

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2019 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 20, 2019

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 426	H-1064		HUNTER of Polk
HF 516	H-1068		THORUP of Marion
HF 610	H-1061		HINSON of Linn
HF 667	H-1063		JACOBSEN of Pottawattamie
HF 669	H-1062		MOHR of Scott
HF 690	H-1069		MASCHER of Johnson
HF 694	H-1065		JENEARY of Plymouth
HF 698	H-1067		SEXTON of Calhoun
HF 712	H-1066		MITCHELL of Henry

Fiscal Notes

[HF 712](#) — [Prison Overcrowding, Class D Felonies](#) (LSB1983HV)

[HF 742](#) — [Livestock and Crop Theft](#) (LSB1982HZ)

HOUSE FILE 426

H-1064

1 Amend the Senate amendment, H-1028, to House File 426, as
2 passed by the House, as follows:

3 1. Page 1, line 6, after <fraud> by inserting <, suspected
4 fraud associated with a domestic entity that is registered
5 as a third-party administrator pursuant to chapter 510 and
6 that provides health benefits under a self-funded arrangement
7 pursuant to section 505.20, suspected fraud associated with
8 tax credits for emergency medical personnel pursuant to
9 section 422.12, suspected fraud associated with any insurance
10 policy held by any private business owner, and suspected fraud
11 associated with all insurance subject to the jurisdiction of
12 the commissioner>

By HUNTER of Polk

H-1064 FILED MARCH 20, 2019

HOUSE FILE 516

H-1068

- 1 Amend House File 516 as follows:
- 2 1. Page 1, line 2, by striking <subparagraph> and inserting
3 <subparagraphs>
- 4 2. Page 1, after line 5 by inserting:
- 5 <NEW SUBPARAGRAPH. (4) The chief of police of each city
6 operating a public safety answering point, or the chief of
7 police's designee, is entitled to voting membership on the
8 joint 911 service board of the county where the city is
9 located.>
- 10 3. Title page, line 1, by striking <providing for county
11 sheriff> and inserting <relating to>

By THORUP of Marion

H-1068 FILED MARCH 20, 2019

HOUSE FILE 610

H-1061

- 1 Amend House File 610 as follows:
- 2 1. Page 29, by striking lines 5 through 10.
- 3 2. By renumbering, redesignating, and correcting internal
- 4 references as necessary.

By HINSON of Linn

H-1061 FILED MARCH 20, 2019

HOUSE FILE 667

H-1063

Amend House File 667 as follows:

- 2 1. Page 31, after line 4 by inserting:
3 <Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.>
- 5 2. Title page, line 4, after <applicability> by inserting
6 <and effective date>
- 7 3. By renumbering as necessary.

By JACOBSEN of Pottawattamie

H-1063 FILED MARCH 20, 2019

H-1062

1 Amend House File 669 as follows:

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

4 <Section 1. NEW SECTION. **476.49 Private generation rates**
5 **— infrastructure support options for customers.**

6 1. The general assembly recognizes the importance of
7 electric utility infrastructure, including electric generation,
8 transmission, and distribution systems, to provide electric
9 service to all customers in this state, whether electricity
10 is generated by a public utility, by a customer, or on behalf
11 of a customer. The general assembly also recognizes that
12 tariffs for electric service are traditionally designed for
13 the provision of full electric service to customers, not
14 taking into account the private generation of electricity. It
15 is the intent of the general assembly to require customers
16 who utilize private generation to pay their share of costs
17 of electric utility infrastructure, thereby eliminating
18 cross-subsidization. It is also the intent of the general
19 assembly to provide private generation customers with options
20 to pay their share of costs.

21 2. For purposes of this section, unless the context
22 otherwise requires:

23 *a. "Avoided cost"* means the energy rate paid by an electric
24 utility for energy purchases from a private generation customer
25 established in the electric utility's board-approved tariff for
26 cogeneration facilities and small power production facilities
27 and in accordance with section 476.43.

28 *b. "Private generation customer"* means an electric utility
29 customer who utilizes a private generation facility.

30 *c. (1) "Private generation facility"* means an alternate
31 energy production facility, as defined in section 476.42, that
32 is owned, leased, operated by, or operated on behalf of a
33 private generation customer and whose production of electricity
34 is used to offset a portion or all of the customer's
35 electricity bill or usage that would otherwise be purchased

1 from an electric utility.

2 (2) "*Private generation facility*" does not include any of
3 the following:

4 (a) A cogeneration facility as defined in 18 C.F.R. pt. 292,
5 subpt. B, including without limitation combined heat and power
6 facilities.

7 (b) A facility that produces renewable fuel as defined
8 in section 214A.1, which is registered with the United
9 States environmental protection agency as a manufacturer, in
10 accordance with the requirements set forth in 40 C.F.R. §79.4.

11 (c) A facility that utilizes a de minimus amount of biomass
12 in its operations. For purposes of this subparagraph division,
13 "*de minimus*" means less than ten percent of all fuel utilized in
14 the generation processes.

15 (d) A private generation facility with a nameplate
16 generating capacity greater than one megawatt.

17 3. A rate-regulated electric utility may file tariffs with
18 the board applicable to any private generation customer who
19 utilizes a private generation facility installed on or after
20 the date a tariff is approved pursuant to subsection 4. All
21 tariff rates charged to a private generation customer for
22 electric service shall recover the electric utility's actual
23 cost of providing electric service to the applicable customer
24 class, as determined by the board in the electric utility's
25 most recently approved rate proceeding. Tariffs filed pursuant
26 to this section shall be designed to ensure that a private
27 generation customer pays for electric utility infrastructure
28 costs. Tariffs filed pursuant to this section shall require a
29 private generation customer to choose one of the following rate
30 structures for the provision of electric service:

31 a. A minimum infrastructure charge rate structure whereby
32 the private generation customer pays a minimum amount each
33 month, or the private generation customer's applicable standard
34 electric service bill, whichever is higher. The private
35 generation customer's applicable standard electric service

1 bill shall be calculated using the applicable standard retail
2 tariff. This tariff rate structure shall allow the private
3 generation facility to offset the private generation customer's
4 energy usage, and shall allow excess energy to carry forward
5 in the form of excess energy credits to offset the private
6 generation customer's energy usage in future billing periods.
7 This tariff rate structure shall also include an annual
8 cash-out of excess energy credits at a rate that does not
9 exceed the electric utility's avoided cost.

10 *b.* A multi-part rate structure whereby rates applicable
11 to the customer include, at a minimum, a fixed basic service
12 charge, an energy charge designed to recover variable costs,
13 and a monthly demand charge designed to ensure that the
14 private generation customer pays for fixed electric utility
15 infrastructure costs. This tariff rate structure shall
16 allow the private generation facility to offset the private
17 generation customer's energy usage, and shall allow excess
18 energy to carry forward in the form of excess energy credits to
19 offset the private generation customer's energy usage in future
20 billing periods. This tariff rate structure shall also include
21 an annual cash-out of excess energy credits at a rate that does
22 not exceed the electric utility's avoided cost.

23 *c.* A buy all and sell all rate structure whereby the private
24 generation facility's output is measured separately from the
25 private generation customer's consumption. All electricity
26 consumed shall be purchased from the electric utility and all
27 electricity generated shall be sold to the electric utility on
28 a monthly basis. Rates applicable to the private generation
29 customer for all electricity purchased from the electric
30 utility shall be the applicable standard retail tariff.
31 Rates applicable for electricity purchased from the private
32 generation customer shall not exceed the electric utility's
33 avoided cost.

34 *d.* A rate structure filed by the electric utility that
35 recovers the electric utility's cost of providing electric

1 service to the applicable customer class, subject to board
2 approval.

3 4. The board shall review a tariff filed pursuant to this
4 section for compliance with this section, and shall approve the
5 tariff as filed or docket the tariff for review in a formal
6 proceeding pursuant to section 476.6, and thereafter either
7 approve the tariff or modify the tariff to meet compliance
8 with this section within six months of the date of docketing.
9 If the board fails to complete a review of the tariff within
10 six months of the date of filing, the tariff shall be deemed
11 approved. A tariff approved pursuant to this subsection shall
12 supersede any previously approved tariffs applicable to private
13 generation customers, except as provided in subsection 5.

14 5. A private generation customer who utilizes a private
15 generation facility pursuant to a tariff approved by the board
16 on or before the effective date of this Act may continue to
17 receive electric service pursuant to the preexisting tariff for
18 the remaining duration of the contract involving the private
19 generation facility, regardless of any subsequent change in
20 ownership of such private generation facility. However, if the
21 private generation customer terminates electric service with
22 the electric utility, the preexisting tariff shall no longer
23 apply and the private generation customer shall be required to
24 receive electric service pursuant to a tariff approved pursuant
25 to subsection 4, provided that the electric utility filed such
26 tariff with the board.

27 6. Nothing in this section shall preclude a customer
28 from entering into a contract with an electric utility as an
29 alternate energy production facility, cogeneration and small
30 power production facility, or a standby and supplemental power
31 service customer under the terms of the electric utility's
32 separate alternate energy production facility, cogeneration and
33 small power production facility, or standby and supplemental
34 power service tariffs filed pursuant to the federal Public
35 Utility Regulatory Policies Act of 1978, 16 U.S.C. §2601 et

H-1062 (Continued)

1 seq.>

By MOHR of Scott

H-1062 FILED MARCH 20, 2019

HOUSE FILE 690

H-1069

- 1 Amend House File 690 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <DIVISION I
- 4 CHILDREN'S MENTAL HEALTH SYSTEM>
- 5 2. Page 1, line 5, by striking <behavioral> and inserting
- 6 <mental>
- 7 3. Page 1, line 7, after <disturbance> by inserting <,
8 substance use disorder, or neurobiological condition>
- 9 4. Page 1, line 8, by striking <behavioral> and inserting
- 10 <mental>
- 11 5. Page 1, line 9, by striking <behavioral> and inserting
- 12 <mental>
- 13 6. Page 1, after line 10 by inserting:
- 14 <NEW SUBSECTION. 8A. "*Neurobiological condition*" means an
- 15 illness of the nervous system caused by genetic, metabolic, or
- 16 other biological factors.>
- 17 7. Page 1, line 21, by striking <behavioral> and inserting
- 18 <mental>
- 19 8. Page 1, line 28, by striking <behavioral> and inserting
- 20 <mental>
- 21 9. Page 2, line 21, by striking <behavioral> and inserting
- 22 <mental>
- 23 10. Page 2, line 22, by striking <behavioral> and inserting
- 24 <mental>
- 25 11. Page 2, line 23, by striking <behavioral> and inserting
- 26 <mental>
- 27 12. Page 2, line 33, by striking <behavioral> and inserting
- 28 <mental>
- 29 13. Page 3, line 6, by striking <behavioral> and inserting
- 30 <mental>
- 31 14. Page 3, line 14, by striking <behavioral> and inserting
- 32 <mental>
- 33 15. Page 3, line 18, by striking <behavioral> and inserting
- 34 <mental>
- 35 16. Page 3, line 20, by striking <behavioral> and inserting

H-1069 (Continued)

- 1 <mental>
2 17. Page 3, line 22, by striking <behavioral> and inserting
3 <mental>
4 18. Page 3, line 24, after <disturbance> by inserting <,
5 substance use disorder, or neurobiological condition>
6 19. Page 3, line 30, by striking <behavioral> and inserting
7 <mental>
8 20. Page 3, line 33, by striking <behavioral> and inserting
9 <mental>
10 21. Page 4, line 20, by striking <an employee of>
11 22. Page 4, line 22, by striking <an employee of>
12 23. Page 4, line 32, by striking <behavioral> and inserting
13 <mental>
14 24. Page 5, after line 4 by inserting:
15 <r. One member shall be a children's psychiatrist.
16 s. One member shall be a children's psychologist.
17 t. One member shall be an early childhood educator.
18 u. One member shall be a children's social worker.>
19 25. Page 5, line 5, by striking <r.> and inserting <v.>
20 26. Page 5, line 12, by striking <not>
21 27. Page 5, line 20, by striking <not>
22 28. Page 5, line 21, by striking <not>
23 29. Page 5, line 24, by striking <behavioral> and inserting
24 <mental>
25 30. Page 5, line 29, by striking <behavioral> and inserting
26 <mental>
27 31. Page 5, line 32, by striking <behavioral> and inserting
28 <mental>
29 32. Page 5, line 33, by striking <behavioral> and inserting
30 <mental>
31 33. Page 5, line 34, after <disturbance> by inserting <,
32 substance use disorder, or neurobiological condition>
33 34. Page 6, line 6, by striking <behavioral> and inserting
34 <mental>
35 35. Page 6, line 7, by striking <behavioral> and inserting

H-1069 (Continued)

- 1 <mental>
2 36. Page 6, line 10, by striking <behavioral> and inserting
3 <mental>
4 37. Page 7, line 5, by striking <behavioral> and inserting
5 <mental>
6 38. Page 7, line 18, by striking <behavioral> and inserting
7 <mental>
8 39. Page 7, line 31, by striking <behavioral> and inserting
9 <mental>
10 40. Page 8, line 4, by striking <behavioral> and inserting
11 <mental>
12 41. Page 8, line 15, by striking <behavioral> and inserting
13 <mental>
14 42. Page 8, line 19, by striking <behavioral> and inserting
15 <mental>
16 43. Page 8, line 21, by striking <behavioral> and inserting
17 <mental>
18 44. Page 8, line 25, by striking <behavioral> and inserting
19 <mental>
20 45. Page 8, line 29, by striking <behavioral> and inserting
21 <mental>
22 46. Page 8, line 30, by striking <behavioral> and inserting
23 <mental>
24 47. Page 9, line 14, by striking <behavioral> and inserting
25 <mental>
26 48. Page 9, line 15, by striking <behavioral> and inserting
27 <mental>
28 49. Page 9, line 16, by striking <behavioral> and inserting
29 <mental>
30 50. Page 9, line 20, by striking <been diagnosed> and
31 inserting <displayed symptoms consistent>
32 51. Page 9, line 21, after <disturbance> by inserting <,
33 substance use disorder, or neurobiological condition>
34 52. Page 9, line 30, by striking <behavioral> and inserting
35 <children's mental>

H-1069 (Continued)

- 1 53. Page 9, line 33, by striking <behavioral> and inserting
2 <mental>
- 3 54. Page 10, line 1, by striking <behavioral> and inserting
4 <mental>
- 5 55. Page 10, line 4, by striking <behavioral> and inserting
6 <mental>
- 7 56. Page 10, line 6, by striking <behavioral> and inserting
8 <children's mental>
- 9 57. Page 10, line 10, by striking <behavioral> and inserting
10 <children's mental>
- 11 58. Page 10, line 27, by striking <behavioral> and inserting
12 <mental>
- 13 59. Page 11, line 2, by striking <behavioral> and inserting
14 <mental>
- 15 60. Page 11, line 5, after <disturbance,> by inserting
16 <substance use disorder, or neurobiological condition,>
- 17 61. Page 11, line 12, by striking <Behavioral> and inserting
18 <Mental>
- 19 62. Page 11, after line 12 by inserting:
20 <(5) Home visitation services.
21 (6) Transportation services.>
- 22 63. Page 11, line 15, after <disturbance,> by inserting
23 <substance use disorder, or neurobiological condition,>
- 24 64. Page 11, line 19, by striking <Behavioral> and inserting
25 <Mental>
- 26 65. Page 11, line 20, by striking <statewide> and inserting
27 <regional>
- 28 66. Page 11, by striking line 27 and inserting <emotional
29 disturbance, substance use disorder, or neurobiological
30 condition including but not limited to mental>
- 31 67. Page 12, after line 14 by inserting:
32 <Sec. ____ . MENTAL HEALTH AND DISABILITY SERVICES REGIONS —
33 CHILDREN'S COMPLEX NEEDS IMPLEMENTATION. Each mental health
34 and disability services region shall submit to the department
35 of human services an implementation plan to implement and fund

1 complex mental health services for children including all of
2 the following:

- 3 1. Subacute care.
- 4 2. Intensive outpatient services.
- 5 3. Day treatment.
- 6 4. Juvenile justice screening and diversion.

7 The implementation plan shall be submitted no later than
8 January 1, 2020.>

9 68. Page 12, line 16, by striking <BEHAVIORAL> and inserting
10 <MENTAL>

11 69. Page 12, line 19, by striking <behavioral> and inserting
12 <mental>

13 70. Page 12, line 32, by striking <BEHAVIORAL> and inserting
14 <MENTAL>

15 71. Page 12, line 35, by striking <BEHAVIORAL> and inserting
16 <MENTAL>

17 72. Page 13, after line 1 by inserting:

18 <DIVISION ____

19 MENTAL HEALTH SUPPORTS AND SERVICES FOR CHILDREN AND ADULTS

20 Sec. _____. Section 135.175, subsection 1, paragraph a, Code
21 2019, is amended to read as follows:

22 a. A health care workforce support initiative is established
23 to provide for the coordination and support of various efforts
24 to address the health care workforce shortage in this state.
25 This initiative shall include the medical residency training
26 state matching grants program created in section 135.176,
27 the mental health professional fellowship program created in
28 section 135.177, the nurse residency state matching grants
29 program created in section 135.178, and the fulfilling Iowa's
30 need for dentists matching grant program created in section
31 135.179.

32 Sec. _____. Section 135.175, subsection 5, Code 2019, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. e. The mental health professional fellowship
35 program account. The mental health professional fellowship

1 program account shall be under the control of the department
2 and the moneys in the account shall be used for the purposes of
3 the mental health professional fellowship program as specified
4 in section 135.177. Moneys in the account shall consist of
5 moneys appropriated or allocated for deposit in or received
6 by the fund or the account and specifically dedicated to the
7 mental health professional fellowship program or the account
8 for the purposes of the account.

9 Sec. ____ . NEW SECTION. 135.177 **Mental health professional**
10 **fellowship program.**

11 1. For the purposes of this section, "*mental health*
12 *professional shortage area*" means a geographic area in this
13 state that has been designated by the United States department
14 of health and human services, health resources and services
15 administration, bureau of health professionals, as having a
16 shortage of mental health professionals.

17 2. The department, in cooperation with the college
18 student aid commission, shall establish a mental health
19 professional fellowship program in accordance with this
20 section. Funding for the program may be provided through
21 the health care workforce shortage fund or the mental health
22 professional fellowship program account created in section
23 135.175. The purpose of the program is to determine the
24 effect of specialized training and support for mental health
25 professionals in providing mental health services to address
26 Iowa's shortage of mental health professionals.

27 3. The program shall provide for all of the following:

28 a. Collaboration between Iowa institutions of higher
29 education and mental health professional programs to educate
30 mental health professionals.

31 b. Elderly, youth, and general population clinical
32 experiences, with a primary emphasis on youth clinical
33 experiences and a secondary emphasis on elderly and general
34 population clinical experiences.

35 c. Supervision of students participating in the program

1 provided by Iowa institutions of higher education and other
2 clinical partners participating in the program.

3 4. A contract for the program shall stipulate the time
4 period the mental health professional shall practice in
5 a mental health professional shortage area in this state.
6 In addition, the contract shall stipulate that the mental
7 health professional repay any funds paid on the mental health
8 professional's behalf by the program if the mental health
9 professional is unable to fulfill the time period in the
10 contract.

11 5. State and private entity clinical partners shall
12 regularly evaluate and document their experiences with the
13 approaches utilized and outcomes achieved by the program
14 to identify an optimal model for operating the program.
15 The evaluation process shall include but is not limited to
16 identifying ways the program's clinical and training components
17 could be modified to facilitate other students and practicing
18 mental health professionals specializing as mental health
19 professionals.

20 Sec. _____. Section 135H.3, subsection 1, Code 2019, is
21 amended to read as follows:

22 1. A psychiatric medical institution for children shall
23 utilize a team of professionals to direct an organized program
24 of diagnostic services, psychiatric services, nursing care,
25 and rehabilitative services to meet the needs of residents
26 in accordance with a medical care plan developed for each
27 resident. The membership of the team of professionals ~~may~~
28 shall include but is not limited to ~~an advanced registered~~
29 ~~nurse practitioner or a physician assistant~~ mental health
30 professionals. ~~Social~~ Psychiatric, social, and rehabilitative
31 services shall be provided under the direction of by a
32 ~~qualified~~ mental health professional.

33 Sec. _____. Section 225C.52, subsection 1, Code 2019, is
34 amended to read as follows:

35 1. Establishing a comprehensive community-based mental

1 health services system for children and youth is part of
2 fulfilling the requirements of the division and the commission
3 to facilitate a comprehensive, continuous, and integrated state
4 mental health and disability services plan in accordance with
5 sections 225C.4, 225C.6, and 225C.6A, and other provisions
6 of this chapter. The purpose of establishing the children's
7 system is to improve access for children and youth with
8 serious emotional disturbances and youth with other qualifying
9 mental health disorders to mental health treatment, services,
10 and other support in the least restrictive setting possible
11 so the children and youth can live with their families and
12 remain in their communities. The children's system is also
13 intended to meet the needs of children and youth who have
14 mental health disorders that co-occur with substance abuse,
15 intellectual disability, developmental disabilities, or
16 other disabilities. The children's system shall emphasize
17 community-level collaborative efforts between children and
18 youth and the families and the state's systems of education,
19 child welfare, juvenile justice, health care, substance abuse,
20 and mental health. The children's system shall ensure the
21 children and youth served are provided treatment by a mental
22 health professional as defined in section 228.1 or a person who
23 has obtained an advanced degree that will qualify the person as
24 a mental health professional following a period of professional
25 supervision.

26 Sec. ____ . NEW SECTION. 279.70A Suicide prevention
27 committee.

28 The board of directors of a school district shall require all
29 schools in the school district to develop suicide prevention
30 committees to develop professional development strategies and
31 materials for teachers of students in kindergarten through
32 grade twelve to support teacher effectiveness in the use
33 of evidence-based teaching strategies for students with a
34 serious emotional disturbance, substance use disorder, or
35 neurobiological condition.

1 Sec. ____ . NEW SECTION. **279.70B Children's mental health**
2 **services.**

3 The board of directors of a school district may develop and
4 implement mental health services at each attendance center in
5 the district. The school district may coordinate with mental
6 health professionals within the school district to provide
7 services at the attendance center for students who are in need
8 of mental health services.

9 Sec. ____ . ADVERSE CHILDHOOD EXPERIENCES. The departments
10 of human services and public health shall develop information
11 related to the identification of adverse childhood experiences.
12 The information shall be distributed to the board of directors
13 of a school district for distribution during required training
14 pursuant to section 279.70. The departments shall provide
15 support services to a school district following media reports
16 relating to adverse childhood experiences impacting ten or more
17 children within the school district or a report of a suicide of
18 a child from the school district.

19 Sec. ____ . CHILDREN'S MENTAL HEALTH INFORMATION —
20 DISTRIBUTION. The department of public health shall develop
21 information relating to the identification of the early signs
22 and symptoms of mental health concerns in children and shall
23 coordinate with existing statewide mental health hotlines to
24 distribute the information to members of the public utilizing
25 telephone and text messaging systems.

26 DIVISION ____

27 **THIRD-PARTY PAYMENT OF COVERAGE BENEFITS FOR CHILDREN'S MENTAL**
28 **HEALTH SERVICES PROVIDED AT A SCHOOL**

29 Sec. ____ . NEW SECTION. **514C.35 Mental health services**
30 **provided at a school — coverage.**

31 1. As used in this section, unless the context otherwise
32 requires:

33 a. *"Facility"*, *"health care professional"*, and *"health care*
34 *services"* mean the same as defined in section 514J.102.

35 b. *"Mental health services"* means services provided by a

1 health care professional operating within the scope of the
2 health care professional's practice which address mental,
3 emotional, medical, or behavioral conditions, illnesses,
4 diseases, or problems.

5 *c.* "School" means a public or private school that provides
6 premises for teaching any grade from kindergarten through grade
7 twelve.

8 2. Notwithstanding the uniformity of treatment requirements
9 of section 514C.6, a policy, contract, or plan providing
10 for third-party payment or prepayment of health or medical
11 expenses that includes coverage for mental health services
12 shall not discriminate between coverage benefits for mental
13 health services that are provided in a facility and the same or
14 similar mental health services that are provided at a school.

15 3. This section applies to the following classes of
16 third-party payment provider policies, contracts, or plans
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after January 1, 2020:

19 *a.* Individual or group accident and sickness insurance
20 providing coverage on an expense-incurred basis.

21 *b.* An individual or group hospital or medical service
22 contract issued pursuant to chapter 509, 514, or 514A.

23 *c.* An individual or group health maintenance organization
24 contract regulated under chapter 514B.

25 *d.* A plan established pursuant to chapter 509A for public
26 employees.

27 4. This section shall not apply to accident-only,
28 specified disease, short-term hospital or medical, hospital
29 confinement indemnity, credit, dental, vision, Medicare
30 supplement, long-term care, basic hospital and medical-surgical
31 expense coverage as defined by the commissioner, disability
32 income insurance coverage, coverage issued as a supplement
33 to liability insurance, workers' compensation or similar
34 insurance, or automobile medical payment insurance.

35 5. The commissioner of insurance, in collaboration with the

H-1069 (Continued)

1 state board of education, may adopt rules pursuant to chapter
2 17A as necessary to administer this section.>

3 73. Title page, by striking lines 1 through 5 and inserting
4 <An Act relating to mental health and disability services for
5 children and adults, by establishing a children's mental health
6 system and a children's mental health system state board,
7 requiring certain children's mental health core services,
8 requiring third-party payment of coverage benefits for mental
9 health services delivered at a school, and establishing a
10 mental health professional fellowship program.>

11 74. By renumbering, redesignating, and correcting internal
12 references as necessary.

By MASCHER of Johnson

[H-1069](#) FILED MARCH 20, 2019

HOUSE FILE 694

H-1065

1 Amend House File 694 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE
5 COMPACT>

6 2. Page 23, after line 20 by inserting:

7 <DIVISION ____
8 IMPLEMENTING CHANGES

9 Sec. _____. Section 147A.1, subsection 4, Code 2019, is
10 amended to read as follows:

11 4. "*Emergency medical care provider*" means an individual
12 trained to provide emergency and nonemergency medical care at
13 the emergency medical responder, emergency medical technician,
14 advanced emergency medical technician, paramedic, or other
15 certification levels adopted by rule by the department, who
16 has been issued a certificate by the department, or a person
17 practicing pursuant to chapter 147D.

18 Sec. _____. Section 147A.1A, Code 2019, is amended to read as
19 follows:

20 **147A.1A Lead agency.**

21 The department is designated as the lead agency for
22 coordinating and implementing the provision of emergency
23 medical services in this state. The department shall be the
24 state EMS authority for the purposes of chapter 147D.

25 Sec. _____. Section 147A.4, Code 2019, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 5. The department shall recognize the
28 practice requirements of recognition of the emergency medical
29 services personnel licensure interstate compact, chapter 147D,
30 and shall adopt rules necessary for the implementation of the
31 compact.

32 Sec. _____. Section 147A.6, Code 2019, is amended to read as
33 follows:

34 **147A.6 Emergency medical care provider certificates — fees**
35 **and renewal.**

1 1. The department, upon initial application and receipt
2 of the prescribed initial application fee, shall issue
3 a certificate to an individual who has met all of the
4 requirements for emergency medical care provider certification
5 established by the rules adopted under section 147A.4,
6 subsection 2. All fees received pursuant to this section
7 shall be ~~deposited in the emergency medical services fund~~
8 ~~established in section 135.25~~ retained by the department. The
9 moneys retained by the department shall be used for any of
10 the department's duties under this chapter, including but not
11 limited to the addition of full-time equivalent positions for
12 program services and investigations. Revenues retained by
13 the department pursuant to this section shall be considered
14 repayment receipts as defined in section 8.2. Notwithstanding
15 section 8.33, moneys retained by the department pursuant to
16 this section are not subject to reversion to the general fund
17 of the state.

18 2. The department, upon renewal application and receipt
19 of the prescribed renewal application fee, shall issue
20 a certificate to an individual who has met all of the
21 requirements for emergency medical care provider certification
22 established by the rules adopted under section 147A.4,
23 subsection 2. All fees collected pursuant to this section
24 shall be deposited in the emergency medical services fund
25 established in section 135.25.

26 ~~2.~~ 3. Emergency medical care provider certificates are
27 valid for the multiyear period determined by the department,
28 unless sooner suspended or revoked. The certificate shall
29 be renewed upon application of the holder and receipt of the
30 prescribed fee if the holder has satisfactorily completed
31 continuing medical education programs as required by rule.>

By JENEARY of Plymouth

HOUSE FILE 698

H-1067

- 1 Amend the amendment, H-1058, to House File 698 as follows:
2 1. Page 1, by striking line 29 and inserting <may jointly
3 decide to allow the cemetery commission to care for any
4 cemetery that had between>

By SEXTON of Calhoun

H-1067 FILED MARCH 20, 2019

HOUSE FILE 712

H-1066

1 Amend House File 712 as follows:

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

4 <Section 1. Section 356.15, Code 2019, is amended to read
5 as follows:

6 **356.15 Expenses.**

7 All charges and expenses for the safekeeping and maintenance
8 of prisoners shall be allowed by the board of supervisors,
9 except those committed or detained by the authority of the
10 courts of the United States, in which cases the United States
11 must pay such expenses to the county, or those committed for
12 violation of a city ordinance, in which case the city shall
13 pay expenses to the county, or those committed or detained
14 from another state, in which case the governmental entity from
15 the other state sending the prisoners shall pay expenses to
16 the county, or those committed or detained pursuant to section
17 902.3B, in which case the department of corrections shall pay
18 expenses to the county.

19 Sec. 2. NEW SECTION. 902.3B Indeterminate sentencing —
20 pilot program for persons convicted of second degree theft.

21 1. A pilot program for indeterminate sentencing of
22 persons convicted of second degree theft under section 714.2,
23 subsection 2, is created in the department of corrections
24 and shall be administered by a division of the department
25 of corrections in cooperation with the department of public
26 safety. The pilot program shall be for a period of three
27 years.

28 2. *a.* Notwithstanding section 902.3, when a judgment
29 of conviction under section 714.2, subsection 2, is entered
30 against a person, the court, in imposing a sentence of
31 confinement, may commit the person into the custody of
32 the director of the Iowa department of corrections for an
33 indeterminate term not to exceed five years, with a mandatory
34 minimum term of between thirty days and one year, to be served
35 in the county jail. A person shall not be sentenced to a county

1 jail which does not have a work release program.

2 *b.* The court may make all determinations and orders
3 concerning the work release of a person sentenced under this
4 subsection pursuant to sections 356.26 to 356.35.

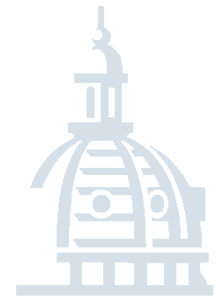
5 *c.* The department of corrections shall be responsible
6 for the costs and expenses associated with the housing
7 and work release supervision of a person ordered to serve
8 an indeterminate term in the county jail pursuant to this
9 subsection and shall reimburse the county for the costs and
10 expenses incurred for housing and work release supervision of
11 the person in the county jail.

12 3. Upon completion of the three-year pilot program, the
13 department of corrections, in cooperation with the department
14 of public safety, shall submit a pilot program progress
15 report to the general assembly by December 1, 2023. The pilot
16 program progress report shall detail the effectiveness of the
17 pilot program established under this section and shall make
18 recommendations concerning program continuation or termination.

19 4. This section is repealed July 1, 2024.>

20 2. Title page, by striking lines 1 and 2 and inserting
21 <An Act relating to the establishment of an indeterminate
22 sentencing pilot program for persons convicted of second degree
23 theft.>

By MITCHELL of Henry



HF 712 – Prison Overcrowding, Class D Felonies (LSB1983HV)
Analyst: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 712](#) relates to indeterminate sentencing options for convictions of a Class D felony. The Bill establishes that when a judgment of conviction of a Class D felony is entered against a person, the presiding court, in imposing a sentence of confinement, may do any of the following:

- Except as otherwise provided in new Iowa Code section 312J.2(5)(a), commit the person into the custody of the Director of the Department of Corrections (DOC) for an indeterminate amount of time not to exceed five years, and suspend the sentence subject to the person's compliance with conditions set forth by the court as a requirement of the suspended sentence.
- Commit the person into the custody of the Director of the DOC for an indeterminate amount of time not exceeding five years without suspending the sentence.
- Except as otherwise provided in new Iowa Code section 312J.2(5)(a), commit the person into the custody of the Director of DOC for an indeterminate amount of time not to exceed five years, with a mandatory minimum term between 30 days and one year, to be served in county jail.

[House File 712](#) also states that the DOC is responsible for the costs and expenses associated with housing an individual ordered to serve an indeterminate term in a county jail and shall reimburse the county in which such costs and expenses occurred, if applicable.

Background

Under current law, a person convicted for a third driving-while-intoxicated offense is committed to the custody of the Director of the DOC for an indeterminate term not exceeding five years, with a mandatory minimum of 30 days. Current practice allows the presiding court to utilize indeterminate sentencing but does not require the DOC to reimburse county jails for any confinement costs.

The DOC is responsible for providing medical, educational, religious, and other treatment services to individuals under the Director's custody, including transportation to treatment at the University of Iowa Hospitals and Clinics in Iowa City, as well as providing other core reentry services to individuals who have reached the end of their sentence. Individuals serving time in county jails are provided medical treatment at a local hospital. In FY 2018, the DOC closed or released 1,907 Class D felony convictions.

Additionally, prior to any sentence closure or release, the Board of Parole (BOP) requires the DOC to provide a release plan and parole recommendations to eligible individuals. Such release consideration hearings are often held with the aid of video conferencing technology through a DOC polycom unit platform that is connected to individual institutions. This video conferencing system is provided through an Iowa Communications Network (ICN) Internet connection.

Assumptions

Based on previous years' data and analysis of current practice, it is assumed that an estimated 1,907 new individual Class D felony cases will be eligible for indeterminate sentencing options in FY 2020.

- Marginal costs for county jails cannot be estimated due to lack of data. For the purpose of this analysis, the marginal cost for county jails is \$50 per day.
- The marginal cost per day in prison is estimated to be \$18.43.
- The average length of stay (LOS) for a Class D felony conviction is 12 months.

Correctional Impact

The Criminal and Juvenile Justice Planning Division, Department of Human Rights, does not expect [HF 712](#) to have a correctional impact, as the Bill codifies what is current sentencing practice.

Fiscal Impact

Department of Corrections

Table 1 displays the estimated cost per inmate for one calendar month, based on whether the individual is in custody of the DOC or a county jail.

Table 1 — Monthly Cost Per Inmate, Based on Custodial Institution

	Marginal Cost/Day	Est. Cost/Month (Avg. 30 Days)
DOC	\$ 18.43	\$ 561
County Jail	\$ 50.00	\$ 1,521

Table 2 below depicts three different cost scenarios based on inmate intake and institutional custody arrangements. It is important to note that any costs incurred by housing inmates in county jails under any of the indeterminate sentencing options are required to be reimbursed by the DOC.

Table 2 — Average LOS Cost Scenarios Based on Custodial Institution

	Inmate Count - DOC	Inmate Count - County	Marginal Cost/Day - DOC	Marginal Cost/Day - County Jail	Avg. LOS (months)	Total Cost - DOC	Total Cost - County Jail
Scenario 1: Total Cost DOC Custody	1,907	0	\$18.43	\$50	12	\$12.8 M	\$ -
Scenario 2: Total Cost County Jail Custody	0	1,907	\$18.43	\$50	12	\$ -	\$34.8 M
Scenario 3: Total Cost Split Between DOC/County Jail	953	954	\$18.43	\$50	12	\$6.4 M	\$17.4 M

Any additional persons placed under the custody of the Director of the DOC would be eligible to receive medical, educational, religious, and other treatment services already available to persons currently under DOC custody. Depending on where individual inmates are housed, housing costs may range from \$12.8 million to \$34.8 million. The cost increase associated with providing these services to persons newly placed under DOC custody cannot be determined at this time. Additionally, the DOC estimates that recidivism rates may increase due to inmates at county jails not receiving core reentry services that are currently available to individuals in custody of the DOC. Recidivism rates and associated costs cannot be determined.

Board of Parole

Fiscal impact on the BOP cannot be determined. The BOP estimates that it would need to provide each county jail with a polycom video conferencing unit to conduct release plan and parole recommendations hearings. Individual polycom devices cost approximately \$6,000 plus the cost of an ICN Internet connection. Without knowing what infrastructure and technology options are available to each individual county jail, the BOP cannot estimate the total cost incurred by setting up video conferencing units at the county jails.

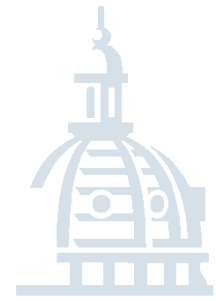
Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Board of Parole
LSA calculations

/s/ Holly M. Lyons

March 19, 2019

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 742](#) – Livestock and Crop Theft (LSB1982HZ)
Analyst: Debra Kozel (515.281.6767) deb.kozel@legis.iowa.gov
Fiscal Note Version – New

Description

The Bill specifies that a person convicted of a crime relating to agricultural property would be assessed a \$500 Agricultural Crime Surcharge. The Bill details what types of crimes are covered and describes types of agricultural property.

Background

The Bill creates a \$500 Agricultural Crime Surcharge under Iowa Code section [911.5](#). The collections generated from the assessment of the Surcharge will be remitted by the clerk of court to the State Court Administrator and appropriated to the Court Technology and Modernization Fund for supporting Judicial Branch operations. The agricultural property offense must involve either the theft of agricultural property or criminal mischief for damaging, defacing, altering, or destroying agricultural property.

Assumptions

The following collection rates from FY 2018 will remain consistent:

- Criminal Penalty Surcharge — 44.8%
- Municipal Infractions — 37.2%
- Simple Misdemeanors — 29.9%
- Serious Misdemeanors — 21.3%
- Aggravated Misdemeanors — 13.7%
- Felonies — 13.4%

Fiscal Impact

The fiscal impact of HF 742 cannot be estimated because the current criminal code does not differentiate between theft and agricultural theft. The Agricultural Crime Surcharge would be applied in addition to the fine and surcharge imposed for a Class C or Class D felony or an aggravated misdemeanor. In FY 2018, the collection rate for fines and surcharges assessed on felonies was 13.4%, and the collection rate for aggravated misdemeanors was 13.7%. Based on these collection rates, it is estimated that the Court Technology and Modernization Fund would receive approximately 13.6% of the amount assessed from the Agricultural Crime Surcharge.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
LSA calculations and analysis
Judicial Branch

/s/ Holly M. Lyons

March 19, 2019