
FISCAL UPDATE Article

Fiscal Services Division

April 14, 2020



Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

COVID-19 — GOVERNOR'S PROCLAMATIONS — DISASTER EMERGENCY

This article summarizes the Governor's proclamations regarding COVID-19.

Proclamation of Disaster Emergency, March 9, 2020

Governor Reynolds proclaimed a State of Disaster Emergency on March 9, 2020, in response to the outbreak of COVID-19 following a national public health emergency declaration issued by the United States Department of Health and Human Services on January 31, 2020, and multiple individuals within the State of Iowa testing presumptive positive for COVID-19. Pursuant to the authority granted to the Governor by the Iowa Constitution, Article IV, and Iowa Code section [29C.6\(1\)](#), the Governor directed and ordered the following:

- Activated the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's (HSEMD) Iowa Emergency Response Plan authorizing the use and deployment of all available State resources, supplies, equipment, and materials reasonably necessary to respond to COVID-19.
- Allowed certain State employees overtime pay for hours worked in excess of 40 hours by suspending regulatory provisions of [11 IAC 53.11\(3\)](#).
- Ordered all State agencies to utilize personnel, equipment, and facilities as necessary to assist the Iowa Department of Public Health (IDPH) and the HSEMD in all activities necessary to prevent, contain, and mitigate the effects of COVID-19.
- Suspended certain regulatory provisions of Iowa Code section [321.449](#) (Motor Carrier Safety Rules) regarding motor carriers and drivers of commercial motor vehicles transporting medical assets under certain conditions. Nothing in the proclamation exempted testing requirements for controlled substances and alcohol, and no motor carrier shall require or allow a fatigued or ill driver to operate a motor vehicle.

Proclamation of Disaster Emergency, March 13, 2020

The Governor issued an additional Proclamation of Disaster Emergency on March 13, 2020, expanding and clarifying terms of the original proclamation by suspending certain provisions of the Iowa Code and the Iowa Administrative Code restricting the movement of oversize and overweight loads of food, medical supplies, cleaning products, and other household goods, and directing the Iowa Department of Transportation to monitor the operation of the Proclamations to assure the public's safety and facilitate the movement of trucks involved in transporting food and other household goods.

These proclamations were set to expire on April 7, 2020, but have been extended by subsequent Proclamations of Disaster Emergency establishing a State Public Health Disaster Emergency.

Proclamation of Public Health Disaster Emergency, March 17, 2020

The Governor issued a Proclamation of Disaster Emergency on March 17, 2020, establishing a State of Public Health Disaster as of March 17, 2020. This Proclamation was effective immediately and was set to expire April 16, 2020, unless sooner terminated or extended in writing by the Governor. In order to prevent, contain, and mitigate the effects of the COVID-19 virus, the Governor issued the following orders and directives:

- Closed all bars, restaurants, fitness centers, theaters, casinos, and senior citizen centers, and prohibited mass gatherings of over 10 people from March 17, 2020, to March 31, 2020.

- Directed all State agencies to coordinate efforts to mitigate the economic effects of business closures resulting from COVID-19.
- Continued provisions established in the Governor's Proclamation of Disaster Emergency issued on March 9, 2020, including the activation of the HSEMD Iowa Emergency Response Plan, the order for all State agencies to assist the IDPH and HSEMD in performing all activities required to prevent, contain, and mitigate the effects of COVID-19, and the allowance of certain State employees to be compensated for work in excess of 40 hours per week.
- Temporarily suspended regulatory provisions requiring an institutional health facility to acquire a certificate of need prior to operating additional bed capacity.
- Temporarily suspended certain regulatory provisions requiring face-to-face interactions with health care providers and other provisions restricting telehealth and telemedicine services.
- Temporarily suspended certain regulatory provisions regarding inactive or lapsed licenses for health care providers.
- Temporarily suspended certain regulatory provisions requiring minimum hours of field experience for licensure for certain educators.
- Temporarily suspended certain driver's license expiration and vehicle registration requirements.
- Temporarily suspended certain restrictions and regulations regarding the transportation of freight, allowing for larger and heavier loads of food, medical supplies, cleaning products, and other household goods.
- Temporarily suspended regulatory provisions requiring a dealer to accept an empty beverage container for which an Iowa deposit was made.
- Temporarily suspended regulations regarding the procurement of goods and services necessary to prevent, contain, or mitigate the effects of COVID-19.

Proclamation of Public Health Disaster Emergency, March 19, 2020

The Governor issued an additional Proclamation of Disaster Emergency on March 19, 2020, continuing the State of Public Health Disaster established on March 17, 2020, and extending the State of Disaster Emergency established by Proclamation on March 9, 2020. This Proclamation was effective immediately and was set to expire April 16, 2020, unless sooner terminated or extended in writing by the Governor. In order to prevent, contain, and mitigate the effects of the COVID-19 virus, the Governor issued the following orders and directives:

- Temporarily suspended penalties and interest for delay in payment of property taxes.
- Clarified that the suspension of evictions does not apply to actions for forcible entry and detainer where the defendant has obtained possession of the property by force, intimidation, fraud, or stealth.
- Modified regulatory provisions regarding the sale of alcohol in the State so that alcoholic beverages may be sold for consumption off site on a carry-out or drive-through basis, or if the beverage is delivered to customers off the premises. The proclamation also modifies the handling of taxes and fees related to the sale of alcohol by suspending the requirement that barrel or gallons sold be reported or pay taxes due by the tenth calendar day of each month.
- Temporarily suspended and modified requirements for public meetings and hearings for government subdivisions, and made allowances for electronic meetings and hearings.
- Temporarily suspended the deadline to fill city council vacancies.
- Temporarily suspended school fire and tornado drill requirements.
- Temporarily suspended the requirement for firearms permits applications be delivered in person and directed each sheriff's office to establish drop-off, mail-in, or electronic submission to the extent practical, and established that permits to carry shall not expire during the Proclamation.
- Further clarified trucking regulation suspensions to include agricultural supplies and commodities, extended hours of service of motor carriers and drivers of commercial motor vehicles, and temporarily

suspended oversize and overweight load permitting requirements for when the movement of the vehicle and load is related to and responding to the disaster.

- Temporarily suspended rules regarding maximum hours a temporary employee may work for the State.
- Temporarily suspended rules regarding procurement of goods for State agencies which are necessary to prevent, contain, or mitigate the effects of COVID-19 including facilitating telework by State employees, and responding to increased cyber-attacks and threats.
- Extended the State of Disaster Emergency to April 16, 2020, including the closure of all bars, restaurants, fitness centers, theaters, casinos, and senior citizen centers, and the prohibition of mass gatherings of over 10.
- Directed all State agencies to coordinate efforts to mitigate the economic effects of business closures resulting from COVID-19.
- Continued provisions established in the Governor's Proclamation of Disaster Emergency issued on March 9, 2020, including the activation of the HSEMD Iowa Emergency Response Plan, the order for all State agencies to assist the IDPH and HSEMD in performing all activities required to prevent, contain, and mitigate the effects of COVID-19, and the allowance of certain State employees to be compensated for work in excess of 40 hours per week.

Proclamation of Public Health Disaster Emergency, March 22, 2020

The Governor issued an additional Proclamation of Disaster Emergency on March 22, 2020, continuing the State of Public Health Disaster established on March 17, 2020, and extending the State of Disaster Emergency established by Proclamation on March 9, 2020. This Proclamation was effective immediately and was set to expire April 16, 2020, unless sooner terminated or extended in writing by the Governor. In order to prevent, contain, and mitigate the effects of the COVID-19 virus, the Governor issued the following orders and directives:

- Added salons, medical spas, barbershops, tattoo establishments, tanning facilities, massage therapy establishments, and swimming facilities to the list of business closed during the Proclamation.
- Reiterated suspension of foreclosures.
- Temporarily suspended and modified licensing requirements for health care providers, pharmacists, and pharmacy technicians who have completed sufficient education requirements, as well as continuing education and license renewal requirements.
- Temporarily suspended clinical, practical, or internship experience requirements as a condition of obtaining professional licensure to be a school administrator, mental health counselor, independent social worker, psychologist, pharmacist, or speech pathologist or audiologist.
- Temporarily suspended background check requirements for certain professions during the duration of the Proclamation.
- Temporarily suspended licensure requirements pertaining to expiration and renewal of licenses of land surveyors or professional engineers; examination deadlines for appraisers, certified public accountants, and nurses; application timelines for pharmacists; and the requirement that out-of-state counselors and social workers who provide services by electronic means to individuals in the State of Iowa be licensed in Iowa.
- Temporarily suspended certain restrictions on remote notarizations or witnessing the signing of certain legal documents.

Proclamation of Public Health Disaster Emergency, March 26, 2020

The Governor issued an additional Proclamation of Disaster Emergency on March 26, 2020, continuing the State of Public Health Disaster established on March 17, 2020. This Proclamation was effective immediately and was set to expire April 16, 2020, unless sooner terminated or extended in writing by the Governor. In order to prevent, contain, and mitigate the effects of the COVID-19 virus, the Governor issued the following orders and directives:

- Barred any nonessential medical and dental procedures requiring personal protective equipment during the remainder of the State of Public Health Disaster Emergency.
- Temporarily suspended regulations so that health care professionals are reimbursed by health carriers for all available means of telehealth services on the same basis and at the same rate as the health carrier would apply to the same health care services provided for in-person services.
- Extended business closures to April 7, 2020, and added to the list of businesses ordered to close bookstores, personal apparel stores, jewelry stores, luggage stores, cosmetics stores, florists, and furniture stores.
- Mandated the screening of all staff at health care facilities for fever or shortness of breath as well as other respiratory symptoms prior to entering the facilities.
- Temporarily suspended the regulatory provisions of the Iowa Code and Iowa Administrative Code limiting the number of simulated clinical hours that can be used to satisfy clinical hour requirements for nursing education programs, as well as certain provisions pertaining to applicants for initial licensure in dentistry, dental hygiene, dental assisting, or for a faculty permit to attest to current certification in cardiopulmonary resuscitation.
- Temporarily suspended the regulatory provisions of the Iowa Code and Iowa Administrative Code pertaining to health care facilities to relax certain hiring requirements as well as the requirement of certain services in residential care facilities.
- Temporarily suspended the regulatory provisions of the Iowa Administrative Code permitting a residential care facility or nursing facility to involuntarily discharge or transfer a resident for nonpayment for the resident's stay.
- Temporarily suspended certain regulatory provisions of the Iowa Code so that retired State employees may return to work during this Public Health Disaster Emergency without receiving a reduction or requiring a repayment of the retired employee's retirement allowance.
- Temporarily suspended certain provisions of the Iowa Code limiting the use of online instruction in determining contact hours for apprenticeship sponsors.
- Temporarily suspended provisions of the Iowa Code in order to extend vehicle registration requirements during the duration of the Proclamation.
- Temporarily suspended provisions of the Iowa Code so that court debts not paid by the date set in the court order shall not be deemed delinquent during the duration of the Proclamation.
- Temporarily suspended provisions of the Iowa Code requiring service of a notice to quit or service of original notice before commencing an action under Iowa Code sections [648.1\(2\)](#) through [648.1\(6\)](#) (Forcible Entry and Detainer) during the duration of the Proclamation insofar as this suspension is consistent with prior suspensions of regulatory provisions allowing for the termination of a rental agreement or eviction of a tenant.

Proclamation of Disaster Emergency, March 31, 2020

Governor Kim Reynolds proclaimed a State of Disaster Emergency on March 9, 2020, in response to the outbreak of COVID-19 following a national public health emergency declaration issued by the United States Department of Health and Human Services on January 31, 2020, and multiple individuals within the State of Iowa testing presumptive positive for COVID-19. The Governor issued an additional Proclamation of Disaster Emergency on March 17, 2020, establishing a State of Public Health Disaster as of March 17, 2020. On March 31, 2020, the Governor issued an additional Proclamation of Disaster Emergency, which directed and ordered the following:

- Temporarily suspended regulatory provisions of the Iowa Code so that holders of class "C" liquor licenses may sell mixed drinks or cocktails and unopened bottles of wine and alcoholic liquor for off-site consumption.
- Temporarily suspended regulatory provisions of the Iowa Code which require physical meetings of shareholders, policyholders, or members so that meetings may be held by means of remote communication.

- Temporarily suspended regulatory provisions of the Iowa Code which establish expiration dates and renewal deadlines for professional or specialty certifications for Iowa's law enforcement officers for the duration of the Proclamation.

LSA Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov

Doc ID 1133702