effective date, the each domestic cooperative, Iowa limited liability company, if party to the plan, cooperatives and any foreign business entity that is a party to the plan become a single entity. For a merger, the surviving business entity is the business entity designated in the plan. For a consolidation, the new domestic cooperative, the Iowa limited liability company, if any, and any or new foreign business entity is the business entity provided for in the plan. Except for the surviving or new domestic cooperative, Iowa limited liability company, or foreign business entity, the separate existence of each merged or consolidated domestic or foreign business entity that is a party to the plan ceases on the effective date of the merger or consolidation.~~

b. ~~The surviving or new domestic cooperative, Iowa limited liability company, or foreign business entity possesses all of the rights and property of each of the merged or consolidated business entities and is responsible for all their obligations. The title to property of the merged or consolidated domestic cooperative, Iowa limited liability company, or foreign business entity, is vested in the surviving or new domestic cooperative, Iowa limited liability company, or foreign business entity without reversion or impairment of the title caused by the merger or consolidation.~~

e. ~~If a merger involves an Iowa limited liability company, this subsection is subject to the provisions of section 489.1015.~~

Sec. 153. Section 501A.1102, subsection 1, Code 2023, is amended to read as follows:

1. *Definition.* For purposes of this section, “*subsidiary*” means a domestic cooperative, ~~an Iowa limited liability company,~~ or a foreign cooperative.

Sec. 154. Section 501A.1102, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~An Iowa limited liability company may only participate in a merger under this section to the extent authorized under section 489.1015.~~ A parent domestic cooperative or a subsidiary that is a domestic cooperative may complete the merger of a subsidiary as provided in this section. However, if either the parent cooperative or the subsidiary is a business entity organized under the laws of this state, the merger of the subsidiary is not authorized under this section unless the law governing the business entity expressly authorizes merger with a cooperative.

Sec. 155. Section 501A.1103, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. A merger may be abandoned upon any of the following:

(1) The members of each of the constituent domestic cooperatives entitled to vote on the approval of the plan have approved the abandonment at a meeting by the affirmative vote of the holders of a majority of the voting power of the membership interests entitled to vote.

~~(2) The merger is with a domestic cooperative and an Iowa limited liability company or foreign business entity.~~

~~(3)~~ (2) The abandonment is approved in such manner as may be required by section 489.1015 for the involvement of an Iowa limited liability company, or for a foreign business entity by under the laws of the state under which the foreign business entity is organized.

~~(4)~~ (3) The members of a constituent domestic cooperative are not entitled to vote on the approval of the plan, and the board of the constituent domestic cooperative has approved the abandonment by the affirmative vote of a majority of the directors present.

~~(5)~~ (4) The plan provides for abandonment and all conditions for abandonment set forth in the plan are met.

~~(6)~~ (5) The plan is abandoned before the effective date of the plan by a resolution of the board of any constituent domestic cooperative abandoning the plan of merger approved by the affirmative vote of a majority of the directors present, subject to the contract rights of any other person under the plan. If a plan of merger is with a domestic business entity or foreign business entity, the plan of merger may be abandoned before the effective date of the plan by a resolution of the foreign business entity adopted according to the laws of the state under which the foreign business entity is organized, subject to the contract rights of any other person under the plan. ~~If the plan of merger is with an Iowa limited liability company, the plan of merger may be abandoned by the Iowa limited liability company as provided in section 489.1015, subject to the contractual rights of any other person under the plan.~~

Sec. 156. Section 504.401, subsection 2, paragraph b, subparagraph (4), Code 2023, is amended to read as follows:

(4) For a limited liability company under chapter 489, section 489.108, 489.109, 489.114A, or 489.706.

Sec. 157. Section 504.403, subsection 1, paragraph b, subparagraph (4), Code 2023, is amended to read as follows:

(4) For a limited liability company under chapter 489, section 489.108, 489.109, 489.114A, or 489.706.

Sec. 158. Section 524.303, subsection 2, Code 2023, is amended to read as follows:

2. Applicable fees, payable to the secretary of state as specified in section ~~489.117~~ or section 490.122, for the filing of the articles of incorporation or section 489.117 for filing a certificate of organization.

Sec. 159. Section 524.310, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 489.109, 489.114A, 489.706, 490.402, 490.403, 504.402, or 504.403.

Sec. 160. Section 542.7, subsection 3, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) Notwithstanding chapter 489, ~~article 11 subchapter XI~~, or any other provision of law to the contrary, a certified public accounting firm organized as a professional limited liability company under chapter 489, ~~article 11 subchapter XI~~, may have nonlicensee members provided that the professional limited liability company complies with the requirements of this section.

DIVISION III
EFFECTIVE DATE

Sec. 161. EFFECTIVE DATE. This Act takes effect January 1, 2024.

Approved June 1, 2023

CHAPTER 153**EXTENSION OF RACEWAY FACILITY SALES TAX REBATE AND CORRECTIVE TAX PROVISIONS***H.F. 660*

AN ACT relating to sales tax rebates for a raceway facility and making tax provision corrections.

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

Section 1. Section 331.423, subsection 2, paragraph b, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), if enacted by 2023 Iowa Acts, House File 718,¹ section 2, is amended to read as follows:

(i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this paragraph for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred three percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred two percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

Sec. 2. Section 331.423, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), subparagraph subdivision (i), if enacted by 2023 Iowa Acts, House File 718,² section 2, is amended to read as follows:

(i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 2 for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred three percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

Sec. 3. Section 423.2A, subsection 2, paragraph g, Code 2023, is amended to read as follows:

g. Beginning the first day of the quarter following July 1, 2014, transfer to the raceway facility tax rebate fund created in section 423.4, subsection 11, paragraph "e", that portion of the sales tax receipts collected and remitted upon sales of tangible personal property or services furnished by retailers at a raceway facility meeting the qualifications of section 423.4, subsection 11, that remains after the transfers required in paragraphs "a" through "f" of this subsection 2. This paragraph is repealed June 30, ~~2025~~ 2030, or thirty days following the date on which an amount of total rebates specified in section 423.4, subsection 11, paragraph "c", subparagraph (3), subparagraph division (b), has been provided or thirty days following the date on which rebates cease as provided in section 423.4, subsection 11, paragraph "c", subparagraph (4), whichever is earliest.

¹ Chapter 71 herein

² Chapter 71 herein

Sec. 4. Section 423.4, subsection 11, paragraph c, subparagraph (3), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The transactions described in paragraph “b” for which sales or use tax was collected and the rebate is sought occurred on or after January 1, 2015, but before January 1, ~~2025~~ 2030. However, the total amount of rebates provided pursuant to this subsection shall not exceed the lesser of the following amounts:

Sec. 5. Section 423.4, subsection 11, paragraph g, Code 2023, is amended to read as follows:

g. This subsection is repealed June 30, ~~2025~~ 2030, or thirty days following the date on which one million eight hundred thousand dollars in total rebates have been provided and no overpayment of rebates exists, or thirty days following the date on which rebates cease as provided in paragraph “c”, subparagraph (4), and no overpayment of rebates exists, whichever is earliest.

Approved June 1, 2023

CHAPTER 154

REGULATION BY DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP OF COMMERCIAL ANIMAL ESTABLISHMENTS, GRAIN, WEIGHTS AND MEASURES, MOTOR FUEL, AND WATER QUALITY

H.F. 666

AN ACT providing for programs and regulations administered and enforced by the department of agriculture and land stewardship, providing fees, providing for the allocation of moneys, making penalties applicable, and including effective date provisions.

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

DIVISION I REGULATION OF COMMERCIAL ESTABLISHMENTS

Section 1. Section 162.2, subsection 19, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

19. “*Pet shop*” means a facility where vertebrate animals, excluding fish, not born and reared on the facility’s premises are bought, sold, exchanged, or offered for sale or exchange to the public, at retail. “*Pet shop*” does not include a facility if one of the following applies:

a. The facility receives less than one thousand dollars from the sale or exchange of vertebrate animals, excluding fish, during a twelve-month period.

b. The facility sells or exchanges less than twelve vertebrate animals, excluding fish, during a twelve-month period.

Sec. 2. Section 162.2A, subsection 3, paragraph d, Code 2023, is amended by striking the paragraph.

DIVISION II
GRAIN REGULATION

PART A
GRAIN DEALERS

Sec. 3. Section 203.1, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 12A. “*Scale weight ticket*” means the same as defined in section 203C.1.

Sec. 4. Section 203.5, subsection 8, paragraph a, Code 2023, is amended to read as follows:

a. The applicant has caused liability to the Iowa grain depositors and sellers indemnity fund in regard to a license issued under this chapter or chapter 203C, and the liability has not been discharged, settled, or satisfied.

Sec. 5. Section 203.11, subsection 2, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) Uses a scale weight ticket or credit-sale contract in violation of this chapter or a requirement established by the department under this chapter.

Sec. 6. Section 203.15, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. The duration of the credit-sale contract, which shall not exceed ~~twelve~~ fifteen months from the date the contract is executed.

Sec. 7. Section 203.17, Code 2023, is amended to read as follows:

203.17 Documents and records.

1. The department may adopt rules specifying the form, content, use, and maintenance of documents issued by a grain dealer under this chapter including but not limited to scale weight tickets, settlement sheets, daily position records, and credit-sale contracts. The department may adopt rules for both printed and electronic documents, including rules for the transmission, receipt, authentication, and archiving of electronically generated or stored documents.

2. All scale weight ticket forms in the possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing. A grain dealer shall maintain an accurate record of all scale weight ticket numbers. The record shall include the disposition of each numbered form, whether issued, destroyed, or otherwise disposed of.

Sec. 8. Section 203.20, Code 2023, is amended to read as follows:

203.20 Shrinkage adjustments — disclosures — penalties.

1. A person who, in connection with the receipt of ~~corn or soybeans~~ grain for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. ~~The use of person who uses~~ any rate of weight adjustment for moisture content other than the one prescribed by this subsection is commits a fraudulent practice as defined in section 714.8. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content ~~that is~~ as prescribed by this subsection. ~~Failure~~ The person who fails to make this disclosure is commits a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. ~~Failure~~ The person who fails to make ~~the required~~ this disclosure is commits a simple misdemeanor.

3. A person who adjusts the scale weight of ~~corn or soybeans~~ both grain for moisture content and for handling, processing, or storage losses may combine the two adjustment

factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. ~~Failure~~ The person who fails to make the required this disclosure is commits a simple misdemeanor.

PART B
WAREHOUSE OPERATORS

Sec. 9. Section 203C.5, subsection 2, Code 2023, is amended to read as follows:

2. a. The department may adopt rules specifying the form, content, and use of documents issued by a warehouse operator under this chapter including but not limited to scale weight tickets, warehouse receipts, settlement sheets, and daily position records. The department may adopt rules for both printed and electronic documents, including rules for the transmission, receipt, authentication, and archiving of electronically generated or stored documents.

b. All scale weight ticket forms and warehouse receipt forms in the possession of a warehouse operator shall have been permanently and consecutively numbered at the time of printing. A warehouse operator shall maintain an accurate record of the numbers of these documents. The record shall include the disposition of each form, whether issued, destroyed, or otherwise disposed of. The department may by rule require this use of prenumbered forms and recording for documents other than scale weight tickets and warehouse receipts.

Sec. 10. Section 203C.6, subsection 8, paragraph a, Code 2023, is amended to read as follows:

a. The applicant has caused liability to the Iowa grain depositors and sellers indemnity fund through operations under a license issued under this chapter or chapter 203, and the liability has not been discharged, settled, or satisfied.

Sec. 11. Section 203C.17, subsections 1, 2, 3, 4, and 5, Code 2023, are amended to read as follows:

1. ~~Any grain which has been received at any~~ Grain deposited with a licensed warehouse operator for which the actual sale price is ~~has not been fixed and either proper documentation made has not been furnished or payment has not been made shall be construed to be grain held for storage within the meaning of this chapter. Grain may be held considered stored grain and may be retained in open storage or placed on under warehouse receipt. A warehouse receipt shall be issued for all grain held in open storage within one year from the date of delivery to the warehouse, unless the depositor has signed a statement that the depositor does not desire a warehouse receipt. A~~ The licensed warehouse operator shall issue a warehouse receipt shall be issued to the depositor upon request by the depositor. The warehouse operator's tariff shall apply for to any grain that is retained in open storage or placed under warehouse receipt as provided in section 203C.18.

2. Bulk grain deposited with a licensed warehouse operator for processing, cleaning, drying, shipping for the account of the depositor, or any other purpose shall be removed within thirty days from the date of deposit or such grain shall be ~~determined as considered stored grain and the~~ The warehouse operator's tariff charges shall apply to the bulk grain as provided in section 203C.28.

3. ~~Grain received on~~ deposited and subject to a scale weight ticket which that fails to have the price fixed and properly documented on the records of the licensed warehouse operator shall be ~~construed to be~~ retained in open storage.

4. All bulk grain whether retained in open storage and deposited subject to a scale weight ticket or ~~having been placed on under~~ warehouse receipt is covered by the grain depositors and sellers indemnity fund ~~created in as provided in~~ chapter 203D.

5. ~~Any grain which has been received at any~~ An unlicensed warehouse and for which the operator shall not retain deposited bulk grain, if its actual sale price has not been fixed, and ~~payment for the bulk grain has not been made within thirty days from receipt of the grain its date of deposit, unless covered~~ purchased by a credit-sale contract, ~~shall be construed~~

to be unlawful storage within the meaning of this chapter. Bulk grain received at any ~~An~~ unlicensed warehouse ~~for any operator who retains deposited bulk grain under any other purpose circumstance~~ must either ~~be returned~~ return the bulk grain to the depositor, or ~~disposed of~~ dispose of the bulk grain by order of the depositor, within thirty days from date of ~~actual~~ the deposit of the bulk grain.

Sec. 12. Section 203C.25, Code 2023, is amended to read as follows:

203C.25 Shrinkage adjustments — disclosures — penalties.

1. A person who, in connection with the receipt of ~~corn or soybeans~~ grain for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. ~~The use of person who uses any rate of weight adjustment for moisture content other than the one prescribed by this subsection is~~ commits a fraudulent practice as defined in section 714.8. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content ~~that is as~~ as prescribed by this subsection. ~~Failure~~ The person who fails to make this disclosure is commits a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. ~~Failure~~ The person who fails to make ~~the required this~~ disclosure is commits a simple misdemeanor.

3. A person who adjusts the scale weight of ~~corn or soybeans~~ both grain for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. ~~Failure~~ The person who fails to make ~~the required this~~ disclosure is commits a simple misdemeanor.

Sec. 13. Section 203C.36, subsection 2, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) Uses a scale weight ticket, warehouse receipt, or other document in violation of this chapter or requirements established by the department under this chapter.

PART C
INDEMNITY FUND

Sec. 14. Section 203D.1, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 14A. “Scale weight ticket” means the same as defined in section 203C.1.

Sec. 15. Section 203D.3, subsection 3, Code 2023, is amended to read as follows:

3. The ~~fiscal~~ assessment year of the fund begins ~~July~~ September 1 and ends on ~~June~~ August 31. ~~Fiscal Assessment~~ quarters of the fund begin ~~July~~ September 1, ~~October~~ December 1, ~~January~~ March 1, and ~~April~~ June 1. The finances of the fund shall be calculated on an accrual basis in accordance with generally accepted accounting principles.

Sec. 16. Section 203D.3A, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A licensee shall pay a participation fee on four successive installment dates, with each installment date occurring on the last date of the fund’s ~~fiscal~~ assessment quarter as provided in section 203D.3. The licensee shall pay twenty-five percent of the total participation fee assessed on each installment date. However, nothing in this subsection prevents a licensee from paying the participation fee on an accelerated basis. A licensee shall pay the first

installment on the last date of the fund's fiscal assessment quarter immediately following the licensee's anniversary date.

Sec. 17. Section 203D.5, subsection 1, Code 2023, is amended to read as follows:

1. The board shall annually review the debits of and credits to the grain depositors and sellers indemnity fund created in section 203D.3 and shall determine whether to impose the participation fee and per-bushel fee as provided in section 203D.3A, make adjustments to the fees effective on the previous July September 1, or waive the fees as necessary to comply with this section. The board shall make the determination not later than May 1 of each year. The board shall impose the fees or adjust the fees effective on the previous July September 1 in accordance with chapter 17A. The imposition or adjustment of the fees shall become effective as follows:

a. For the participation fee, on the following July September 1. However, the licensee shall continue to pay the participation fee at the rate in effect on the prior July September 1, until the licensee has paid the amount owing.

b. For a per-bushel fee, on the following July September 1.

Sec. 18. Section 203D.5, subsection 4, Code 2023, is amended to read as follows:

4. If on the last date of the fund's fiscal assessment year as provided in section 203D.3 the assets of the fund exceed eight million dollars, less any encumbered balances or pending or unsettled claims, all of the following apply:

a. The participation fee shall be waived and shall not be assessable or owing for the following fiscal assessment year of the fund. However, the licensee shall continue to pay any owing participation fee that was in effect on the prior July September 1.

b. The per-bushel fee shall be waived and shall not be assessable or owing.

PART D EFFECTIVE DATE

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III WEIGHTS AND MEASURES

PART A LICENSING, INSPECTIONS, AND FEES

Sec. 20. Section 214.2, Code 2023, is amended to read as follows:

214.2 License.

1. A person who uses or displays for use any commercial weighing and measuring device, as defined in section 215.1, shall secure ~~must be issued~~ a license ~~from~~ by the department for that device. The department shall issue the license after inspecting the device.

2. a. Except as provided in paragraph "b", a license issued under subsection 1 shall expire on December 31 of each year.

b. A license issued under subsection 1 for a motor fuel pump shall expire on June 30 of each year.

Sec. 21. Section 214.3, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 22. Section 214.3, subsection 2, Code 2023, is amended to read as follows:

2. The A license ~~inspection~~ fee is imposed on a person who uses or displays for use a commercial weighing and measuring device. The license fee is due the day the device is placed into service department issues the license. A license ~~inspection~~ fee shall be charged to the person owning or operating a commercial weighing and measuring device inspected. The amount of the license fee shall be calculated in accordance with the class or section for devices as established by handbook 44 of the United States national institute of standards and technology.

Sec. 23. Section 214.11, subsection 1, Code 2023, is amended to read as follows:

1. The department shall provide for ~~annual~~ biennial inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy and correctness of motor fuel pumps. For that purpose the department's inspectors may enter upon the premises of ~~any~~ a wholesale dealer or a retail dealer motor fuel site.

Sec. 24. Section 215.2, Code 2023, is amended to read as follows:

215.2 Special inspection tests — request — fees.

1. The owner or servicer of a commercial weighing and measuring device may request the department conduct a special inspection test of the device to determine its accuracy and correctness.

2. The fee for special tests, including but not limited to, using state inspection equipment, for the calibration, testing, certification, or repair conducting a special inspection test of a commercial weighing and measuring device shall be paid by the owner or servicer or person requesting the special inspection test in accordance with the following schedule:

1. a. Class S, scales, seventy-five dollars per hour.
2. b. Class M, meters, fifty-two dollars and fifty cents per hour.

Sec. 25. REPEAL. Section 215.12, Code 2023, is repealed.

PART B
MOTOR FUEL STANDARDS AND CLASSIFICATIONS

Sec. 26. Section 159A.6, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. Develop standards for decals required pursuant to section ~~214A.16~~ 214A.21A, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted by the office.

Sec. 27. Section 214A.1, subsection 2, Code 2023, is amended to read as follows:

2. "ASTM international" means a nonprofit organization, previously named the American society for testing and materials international.

Sec. 28. Section 214A.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 9A. "Coproduct" means to simultaneously process a renewable biomass or a biointermediate with a fossil fuel or other nonrenewable feedstock in the same unit or units to produce a fuel that is partially derived from a renewable biomass or biointermediate.

NEW SUBSECTION. 33A. a. "Renewable diesel" means a motor fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark, which is produced from nonfossil renewable resources, including agricultural plants, animal fats, residue, and waste generated from the production, processing, and marketing of agricultural products, and other renewable resources.

b. "Renewable diesel" must meet the standards provided in section 214A.2.

c. "Renewable diesel" does not include any of the following:

- (1) Biodiesel.
- (2) A fuel that has been coprocessed.

NEW SUBSECTION. 33B. "Renewable diesel blended fuel" means a blend of renewable diesel with petroleum-based diesel fuel, biodiesel, or a combination of petroleum-based diesel fuel and biodiesel, which meets the standards, including separately the standard for its renewable diesel component, provided in section 214A.2.

Sec. 29. Section 214A.2, subsection 4, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) If the motor fuel is advertised for sale or sold as renewable diesel or renewable diesel blended fuel, the motor fuel must meet departmental standards based in part or in whole on specifications adopted by ASTM international for renewable

diesel or renewable diesel blended motor fuel, to every extent applicable, as determined by the department subject to subparagraph (2).

(2) Renewable diesel must at least meet departmental standards based in whole or in part on ASTM international specification D975, or a successor ASTM international specification, established by rule. The specification shall apply to renewable diesel before it leaves its place of manufacture.

Sec. 30. Section 214A.2, subsection 5, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* (1) Renewable diesel shall be classified RD-100.

(2) Renewable diesel blended fuel shall be classified RD-xx where “xx” is the volume percent of renewable diesel.

Sec. 31. Section 214A.2B, Code 2023, is amended to read as follows:

214A.2B Laboratory for motor fuel and biofuels fuels, biofuels, and renewable fuels.

~~A laboratory for motor fuel and biofuels is established at a community college which is engaged in biofuels testing on July 1, 2007, and which testing includes but is not limited to The Iowa central fuel testing laboratory at Iowa central community college shall test motor fuels, biofuels, and renewable fuels, including but not limited to B-20 biodiesel fuel testing for use by motor trucks and the ability of biofuels to meet ASTM international standards. The laboratory shall conduct the testing of motor fuel fuels sold in this state and biofuel which is biofuels blended in with motor fuel fuels in this state to ensure that the motor fuel or fuels, biofuels, and renewable fuels meet the requirements departmental standards in section 214A.2.~~

PART C ELECTRIC MOTOR FUEL

Sec. 32. Section 452A.41, subsection 3, as enacted by 2019 Iowa Acts, chapter 151, section 24, is amended to read as follows:

3. The department shall adopt rules governing the dispensing of electric fuel by licensed dealers and users. The director may require by rule that reports and returns be filed by electronic transmission. ~~The department may require by rule that all charging stations located at dealer and user locations through which electric fuel can be dispensed be tested for accuracy.~~

Sec. 33. Section 452A.41, as enacted by 2019 Iowa Acts, chapter 151, section 24, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* The department of agriculture and land stewardship shall provide for a biennial inspection of each charging station through which electric fuel can be dispensed, if the charging station is owned by a licensed electric fuel dealer or licensed electric fuel user. The purpose of the inspection is to determine the accuracy and correctness of the charging station when electric fuel is dispensed. For that purpose, the department of agriculture and land stewardship may enter upon the premises where the charging station is located or upon the premises where equipment directly related to the accuracy or correctness of the charging station is located. The department of agriculture and land stewardship shall determine the accuracy and correctness of the charging station by using standards adopted by the national conference on weights and measures and published in the national institute of standards and technology, handbook 44, referred to as “specifications, tolerances, and other technical requirements for weighing and measuring devices”.

b. The department of agriculture and land stewardship shall deliver a notice to the department of revenue of any inspected, noncompliant charging station owned by a licensed electric fuel dealer or licensed electric fuel user, stating that the charging station did not comply with the department of agriculture and land stewardship’s inspection requirements.

c. The department of agriculture and land stewardship may adopt rules pursuant to chapter 17A to administer the department of agriculture and land stewardship’s duties under this subsection.

PART D
CODE EDITOR DIRECTIVE

Sec. 34. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:
Section 214A.16 to section 214A.21A.
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 IV
WATER QUALITY

Sec. 35. Section 466B.43, subsection 6, Code 2023, is amended to read as follows:

6. By ~~October 1, 2019, and each~~ October 1 ~~thereafter~~ of each year, the division shall submit a report to the governor and the general assembly itemizing expenditures, by hydrologic unit code 8 watershed, under the programs, if any, during the previous fiscal year, ~~if any~~.

Sec. 36. Section 466B.44, subsection 5, Code 2023, is amended to read as follows:

5. Notwithstanding any other provision in this section to the contrary, ~~beginning on July 1, 2018,~~ the division may use any amount available to support the water quality urban infrastructure program to instead ~~extend~~ do any of the following:
 - a. Extend and support the three-year data collection of in-field agricultural practices project as enacted in 2015 Iowa Acts, ch. 132, §18.
 - b. Support water quality agriculture infrastructure programs created in section 466B.43, to the extent that moneys are not obligated or encumbered during a fiscal year to adequately support all urban infrastructure program projects that meet the division's requirements.

Sec. 37. Section 466B.44, subsection 7, Code 2023, is amended to read as follows:

7. By ~~October 1, 2019, and by~~ October 1 of each year ~~thereafter~~, the division shall submit a report to the governor and the general assembly itemizing expenditures under the program, if any, during the previous fiscal year.

Approved June 1, 2023

CHAPTER 155

PRACTICE OF VETERINARY MEDICINE — VETERINARY AUXILIARY PERSONNEL

H.F. 670

AN ACT providing for veterinary medicine, including the care of animals under the supervision of a licensed veterinarian, providing penalties, and including effective date provisions.

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

Section 1. Section 169.3, subsection 3, Code 2023, is amended to read as follows:

3. a. "Animal" means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, and livestock as defined in section 717.1, or other vertebrate or nonvertebrate life forms form, living or dead, except domestic poultry.
- b. "Livestock" includes a group of livestock such as a herd or flock.

Sec. 2. Section 169.3, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. "Animal massage" means a method of treating the body of an animal for relaxation or hygienic purposes through techniques, with or without the aid of a massage device, that include rubbing, stroking, or kneading the body of the animal.

b. “Animal massage” does not include acupuncture, chiropractic care, diagnosis, diagnostic treatment, prescription, or surgery.

Sec. 3. Section 169.3, subsection 10, Code 2023, is amended to read as follows:

10. a. “Practice of veterinary medicine” means any of the following:

a. (1) To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

b. (2) To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in paragraph “a” subparagraph (1).

c. (3) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph “a” subparagraph (1).

(4) The performance or use of complementary, alternative, or integrative therapies including veterinary acupuncture, acuthery, acupressure, manipulative therapy based on techniques practiced in osteopathy and chiropractic medicine, or other similar therapies as specified by rule adopted by the board.

b. “Practice of veterinary medicine” does not include providing authorized veterinary medical services to an animal patient by veterinary auxiliary personnel when performing a delegated task under the supervision of a supervising veterinarian as provided in subchapter II.

Sec. 4. Section 169.3, subsection 12, Code 2023, is amended by striking the subsection.

Sec. 5. Section 169.4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person ~~may~~ shall not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This chapter shall not be construed to prohibit any of the following:

Sec. 6. Section 169.4, subsections 2, 9, and 10, Code 2023, are amended to read as follows:

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by ~~instructors~~ an instructor of the college, or working acting under the direct supervision of a licensed supervising veterinarian as provided in subchapter II. The board shall issue to ~~any~~ a veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the ~~direct~~ supervision of a licensed supervising veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

9. ~~Any veterinary assistant employed by a licensed veterinarian from performing duties other than diagnosis, prescription, or surgery auxiliary personnel when performing delegated tasks under the direct supervision of such a supervising veterinarian which assistant has been issued a certificate by the board subject to section 169.20 as provided in subchapter II.~~

10. A graduate of a foreign college of veterinary medicine, who has or is in the process of obtaining an ECFVG certificate for, when performing duties or actions delegated tasks under the direction or supervision of a licensed supervising veterinarian as provided in subchapter II.

Sec. 7. Section 169.4, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 16. A person performing animal massage.

Sec. 8. Section 169.5, subsection 7, paragraph i, Code 2023, is amended to read as follows:

i. Adopt, amend, or repeal rules relating to the qualifications, standards of conduct for, the supervision of tasks delegated to veterinary auxiliary personnel by a licensed veterinarian,

~~and disciplinary action of veterinary auxiliary personnel for whom the board has issued a certificate or permit. The rules may provide for the testing of, and revocation or suspension of certificates issued to veterinary assistants individuals who apply to be issued a certificate of registration as a veterinary technician, apply to be issued a renewal of a certificate of registration, or apply to be reissued a certificate of registration; and the suspension or revocation of a certificate of registration. However, a certificate shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.~~

Sec. 9. Section 169.5, subsection 7, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Adopt, amend, or repeal rules requiring a veterinarian to have a valid veterinarian-client-patient relationship, except in the case of an emergency, before practicing veterinary medicine on an animal, including by acting as a supervising veterinarian.

Sec. 10. **NEW SECTION. 169.31 Subchapter definitions.**

As used in this subchapter:

1. “*Accredited or approved veterinary technology program*” means a program in veterinary technology that is accredited by the American veterinary medical association and an accrediting agency that has been approved by the United States department of education or its successor.

2. “*Direct supervision*” means supervision by a supervising veterinarian that occurs when the supervising veterinarian is readily available and on the premises where an animal patient is being provided authorized veterinary medical services by veterinary auxiliary personnel.

3. “*Immediate supervision*” means supervision by a supervising veterinarian that occurs when the supervising veterinarian is in the immediate area, and within audible and visual range, of an animal patient and veterinary auxiliary personnel providing the animal patient with authorized veterinary medical services.

4. “*Indirect supervision*” means supervision by a supervising veterinarian, other than direct supervision or immediate supervision, that occurs when all of the following apply:

a. The supervising veterinarian has given written protocols or real-time oral instructions to veterinary auxiliary personnel for the treatment of an animal patient for which a veterinarian-client-patient relationship exists.

b. The supervising veterinarian is readily available by telephone or other means of immediate communication with the veterinary auxiliary personnel providing the animal patient with authorized veterinary medical services.

5. “*Registered veterinary technician*” means an individual who has graduated from an accredited or approved veterinary technology program and who has been issued a valid certificate of registration by the board pursuant to section 169.34.

6. “*Supervising veterinarian*” means a licensed veterinarian who assumes responsibility for supervising veterinary auxiliary personnel providing authorized veterinary medical services to an animal patient under immediate supervision, direct supervision, or indirect supervision.

7. a. “*Veterinary assistant*” means an individual employed to work in veterinary practice who performs tasks under the supervision of a supervising veterinarian.

b. “*Veterinary assistant*” does not include a person who is a licensed veterinarian or a registered veterinary technician, veterinary student, veterinary technician student, or graduate from a foreign college of veterinary medicine who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

8. “*Veterinary auxiliary personnel*” means a veterinary assistant, registered veterinary technician, veterinary student, veterinary technician student, or graduate of a foreign college of veterinary medicine who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

9. “*Veterinary student*” means an individual currently admitted to and in good academic standing with an accredited or approved college of veterinary medicine.

10. “*Veterinary technician student*” means an individual currently admitted to and in good academic standing with an accredited or approved veterinary technology program.

Sec. 11. **NEW SECTION. 169.32 Supervising veterinarian.**

1. A licensed veterinarian may provide veterinary medical services to an animal patient by acting as a supervising veterinarian as provided in this subchapter and rules adopted by the board.

2. A supervising veterinarian shall determine the supervision required for tasks delegated to veterinary auxiliary personnel within the limits provided in this subchapter and rules adopted by the board. The decision must be based on factors such as the veterinary auxiliary personnel's training, experience, and skill. The supervising veterinarian is responsible for providing the required supervision and delegating tasks to veterinary auxiliary personnel. The supervising veterinarian shall not delegate veterinary medical services of diagnosis, prescription, or surgery to any veterinary assistant, veterinary technician student, or registered veterinary technician.

3. The board shall adopt rules providing for when a licensed veterinarian must exercise immediate supervision, direct supervision, or indirect supervision for each category of auxiliary veterinary personnel providing authorized veterinary medical services to an animal patient. Nothing in this subchapter or the rules adopted by the board shall prohibit the supervising veterinarian from providing more supervision than required when the veterinary auxiliary personnel's training, experience, and skill indicate more supervision is necessary.

Sec. 12. **NEW SECTION. 169.33 Veterinary auxiliary personnel — employment.**

1. a. A licensed veterinarian may employ any number of veterinary auxiliary personnel who may be delegated tasks associated with providing authorized veterinary medical services to an animal patient within the limits provided in this subchapter and rules adopted by the board pursuant to this subchapter.

b. A person may employ any number of veterinary auxiliary personnel to provide authorized veterinary medical services to animals that are owned or cared for by the person if a supervising veterinarian who practices at the same place of business as the veterinary auxiliary personnel supervises the veterinary auxiliary personnel within the limits provided in this subchapter and rules adopted by the board pursuant to this subchapter.

2. Veterinary auxiliary personnel shall only receive compensation for authorized veterinary medical services from their employer as provided in this section except for those services provided in accordance with section 169.4.

Sec. 13. **NEW SECTION. 169.34 Registered veterinary technician — certificate of registration.**

1. The board shall issue a certificate of registration to an individual if all of the following apply:

a. The individual has graduated from an accredited or approved veterinary technology program.

b. The individual has received a passing score on a national veterinary technician examination approved by the board.

c. The individual has submitted a complete application to the board that is approved by the board.

(1) The application must be in a form prescribed by the board.

(2) To be complete, the application must include all of the following:

(a) Information and material required by the board.

(b) A registration fee in an amount established by the board.

d. The individual meets other criteria or qualifications as specified by rule adopted by the board, including but not limited to a state veterinary technician examination.

e. The board may grant a waiver from any qualification for a certificate of registration to an individual who was in active duty military service or the individual's spouse in accordance with section 272C.4, or to an individual who was previously a veterinary medical student and who substantially meets the qualifications to receive a certificate of registration.

2. The board may issue an endorsed certificate of registration to an individual if the individual holds a valid registration, certificate, license, or other authorization issued by a jurisdiction recognized by the board, and all of the following apply:

a. The individual meets the educational, experience, or testing requirements as specified by the board in rule.

b. The individual is not subject to an investigation or disciplinary action which may result or has resulted in the suspension or the revocation of a registration, certificate, license, or other authorization issued by a jurisdiction recognized by the board.

c. The individual has submitted a complete application to the board that is approved by the board.

(1) The application must be in a form prescribed by the board.

(2) To be complete, the application must include all of the following:

(a) Information and material required by the board.

(b) A registration fee in an amount established by the board.

d. The individual meets other criteria, standard, or qualification as specified by rule adopted by the board.

e. The board may grant a waiver from any qualification for an endorsed certificate of registration to an individual who was in active duty military service or the individual's spouse in accordance with section 272C.4, or to an individual who was previously a veterinary medical student who substantially meets the qualifications to receive a certificate of registration.

3. a. All certificates of registration shall be issued and expire according to a registration period based on a triennium cycle beginning and ending on dates established by the board. However, a new certificate of registration issued during a registration period shall be for the balance of that registration period.

b. To renew a certificate of registration, a registered veterinary technician must apply to the board for approval. The application must show that the registered veterinary technician has completed all continuing education credit hours during the preceding registration period as required by the board. The board shall determine the number of continuing education credit hours required and the type of continuing hours awarded credit. The certificate of registration expires after the individual has been provided a notice and opportunity for a hearing by the board under chapter 17A. An individual whose certificate of registration has expired is no longer credentialed as provided in section 169.35.

c. The board shall reissue a certificate of registration to an individual whose certificate of registration has expired. To be reissued a certificate of registration, the individual must apply to the board for approval. The application must show that the individual has completed the same number of continuing education credit hours required to renew a certificate of registration during the prior three years.

d. A certificate of registration for a registered veterinary technician that was issued prior to July 1, 2024, remains valid and does not expire.

e. The board shall adopt all rules required to administer and enforce this subsection.

4. A registered veterinary technician is subject to investigation and disciplinary action taken by the board to suspend or revoke a certificate or registration pursuant to section 272C.3. However, the board shall utilize the procedures set forth in section 169.14. A certificate of registration shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

Sec. 14. NEW SECTION. 169.35 Registered veterinary technician — credentials.

1. A person shall not use any recognized title, abbreviation, or sign to indicate that such person is a registered veterinary technician unless that person is an individual who has been issued a certificate of registration pursuant to section 169.34.

2. A person who violates subsection 1 commits a simple misdemeanor.

Sec. 15. NEW SECTION. 169.36 Registered veterinary technician — scope of authority.

1. A registered veterinary technician shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision of a supervising veterinarian according to this section and rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a registered veterinary technician and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

3. A veterinary technician shall not do any of the following:

a. Perform equine floating teeth services. However, a registered veterinary technician may perform such services after submitting to the board all of the following:

(1) Proof of current certification from the international association of equine dentistry or other professional equine dentistry association as determined by the board.

(2) A written statement signed by a supervising veterinarian experienced in large animal medicine that the applicant will be under the direct supervision or indirect supervision of the supervising veterinarian when treating floating equine teeth.

b. Gingival resection.

Sec. 16. NEW SECTION. 169.37 Veterinary assistant — scope of authority.

1. A veterinary assistant shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the direct supervision of a supervising veterinarian according to rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary assistant and provide the required supervision pursuant to section 169.32 and rules adopted by the board.

Sec. 17. NEW SECTION. 169.38 Veterinary technician student — scope of authority.

1. A veterinary technician student shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision of a supervising veterinarian according to rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary technician student and provide the required supervision pursuant to section 169.32 and rules adopted by the board.

Sec. 18. NEW SECTION. 169.39 Veterinary student — scope of authority.

1. A veterinary student shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision determined by the supervising veterinarian.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary student and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

Sec. 19. NEW SECTION. 169.40 Graduate from foreign college of veterinary medicine — scope of authority.

1. A graduate from a foreign college of veterinary medicine shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision determined by the supervising veterinarian.

2. A supervising veterinarian shall decide the specific tasks delegated to a graduate from a foreign college of veterinary medicine who is not a licensed veterinarian or temporary permit holder and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

Sec. 20. Section 714.8, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Practicing veterinary medicine without a valid license or temporary permit issued by the board of veterinary medicine pursuant to chapter 169, as described in section 169.19.

Sec. 21. **REPEAL.** Section 169.20, Code 2023, is repealed.

Sec. 22. **CODE EDITOR DIRECTIVES.** The Code editor shall do all of the following:

1. Create a new subchapter in chapter 169 that includes sections 169.1 through 169.30.

2. Create a new subchapter in chapter 169 that includes sections 169.31 through 169.40, as enacted in this Act.

3. Correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this Act.

Sec. 23. ADMINISTRATIVE RULES. The board of veterinary medicine shall submit a notice of intended action to the administrative rules coordinator and the Iowa administrative code editor pursuant to section 17A.4, subsection 1, paragraph “a”, not later than January 1, 2024, for the adoption of rules required to implement this Act.

Sec. 24. EFFECTIVE DATE.

1. Except as provided in subsection 2, this Act takes effect July 1, 2024.

2. The section of this Act requiring the board of veterinary medicine to submit a notice of intended action for the adoption of rules, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2023

CHAPTER 156

PROFESSIONAL COUNSELORS LICENSURE COMPACT

H.F. 671

AN ACT establishing the professional counselors licensure compact.

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

Section 1. **NEW SECTION. 147G.1 Professional counselors licensure compact.**

1. *Purpose.* The purpose of this compact is to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

a. Increase public access to professional counseling services by providing for the mutual recognition of other member state licenses.

b. Enhance the states’ ability to protect the public’s health and safety.

c. Encourage the cooperation of member states in regulating multistate practice for licensed professional counselors.

d. Support spouses of relocating active duty military personnel.

e. Enhance the exchange of licensure, investigative, and disciplinary information among member states.

f. Allow for the use of telehealth technology to facilitate increased access to professional counseling services.

g. Support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits.

h. Invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses.

i. Eliminate the necessity for licenses in multiple states.

j. Provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

2. *Definitions.* As used in this compact, and except as otherwise provided:

a. “*Active duty military*” means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserves on active duty orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.

b. “*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 licensed professional counselor, including actions against an individual’s license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other encumbrance on licensure affecting a licensed professional counselor’s authorization to practice, including issuance of a cease and desist action.

c. “*Alternative program*” means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners.

d. “*Continuing competence*” and/or “*continuing education*” means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.

e. “*Counseling compact commission*” or “*commission*” means the national administrative body whose membership consists of all states that have enacted the compact.

f. “*Current significant investigative information*” means all of the following:

(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the licensed professional counselor 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 licensed professional counselor represents an immediate threat to public health and safety regardless of whether the licensed professional counselor has been notified and had an opportunity to respond.

g. “*Data system*” means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, privilege to practice, and adverse action information.

h. “*Encumbered license*” means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and said adverse action has been reported to the national practitioners data bank.

i. “*Encumbrance*” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board.

j. “*Executive committee*” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

k. “*Home state*” means the member state that is the licensee’s primary state of residence.

l. “*Impaired practitioner*” means an individual who has a condition that may impair the individual’s ability to practice as a licensed professional counselor without some type of intervention and may include but is not limited to alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

m. “*Investigative information*” means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation.

n. “*Jurisprudence requirement*”, if required by a member state, means the assessment of an individual’s knowledge of the laws and rules governing the practice of professional counseling in a state.

o. “*Licensed professional counselor*” means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions.

p. “*Licensee*” means an individual who currently holds an authorization from the state to practice as a licensed professional counselor.

q. “*Licensing board*” means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors.

r. “*Member state*” means a state that has enacted the compact.

s. “*Privilege to practice*” means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state.

t. “*Professional counseling*” means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor.

u. “*Remote state*” means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

- v. “*Rule*” means a regulation promulgated by the commission that has the force of law.
 - w. “*Single-state license*” means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.
 - x. “*State*” means any state, commonwealth, district, or territory of the United States that regulates the practice of professional counseling.
 - y. “*Telehealth*” means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions.
 - z. “*Unencumbered license*” means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.
3. *State participation in the compact.*
- a. To participate in the compact, a state must currently do all of the following:
 - (1) License and regulate licensed professional counselors.
 - (2) Require a licensee to pass a nationally recognized exam approved by the commission.
 - (3) Require a licensee to have a sixty semester-hour or ninety quarter-hour master’s degree in counseling or sixty semester-hours or ninety quarter-hours of graduate course work including the following topic areas:
 - (a) Professional counseling orientation and ethical practice.
 - (b) Social and cultural diversity.
 - (c) Human growth and development.
 - (d) Career development.
 - (e) Counseling and helping relationships.
 - (f) Group counseling and group work.
 - (g) Diagnosis, treatment, assessment, and testing.
 - (h) Research and program evaluation.
 - (i) Other areas as determined by the commission.
 - (4) Require a licensee to complete a supervised postgraduate professional experience as defined by the commission.
 - (5) Have a mechanism in place for receiving and investigating complaints about licensees.
 - b. A member state shall do all of the following:
 - (1) Participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules.
 - (2) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.
 - (3) Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These 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.
 - (a) A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search and shall use the results in making licensure decisions.
 - (b) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Pub. L. No. 92-544.
 - (4) Comply with the rules of the commission.
 - (5) Require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure, as well as all other applicable state laws.
 - (6) Grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.
 - (7) Provide for the attendance of the state’s commissioner at commission meetings.
 - c. A member state may charge a fee for granting the privilege to practice.
 - d. An individual not residing in a member state shall continue to be able to apply for a member state’s single-state license as provided under the laws of each member state.

However, the single-state license granted to these individuals shall not be recognized as granting a privilege to practice professional counseling in any other member state.

e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

f. A license issued to a licensed professional counselor by a home state to a resident in that state shall be recognized by each member state as authorizing a licensed professional counselor to practice professional counseling, under a privilege to practice, in each member state.

4. *Privilege to practice.*

a. To exercise the privilege to practice under the terms of the compact, the licensee shall do all of the following:

- (1) Hold a license in the home state.
- (2) Have a valid United States social security number or national practitioner identifier.
- (3) Be eligible for a privilege to practice in any member state in accordance with paragraphs “d”, “g”, and “h”.

(4) Have not had any encumbrance or restriction against any license or privilege to practice within the previous two years from the date of application.

(5) Notify the commission that the licensee is seeking the privilege to practice within a remote state.

(6) Pay any applicable fees, including any state fee, for the privilege to practice.

(7) Meet any continuing competence or continuing education requirements established by the home state.

(8) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a privilege to practice.

(9) Report to the commission any adverse action, encumbrance, or restriction on any license taken by any nonmember state within thirty days from the date the action is taken.

b. The privilege to practice is valid until the expiration date of the home state license. The licensee must comply with the requirements of paragraph “a” to maintain the privilege to practice in the remote state.

c. A licensee providing professional counseling in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

d. A licensee providing professional counseling services in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s privilege to practice in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid.

e. If a home state license is encumbered, the licensee shall lose the privilege to practice in any remote state until all of the following occur:

- (1) The home state license is no longer encumbered.
- (2) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

f. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of paragraph “a” to obtain a privilege to practice in any remote state.

g. If a licensee’s privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until all of the following occur:

- (1) The specific period of time for which the privilege to practice was removed has ended.
- (2) All fines have been paid.
- (3) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

h. Once the requirements of paragraph “g” have been met, the licensee must meet the requirements of paragraph “a” to obtain a privilege to practice in a remote state.

5. *Obtaining a new home state license based on a privilege to practice.*

a. A licensed professional counselor may hold a home state license, which allows for a privilege to practice in other member states, in only one member state at a time.

b. If a licensed professional counselor changes primary state of residence by moving between two member states:

(1) The licensed professional counselor shall file an application for obtaining a new home state license based on a privilege to practice, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.

(2) Upon receipt of an application for obtaining a new home state license by virtue of a privilege to practice, the new home state shall verify that the licensed professional counselor meets the pertinent criteria outlined in subsection 4 via the data system, without need for primary source verification except for the following:

(a) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Pub. L. No. 92-544.

(b) Other criminal background checks as required by the new home state.

(c) Completion of any requisite jurisprudence requirements of the new home state.

(3) The former home state shall convert the former home state license into a privilege to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.

(4) Notwithstanding any other provision of this compact, if the licensed professional counselor cannot meet the criteria in subsection 4, the new home state may apply its requirements for issuing a new single state license.

(5) The licensed professional counselor shall pay all applicable fees to the new home state in order to be issued a new home state license.

c. If a licensed professional counselor changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

d. Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

6. *Active duty military personnel or their spouses.* Active duty military personnel or their spouses shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process outlined in subsection 5.

7. *Compact privilege to practice telehealth.*

a. Member states shall recognize the right of a licensed professional counselor, licensed by a home state in accordance with subsection 3 and under rules promulgated by the commission, to practice professional counseling in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

b. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

8. *Adverse actions.*

a. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

(1) Take adverse action against a licensed professional counselor's privilege to practice within that member state.

(2) 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 member state for the attendance and testimony of witnesses or the production of evidence from another member 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.

(3) Only the home state shall have the power to take adverse action against a licensed professional counselor's license issued by the home state.

b. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

c. The home state shall complete any pending investigations of a licensed professional counselor who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

d. A member state, if otherwise permitted by state law, may recover from the affected licensed professional counselor the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensed professional counselor.

e. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

f. *Joint investigations.*

(1) In addition to the authority granted to a member state by its respective professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

g. If adverse action is taken by the home state against the license of a licensed professional counselor, the licensed professional counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed professional counselor shall include a statement that the licensed professional counselor's privilege to practice is deactivated in all member states during the pendency of the order.

h. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

i. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

9. *Establishment of counseling compact commission.*

a. The compact member states hereby create and establish a joint public agency known as the counseling compact commission.

(1) The commission is an instrumentality of the compact 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 member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be one of the following:

(a) A current member of the licensing board at the time of appointment who is a licensed professional counselor or public member.

(b) An administrator of the licensing board.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state licensing board shall fill any vacancy occurring on the commission within sixty days of a vacancy.

(5) Each delegate 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.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(8) The commission shall by rule establish a term of office for delegates and may by rule establish term limits.

c. The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Maintain its financial records in accordance with the bylaws.

(4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(5) Promulgate rules which shall be binding to the extent and in the manner provided for in the compact.

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected.

(7) Purchase and maintain insurance and bonds.

(8) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.

(17) Establish and elect an executive committee.

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of professional counseling licensure and practice.

d. *The executive committee.*

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive committee shall be composed of up to eleven members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) Up to four ex officio, nonvoting members from four recognized national professional counselor organizations.

(c) The ex officio, nonvoting members shall be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the privilege to practice.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties as provided in rules or bylaws.

e. Meetings of the commission.

(1) 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 subsection 11.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline, or other 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, lease, 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 investigative records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this paragraph "e", the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) 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 therefore, 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.

f. Financing 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 accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) 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 member states, except by and with the authority of the member state.

(5) 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 or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

g. Qualified immunity, defense, and indemnification.

(1) The members, 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 "g" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, 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 or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, 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.

10. Data system.

a. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or privilege to practice.

(4) Nonconfidential information related to alternative program participation.

(5) Any denial of application for licensure, and the reason for such denial.

(6) Current significant investigative information.

(7) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

c. Investigative information pertaining to a licensee in any member state will only be available to other member states.

d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

11. *Rulemaking.*

a. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force or effect.

b. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

c. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

d. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

e. Prior to promulgation and adoption of a final rule by the commission, and at least thirty 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 in all of the following places:

- (1) On the internet site of the commission or other publicly accessible platform.
- (2) On the internet site of each member state professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

f. 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.

g. 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.

h. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

- (1) At least twenty-five persons.
- (2) A state or federal governmental subdivision or agency.
- (3) An association having at least twenty-five members.

i. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) 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.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

(4) Nothing in this paragraph "h" 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 subsection.

j. 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.

k. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

l. The commission shall, by majority vote of all members, 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.

m. 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 the compact and in this subsection 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 member state funds.
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.
- (4) Protect public health and safety.

n. The commission or an authorized committee of 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 chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

12. *Oversight, dispute resolution, and enforcement.*

a. *Oversight.*

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or the promulgated rules.

b. *Default, technical assistance, and termination.*

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following:

(a) Provide written notice to the defaulting state and other member 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.

c. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, 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.

d. Termination of membership in the 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, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

e. A state that 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.

f. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

g. 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 where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation including reasonable attorney fees.

h. *Dispute resolution.*

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

i. *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 where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the 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 member shall be awarded all costs of such litigation including reasonable attorney 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.

13. *Date of implementation of the counseling compact commission and associated rules, withdrawal, and amendment.*

a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

c. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

14. *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 member state or of the United States or 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 contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

15. *Binding effect of compact and other laws.*

a. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations, including scope of practice, of the remote state.

b. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

c. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

d. All lawful actions of the commission, including all rules and bylaws properly promulgated by the commission, are binding upon the member states.

e. All permissible agreements between the commission and the member states are binding in accordance with their terms.

f. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Approved June 1, 2023

CHAPTER 157

NATIVE WINERY AND NATIVE BREWERY RETAIL ALCOHOL LICENSES

H.F. 677

AN ACT relating to native winery and native brewery retail alcohol licenses.

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

Section 1. Section 123.3, subsection 45, Code 2023, is amended to read as follows:

45. “Retail alcohol license” means a class “B”, class “C”, special class “C”, class “D”, class “E”, or class “F” retail alcohol license, or a special class “B” or special class “C” retail native wine license issued under this chapter.

Sec. 2. Section 123.30, subsection 3, paragraph a, subparagraph (1), subparagraph division (c), Code 2023, is amended to read as follows:

(c) The holder of a class “B” retail alcohol license may sell beer to class “C”, special class “C”, special class “C” retail native license, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

Sec. 3. Section 123.30, subsection 3, paragraph b, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) A special class “C” retail native wine license shall authorize the holder to sell beer and native wine as provided in section 123.31C.

Sec. 4. Section 123.30, subsection 3, paragraph d, subparagraph (4), Code 2023, is amended to read as follows:

(4) The holder of a class “E” retail alcohol license may sell beer to class “C”, special class “C”, special class “C” retail native license, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph.

Sec. 5. **NEW SECTION. 123.31C Authority under special class “C” retail native wine license.**

1. A person holding a special class “C” retail native wine license may sell beer and native wine only at retail for consumption on or off the premises. Sales of beer and native wine for consumption off the premises made pursuant to this section shall be made in original containers except as provided in subsection 5.

2. A special class “C” retail native wine licensee having more than one place of business where wine is sold and served shall obtain a separate permit for each place of business.

3. A person holding a special class “C” retail native wine license may purchase wine for resale only from a native winery holding a class “A” wine permit.

4. A person holding a special class “C” retail native wine license may purchase beer as follows:

a. From class “A” beer permittees.

b. From class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subsection.

5. Subject to the rules of the department, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

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

b. The person transferring the beer or native wine 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 department 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 or native wine has been tampered with or the sealed container has otherwise been reopened.

6. A container of beer or native wine other than the original container that is sold and sealed in compliance with the requirements of subsection 5 and the rules of the department 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.

Sec. 6. Section 123.36, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. Special class “C” retail native wine license fees shall be one hundred twenty-five dollars.

Sec. 7. Section 123.45, subsection 3, Code 2023, is amended to read as follows:

3. A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which

represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class “A” beer permit, a native brewery may be granted not more than two class “C” retail alcohol licenses or not more than two special class “C” retail alcohol licenses, both as defined in section 123.30, regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license or a manufacturer of native wine pursuant to a class “A” wine permit.

Sec. 8. Section 123.130, subsection 2, Code 2023, is amended to read as follows:

2. Pursuant to section 123.45, subsection 3, a native brewery may be granted not more than two class “C” retail alcohol licenses or not more than two special class “C” retail alcohol licenses.

Sec. 9. Section 123.176, subsection 5, Code 2023, 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 be granted a class “C” retail alcohol license or special class “C” retail native wine license as defined in section 123.30. A manufacturer of native wine may be granted not more than two class “C” retail alcohol licenses or special class “C” retail native wine licenses. A manufacturer of native wine may be issued a class “C” retail alcohol license or special class “C” retail native wine license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license.

Approved June 1, 2023

CHAPTER 158

HEALTH CARE SERVICES AND FINANCING — MEDICAID PROGRAM — NURSING FACILITY OWNERSHIP AND CAPACITY — PROHIBITED PASS-THROUGH PAYMENTS AND ASSESSMENTS

H.F. 685

AN ACT relating to health care services and financing, including nursing facility licensing and financing and the Medicaid program including third-party recovery and taxation of Medicaid managed care organization premiums.

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

DIVISION I

MEDICAID PROGRAM THIRD-PARTY RECOVERY

Section 1. Section 249A.37, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

249A.37 Duties of third parties.

1. For the purposes of this section, “*Medicaid payor*”, “*recipient*”, “*third party*”, and “*third-party benefits*” mean the same as defined in section 249A.54.

2. The third-party obligations specified under this section are a condition of doing business in the state. A third party that fails to comply with these obligations shall not be eligible to do business in the state.

3. A third party that is a carrier, as defined in section 514C.13, shall enter into a health insurance data match program with the department for the sole purpose of comparing the names of the carrier’s insureds with the names of recipients as required by section 505.25.

4. A third party shall do all of the following:

a. Cooperate with the Medicaid payor in identifying recipients for whom third-party benefits are available including but not limited to providing information to determine the period of potential third-party coverage, the nature of the coverage, and the name, address, and identifying number of the coverage. In cooperating with the Medicaid payor, the third party shall provide information upon the request of the Medicaid payor in a manner prescribed by the Medicaid payor or as agreed upon by the department and the third party.

b. (1) Accept the Medicaid payor's rights of recovery and assignment to the Medicaid payor as a subrogee, assignee, or lienholder under section 249A.54 for payments which the Medicaid payor has made under the Medicaid state plan or under a waiver of such state plan.

(2) In the case of a third party other than the original Medicare fee-for-service program under parts A and B of Tit. XVIII of the federal Social Security Act, a Medicare advantage plan offered by a Medicare advantage organization under part C of Tit. XVIII of the federal Social Security Act, a reasonable cost reimbursement contract under 42 U.S.C. §1395mm, a health care prepayment plan under 42 U.S.C. §1395l, or a prescription drug plan offered by a prescription drug plan sponsor under part D of Tit. XVIII of the federal Social Security Act that requires prior authorization for an item or service furnished to an individual eligible to receive medical assistance under Tit. XIX of the federal Social Security Act, accept authorization provided by the Medicaid payor that the health care item or service is covered under the Medicaid state plan or waiver of such state plan for such individual, as if such authorization were the prior authorization made by the third party for such item or service.

c. If, on or before three years from the date a health care item or service was provided, the Medicaid payor submits an inquiry regarding a claim for payment that was submitted to the third party, respond to that inquiry not later than sixty days after receiving the inquiry.

d. Respond to any Medicaid payor's request for payment of a claim described in paragraph "c" not later than ninety business days after receipt of written proof of the claim, either by paying the claim or issuing a written denial to the Medicaid payor.

e. Not deny any claim submitted by a Medicaid payor solely on the basis of the date of submission of the claim, the type or format of the claim form, a failure to present proper documentation at the point-of-sale that is the basis of the claim; or in the case of a third party other than the original Medicare fee-for-service program under parts A and B of Tit. XVIII of the federal Social Security Act, a Medicare advantage plan offered by a Medicare advantage organization under part C of Tit. XVIII of the federal Social Security Act, a reasonable cost reimbursement contract under 42 U.S.C. §1395mm, a health care prepayment plan under 42 U.S.C. §1395l, or a prescription drug plan offered by a prescription drug plan sponsor under part D of Tit. XVIII of the federal Social Security Act, solely on the basis of a failure to obtain prior authorization for the health care item or service for which the claim is submitted if all of the following conditions are met:

(1) The claim is submitted to the third party by the Medicaid payor no later than three years after the date on which the health care item or service was furnished.

(2) Any action by the Medicaid payor to enforce its rights under section 249A.54 with respect to such claim is commenced not later than six years after the Medicaid payor submits the claim for payment.

5. Notwithstanding any provision of law to the contrary, the time limitations, requirements, and allowances specified in this section shall apply to third-party obligations under this section.

6. The department may adopt rules pursuant to chapter 17A as necessary to administer this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 – 164.

Sec. 2. Section 249A.54, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

249A.54 Responsibility for payment on behalf of Medicaid-eligible persons — liability of other parties.

1. It is the intent of the general assembly that a Medicaid payor be the payor of last resort for medical services furnished to recipients. All other sources of payment for medical services are primary relative to medical assistance provided by the Medicaid payor. If benefits of a third party are discovered or become available after medical assistance has been provided by the Medicaid payor, it is the intent of the general assembly that the Medicaid payor be repaid in full and prior to any other person, program, or entity. The Medicaid payor shall be repaid in full from and to the extent of any third-party benefits, regardless of whether a recipient is made whole or other creditors are paid.

2. For the purposes of this section:

a. “*Collateral*” means all of the following:

(1) Any and all causes of action, suits, claims, counterclaims, and demands that accrue to the recipient or to the recipient’s agent, related to any covered injury or illness, or medical services that necessitated that the Medicaid payor provide medical assistance to the recipient.

(2) All judgments, settlements, and settlement agreements rendered or entered into and related to such causes of action, suits, claims, counterclaims, demands, or judgments.

(3) Proceeds.

b. “*Covered injury or illness*” means any sickness, injury, disease, disability, deformity, abnormality disease, necessary medical care, pregnancy, or death for which a third party is, may be, could be, should be, or has been liable, and for which the Medicaid payor is, or may be, obligated to provide, or has provided, medical assistance.

c. “*Medicaid payor*” means the department or any person, entity, or organization that is legally responsible by contract, statute, or agreement to pay claims for medical assistance including but not limited to managed care organizations and other entities that contract with the state to provide medical assistance under chapter 249A.

d. “*Medical service*” means medical or medically related institutional or noninstitutional care, or a medical or medically related institutional or noninstitutional good, item, or service covered by Medicaid.

e. “*Payment*” as it relates to third-party benefits, means performance of a duty, promise, or obligation, or discharge of a debt or liability, by the delivery, provision, or transfer of third-party benefits for medical services. “*To pay*” means to make payment.

f. “*Proceeds*” means whatever is received upon the sale, exchange, collection, or other disposition of the collateral or proceeds from the collateral and includes insurance payable because of loss or damage to the collateral or proceeds. “*Cash proceeds*” include money, checks, and deposit accounts and similar proceeds. All other proceeds are “*noncash proceeds*”.

g. “*Recipient*” means a person who has applied for medical assistance or who has received medical assistance.

h. “*Recipient’s agent*” includes a recipient’s legal guardian, legal representative, or any other person acting on behalf of the recipient.

i. “*Third party*” means an individual, entity, or program, excluding Medicaid, that is or may be liable to pay all or a part of the expenditures for medical assistance provided by a Medicaid payor to the recipient. A third party includes but is not limited to all of the following:

(1) A third-party administrator.

(2) A pharmacy benefits manager.

(3) A health insurer.

(4) A self-insured plan.

(5) A group health plan, as defined in section 607(1) of the federal Employee Retirement Income Security Act of 1974.

(6) A service benefit plan.

(7) A managed care organization.

(8) Liability insurance including self-insurance.

(9) No-fault insurance.

(10) Workers’ compensation laws or plans.

(11) Other parties that by law, contract, or agreement are legally responsible for payment of a claim for medical services.

j. “*Third-party benefits*” mean any benefits that are or may be available to a recipient from a third party and that provide or pay for medical services. “*Third-party benefits*” may be created

by law, contract, court award, judgment, settlement, agreement, or any arrangement between a third party and any person or entity, recipient, or otherwise. "Third-party benefits" include but are not limited to all of the following:

- (1) Benefits from collateral or proceeds.
- (2) Health insurance benefits.
- (3) Health maintenance organization benefits.
- (4) Benefits from preferred provider arrangements and prepaid health clinics.
- (5) Benefits from liability insurance, uninsured and underinsured motorist insurance, or personal injury protection coverage.

- (6) Medical benefits under workers' compensation.

- (7) Benefits from any obligation under law or equity to provide medical support.

3. Third-party benefits for medical services shall be primary to medical assistance provided by the Medicaid payor.

4. a. A Medicaid payor has all of the rights, privileges, and responsibilities identified under this section. Each Medicaid payor is a Medicaid payor to the extent of the medical assistance provided by that Medicaid payor. Therefore, Medicaid payors may exercise their Medicaid payor's rights under this section concurrently.

b. Notwithstanding the provisions of this subsection to the contrary, if the department determines that a Medicaid payor has not taken reasonable steps within a reasonable time to recover third-party benefits, the department may exercise all of the rights of the Medicaid payor under this section to the exclusion of the Medicaid payor. If the department determines the department will exercise such rights, the department shall give notice to third parties and to the Medicaid payor.

5. A Medicaid payor may assign the Medicaid payor's rights under this section, including but not limited to an assignment to another Medicaid payor, a provider, or a contractor.

6. After the Medicaid payor has provided medical assistance under the Medicaid program, the Medicaid payor shall seek reimbursement for third-party benefits to the extent of the Medicaid payor's legal liability and for the full amount of the third-party benefits, but not in excess of the amount of medical assistance provided by the Medicaid payor.

7. On or before the thirtieth day following discovery by a recipient of potential third-party benefits, a recipient or the recipient's agent, as applicable, shall inform the Medicaid payor of any rights the recipient has to third-party benefits and of the name and address of any person that is or may be liable to provide third-party benefits.

8. When the Medicaid payor provides or becomes liable for medical assistance, the Medicaid payor has the following rights which shall be construed together to provide the greatest recovery of third-party benefits:

a. The Medicaid payor is automatically subrogated to any rights that a recipient or a recipient's agent or legally liable relative has to any third-party benefit for the full amount of medical assistance provided by the Medicaid payor. Recovery pursuant to these subrogation rights shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement, but shall provide full recovery to the Medicaid payor from any and all third-party benefits. Equities of a recipient or a recipient's agent, creditor, or health care provider shall not defeat, reduce, or prorate recovery by the Medicaid payor as to the Medicaid payor's subrogation rights granted under this paragraph.

b. By applying for, accepting, or accepting the benefit of medical assistance, a recipient or a recipient's agent or legally liable relative automatically assigns to the Medicaid payor any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law.

- (1) The assignment granted under this paragraph is absolute and vests legal and equitable title to any such right in the Medicaid payor, but not in excess of the amount of medical assistance provided by the Medicaid payor.

- (2) The Medicaid payor is a bona fide assignee for value in the assigned right, title, or interest and takes vested legal and equitable title free and clear of latent equities in a third party. Equities of a recipient or a recipient's agent, creditor, or health care provider shall not defeat or reduce recovery by the Medicaid payor as to the assignment granted under this paragraph.

c. The Medicaid payor is entitled to and has an automatic lien upon the collateral for the full amount of medical assistance provided by the Medicaid payor to or on behalf of the recipient for medical services furnished as a result of any covered injury or illness for which a third party is or may be liable.

(1) The lien attaches automatically when a recipient first receives medical services for which the Medicaid payor may be obligated to provide medical assistance.

(2) The filing of the notice of lien with the clerk of the district court in the county in which the recipient's eligibility is established pursuant to this section shall be notice of the lien to all persons. Notice is effective as of the date of filing of the notice of lien.

(3) If the Medicaid payor has actual knowledge that the recipient is represented by an attorney, the Medicaid payor shall provide the attorney with a copy of the notice of lien. However, this provision of a copy of the notice of lien to the recipient's attorney does not abrogate the attachment, perfection, and notice satisfaction requirements specified under subparagraphs (1) and (2).

(4) Only one claim of lien need be filed to provide notice and shall provide sufficient notice as to any additional or after-paid amount of medical assistance provided by the Medicaid payor for any specific covered injury or illness. The Medicaid payor may, in the Medicaid payor's discretion, file additional, amended, or substitute notices of lien at any time after the initial filing until the Medicaid payor has been repaid the full amount of medical assistance provided by Medicaid or otherwise has released the liable parties and recipient.

(5) A release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall not be effective as against a lien created under this paragraph, unless the Medicaid payor joins in the release or satisfaction or executes a release of the lien. An acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of a lien created under this paragraph shall prima facie constitute an impairment of the lien, and the Medicaid payor is entitled to recover damages on account of such impairment. In an action on account of impairment of a lien, the Medicaid payor may recover from the person accepting the release or satisfaction or the person making the settlement the full amount of medical assistance provided by the Medicaid payor.

(6) The lack of a properly filed claim of lien shall not affect the Medicaid payor's assignment or subrogation rights provided in this subsection nor affect the existence of the lien, but shall only affect the effective date of notice.

(7) The lien created by this paragraph is a first lien and superior to the liens and charges of any provider of a recipient's medical services. If the lien is recorded, the lien shall exist for a period of seven years after the date of recording. If the lien is not recorded, the lien shall exist for a period of seven years after the date of attachment. If recorded, the lien may be extended for one additional period of seven years by rerecording the claim of lien within the ninety-day period preceding the expiration of the lien.

9. Except as otherwise provided in this section, the Medicaid payor shall recover the full amount of all medical assistance provided by the Medicaid payor on behalf of the recipient to the full extent of third-party benefits. The Medicaid payor may collect recovered benefits directly from any of the following:

a. A third party.

b. The recipient.

c. The provider of a recipient's medical services if third-party benefits have been recovered by the provider. Notwithstanding any provision of this section to the contrary, a provider shall not be required to refund or pay to the Medicaid payor any amount in excess of the actual third-party benefits received by the provider from a third party for medical services provided to the recipient.

d. Any person who has received the third-party benefits.

10. a. A recipient and the recipient's agent shall cooperate in the Medicaid payor's recovery of the recipient's third-party benefits and in establishing paternity and support of a recipient child born out of wedlock. Such cooperation shall include but is not limited to all of the following:

(1) Appearing at an office designated by the Medicaid payor to provide relevant information or evidence.

(2) Appearing as a witness at a court proceeding or other legal or administrative proceeding.

(3) Providing information or attesting to lack of information under penalty of perjury.

(4) Paying to the Medicaid payor any third-party benefit received.

(5) Taking any additional steps to assist in establishing paternity or securing third-party benefits, or both.

b. Notwithstanding paragraph "a", the Medicaid payor has the discretion to waive, in writing, the requirement of cooperation for good cause shown and as required by federal law.

c. The department may deny or terminate eligibility for any recipient who refuses to cooperate as required under this subsection unless the department has waived cooperation as provided under this subsection.

11. On or before the thirtieth day following the initiation of a formal or informal recovery, other than by filing a lawsuit, a recipient's attorney shall provide written notice of the activity or action to the Medicaid payor.

12. A recipient is deemed to have authorized the Medicaid payor to obtain and release medical information and other records with respect to the recipient's medical services for the sole purpose of obtaining reimbursement for medical assistance provided by the Medicaid payor.

13. a. To enforce the Medicaid payor's rights under this section, the Medicaid payor may, as a matter of right, institute, intervene in, or join in any legal or administrative proceeding in the Medicaid payor's own name, and in any or a combination of any, of the following capacities:

(1) Individually.

(2) As a subrogee of the recipient.

(3) As an assignee of the recipient.

(4) As a lienholder of the collateral.

b. An action by the Medicaid payor to recover damages in an action in tort under this subsection, which action is derivative of the rights of the recipient, shall not constitute a waiver of sovereign immunity.

c. A Medicaid payor, other than the department, shall obtain the written consent of the department before the Medicaid payor files a derivative legal action on behalf of a recipient.

d. When a Medicaid payor brings a derivative legal action on behalf of a recipient, the Medicaid payor shall provide written notice no later than thirty days after filing the action to the recipient, the recipient's agent, and, if the Medicaid payor has actual knowledge that the recipient is represented by an attorney, to the attorney of the recipient, as applicable.

e. If the recipient or a recipient's agent brings an action against a third party, on or before the thirtieth day following the filing of the action, the recipient, the recipient's agent, or the attorney of the recipient or the recipient's agent, as applicable, shall provide written notice to the Medicaid payor of the action, including the name of the court in which the action is brought, the case number of the action, and a copy of the pleadings. The recipient, the recipient's agent, or the attorney of the recipient or the recipient's agent, as applicable, shall provide written notice of intent to dismiss the action at least twenty-one days before the voluntary dismissal of an action against a third party. Notice to the Medicaid payor shall be sent as specified by rule.

14. On or before the thirtieth day before the recipient finalizes a judgment, award, settlement, or any other recovery where the Medicaid payor has the right to recovery, the recipient, the recipient's agent, or the attorney of the recipient or recipient's agent, as applicable, shall give the Medicaid payor notice of the judgment, award, settlement, or recovery. The judgment, award, settlement, or recovery shall not be finalized unless such notice is provided and the Medicaid payor has had a reasonable opportunity to recover under the Medicaid payor's rights to subrogation, assignment, and lien. If the Medicaid payor is not given notice, the recipient, the recipient's agent, and the recipient's or recipient's agent's attorney are jointly and severally liable to reimburse the Medicaid payor for the recovery received to the extent of medical assistance paid by the Medicaid payor. The notice required under this subsection means written notice sent via certified mail to the address listed on

the department's internet site for a Medicaid payor's third-party liability contact. The notice requirement is only satisfied for the specific Medicaid payor upon receipt by the specific Medicaid payor's third-party liability contact of such written notice sent via certified mail.

15. *a.* Except as otherwise provided in this section, the entire amount of any settlement of the recipient's action or claim involving third-party benefits, with or without suit, is subject to the Medicaid payor's claim for reimbursement of the amount of medical assistance provided and any lien pursuant to the claim.

b. Insurance and other third-party benefits shall not contain any term or provision which purports to limit or exclude payment or the provision of benefits for an individual if the individual is eligible for, or a recipient of, medical assistance, and any such term or provision shall be void as against public policy.

16. In an action in tort against a third party in which the recipient is a party and which results in a judgment, award, or settlement from a third party, the amount recovered shall be distributed as follows:

a. After deduction of reasonable attorney fees, reasonably necessary legal expenses, and filing fees, there is a rebuttable presumption that all Medicaid payors shall collectively receive two-thirds of the remaining amount recovered or the total amount of medical assistance provided by the Medicaid payors, whichever is less. A party may rebut this presumption in accordance with subsection 17.

b. The remaining recovered amount shall be paid to the recipient.

c. If the recovered amount available for the repayment of medical assistance is insufficient to satisfy the competing claims of the Medicaid payors, each Medicaid payor shall be entitled to the Medicaid payor's respective pro rata share of the recovered amount that is available.

17. *a.* A recipient or a recipient's agent who has notice or who has actual knowledge of the Medicaid payor's rights to third-party benefits under this section and who receives any third-party benefit or proceeds for a covered injury or illness shall on or before the sixtieth day after receipt of the proceeds pay the Medicaid payor the full amount of the third-party benefits, but not more than the total medical assistance provided by the Medicaid payor, or shall place the full amount of the third-party benefits in an interest-bearing trust account for the benefit of the Medicaid payor pending a determination of the Medicaid payor's rights to the benefits under this subsection.

b. If federal law limits the Medicaid payor to reimbursement from the recovered damages for medical expenses, a recipient may contest the amount designated as recovered damages for medical expenses payable to the Medicaid payor pursuant to the formula specified in subsection 16. In order to successfully rebut the formula specified in subsection 16, the recipient shall prove, by clear and convincing evidence, that the portion of the total recovery which should be allocated as medical expenses, including future medical expenses, is less than the amount calculated by the Medicaid payor pursuant to the formula specified in subsection 16. Alternatively, to successfully rebut the formula specified in subsection 16, the recipient shall prove, by clear and convincing evidence, that Medicaid provided a lesser amount of medical assistance than that asserted by the Medicaid payor. A settlement agreement that designates the amount of recovered damages for medical expenses is not clear and convincing evidence and is not sufficient to establish the recipient's burden of proof, unless the Medicaid payor is a party to the settlement agreement.

c. If the recipient or the recipient's agent filed a legal action to recover against the third party, the court in which such action was filed shall resolve any dispute concerning the amount owed to the Medicaid payor, and shall retain jurisdiction of the case to resolve the amount of the lien after the dismissal of the action.

d. If the recipient or the recipient's agent did not file a legal action, to resolve any dispute concerning the amount owed to the Medicaid payor, the recipient or the recipient's agent shall file a petition for declaratory judgment as permitted under rule of civil procedure 1.1101 on or before the one hundred twenty-first day after the date of payment of funds to the Medicaid payor or the date of placing the full amount of the third-party benefits in a trust account. Venue for all declaratory actions under this subsection shall lie in Polk county.

e. If a Medicaid payor and the recipient or the recipient's agent disagree as to whether a medical claim is related to a covered injury or illness, the Medicaid payor and the recipient or

the recipient's agent shall attempt to work cooperatively to resolve the disagreement before seeking resolution by the court.

f. Each party shall pay the party's own attorney fees and costs for any legal action conducted under this subsection.

18. Notwithstanding any other provision of law to the contrary, when medical assistance is provided for a minor, any statute of limitation or repose applicable to an action or claim of a legally responsible relative for the minor's medical expenses is extended in favor of the legally responsible relative so that the legally responsible relative shall have one year from and after the attainment of the minor's majority within which to file a complaint, make a claim, or commence an action.

19. In recovering any payments in accordance with this section, the Medicaid payor may make appropriate settlements.

20. If a recipient or a recipient's agent submits via notice a request that the Medicaid payor provide an itemization of medical assistance paid for any covered injury or illness, the Medicaid payor shall provide the itemization on or before the sixty-fifth day following the day on which the Medicaid payor received the request. Failure to provide the itemization within the specified time shall not bar a Medicaid payor's recovery, unless the itemization response is delinquent for more than one hundred twenty days without justifiable cause. A Medicaid payor shall not be under any obligation to provide a final itemization until a reasonable period of time after the processing of payment in relation to the recipient's receipt of final medical services. A Medicaid payor shall not be under any obligation to respond to more than one itemization request in any one-hundred-twenty-day period. The notice required under this subsection means written notice sent via certified mail to the address listed on the department's internet site for a Medicaid payor's third-party liability contact. The notice requirement is only satisfied for the specific Medicaid payor upon receipt by the specific Medicaid payor's third-party liability contact of such written notice sent via certified mail.

21. The department may adopt rules to administer this section and applicable federal requirements.

DIVISION II

MEDICAID MANAGED CARE ORGANIZATION TAXATION OF PREMIUMS

Sec. 3. NEW SECTION. 249A.13 Medicaid managed care organization premiums fund.

1. A Medicaid managed care organization premiums fund is created in the state treasury under the authority of the department of health and human services. Moneys collected by the director of the department of revenue as taxes on premiums pursuant to section 432.1A shall be deposited in the fund.

2. Moneys in the fund are appropriated to the department of health and human services for the purposes of the medical assistance program.

3. Notwithstanding section 8.33, moneys in the fund 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. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 4. NEW SECTION. 432.1A Health maintenance organization — medical assistance program — premium tax.

1. Pursuant to section 514B.31, subsection 3, a health maintenance organization contracting with the department of health and human services to administer the medical assistance program under chapter 249A, shall pay as taxes to the director of the department of revenue for deposit in the Medicaid managed care organization premiums fund created in section 249A.13, an amount equal to two and one-half percent of the premiums received and taxable under subsection 514B.31, subsection 3.

2. Except as provided in subsection 3, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The commissioner of insurance may suspend or revoke the license of a health maintenance organization subject to the premium tax in subsection 1 that fails to pay the premium tax on or before the due date.

3. *a.* Each health maintenance organization transacting business in this state that is subject to the tax in subsection 1 shall remit on or before June 1, on a prepayment basis, an amount equal to one-half of the health maintenance organization's premium tax liability for the preceding calendar year.

b. In addition to the prepayment amount in paragraph "a", each health maintenance organization subject to the tax in subsection 1 shall remit on or before August 15, on a prepayment basis, an additional one-half of the health maintenance organization's premium tax liability for the preceding calendar year.

c. The sums prepaid by a health maintenance organization under paragraphs "a" and "b" shall be allowed as credits against the health maintenance organization's premium tax liability for the calendar year during which the payments are made. If a prepayment made under this subsection exceeds the health maintenance organization's annual premium tax liability, the excess shall be allowed as a credit against the health maintenance organization's subsequent prepayment or tax liabilities under this section. The commissioner of insurance shall authorize the department of revenue to make a cash refund to a health maintenance organization, in lieu of a credit against subsequent prepayment or tax liabilities under this section, if the health maintenance organization demonstrates the inability to recoup the funds paid via a credit. The commissioner of insurance shall adopt rules establishing a health maintenance organization's eligibility for a cash refund, and the process for the department of revenue to make a cash refund to an eligible health maintenance organization from the Medicaid managed care organization premiums fund created in section 249A.13. The commissioner of insurance may suspend or revoke the license of a health maintenance organization that fails to make a prepayment on or before the due date under this subsection.

d. Sections 432.10 and 432.14 are applicable to premium taxes due under this section.

Sec. 5. Section 514B.31, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

514B.31 Taxation.

1. For the first five years of the existence of a health maintenance organization and the health maintenance organization's successors and assigns, the following shall not be considered premiums received and taxable under section 432.1:

a. Payments received by the health maintenance organization for health care services, insurance, indemnity, or other benefits to which an enrollee is entitled through a health maintenance organization authorized under this chapter.

b. Payments made by the health maintenance organization to providers for health care services, to insurers, or to corporations authorized under chapter 514 for insurance, indemnity, or other service benefits authorized under this chapter.

2. After the first five years of the existence of a health maintenance organization and the health maintenance organization's successors and assigns, the following shall be considered premiums received and taxable under section 432.1:

a. Payments received by the health maintenance organization for health care services, insurance, indemnity, or other benefits to which an enrollee is entitled through a health maintenance organization authorized under this chapter.

b. Payments made by the health maintenance organization to providers for health care services, to insurers, or to corporations authorized under chapter 514 for insurance, indemnity, or other service benefits authorized under this chapter.

3. Notwithstanding subsections 1 and 2, beginning January 1, 2024, and for each subsequent calendar year, the following shall be considered premiums received and taxable under section 432.1A for a health maintenance organization contracting with the department of health and human services to administer the medical assistance program under chapter 249A:

a. Payments received by the health maintenance organization for health care services, insurance, indemnity, or other benefits to which an enrollee is entitled through a health maintenance organization authorized under this chapter.

b. Payments made by the health maintenance organization to providers for health care services, to insurers, or to corporations authorized under chapter 514 for insurance, indemnity, or other service benefits authorized under this chapter.

4. Payments made to a health maintenance organization by the United States secretary of health and human services under a contract issued under section 1833 or 1876 of the federal Social Security Act, or under section 4015 of the federal Omnibus Budget Reconciliation Act of 1987, shall not be considered premiums received and shall not be taxable under section 432.1 or 432.1A. Payments made to a health maintenance organization contracting with the department of health and human services to administer the medical assistance program under chapter 249A shall not be taxable under section 432.1.

DIVISION III
NURSING FACILITY AND HOSPITAL CAPACITY AND FINANCING

Sec. 6. NEW SECTION. 135C.7A Nursing facility license application for change of ownership — required information.

1. In addition to the requirements of section 135C.7, the change of ownership of a previously licensed nursing facility shall be subject to approval by the department through application for a license. An applicant for a nursing facility license under this section shall submit all of the following information to the department with the license application:

a. Information about the applicant's organizational and ownership structures. The applicant shall provide information regarding all related parties with a five percent or greater controlling interest in the applicant organization, including the related party's relationship to the applicant organization. The information provided shall be updated at least thirty days prior to issuance of the license if any changes in the information occur.

b. Information regarding any related party transactions and associated reimbursement structures.

c. Information related to the applicant's financial suitability to operate a nursing facility as verified by the applicant, which shall include but is not limited to all of the following:

(1) Financial projections for operational expenses and revenues, including realistic occupancy and reimbursement rates and the disclosure of any related party transactions, projected for the first three years of operation.

(2) Projected initial cash and liquid assets relative to the acquisition or start-up of the applicant's organization.

(3) If the applicant is a component of a corporate chain organization, no less than three years of historical financial and operating information.

d. Information related to the applicant's regulatory history with any other state or licensing jurisdiction as verified by the applicant, which shall include but is not limited to all of the following:

(1) Information related to any complaint, allegation, or investigation concerning the applicant in any other state or licensing jurisdiction.

(2) Affirmation that the applicant has not voluntarily surrendered a license while under investigation in any other state or licensing jurisdiction.

(3) Supporting documentation regarding the resolution of any disciplinary action or complaint, allegation, or investigation against the applicant in any other state or licensing jurisdiction.

(4) Affirmation that no other nursing facility owned or operated by the applicant has been subject to operation by a court-appointed receiver or temporary manager.

2. Information required under subsection 1 shall not be limited to information relating to nursing facility operations but shall also include information relative to any other health care operations under the control and management of the applicant or related parties which may include but is not limited to assisted living programs, hospice services, home health agencies, or other long-term care related health services.

3. The department may request that an applicant provide additional or supplemental information with the application which may include verification of cash or liquid resources to maintain nursing facility operations for a period of not less than two months.

4. The department may require an applicant to create an escrow account sufficient to sustain financial operations of the applicant's nursing facility for a period of not less than two months upon consideration of the timing of projected deposits and disbursements during the nursing facility's initial operating period.

a. The escrow account shall be sufficiently funded by the applicant prior to the issuance of the nursing facility license under this section.

b. The department, in consultation with the applicant, may reduce or return the amounts held in escrow two years from the date of initial commencement of operation of the nursing facility.

c. The escrow requirement shall be terminated no later than five years from the date of initial commencement of operation of the nursing facility.

d. The department may utilize funds held in escrow if the applicant's nursing facility is subject to operation under receivership pursuant to section 135C.30.

5. The department shall verify the accuracy and completeness of the information provided under this section.

6. The information or documents provided to the department under this section detailing the applicant's financial condition or the terms of the applicant's contractual business relationships shall be confidential and not considered a public record under chapter 22.

7. For the purposes of this section:

a. "Applicant" means a person required to obtain a nursing facility license under this section due to change of ownership of a previously licensed nursing facility.

b. "Related party" means a related party or organization described by rule of the department of health and human services relating to nursing facility financial and statistical reporting and determination of payment rates pursuant to 441 IAC 81.6(11)(1).

Sec. 7. NEW SECTION. 135C.35A Moratorium — new construction or increase in bed capacity — nursing facilities.

1. Beginning July 1, 2023, and ending no later than June 30, 2026, the department shall impose for an initial period of twelve months a temporary moratorium on submission of applications for new construction of a nursing facility or a permanent change in bed capacity of a nursing facility that increases the bed capacity of the nursing facility. The department, in consultation with the department of health and human services, may extend the moratorium in six-month increments following the conclusion of the initial twelve-month period, but for no longer than a total of thirty-six months.

2. The department, in consultation with the department of health and human services, may waive the moratorium as specified in this section if any of the following applies:

a. The departments jointly determine there is a specialized need for the nursing facility beds requested.

b. The average occupancy of all licensed nursing facility beds located within the county and contiguous counties of the location of the proposed increase in nursing facility bed capacity exceeded eighty-five percent during the three most recent calendar quarters as published by the centers for Medicare and Medicaid services of the United States department of health and human services at the time of the filing of the application.

3. The department shall publish any request for a waiver of the moratorium as well as an explanation for the decision to either grant or deny the waiver request.

4. For the purposes of this section, "occupancy" means the average number of residents of the nursing facility during the applicable time period divided by the licensed bed capacity of the nursing facility.

Sec. 8. NEW SECTION. 135C.35B Availability of nursing facility bed data.

No later than January 1, 2024, the department of health and human services shall develop a publicly available dashboard detailing the number of nursing facility beds available in the state, the overall quality rating of the available nursing facility beds as specified by the centers for Medicare and Medicaid services of the United States department of health and human services star ratings, any increase in the number of available nursing facility beds in each county during the state fiscal year, any decrease in the number of available nursing facility beds in each county during the state fiscal year, and an explanation of the causes of such increase or decrease in available nursing facility beds.

Sec. 9. NEW SECTION. 249A.28 Hospital directed payment — prohibition of pass-through on non-Medicaid payors.

A hospital participating in the hospital directed payment program pursuant to 42 C.F.R. §438.6 shall not knowingly pass on the directed payment increase for health care services provided to non-Medicaid payors, including as a fee or rate increase. If a hospital violates this section, the hospital shall not receive the directed payment but shall instead only be reimbursed the hospital base reimbursement rate for health care services provided under the medical assistance program for one year from the date the violation is discovered.

Sec. 10. Section 249L.3, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A nursing facility shall not knowingly pass on the quality assurance assessment to non-Medicaid payors, including as a rate increase or service charge. If a nursing facility violates this section, the department shall not reimburse the nursing facility the quality assurance assessment due the nursing facility under the medical assistance program, but shall instead only reimburse the nursing facility at the nursing facility base reimbursement rate under the medical assistance program for one year from the date the violation is discovered.

Sec. 11. **NURSING FACILITY BED NEED FORMULA — STUDY AND RECOMMENDATIONS.** The department of health and human services shall convene a workgroup including representatives of nursing facilities, managed care organizations, the department of inspections, appeals, and licensing, and other appropriate stakeholders to review the existing nursing facility bed need formula. The department of health and human services shall submit a report of the recommendations of the workgroup for improvement to the nursing facility bed need formula, including recommendations related to the process for establishing a projection of future nursing facility bed use taking into consideration the state's changing demographics and the need to ensure an adequate number of nursing facility beds, to the governor and the general assembly by December 2, 2024.

Approved June 1, 2023

CHAPTER 159

HOOVER PRESIDENTIAL LIBRARY TAX CREDIT — EXTENSION OF CREDIT

H.F. 703

AN ACT relating to the Hoover presidential library tax credit available against the individual and corporate income taxes, the franchise tax, the insurance premiums tax, and the moneys and credits tax.

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

Section 1. Section 15E.364, subsections 1 and 7, Code 2023, are amended to read as follows:

1. For tax years beginning on or after January 1, 2021, but before January 1, 2024 2025, a tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, equal to twenty-five percent of a person's donation to the Hoover presidential foundation for the Hoover presidential library and museum renovation project fund. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

7. This section is repealed December 31, ~~2029~~ 2030.

Approved June 1, 2023

CHAPTER 160

**MEDICAID REIMBURSEMENT — NURSING HOMES — CARE FOR SEX OFFENDERS
IN SECURE UNITS**

H.F. 708

AN ACT relating to Medicaid reimbursement for services to individuals who meet the nursing home level of care and are required to register as sex offenders.

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

Section 1. MEDICAID REIMBURSEMENT — NURSING FACILITY LEVEL OF CARE — SECURE UNIT — INDIVIDUALS ON SEX OFFENDER REGISTRY. No later than January 1, 2024, the department of health and human services shall establish and report to the governor and the general assembly a reimbursement rate add-on methodology under the Medicaid program for services provided by a skilled nursing facility or nursing facility that designates a secure unit, that is separate and secure from residents with chronic confusion or a dementing illness and all other skilled nursing facility and nursing facility residents, to provide services to individuals that are required to register as sex offenders pursuant to chapter 692 and who meet nursing facility level of care requirements. The methodology shall provide for inflation of the reimbursement rate add-on, annually, from the midpoint of the prior state fiscal year to the midpoint of the current state fiscal year using the currently available CMS/SNF index.

Approved June 1, 2023

CHAPTER 161

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

H.F. 709

AN ACT appropriating federal moneys made available from federal block grants and other nonstate sources following state government realignment, allocating portions of federal block grants, and providing procedures if federal moneys or 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:

DIVISION I

FFY 2023-2024 AND 2024-2025

Section 1. SUBSTANCE ABUSE APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024: \$ 13,204,014

FFY 2024-2025: \$ 13,204,014

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 ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Of the moneys appropriated for each federal fiscal year in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

d. (1) For the state fiscal year beginning July 1, 2023, 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, 2022, for pregnant women and women with dependent children.

(2) For the state fiscal year beginning July 1, 2024, 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, 2023, for pregnant women and women with dependent children.

2. At least 20 percent of the moneys 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 APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024: \$ 7,739,414

FFY 2024-2025: \$ 7,739,414

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 moneys appropriated in this subsection as provided in the federal law making the moneys 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 or required 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. 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 of the funding shall submit quarterly reports to the department of health and human services 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 moneys appropriated in subsection 1 for each federal fiscal year shall be used by the department of health and human services for administrative expenses. From the moneys 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 moneys 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. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	6,611,198
FFY 2024-2025:	\$	6,611,198

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. 7, subch. V, which provides for the maternal and child health services block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Moneys 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 moneys appropriated in subsection 1 for each federal fiscal year shall be used by the department of health and human services for administrative expenses.

3. The department of health and human services, department of 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 health and human services. Of these moneys, the following amounts shall be set aside for the statewide perinatal care program for the following federal fiscal years:

FFY 2023-2024:	\$	300,291
FFY 2024-2025:	\$	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 moneys 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 health and human services 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. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	1,697,468
FFY 2024-2025:	\$	1,697,468

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 A, which provides for the preventive health and health services block grant. The department shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. Of the moneys 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 moneys appropriated in subsection 1 for each federal fiscal year, the specific amount of moneys stipulated by the notice of the block grant award shall be allocated for services to victims of sex offenses and for sex offense prevention.

4. After deducting the moneys allocated in subsections 2 and 3, the remaining moneys appropriated in subsection 1 for each federal fiscal year may be used by the department for

healthy people 2030 and Iowa’s health improvement plan 2023-2027 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. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS FORMULA GRANT PROGRAM APPROPRIATIONS. There is appropriated from the fund created by section 8.41 to the office of drug control policy of the department of public safety for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	291,874
FFY 2024-2025:	\$	364,122

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 moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 6. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM APPROPRIATIONS. There is appropriated from the fund created by section 8.41 to the office of drug control policy of the department of public safety for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	1,944,870
FFY 2024-2025:	\$	1,964,093

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 moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 7. COMMUNITY SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	7,979,245
FFY 2024-2025:	\$	7,979,245

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. 106, which provides for the community services block grant. The department of health and human services shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

c. Each federal fiscal year, the department of health and human services 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 moneys from agencies experiencing a greater share of available moneys. The moneys 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 moneys appropriated in subsection 1 for each federal fiscal year shall be used by the department of health and human services for administrative expenses. From the moneys set aside by this subsection for administrative expenses, the department of health and 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 moneys appropriated in subsection 1. The auditor of state shall bill the department of health and human services for the costs of the audits.

Sec. 8. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. a. 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 2023-2024:	\$	26,500,000
FFY 2024-2025:	\$	26,500,000

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. 69, which provides for community development block grants. The economic development authority shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. a. An amount not exceeding \$1,160,000 for the federal fiscal year beginning October 1, 2023, 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 \$630,000 for the federal fiscal year beginning October 1, 2023, of moneys appropriated in subsection 1 and a matching contribution from the state equal to \$530,000 from the appropriation of state moneys for the community development block grant and state appropriations for related activities of the economic development authority. From the moneys 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 moneys appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

b. An amount not exceeding \$1,160,000 for the federal fiscal year beginning October 1, 2024, 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 \$630,000 for the federal fiscal year beginning October 1, 2024, of moneys appropriated in subsection 1 and a matching contribution from the state equal to \$530,000 from the appropriation of state moneys for the community development block grant and state appropriations for related activities of the economic development authority. From the moneys 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 moneys appropriated in subsection 1. The auditor of state shall bill the authority for the costs of the audit.

Sec. 9. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM APPROPRIATIONS. 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 2023-2024:	\$	185,100,000
FFY 2024-2025:	\$	188,800,000

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. 1, §133, which provides funding allocated by the state transportation commission for state and local transportation projects. The department shall expend the moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

Sec. 10. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	54,554,297
FFY 2024-2025:	\$	54,554,297

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. 94, subch. II, which provides for the low-income home energy assistance block grants. The department of health and human services shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys 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 department of health and human services. 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 department of health and human services. The auditor of state shall bill the department of health and human services 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.

Sec. 11. SOCIAL SERVICES APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	15,308,000
FFY 2024-2025:	\$	15,308,000

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. 7, subch. XX, which provides for the social services block grant. The department of health and human services shall expend the moneys appropriated in this subsection as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. Not more than the following amounts of the moneys appropriated in subsection 1 for the following federal fiscal years shall be allocated by the department of health and human services for general administration:

a. FFY 2023-2024:		
.....	\$	910,649
b. FFY 2024-2025:		
.....	\$	910,649

From the moneys allocated in this subsection for general administration for each federal fiscal year, the department of health and 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 moneys appropriated in subsection 1.

3. In addition to the allocation for general administration in subsection 2, the remaining moneys 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 health and human services:

- a. Field operations:
- FFY 2023-2024:

.....	\$	5,446,690
FFY 2024-2025:		
.....	\$	5,446,690
b. Child and family services:		
FFY 2023-2024:		
.....	\$	8,309,784
FFY 2024-2025:		
.....	\$	8,309,784
c. Local administrative costs and other local services:		
FFY 2023-2024:		
.....	\$	577,636
FFY 2024-2025:		
.....	\$	577,636
d. Volunteers:		
FFY 2023-2024:		
.....	\$	63,241
FFY 2024-2025:		
.....	\$	63,241

Sec. 12. SOCIAL SERVICES BLOCK GRANT PLAN.

1. The department of health and human services during each state fiscal year shall develop a plan for the use of federal social services block grant moneys for the subsequent state fiscal year.

2. 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 moneys, and shall identify state and other moneys which the department proposes to use to fund the state programs and services.

3. The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant moneys, the total amount of federal social services block grant moneys available for the local programs and services, and the manner of distribution of the federal social services block grant moneys to the counties. The proposed plan shall identify state and local moneys which will be used to fund the local programs and services.

4. The proposed plan shall be submitted with the department’s budget requests to the governor and the general assembly.

Sec. 13. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

1. Upon receipt of the minimum formula grant from the substance abuse and mental health services administration to provide mental health services for the homeless, for the state fiscal years beginning July 1, 2023, and July 1, 2024, the department of health and human services shall assure that a project which receives moneys 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 moneys 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. 14. CHILD CARE AND DEVELOPMENT APPROPRIATIONS.

1. a. There is appropriated from the fund created by section 8.41 to the department of health and human services for the following federal fiscal years beginning October 1, and ending September 30, the following amounts:

FFY 2023-2024:	\$	103,108,048
FFY 2024-2025:	\$	103,108,048

b. 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 moneys appropriated in this section as provided in the federal law making the moneys available and in conformance with chapter 17A.

2. 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. 15. PROCEDURE FOR REDUCED FEDERAL MONEYS.

1. Unless otherwise necessary to meet federal requirements, if the moneys received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the moneys actually received shall be prorated by the governor for the various programs, other than for the services to victims of sex offenses and for sex offense prevention 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 moneys 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 moneys 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 moneys 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. 16. PROCEDURE FOR INCREASED FEDERAL MONEYS.

1. Unless otherwise necessary to meet federal requirements, if moneys received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 6, 8, and 11 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional moneys shall not be prorated for administrative expenses.

2. If actual moneys received from the federal government from block grants exceed the amount appropriated in section 10 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 moneys received from the federal government from community services block grants exceed the amount appropriated in section 7 of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 17. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL MONEYS. If other federal grants, receipts, and moneys and other nonstate grants, receipts, and moneys 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, 2023, and July 1, 2024, these grants, receipts, and moneys 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 moneys and the fiscal committee of the legislative council has an opportunity to comment on the expenditure of the grants, receipts, or moneys.

Sec. 18. OTHER GRANTS, RECEIPTS, AND MONEYS. Federal grants, receipts, and moneys and other nonstate grants, receipts, and moneys, available in whole or in part of the state fiscal years beginning July 1, 2023, and July 1, 2024, 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 moneys, unless otherwise provided by law:

1. Department of administrative services.
2. Department of agriculture and land stewardship.
3. Office of auditor of state.
4. Department for the blind.
5. Department of corrections.
6. Economic development authority.
7. Department of education.
8. Iowa ethics and campaign disclosure board.
9. Iowa finance authority.
10. Offices of the governor and lieutenant governor.
11. Department of health and human services.
12. Department of homeland security and emergency management.
13. Department of inspections, appeals, and licensing.
14. Department of insurance and financial services.
15. Judicial branch.
16. Department of justice.
17. Iowa law enforcement academy.
18. Department of management.
19. Department of natural resources.
20. Board of parole.
21. Department of public defense.
22. Public employment relations board.
23. Department of public safety.
24. State board of regents.
25. Department of revenue.
26. Office of secretary of state.
27. Iowa state fair authority.
28. Office for state-federal relations.
29. Iowa telecommunications and technology commission.
30. Office of treasurer of state.
31. Department of transportation.
32. Iowa utilities board.
33. Department of veterans affairs.
34. Department of workforce development.

DIVISION II
FFY 2020-2021

Sec. 19. COMMUNITY DEVELOPMENT BLOCK GRANT — FFY 2020-2021.

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, 2020, and ending September 30, 2021, the following amount:

..... \$ 57,566,000

2. The appropriation made in this section is in the amount awarded to the state from the federal government for community development block grants under the federal Disaster Relief Supplemental Appropriations Act, 2022, Pub. L. No. 117-43, Division B. The economic development authority shall expend the moneys appropriated in this section to assist Iowa communities with long-term recovery from major disasters as provided in the federal law making the moneys available and in conformance with chapter 17A.

3. An amount not exceeding 5 percent of the moneys appropriated in this section shall be used by the economic development authority for administrative expenses. From the moneys 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 moneys appropriated in this section. The auditor of state shall bill the authority for the costs of the audit.

Sec. 20. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 21. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to October 1, 2020.

Approved June 1, 2023

CHAPTER 162

ENDOW IOWA TAX CREDIT

H.F. 710

AN ACT relating to the endow Iowa tax credit, making appropriations, and including retroactive applicability and effective date provisions.

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

DIVISION I

SPORTS WAGERING RECEIPTS FUND APPROPRIATION

Section 1. SPORTS WAGERING RECEIPTS FUND. There is appropriated from the sports wagering receipts fund created in section 8.57, subsection 6, to the general fund of the state for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount to be used for purposes of section 15E.305:

..... \$ 7,000,000

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

DIVISION II

ENDOW IOWA TAX CREDIT — TAX YEAR 2023

Sec. 3. ENDOW IOWA TAX CREDIT — TAX YEAR 2023. Notwithstanding any provision of section 15E.305 to the contrary, the aggregate amount of tax credits authorized pursuant to section 15E.305 shall not exceed a total of thirteen million dollars for the tax year beginning on or after January 1, 2023, but before January 1, 2024.

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

Sec. 5. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023, and applies to the tax year beginning on or after January 1, 2023, but before January 1, 2024.

DIVISION III
ENDOW IOWA TAX CREDIT — GIFTS MADE PRIOR TO 2023

Sec. 6. 2022 Iowa Acts, chapter 1002, is amended by adding the following new section: NEW SECTION. SEC. 54A. APPLICABILITY. The following applies to endowment gifts made to an endow Iowa qualified community foundation on or after January 1, 2023:

The section of this division of this Act amending section 15E.305, subsection 2, paragraph “a”.

Sec. 7. 2022 Iowa Acts, chapter 1002, section 55, is amended to read as follows:

SEC. 55. APPLICABILITY. ~~This~~ Except as otherwise provided by this division of this Act, ~~this~~ division of this Act applies to tax years beginning on or after January 1, 2023.

Sec. 8. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 9. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2023.

Approved June 1, 2023

CHAPTER 163

LEVEE AND DRAINAGE DISTRICTS — LEVEE IMPROVEMENT FUND — OFFICE OF LEVEE SAFETY — LEVEE IMPROVEMENT PROGRAM

H.F. 711

AN ACT relating to levee and drainage districts, by providing for the repair or reconstruction of levees, making appropriations, and including effective date provisions.

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

Section 1. Section 8.57, subsection 5, paragraph f, subparagraph (1), Code 2023, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0e) (i) For the fiscal year beginning July 1, 2023, and for each fiscal year thereafter through the fiscal year beginning July 1, 2027, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next five million dollars shall be deposited in the levee improvement fund created in section 8.57D.

(ii) This subparagraph division is repealed July 1, 2028.

Sec. 2. NEW SECTION. 8.57D Levee improvement fund — creation — appropriations.

1. A levee improvement fund is created within the department of homeland security and emergency management created pursuant to section 29C.5 which shall be under the control of that department.

2. The levee improvement fund shall consist of moneys deposited in the fund pursuant to section 8.57, subsection 5, paragraph “f”, subparagraph (1), subparagraph division (0e); appropriations made to the fund; and transfers of interest, earnings, and moneys from other funds as provided by law.

3. The levee improvement fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

4. *a.* Moneys in the levee improvement fund are appropriated to the department of homeland security and emergency management for the exclusive purpose of supporting all of the following:

(1) The office of levee safety, including to conduct a statewide analysis of the condition of the state's levees as provided in section 418A.4.

(2) The flood mitigation board, including to award cost-share moneys to levee districts pursuant to the levee improvement program as provided in section 418A.5.

b. Not more than five percent of moneys in the levee improvement fund shall be available to defray expenses incurred in administering chapter 418A by the department, including the office of levee safety and flood mitigation board.

5. *a.* Notwithstanding section 8.33, moneys in the levee improvement fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for the expenditure for the purposes designated.

b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

6. This section is repealed July 1, 2028.

Sec. 3. NEW SECTION. 418A.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. "*Board*" means the flood mitigation board created in section 418.5.

2. "*Department*" means the department of homeland security and emergency management created in section 29C.5.

3. "*Hazardous event*" means an event caused by a levee's uncontrolled or controlled release of surface water in a manner that may injure humans and animals or damage real and personal property used for agricultural, commercial, industrial, residential, or public purposes.

4. "*Levee district*" means a levee district, including a subdistrict, established pursuant to chapter 468.

5. "*Office*" means the office of levee safety created in section 418A.3.

6. "*Program*" means the levee improvement program established pursuant to section 418A.5.

7. "*Survey*" means the Iowa geological survey created in section 456.1.

Sec. 4. NEW SECTION. 418A.2 Purpose.

The purpose of this chapter is to reduce and manage risks associated with a hazardous event caused by a levee's inadequate design, structural performance, or operational control.

Sec. 5. NEW SECTION. 418A.3 Office of levee safety.

1. An office of levee safety is created within the department.

2. *a.* In administering this chapter, all of the following apply:

(1) The office shall cooperate with the flood mitigation board.

(2) The office and the board shall cooperate with the Iowa geological survey.

b. The office and board may cooperate with other state and federal agencies, including the United States army corps of engineers and the federal emergency management agency, administering the national levee safety program, as provided in 33 U.S.C. ch. 46.

3. The office, in cooperation with the board, shall assist communities benefiting from a levee, including levee districts. The office, in cooperation with the board, shall evaluate methods to best carry out the purpose of this chapter.

Sec. 6. NEW SECTION. 418A.4 Statewide analysis.

1. The office of levee safety, in cooperation with the Iowa geological survey, shall conduct a statewide analysis of the condition of the state's levees. The office and survey shall identify each levee requiring repair or reconstruction based on a scale adopted by the office which

assigns a number based on the levee's level of critical need. The office shall consider all of the following:

- a. Deficiencies in the construction, maintenance, and operation of each levee in a levee district.
 - b. The amount of capital expenditures required for the repair or reconstruction for each levee in a levee district.
 - c. Payment obligations creating legal indebtedness incurred by the levee district, including those evidenced by bonds, warrants, certificates, contracts, or judgments.
 - d. The current total revenue collected by the levee district, and the budgeted revenue ceiling of the levee district based on a maximum assessment rate for classified lands used to maintain the levee as apportioned to each owner of such land.
2. The governing body of each levee district shall assist the office in conducting the analysis for the governing body's levee district.
 3. This section is repealed July 1, 2028.

Sec. 7. NEW SECTION. 418A.5 Flood mitigation board — levee improvement program.

1. A levee improvement program is established to provide for the repair or reconstruction of those levees requiring immediate capital expenditure in order to reduce and manage a hazardous event. The program shall be administered by the flood mitigation board acting in cooperation with the office of levee safety.

2. In administering the program, the board, acting in cooperation with the office, shall award moneys to levee districts applying for assistance on a cost-share basis. The amount of cost-share moneys contributed by the board shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost of the improvement, whichever is less.

3. a. The department shall provide for the publication and submission of applications for an award of cost-share moneys under the program. The board, in cooperation with the office, shall approve or disapprove the applications based on criteria established by the board.

b. (1) The board shall consider the scale number assigned to the levee by the office as provided in section 418A.4.

(2) This paragraph is repealed July 1, 2028.

4. The department may enter into a chapter 28E agreement in order to administer the program on behalf of the board.

Sec. 8. NEW SECTION. 418A.6 Department — statewide levee improvement report.

1. The department of homeland security and emergency management shall prepare and submit a statewide levee assessment report to the governor and general assembly not later than January 5 of each year.

2. a. (1) The statewide levee assessment report must include a summary of the condition of levees in each levee district.

(2) This paragraph is repealed July 1, 2028.

b. The statewide levee assessment report must identify those levees having the highest level of critical need of repair or reconstruction and the budget of a levee district to finance the repair or reconstruction.

3. The statewide levee assessment report must include the results of efforts to repair or reconstruct levees using cost-share moneys awarded to the governing bodies of levee districts under the levee improvement program.

4. The statewide levee assessment report must include a summary of future plans to administer the program. The statewide levee assessment report may include recommendations for additional funding and legislation necessary to carry out the purpose of this chapter.

Sec. 9. NEW SECTION. 456.15 Levees.

The Iowa geological survey shall assist the office of levee safety as provided in chapter 418A.

Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2023

CHAPTER 164

CONSTRUCTION PROJECTS INVOLVING ABOVEGROUND ELECTRICAL LINES OR WATER DRAINAGE LINES

H.F. 714

AN ACT relating to construction projects transporting electricity and water and including retroactive applicability provisions.

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

Section 1. Section 468.3, Code 2023, is amended by adding the following new subsection: NEW SUBSECTION. 6A. As used in this chapter, the term “culvert” includes a drain, tile, or tile line.

Sec. 2. Section 478.6A, subsection 2, Code 2023, is amended to read as follows:

2. 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 is proposed to be constructed above ground and 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. 3. RETROACTIVE APPLICABILITY. The section of this Act amending section 478.6A applies retroactively to a petition for a franchise submitted on or after September 1, 2020.

Approved June 1, 2023

CHAPTER 165**ELECTIONS — PRIMARY ELECTIONS, POLITICAL PARTY CAUCUSES, THE STATEWIDE VOTER REGISTRATION SYSTEM, AND VOTER LISTS***H.F. 716*

AN ACT relating to elections, including primary elections, political party caucuses, updates to the statewide voter registration system, and costs of preparing lists of voters.

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

Section 1. Section 43.75, Code 2023, is amended to read as follows:

43.75 Tie vote.

1. In case of a tie vote resulting in no nomination for any office, except for senator or representative in the general assembly, the tie shall forthwith be determined by lot by the board of canvassers.

2. In case of a tie vote resulting in no nomination for a senator or representative in the general assembly, the party precinct committee members whose precincts lie within the senatorial or representative district involved shall select the winning candidate from among the candidates having received the equal and highest number of votes. The state party chairperson shall convene or reconvene such party precinct committee members as appropriate. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

Sec. 2. Section 43.4, subsection 3, Code 2023, is amended to read as follows:

3. When the rules of a political party require the selection and reporting of delegates selected as part of the presidential nominating process, or the rules of a political party require the tabulation and reporting of the number of persons attending the caucus favoring each presidential candidate, it is the duty of a person designated as provided by the rules of that political party to report the results of the precinct caucus as directed by the state central committee of that political party. When the person designated to report the results of the precinct caucus reports the results, representatives of each candidate, if they so choose, may accompany the person as the results are being reported to assure that an accurate report of the proceedings is reported. If ballots are used at the precinct caucus, representatives of each candidate or other persons attending the precinct caucus may observe the tabulation of the results of the balloting. If the state central committee of a political party chooses to select its delegates as a part of the presidential nominating process at political party precinct caucuses on the date provided in subsection 1, the precinct caucuses shall take place in person among the participants physically present at the location of each precinct caucus.

Sec. 3. Section 43.91, Code 2023, is amended to read as follows:

43.91 Voter at caucus — qualifications.

1. Any person voting at a precinct caucus must be a person who is or will by the date of the next general election become an eligible elector, who has not already participated in the caucus of any political party within the same year, and who is a resident of the precinct. A list of the names and addresses of each person to whom a ballot was delivered or who was allowed to vote in each precinct caucus shall be prepared by the caucus chairperson and secretary who shall certify such list to the commissioner at the same time as the names of those elected as delegates and party committee members are so certified.

2. Notwithstanding subsection 1, the state central committee of each political party may set rules for participation in or voting at a precinct caucus, including but not limited to voter registration requirements.

Sec. 4. Section 47.7, subsection 3, Code 2023, is amended by striking the subsection.

Sec. 5. Section 48A.38, Code 2023, is amended by adding the following new subsection:
NEW SUBSECTION. 4. The registrar may adjust the cost of preparation imposed pursuant to subsection 1 to reflect the costs of processing a credit card payment by an amount not to exceed the cost of processing the credit card payment.

Approved June 1, 2023

CHAPTER 166

RENTAL OF MOTOR VEHICLES — UNFAIR OR DECEPTIVE ACTS OR PRACTICES — CREDIT CARD BLOCK OR CHARGE FOR ESTIMATED CHARGES AND RENTAL DEPOSITS

H.F. 719

AN ACT relating to unfair or deceptive acts or practices in the rental of vehicles and making penalties applicable.

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

Section 1. Section 516D.7, subsection 8, paragraph b, Code 2023, is amended to read as follows:

b. Placing a block or charge against a portion or the entirety of the credit limit of the card or otherwise placing a block or charge against the card in excess of the estimated total daily or weekly charges and rental deposits, including taxes and charges of optional services accepted by the customer, stated in the rental agreement multiplied by the number of days of the estimated rental if rented on a daily basis or, if rented on a weekly basis, multiplied by the number of weeks of the estimated rental.

Approved June 1, 2023

CHAPTER 167

PROPOSED CONSTITUTIONAL AMENDMENT — QUALIFICATIONS OF ELECTORS

S.J.R. 9

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 1 of Article II of the Constitution of the State of Iowa, as amended by the amendment of 1970, is repealed and the following adopted in lieu thereof:

Section 1. **Electors.** Only a citizen of the United States of the age of eighteen years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which the citizen claims the citizen's vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are authorized by law. However, for purposes of a primary election, a United States citizen must be at least eighteen years of age as of the next general election following the primary election. The required periods of residence shall not exceed six months in this state and sixty days in the county.

Sec. 2. SUBMISSION TO ELECTORATE. The foregoing proposed amendment, having been adopted and agreed to by the 89th General Assembly, Second Session, thereafter duly published, and now adopted and agreed to by the 90th General Assembly in this joint resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year 2024 in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

CHAPTER 168

PROPOSED CONSTITUTIONAL AMENDMENT — GUBERNATORIAL LINE OF SUCCESSION

H.J.R. 3

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 17 of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Sec. 17. **Lieutenant governor or lieutenant governor-elect to become or act as governor or governor-elect.** If there is a temporary disability of the governor, the lieutenant governor shall act as governor until the disability is removed, or the governor dies, resigns, or is removed from office. In case of the death, resignation, or removal from office of the governor, the lieutenant governor shall become governor for the remainder of the term, which shall create a vacancy in the office of lieutenant governor. This section shall also apply, as appropriate, to the governor-elect and the lieutenant governor-elect.

Sec. 2. SUBMISSION TO ELECTORATE. The foregoing proposed amendment, having been adopted and agreed to by the 89th General Assembly, Second Session, thereafter duly published, and now adopted and agreed to by the 90th General Assembly in this joint resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year 2024 in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

ANALYSIS OF TABLES

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Iowa Codes Referred to in Acts of the Ninetieth General Assembly, 2023 Regular Session

Iowa Administrative Code Referred to in Acts of the Ninetieth General Assembly, 2023 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Iowa Court Rules Referred To

Proposed Amendments to the Constitution of the State of Iowa

Vetoed Bill

Item Veto

**CONVERSION TABLES OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2023 REGULAR SESSION

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153	3	391	90	542	92
154	6	399	57	549	107
157	7	418	58	557	108
181	5	445	18	558	109
183	53	473	27	559	110
192	2	478	103	560	111
193	21	482	8	561	112
197	25	490	28	562	113
219	102	494	104	563	114
228	84	496	91	565	115
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128	61	202	12	270	129
133	11	205	13	271	36
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357	131	573	66	661	82
358	42	583	143	666	154
359	132	584	80	670	155
397	133	590	144	671	156
398	134	592	50	672	100
400	135	593	67	675	83
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HOUSE JOINT RESOLUTION

File No.	Acts Chapter
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**2023 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ADDED,
2023 REGULAR SESSION**

“NEW” denotes new Code section numbers that are subject to change when codified.

“C2022” denotes 2022 Code chapters and sections amended or repealed.

“C2018” denotes 2018 Code chapters and sections amended or repealed.

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 8C.7A, subsection 3, paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iv), subparagraph part (A), subparagraph subpart (I) is “8C.7A(3)(c)(3)(a)(iv)(A)(I)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

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2.51	64, §2	8A.221	19, §1382
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6B.42(2)(b, d)	19, §2654	8A.321(4)	19, §7
6B.45(1)	19, §2655	8A.321(8)	130, §1
6B.54(2, 3)	19, §2656	8A.362(8)	19, §8
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7A.30(1)	19, §3	8A.412(14)	19, §2076
7C.4A(1)(b)	19, §2130	8A.412(18, 19)	19, §2705
7D.29(3)	19, §4	8A.412(19)	19, §1721
7E.5(1)(c)	19, §2468	8A.415(1)(b)	19, §1712
7E.5(1)(d, h)	19, §1425	8A.415(2)(b)	19, §1713
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7E.5(1)(g)	19, §2074	8A.457	19, §1722
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7E.5(1)(l)	19, §2075	8A.504(1)(d)(2)	19, §2606, 2643
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8A.706	19, §1424	10A.319	19, §1477
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10A.109 ^{NEW}	19, §1432	10A.514	19, §1711
10A.200 ^{NEW}	19, §1444	10A.515	19, §1711
10A.201	19, §1459	10A.516	19, §1711
10A.202 ^{NEW}	19, §1445	10A.517	19, §1711
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10A.722	19, §1443	15.108(12)	19, §2080
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IN ACTS OF THE NINETIETH GENERAL ASSEMBLY,
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**ACTS OF THE NINETIETH GENERAL ASSEMBLY,
2023 REGULAR SESSION AMENDED, REPEALED, OR REFERRED TO**

Acts section subunits are referenced by their designated number or letter in parentheses, with unnumbered paragraphs referenced by a “u” and a number. For example, section 142, subsection 11, paragraph a, unnumbered paragraph 1 is “§142(11)(a)(u1)”.

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2023 First Extraordinary Session
of the
Ninetieth General Assembly
of the
State of Iowa

CHAPTER 1

TERMINATIONS OF PREGNANCY — FETAL HEARTBEAT

H.F. 732

AN ACT prohibiting and requiring certain actions relating to abortion involving the detection of a fetal heartbeat, and including effective date provisions.

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

Section 1. NEW SECTION. **146E.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. “*Fetal heartbeat*” means cardiac activity, the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.
3. “*Fetal heartbeat exception*” means any of the following:
 - a. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.
 - b. The pregnancy is the result of incest which is reported within one hundred forty days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician.
 - c. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.
 - d. The attending physician certifies that the fetus has a fetal abnormality that in the physician’s reasonable medical judgment is incompatible with life.
4. “*Medical emergency*” means the same as defined in section 146A.1.
5. “*Physician*” means a person licensed under chapter 148.
6. “*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.
7. “*Unborn child*” means the same as defined in section 146A.1.

Sec. 2. NEW SECTION. **146E.2 Abortion prohibited — detectable fetal heartbeat.**

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

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

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

- (1) Whether a fetal heartbeat was detected.
- (2) That if a fetal heartbeat was detected, an abortion is prohibited.

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

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

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

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

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

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

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

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

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved July 14, 2023

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly, 2023 First Extraordinary Session

2023 New Code Sections Added, 2023 First Extraordinary Session

**CONVERSION TABLES OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2023 FIRST EXTRAORDINARY SESSION

HOUSE FILES

File No.	Acts Chapter
732	1

2023 NEW CODE SECTIONS ADDED, 2023 FIRST EXTRAORDINARY SESSION

“NEW” denotes 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 8C.7A, subsection 3, paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iv), subparagraph part (A), subparagraph subpart (I) is “8C.7A(3)(c)(3)(a)(iv)(A)(I)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

Code Chapter or Section	Acts Chapter
146E.1 ^{NEW}	1, §1, 3
146E.2 ^{NEW}	1, §2, 3

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