

House File 2329 - Introduced

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BY MASCHER

A BILL FOR

1 An Act relating to duties of and programs administered by the
2 state board of regents and institutions governed by the
3 state board of regents.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.9, subsection 2, paragraph a,
2 unnumbered paragraph 1, Code 2018, is amended to read as
3 follows:

4 A private or public agency, other than an institution
5 governed by the board of regents, a private college or
6 university, or a nonpublic school, which certifies to the
7 commission pursuant to [subsection 1](#) that the agency is a
8 part of or intends to become a part of the network shall use
9 the network for all video, data, and voice requirements of
10 the agency unless the private or public agency petitions the
11 commission for a waiver and one of the following applies:

12 Sec. 2. Section 8D.9, subsection 2, paragraphs b and c, Code
13 2018, are amended to read as follows:

14 b. A private or public agency, other than an institution
15 governed by the board of regents, a private college or
16 university, or a nonpublic school, shall petition the
17 commission for a waiver of the requirement to use the network
18 as provided in paragraph "a", if the agency determines that
19 paragraph "a", subparagraph (1) or (2) applies. The commission
20 shall establish by rule a review process for determining, upon
21 application of an authorized user, whether paragraph "a",
22 subparagraph (1) or (2) applies. An authorized user found
23 by the commission to be under contract for such services as
24 provided in paragraph "a", subparagraph (2), shall not enter
25 into another contract upon the expiration of such contract,
26 but shall utilize the network for such services as provided in
27 this section unless paragraph "a", subparagraph (1), applies.
28 A waiver approved by the commission may be for a period as
29 requested by the private or public agency of up to three years.

30 c. A An institution governed by the board of regents, a
31 private college or university, or a nonpublic school which
32 certifies to the commission pursuant to [subsection 1](#) that the
33 institution, private college, university, or nonpublic school
34 is a part of or intends to become a part of the network may
35 use the network for its video, data, or voice requirements as

1 determined by the institution, private college, ~~or~~ university,
2 or nonpublic school.

3 Sec. 3. Section 22.1, subsection 3, paragraph b, Code 2018,
4 is amended to read as follows:

5 *b.* "Public records" also includes all records relating
6 to the investment of public funds including but not limited
7 to investment policies, instructions, trading orders,
8 or contracts, whether in the custody of the public body
9 responsible for the public funds or a fiduciary or other third
10 party. "Public records" does not include records of an entity
11 other than a government body in which an institution governed
12 by the state board of regents has invested.

13 Sec. 4. Section 22.7, Code 2018, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 74. Commercial or financial information
16 that is proprietary and that is obtained by an institution
17 governed by the state board of regents from any source.

18 NEW SUBSECTION. 75. The following records of or belonging
19 to an institution governed by state board of regents, which
20 have been developed, produced, discovered, learned, disclosed
21 to, or collected or received by or on behalf of faculty, staff,
22 employees, or students of the institution:

23 *a.* Notes, data, manuscripts, results, discoveries,
24 methodologies, confidential information contained in research
25 proposals, and other information relating to research or
26 service agreements that has not been publicly released,
27 published, or yet afforded intellectual property protection.
28 A record or part thereof that gives the name, project title,
29 source and amounts of funding, and project time period of any
30 research project shall not be kept confidential under this
31 subsection.

32 *b.* (1) The specific terms and conditions of any license
33 or other commercialization agreement relating to state-owned
34 or controlled technology or the development, transfer, or
35 commercialization of technology.

1 (2) Any other information relating to state-owned or
2 controlled technology or the development, transfer, or
3 commercialization of the technology that, if disclosed, will
4 adversely affect or give other persons or entities an advantage
5 over the institution governed by the state board of regents in
6 negotiating terms and conditions for the development, transfer,
7 or commercialization of the technology.

8 c. Proprietary commercial or financial information that
9 is voluntarily provided by a person or entity pursuant to
10 a promise of confidentiality from an institution of higher
11 learning under the control of the state board of regents and
12 that is used by the institution for economic development.

13 d. Unpublished lecture notes, course materials, test
14 questions, scoring keys, and other examination data used to
15 administer an academic examination.

16 Sec. 5. Section 23A.2, subsection 10, paragraph k,
17 unnumbered paragraph 1, Code 2018, is amended to read as
18 follows:

19 The following ~~on-campus~~ activities of an institution or
20 school under the control of the state board of regents or
21 on-campus activities of a school corporation:

22 Sec. 6. Section 23A.2, subsection 10, paragraph k,
23 subparagraphs (8) and (9), Code 2018, are amended to read as
24 follows:

25 (8) ~~Services~~ Health care and related services to patients
26 and visitors ~~at~~ by the university of Iowa hospitals and
27 clinics, ~~except as specifically listed in subsection 2,~~
28 ~~paragraph "d".~~

29 (9) Goods, products, or professional services which are
30 produced, created, or sold by a school corporation that are
31 incidental to the schools' school corporation's teaching,
32 research, and extension missions mission. Goods, products, or
33 professional services provided to the public by an institution
34 or school under the control of the state board of regents in
35 furtherance of the institution's or school's mission.

1 Sec. 7. Section 103.22, subsection 2, Code 2018, is amended
2 to read as follows:

3 2. Require employees of municipal utilities, electric
4 membership or cooperative associations, investor-owned
5 utilities, rural water associations or districts, railroads,
6 telecommunications companies, franchised cable television
7 operators, farms, ~~or~~ commercial or industrial companies, or
8 institutions under the control of the state board of regents
9 performing manufacturing, installation, and repair work for
10 such employer to hold licenses while acting within the scope
11 of their employment. An employee of a farm does not include a
12 person who is employed for the primary purpose of installing
13 a new electrical installation.

14 Sec. 8. Section 261.103, subsection 1, Code 2018, is amended
15 to read as follows:

16 1. A grant under the program may be awarded to any minority
17 person who is a resident of Iowa, who is accepted for admission
18 or is attending a board of regents' university, community
19 college, or an accredited private institution, and who
20 demonstrates financial need. ~~Applicants who receive vouchers~~
21 ~~under [section 262.92](#) shall be given priority in receiving~~
22 ~~grants under the program, but an applicant shall not be denied~~
23 ~~a grant because the applicant does not hold vouchers under the~~
24 ~~program in [section 262.92](#). For the fiscal year commencing~~
25 ~~July 1, 1990, and in subsequent years, grants Grants shall be~~
26 awarded to all minority persons, with priority to be given to
27 those minority persons who are residents of Iowa.

28 Sec. 9. Section 261.104, subsection 8, Code 2018, is amended
29 by striking the subsection.

30 Sec. 10. NEW SECTION. **261.106 Report to general assembly.**

31 The college student aid commission shall submit to the
32 general assembly, by January 15 of each year, a report
33 on the progress and implementation of the program. The
34 report shall include but is not limited to the numbers of
35 students participating in the program and allocation of funds

1 appropriated for the program.

2 Sec. 11. Section 262.9, subsection 36, paragraphs a and b,
3 Code 2018, are amended to read as follows:

4 a. A continuous improvement plan shall be developed and
5 implemented ~~built~~ based upon the results of the institution's
6 student outcomes assessment program. ~~using the following~~
7 ~~phase-in timeline:~~

8 ~~(1) For each course with typical annual enrollment of~~
9 ~~three hundred or more, whether in one or multiple sections, a~~
10 ~~continuous improvement plan shall be developed and implemented~~
11 ~~beginning in the fall semester of 2013.~~

12 ~~(2) For each course with typical annual enrollment of two~~
13 ~~hundred or more but less than three hundred, whether in one~~
14 ~~or multiple sections, a continuous improvement plan shall be~~
15 ~~developed and implemented beginning in the fall semester of~~
16 ~~2014.~~

17 ~~(3) For each course with a typical annual enrollment of~~
18 ~~one hundred or more but less than two hundred, whether in one~~
19 ~~or multiple sections, a continuous improvement plan shall be~~
20 ~~developed and implemented beginning in the fall semester of~~
21 ~~2015.~~

22 b. ~~For each undergraduate course, the institution shall~~
23 ~~collect and use the results of formative and summative~~
24 ~~assessments in its continuous improvement plan. The board~~
25 ~~shall annually evaluate the effectiveness of the plans student~~
26 ~~outcomes assessment programs and shall submit an executive~~
27 ~~summary of its findings and recommendations in its annual~~
28 ~~strategic plan progress report, a copy of which shall be~~
29 ~~submitted to the general assembly.~~

30 Sec. 12. Section 262.9B, subsection 5, Code 2018, is amended
31 by striking the subsection.

32 Sec. 13. Section 262.14, subsection 3, Code 2018, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. f. An institution governed by the board
35 may invest funds belonging to the institution in private

1 enterprises if such investment is done in furtherance of the
2 institution's mission.

3 Sec. 14. Section 262.26, Code 2018, is amended to read as
4 follows:

5 **262.26 Report of Data collection — information and reports**
6 **by board.**

7 The board shall, ~~biennially, at the time provided by~~
8 ~~law, report to the governor and the legislature such facts,~~
9 ~~observations, and conclusions respecting each of such~~
10 ~~institutions as in the judgment of the board should be~~
11 ~~considered by the legislature. Such report shall contain~~
12 ~~an itemized account of the receipts and expenditures of the~~
13 ~~board, and also the reports made to the board by the executive~~
14 ~~officers of the several institutions or a summary thereof,~~
15 ~~and shall submit budgets for biennial appropriations deemed~~
16 ~~necessary and proper to be made for the support of the several~~
17 ~~institutions and for the extraordinary and special expenditures~~
18 ~~for buildings, betterments, and other improvements provide for~~
19 ~~the annual collection of data from each institution in such~~
20 ~~detail and form as the board determines is needed to perform~~
21 ~~its governance responsibilities, including detailed information~~
22 ~~on institutional programs, revenues, and expenditures. The~~
23 ~~board shall provide information and reports for the governor~~
24 ~~and general assembly including annual appropriation requests~~
25 ~~deemed necessary and proper to be made for the support of~~
26 ~~the several institutions and for the extraordinary and~~
27 ~~special expenditures for buildings, betterments, and other~~
28 ~~improvements.~~

29 Sec. 15. NEW SECTION. **262B.6 Acquisition of interests in**
30 **related entities.**

31 Each of the institutions under the control of the state
32 board of regents may acquire, hold, and dispose of ownership
33 or equity interests in entities that arise from research
34 and development efforts conducted at that institution. The
35 institution may use the institution's or the institution's

1 affiliated entities' retained earnings for such acquisition.

2 Sec. 16. Section 263.12, Code 2018, is amended to read as
3 follows:

4 **263.12 Payment by counties.**

5 ~~The provisions of sections Section 270.4 to 270.8,~~
6 ~~inclusive,~~ are is hereby made applicable to the university
7 of Iowa hospitals and clinics' center for disabilities and
8 development.

9 Sec. 17. Section 263.17, subsection 4, paragraph b, Code
10 2018, is amended by striking the paragraph.

11 Sec. 18. Section 266.39E, subsection 3, Code 2018, is
12 amended by striking the subsection.

13 Sec. 19. Section 269.2, Code 2018, is amended to read as
14 follows:

15 **269.2 Expenses — residence of indigents.**

16 ~~The provisions of sections Section 270.4 to 270.8,~~
17 ~~inclusive,~~ are is hereby made applicable to the Iowa braille
18 and sight saving school.

19 Sec. 20. Section 270.4, Code 2018, is amended to read as
20 follows:

21 **270.4 Clothing, and prescriptions, ~~and transportation.~~**

22 The superintendent shall provide students, who would
23 otherwise be without, ~~with~~ with clothing, or prescription refills,
24 ~~or transportation,~~ and shall bill the student's parent or
25 guardian, if the student is a minor, or the student if the
26 student has attained the age of majority, for any clothing, or
27 prescription refills, ~~or transportation~~ provided. ~~The bill~~
28 ~~shall be presumptive evidence in all courts.~~

29 Sec. 21. Section 331.424, subsection 1, paragraph a,
30 subparagraph (1), subparagraph division (c), Code 2018, is
31 amended to read as follows:

32 (c) Clothing, ~~transportation,~~ medical, or other services
33 provided persons attending the Iowa braille and sight saving
34 school, the Iowa school for the deaf, or the university of Iowa
35 hospitals and clinics' center for disabilities and development

1 for children with severe disabilities at Iowa City, for which
2 the county becomes obligated to pay pursuant to sections
3 263.12, 269.2, and 270.4 ~~through 270.7~~.

4 Sec. 22. Section 331.502, subsection 16, Code 2018, is
5 amended by striking the subsection.

6 Sec. 23. Section 331.552, subsection 13, Code 2018, is
7 amended to read as follows:

8 13. Make transfer payments to the state for school expenses
9 for blind and deaf children and support of persons with mental
10 illness as provided in sections 230.21, and 269.2, ~~and 270.7~~.

11 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,
12 subsection 7, is amended to read as follows:

13 7. The following are range 7 positions: administrator
14 of the public broadcasting division of the department of
15 education, director of the department of corrections, director
16 of the department of education, director of human services,
17 director of the department of economic development, executive
18 director of the Iowa telecommunications and technology
19 commission, ~~executive director of the state board of regents~~,
20 director of transportation, director of the department of
21 workforce development, director of revenue, director of public
22 health, state court administrator, director of the department
23 of management, and director of the department of administrative
24 services.

25 Sec. 25. REPEAL. Sections 262.24, 262.25, 262.91, 262.92,
26 262.93, 267A.7, 270.5, 270.6, and 270.7, Code 2018, are
27 repealed.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to duties of and programs administered by
32 the state board of regents and institutions governed by the
33 board (regents institutions).

34 The bill authorizes a regents institution which certifies
35 to the Iowa telecommunications and technology commission

1 that the institution is a part of or intends to become a
2 part of the Iowa communications network to use the network
3 for its video, data, or voice requirements as determined by
4 the institution. Current law requires an institution that
5 makes such a certification to use the network for all video,
6 data, and voice requirements of the institution unless the
7 institution petitions the commission for a waiver and meets one
8 of certain specified criteria.

9 The bill provides that public records for purposes of Code
10 chapter 22, the state public records law, do not include
11 records of an entity other than a government body in which a
12 regents institution has invested.

13 The bill provides that commercial or financial information
14 that is proprietary and that is obtained by a regents
15 institution from any source is a confidential record under
16 Code chapter 22. The bill provides that certain specified
17 records of or belonging to a regents institution, which have
18 been developed, produced, discovered, learned, disclosed to,
19 or collected or received by or on behalf of faculty, staff,
20 employees, or students of the institution are confidential
21 records under Code chapter 22.

22 The bill modifies exemptions to Code chapter 23, which
23 generally prohibits state agencies and political subdivisions
24 from competing with private enterprise, applicable to
25 regents institutions. The bill strikes language limiting
26 such exemptions only to on-campus activities of regents
27 institutions. The bill strikes language exempting services
28 to patients and visitors at the university of Iowa hospitals
29 and clinics and instead provides that health care and
30 related services to patients and visitors by the university
31 of Iowa hospitals and clinics are exempt from Code chapter
32 23. The bill strikes language exempting goods, products,
33 or professional services which are produced, created, or
34 sold incidental to the institution's teaching, research, and
35 extension mission and instead provides that goods, products,

1 or professional services provided to the public by a regents
2 institution in furtherance of the institution's mission are
3 exempt from Code chapter 23.

4 The bill provides that employees of regents institutions
5 performing manufacturing, installation, and repair work do
6 not need to hold licenses under Code chapter 103, relating to
7 electricians and electrical contractors, while acting within
8 the scope of their employment.

9 The bill strikes language requiring the Iowa school for
10 the deaf, the Iowa braille and sight saving school, and
11 the university of Iowa hospitals and clinics' center for
12 disabilities and development to provide transportation to
13 students who would otherwise be without transportation.
14 Language relating to transportation reimbursements for parents
15 of students attending the school for the deaf and Iowa braille
16 and sight saving school is retained.

17 The bill strikes language providing for payment procedures
18 involving counties and the department of administrative
19 services for clothing, prescription refills, and other services
20 provided by the Iowa school for the deaf, the Iowa braille and
21 sight saving school, and the university of Iowa hospitals and
22 clinics' center for disabilities and development.

23 The bill strikes language providing for a phased-in
24 implementation timeline for continuous improvement plans
25 developed and implemented based upon the results of the regents
26 institutions' student outcomes assessment programs. The
27 phased-in implementation timeline has concluded. The bill
28 strikes language requiring each regents institution to collect
29 and use the results of formative and summative assessments in
30 its continuous improvement plan for each undergraduate course.
31 The bill requires the board of regents to annually evaluate
32 the outcomes assessment programs in a report to the general
33 assembly.

34 The bill authorizes regents institutions to acquire, hold,
35 and dispose of ownership or equity interests in entities that

1 arise from research and development efforts conducted at that
2 institution. The institution may use the institution's or the
3 institution's affiliated entities' retained earnings for such
4 acquisition.

5 The bill authorizes a regents institution to invest funds
6 belonging to the institution in private enterprises if such
7 investment is done in furtherance of the institution's mission.

8 The bill strikes language requiring the state board of
9 regents to establish college-bound programs to provide Iowa
10 minority students with information and experiences relating to
11 opportunities offered at regents institutions.

12 The bill strikes language providing that the executive
13 director of the state board of regents is a range 7 position
14 for purposes of the salary range established in 2008 Iowa Acts,
15 chapter 1191, section 14.

16 The bill strikes various reporting requirements for
17 programs administered by the state board of regents or regents
18 institutions, including reports on cooperative purchasing, the
19 center for health effects of environmental contamination, the
20 beginning farmer center, the Iowa minority academic grants for
21 economic success program, the minority and women educators
22 enhancement programs, and the local food and farm program.

23 The bill strikes required reports to the state board of
24 regents by the executive officer and secretarial officer,
25 respectively, of each regents institution. The bill requires
26 the board to provide for the annual collection of data
27 from each regents institution in such detail and form as
28 the board determines is needed to perform its governance
29 responsibilities. The bill modifies procedures for the board's
30 general report to the governor and general assembly, including
31 changing the report from biennial to annual and striking a
32 requirement that the report include an itemized account of the
33 receipts and expenditures of the board.