KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

April 4, 2023

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

> Senate File 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.

The above Senate File is hereby approved on this date.

Sincerely,

Kim Reynolds

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



Senate File 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) The director of the department of corrections or the director's designee.

~~(7)~~ (5) The director of the department of workforce development or the director's designee.

~~(8)~~ (6) The executive director of the Iowa finance authority or the executive director's designee.

~~(9)~~ (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~~ department of ~~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 garnisheed 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 garnisheed 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 garnisheed 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~~ use disorder treatment services independent from a program that is required to be licensed under subsection 1.

i. A substance ~~abuse~~ 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~~ 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~~ 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~~ 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 Tit. 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.

~~c.~~ 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.~~

~~c.~~ 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"* mean 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.

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.*~~

~~*c.*~~ 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.*~~

~~*c.*~~ *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.~~

~~i.~~ *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.

~~*c.*~~ *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 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 on a form prescribed by the department of ~~inspections~~ health and ~~appeals~~ human services by rule. 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 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.~~

~~c.~~ *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.*~~ *b.* 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 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 ministration 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 farm 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.

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:

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.

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.

~~4.~~ 5. "*Intellectual disability*" means the same as defined in section 4.1.

~~5.~~ 6. "*Mental health and disability services region*" means a mental health and disability services region formed in accordance with section 331.389.

~~6.~~ 7. "*Regional administrator*" means the regional administrator of a mental health and disability services region, as defined in section 331.388.

~~7.~~ 8. "*Special unit*" means a special intellectual disability unit established at a state mental health institute pursuant to sections 222.88 through 222.91.

~~8.~~ 9. "*State resource centers*" or "*resource centers*" means the Glenwood state resource center and the Woodward state resource center.

~~9.~~ 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. *"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.

5. *"Council"* means the council on health and human services.

6. *"Department"* means the department of health and human services.

7. *"Director"* means the director of health and human services.

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.

~~9. *"Division"* means the division of mental health and disability services of the department.~~

~~10.~~ 9. *"Mental health and disability services region"* means a mental health and disability services region formed in accordance with section 331.389.

~~11.~~ 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.

~~12.~~ 11. *"Regional administrator"* means the same as defined in section 331.388.

~~13.~~ 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.

~~14.~~ 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~~ 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.

~~*c.*~~ *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 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.

~~*c.*~~ *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 believe~~ 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.

6. "*Department*" means the department of health and human services.

7. "*Director*" means the director of health and human services.

~~7.~~ 8. "*Hospital*" means either a public hospital or a private hospital.

~~8.~~ 9. "*Licensed physician*" means an individual licensed under the provisions of chapter 148 to practice medicine and surgery or osteopathic medicine and surgery.

~~9.~~ 10. "*Magistrate*" means the same as defined in section 801.4~~, subsection 10~~.

~~10.~~ 11. "*Mental health and disability services region*" means a mental health and disability services region formed in accordance with section 331.389.

~~11.~~ 12. "*Mental health professional*" means the same as defined in section 228.1.

~~12.~~ 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.

~~13.~~ 14. *"Patient"* means a person who has been hospitalized or ordered hospitalized to receive treatment pursuant to section 229.14.

~~14.~~ 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.

~~15.~~ 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.

~~16.~~ 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.

~~17.~~ 18. *"Region"* means a mental health and disability services region formed in accordance with section 331.389.

~~18.~~ 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~~ 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~~ 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.

~~4.~~ 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.

~~5.~~ 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.

~~6.~~ 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.

~~7.~~ 9. "*Predatory*" means acts directed toward a person with whom a relationship has been established or promoted for the primary purpose of victimization.

~~8.~~ 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.

~~9.~~ 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.

~~10.~~ 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.

~~11.~~ 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.

~~12.~~ 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 for persons with~~ mental ~~illness~~ 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 <u>health and</u> 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:

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.~~ 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 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, 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.

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 ~~those~~ 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.~~ 1. "*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.~~ 2. "*Child*" means child as defined in section 234.1~~, subsection 2~~.

~~4.~~ 3. "*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.~~ 8. "*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.~~ 9. "*Licensee*" means an individual or an agency licensed ~~by the administrator~~ under this chapter.

~~9.~~ 10. "*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 *"1"*, 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~~ 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 ~~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~~ 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~~ 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~~ 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~~ 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~~ record check evaluation system may utilize information from the ~~department's~~

record check evaluation system's case records in performing the evaluation. The ~~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~~ record check evaluation system's conditions and corrective action plan relating to the person's involvement with child care. The ~~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 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 upon~~ 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 council. The council shall, upon receipt of such an appeal, give the licensee reasonable notice and opportunity for a fair hearing before ~~such~~ the council or its duly authorized representative ~~or representatives~~. Following ~~such~~ 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 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 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 249F.4, 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 249F.5, 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 249F.7, Code 2023, is amended to read as follows:

249F.7 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.

~~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.

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 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 252I.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 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 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~~ 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~~ 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.

~~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 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. *"Child support services"* means the same as child support services created in section 252B.2.

3. *"Department"* means the department of health and human services.

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 252I.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 depositary, 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 education 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.

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 ~~the department of~~ 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 nonsuccessful 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~~ 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~~ 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 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 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. 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.

~~c.~~ (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 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 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 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 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 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 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 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 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 1, Code 2023, is amended to read as follows:

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

1. 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~~ 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 ..... , Deceased

Probate No. ....

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	NOTICE OF PROBATE OF WILL,
....., Deceased	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~~ 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, 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 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 l, 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.

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:~~

~~a. Administrative~~ administrative hearings division~~.~~

~~b. Investigations~~, labor services division~~.~~

~~c. 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, amphitheaters, 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.

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 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 marshal 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:

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 marshal 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 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.

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.

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.

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, 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. 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.

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 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 – 139511 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.

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.

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 Iowa 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 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~~ 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~~ 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 that 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.

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.

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.

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.

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 bureau 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.

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 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.

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.

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 health 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:

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.

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 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 ~~labor 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, 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.

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.

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.

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.

~~2.~~ 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'~~, 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'~~, 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'~~, 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'~~, 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 1, 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 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, ~~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.

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.~~ 2. 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~~ to 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 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.

~~c.~~ *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 pathways 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.

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.

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 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.

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.

1. The Code editor is directed to make the following transfers:

a. Section 15.341 to section 84F.1.

b. Section 15.342 to section 84F.2.

c. Section 15.342A to section 84F.3.

d. Section 15.343 to section 84F.4.

e. Section 15.344 to section 84F.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.

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.

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.

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.

Sec. 2301. Section 99G.3, subsection 8, Code 2023, is amended by striking the subsection.

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.

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 ~~major~~ procurement contract or a participating retailer.

Sec. 2310. Section 99G.8, subsection 15, Code 2023, is amended by striking the subsection.

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~~ 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 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.

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.

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, 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 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 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 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~~ 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~~ 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~~ department under this chapter.

c. The ~~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~~ 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~~ 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 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.

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, 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 ~~Seience,~~ 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.

~~1.~~ 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.

~~2.~~ 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.

~~3.~~ 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 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~~ bureau 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.

~~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.

1. 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 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.

~~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~~ 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.
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. 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.

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 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~~ 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 l, Code 2023, is amended to read as follows:

l. 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.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 514, Ninetieth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved April 4th, 2023

KIM REYNOLDS
Governor