

House File 662 - Introduced

HOUSE FILE 662
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 126)

A BILL FOR

1 An Act relating to the organization, structure, and
2 functions of state government, providing for salaries of
3 appointed state officers, providing for penalties, making
4 appropriations, providing Code editor directives and
5 transition provisions, and including applicability and
6 effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

1
2
3 Section 1. Section 2.56, subsection 5, Code 2023, is amended
4 to read as follows:

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

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

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

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

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

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

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

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

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

7 ~~*j.* The Iowa department of public health, created in chapter~~
8 ~~135, which has primary responsibility for supervision of public~~
9 ~~health programs, promotion of public hygiene and sanitation,~~
10 ~~treatment and prevention of substance abuse use disorder, and~~
11 ~~enforcement of related laws;;~~

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

20 ~~*s.* The department of human rights, created in section~~
21 ~~216A.1, which has primary responsibility for services relating~~
22 ~~to Latino persons, women, persons with disabilities, community~~
23 ~~action agencies, criminal and juvenile justice planning,~~
24 ~~African Americans, deaf and hard-of-hearing persons, persons of~~
25 ~~Asian and Pacific Islander heritage, and Native Americans.~~

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

28 2. If the appropriation of a department, institution, or
29 agency is insufficient to properly meet the legitimate expenses
30 of the department, institution, or agency, the director, with
31 the approval of the governor, may make an interdepartmental
32 transfer from any other department, institution, or agency of
33 the state having an appropriation in excess of its needs, of
34 sufficient funds to meet that deficiency. Such transfer shall
35 be to an appropriation made from the same funding source and

1 within the same fiscal year. The amount of a transfer made
2 from an appropriation under this subsection shall be limited
3 to not more than one-tenth of one percent of the total of all
4 appropriations made from the funding source of the transferred
5 appropriation for the fiscal year in which the transfer is
6 made. An interdepartmental transfer to an appropriation which
7 is not an entitlement appropriation is not authorized when
8 the general assembly is in regular session and, in addition,
9 the sum of interdepartmental transfers in a fiscal year to an
10 appropriation which is not an entitlement appropriation shall
11 not exceed fifty percent of the amount of the appropriation
12 as enacted by the general assembly. For the purposes of
13 this subsection, an entitlement appropriation is a line item
14 appropriation to the state public defender for indigent defense
15 or to the department of health and human services for foster
16 care, state supplementary assistance, ~~or~~ medical assistance, or
17 for the family investment program.

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

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

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

34 8. All fuel used in state-assigned automobiles shall be
35 purchased at cost from the various installations or garages

1 of the state department of transportation, state board of
2 regents, department of health and human services, or state
3 motor pools throughout the state, unless the state-owned
4 sources for the purchase of fuel are not reasonably accessible.
5 If the director determines that state-owned sources for the
6 purchase of fuel are not reasonably accessible, the director
7 shall authorize the purchase of fuel from other sources. The
8 director may prescribe a manner, other than the use of the
9 revolving fund, in which the purchase of fuel from state-owned
10 sources is charged to the state agency responsible for the
11 use of the motor vehicle. The director shall prescribe the
12 manner in which oil and other normal motor vehicle maintenance
13 for state-owned motor vehicles may be purchased from private
14 sources, if they cannot be reasonably obtained from a state
15 motor pool. The director may advertise for bids and award
16 contracts in accordance with competitive bidding procedures
17 for items and services as provided in [this subchapter](#) for
18 furnishing fuel, oil, grease, and vehicle replacement parts for
19 all state-owned motor vehicles. The director and other state
20 agencies, when advertising for bids for gasoline, shall also
21 seek bids for ethanol blended gasoline.

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

24 (1) Any debt, which is assigned to the department of health
25 and human services, or which is owed to the department of
26 health and human services for unpaid premiums under section
27 249A.3, subsection 2, paragraph "a", subparagraph (1), or
28 which ~~the child support recovery unit~~ services is otherwise
29 attempting to collect, or which ~~the foster care recovery unit~~
30 services of the department of health and human services is
31 attempting to collect on behalf of a child receiving foster
32 care provided by the department of health and human services.

33 Sec. 10. Section 8A.504, subsection 2, unnumbered paragraph
34 1, Code 2023, is amended to read as follows:

35 The collection entity shall establish and maintain a

1 procedure to set off against any claim owed to a person by a
2 public agency any liability of that person owed to a public
3 agency, a support debt being enforced by ~~the~~ child support
4 ~~recovery unit services~~ pursuant to [chapter 252B](#), or such other
5 qualifying debt. The procedure shall only apply when at the
6 discretion of the director it is feasible. The procedure shall
7 meet the following conditions:

8 Sec. 11. Section 8A.504, subsection 3, Code 2023, is amended
9 to read as follows:

10 3. In the case of multiple claims to payments filed
11 under [this section](#), priority shall be given to claims filed
12 by ~~the~~ child support ~~recovery unit services~~ or the foster
13 care ~~recovery unit services~~, next priority shall be given to
14 claims filed by the clerk of the district court, next priority
15 shall be given to claims filed by the college student aid
16 commission, next priority shall be given to claims filed by the
17 investigations division of the department of inspections and
18 appeals, and last priority shall be given to claims filed by
19 other public agencies. In the case of multiple claims in which
20 the priority is not otherwise provided by [this subsection](#),
21 priority shall be determined in accordance with rules to be
22 established by the director.

23 Sec. 12. Section 8A.512, subsection 1, paragraph b,
24 subparagraph (2), Code 2023, is amended to read as follows:

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

28 Sec. 13. Section 10A.108, Code 2023, is amended to read as
29 follows:

30 **10A.108 Improper health and human services entitlement**
31 **benefits or provider payments — debt, lien, collection.**

32 1. a. If a person refuses or neglects to repay benefits or
33 provider payments inappropriately obtained from the department
34 of health and human services, the amount inappropriately
35 obtained, including any interest, penalty, or costs attached

1 to the amount, constitutes a debt and is a lien in favor of the
2 state upon all property and any rights or title to or interest
3 in property, whether real or personal, belonging to the person
4 for the period established in [subsection 2](#), with the exception
5 of property which is exempt from execution pursuant to chapter
6 627.

7 *b.* A lien under [this section](#) shall not attach to any amount
8 of inappropriately obtained benefits or provider payments, or
9 portions of the benefits or provider payments, attributable to
10 errors by the department of health and human services. Liens
11 shall only attach to the amounts of inappropriately obtained
12 benefits or provider payments or portions of the benefits or
13 provider payments which were obtained due to false, misleading,
14 incomplete, or inaccurate information submitted by a person in
15 connection with the application for or receipt of benefits or
16 provider payments.

17 2. *a.* The lien attaches at the time the notice of the
18 lien is filed under [subsection 3](#), and continues for ten years
19 from that date, unless released or otherwise discharged at an
20 earlier time.

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

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

1 3. To preserve the lien against subsequent mortgagees,
2 purchasers, or judgment creditors, for value and without notice
3 of the lien, on any property located in a county, the director
4 shall file a notice of the lien with the recorder of the county
5 in which the property is located at the time of filing of the
6 notice.

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

15 a. The name of the debtor.

16 b. "State of Iowa, Department of Health and Human Services"
17 as claimant.

18 c. The time that the notice of the lien was filed for
19 recording.

20 d. The date of notice.

21 e. The amount of the lien currently due.

22 f. The date of the assessment.

23 g. The date of satisfaction of the debt.

24 h. Any extension of the time period for application of the
25 lien and the date that the notice for extension was filed.

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

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

35 7. Upon payment of a debt for which the ~~director~~ department

1 has filed notice with a county recorder, the ~~director~~
2 department shall provide to the debtor a satisfaction of
3 the debt. The debtor shall be responsible for filing the
4 satisfaction of the debt with the recorder and the recorder
5 shall enter the satisfaction on the notice on file in the
6 recorder's office.

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

19 9. The distress warrant shall be in a form as prescribed
20 by the director, shall be directed to the sheriff of the
21 appropriate county, and shall identify the debtor, the type
22 of debt, and the delinquent amount. The distress warrant
23 shall direct the sheriff to distrain, seize, garnish, or levy
24 upon, and sell, as provided by law, any real or personal
25 property belonging to the debtor to satisfy the amount of the
26 delinquency plus costs. The distress warrant shall also direct
27 the sheriff to make due and prompt return to the department
28 or to the district court under [chapter 626](#) of all amounts
29 collected.

30 10. The attorney general, upon the request of the director
31 of inspections, ~~and appeals, and licensing~~, shall bring an
32 action, as the facts may justify, without bond, to enforce
33 payment of any debts under [this section](#), and in the action
34 the attorney general shall have the assistance of the county
35 attorney of the county in which the action is pending.

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

7 Sec. 14. Section 10A.402, subsections 4 and 5, Code 2023,
8 are amended to read as follows:

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

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

20 Sec. 15. Section 11.5B, Code 2023, is amended to read as
21 follows:

22 **11.5B Repayment of audit expenses by state departments and**
23 **agencies.**

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

- 28 1. Department of commerce.
- 29 2. Department of health and human services.
- 30 3. State department of transportation.
- 31 ~~4. Iowa department of public health.~~
- 32 ~~5.~~ 4. State board of regents.
- 33 ~~6.~~ 5. Department of agriculture and land stewardship.
- 34 ~~7.~~ 6. Iowa veterans home.
- 35 ~~8.~~ 7. Department of education.

1 ~~9.~~ 8. Department of workforce development.

2 ~~10.~~ 9. Department of natural resources.

3 ~~11.~~ 10. Offices of the clerks of the district court of the
4 judicial branch.

5 ~~12.~~ 11. The Iowa public employees' retirement system.

6 ~~13.~~ 12. Federal financial assistance, as defined in the
7 federal Single Audit Act, 31 U.S.C. §7501, et seq., received by
8 all other departments.

9 ~~14.~~ 13. Department of administrative services.

10 ~~15.~~ 14. Office of the chief information officer of the
11 department of management.

12 Sec. 16. Section 11.6, subsection 1, paragraph b, Code 2023,
13 is amended to read as follows:

14 **b.** The financial condition and transactions of community
15 mental health centers organized under [chapter 230A](#), substance
16 ~~abuse~~ use disorder programs organized under [chapter 125](#), and
17 community action agencies organized under [chapter 216A](#), shall
18 be audited at least once each year.

19 Sec. 17. Section 12.10, Code 2023, is amended to read as
20 follows:

21 **12.10 Deposits by state officers.**

22 Except as otherwise provided, all elective and appointive
23 state officers, boards, commissions, and departments shall,
24 within ten days succeeding the collection, deposit with the
25 treasurer of state, or to the credit of the treasurer of state
26 in any depository designated by the treasurer of state, ninety
27 percent of all fees, commissions, and moneys collected or
28 received. The balance actually collected in cash, remaining
29 in the hands of any officer, board, or department shall not
30 exceed the sum of five thousand dollars and money collected
31 shall not be held more than thirty days. [This section](#) does not
32 apply to the state fair board, the state board of regents, the
33 utilities board of the department of commerce, the director of
34 ~~the department of health and~~ health and human services, the Iowa finance
35 authority, or to the funds received by the state racing and

1 gaming commission under [sections 99D.7](#) and [99D.14](#).

2 Sec. 18. Section 12E.3A, subsection 1, Code 2023, is amended
3 to read as follows:

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

13 Sec. 19. Section 15.102, subsection 12, paragraph b,
14 subparagraph (1), subparagraph division (d), Code 2023, is
15 amended to read as follows:

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

18 Sec. 20. Section 15H.1A, Code 2023, is amended to read as
19 follows:

20 **15H.1A Definitions.**

21 For purposes of [this chapter](#), unless the context otherwise
22 requires:

23 ~~1. "Authority" means the economic development authority
24 created in [section 15.105](#).~~

25 ~~2. 1. "Commission" means the Iowa commission on volunteer
26 service created in [section 15H.2](#).~~

27 2. "Department" means the department of health and human
28 services.

29 ~~3. "Director" means the director of the authority health and
30 human services.~~

31 Sec. 21. Section 15H.2, subsection 1, Code 2023, is amended
32 to read as follows:

33 1. The Iowa commission on volunteer service is created
34 within the authority department. The governor shall appoint
35 the commission's members. The director may employ personnel

1 as necessary to carry out the duties and responsibilities of
2 the commission.

3 Sec. 22. Section 15H.2, subsection 3, paragraph i, Code
4 2023, is amended to read as follows:

5 *i.* Administer the retired and senior volunteer program.

6 Sec. 23. Section 15H.4, subsection 1, Code 2023, is amended
7 to read as follows:

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

17 Sec. 24. Section 15H.5, subsection 5, paragraph a, Code
18 2023, is amended to read as follows:

19 *a.* Funding for the Iowa summer youth corps program, the
20 Iowa green corps program established pursuant to section
21 15H.6, the Iowa reading corps program established pursuant to
22 section 15H.7, the RefugeeRISE AmeriCorps program established
23 pursuant to [section 15H.8](#), and the Iowa national service
24 corps program established pursuant to [section 15H.9](#) shall be
25 obtained from private sector, and local, state, and federal
26 government sources, or from other available funds credited
27 to the community programs account, which shall be created
28 within the ~~economic development~~ authority department under the
29 authority of the commission. Moneys available in the account
30 for a fiscal year are appropriated to the commission to be
31 used for the programs. The commission may establish an escrow
32 account within the authority department and obligate moneys
33 within that escrow account for tuition or program payments to
34 be made beyond the term of any fiscal year. Notwithstanding
35 section 12C.7, subsection 2, interest earned on moneys in the

1 community programs account shall be credited to the account.
2 Notwithstanding [section 8.33](#), moneys in the community programs
3 account or escrow account shall not revert to the general fund
4 but shall remain available for expenditure in future fiscal
5 years.

6 Sec. 25. Section 15H.8, Code 2023, is amended to read as
7 follows:

8 **15H.8 RefugeeRISE AmeriCorps program.**

9 1. *a.* The commission, in collaboration with the department
10 ~~of human services~~, shall establish a Refugee Rebuild,
11 Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program
12 to increase community integration and engagement for diverse
13 refugee communities in rural and urban areas across the state.

14 *b.* The commission, in collaboration with the department
15 ~~of human services~~, may adopt rules pursuant to [chapter 17A](#) to
16 implement and administer [this section](#).

17 2. The commission may use moneys in and lawfully available
18 to the community programs account created in [section 15H.5](#) to
19 fund the program.

20 3. The commission shall submit an annual report to the
21 general assembly and the department ~~of human services~~ relating
22 to the efficacy of the program.

23 Sec. 26. Section 15H.10, subsection 6, Code 2023, is amended
24 to read as follows:

25 6. Notwithstanding [section 8.33](#), moneys appropriated to
26 the ~~economic development authority~~ department for allocation
27 to the commission for purposes of [this section](#) that remain
28 unencumbered or unobligated at the close of a fiscal year
29 shall not revert but shall remain available to be used for the
30 purposes designated in [this section](#) until the close of the
31 succeeding fiscal year.

32 Sec. 27. Section 16.2D, subsection 1, Code 2023, is amended
33 to read as follows:

34 1. A council on homelessness is created ~~consisting of twenty~~
35 ~~members, eleven of whom are voting members and nine of whom are~~

1 ~~nonvoting members~~. At all times, at least one voting member
2 shall be a member of a minority group.

3 Sec. 28. Section 16.2D, subsection 2, paragraph b, Code
4 2023, is amended to read as follows:

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

7 (1) The director of the department of education or the
8 director's designee.

9 (2) The director of health and human services or the
10 director's designee.

11 (3) The attorney general or the attorney general's
12 designee.

13 ~~(4) The director of public health or the director's~~
14 ~~designee.~~

15 ~~(5) The director of the department on aging or the~~
16 ~~director's designee.~~

17 ~~(6)~~ (4) The director of the department of corrections or
18 the director's designee.

19 ~~(7)~~ (5) The director of the department of workforce
20 development or the director's designee.

21 ~~(8)~~ (6) The executive director of the Iowa finance
22 authority or the executive director's designee.

23 ~~(9)~~ (7) The director of the department of veterans affairs
24 or the director's designee.

25 Sec. 29. Section 16.3, subsection 9, Code 2023, is amended
26 to read as follows:

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

1 Sec. 30. Section 16.47, subsection 3, Code 2023, is amended
2 to read as follows:

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

11 Sec. 31. Section 16.48, subsections 1 and 3, Code 2023, are
12 amended to read as follows:

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

26 3. The authority shall annually allocate moneys available
27 in the transitional housing revolving loan program fund for the
28 development of affordable transitional housing for parents that
29 are reuniting with the parents' children while completing or
30 participating in substance ~~abuse~~ use disorder treatment. The
31 authority shall develop a joint application process for the
32 allocation of federal low-income housing tax credits and the
33 funds available under **this section**. Moneys allocated to such
34 projects may be in the form of loans, grants, or a combination
35 of loans and grants.

1 Sec. 32. Section 16.49, subsection 4, Code 2023, is amended
2 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

5 d. Housing provided through a project under this section is
6 exempt from the requirements of chapter 1350.

7 Sec. 33. Section 22.7, subsections 2, 16, 35, 61, and 62,
8 Code 2023, are amended to read as follows:

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

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

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

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

31 62. Records maintained by the department ~~on aging~~ of health
32 and human services or office of long-term care ombudsman that
33 disclose the identity of a complainant, resident, tenant, or
34 individual receiving services provided by the department ~~on~~
35 aging of health and human services, an area agency on aging,

1 or the office of long-term care ombudsman, unless disclosure
2 is otherwise allowed under [section 231.42, subsection 12,](#)
3 paragraph "a".

4 Sec. 34. Section 23A.2, subsection 10, paragraph 1,
5 unnumbered paragraph 1, Code 2023, is amended to read as
6 follows:

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

11 Sec. 35. Section 23A.2, subsection 10, paragraph 1,
12 subparagraph (1), Code 2023, is amended to read as follows:

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

19 Sec. 36. Section 28M.1, subsection 7, Code 2023, is amended
20 to read as follows:

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

29 Sec. 37. Section 35A.5, subsection 5, paragraph a, Code
30 2023, is amended to read as follows:

31 a. Coordinate with United States department of veterans
32 affairs hospitals, health care facilities, and clinics in this
33 state and the department of ~~public~~ health and human services
34 to provide assistance to veterans and their families to reduce
35 the incidence of alcohol and chemical dependency and suicide

1 among veterans and to make mental health counseling available
2 to veterans.

3 Sec. 38. Section 35D.14A, Code 2023, is amended to read as
4 follows:

5 **35D.14A Volunteer record checks.**

6 1. Persons who are potential volunteers or volunteers in
7 the Iowa veterans home in a position having direct individual
8 contact with patients or residents of the home shall be subject
9 to criminal history and child and dependent adult abuse record
10 checks in accordance with [this section](#). The Iowa veterans home
11 shall request that the department of public safety perform the
12 criminal history check and the record check evaluation system
13 of the department of health and human services perform child
14 and dependent adult abuse record checks of the person in this
15 state and may request these checks in other states.

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

28 *b.* In an evaluation, the ~~department of human services~~
29 record check evaluation system shall consider the nature and
30 seriousness of the crime or founded child or dependent adult
31 abuse in relation to the position sought or held, the time
32 elapsed since the commission of the crime or founded child or
33 dependent adult abuse, the circumstances under which the crime
34 or founded child or dependent adult abuse was committed, the
35 degree of rehabilitation, the likelihood that the person will

1 commit the crime or founded child or dependent adult abuse
2 again, and the number of crimes or founded child or dependent
3 adult abuses committed by the person involved.

4 *c.* If the ~~department of human services~~ record check
5 evaluation system performs an evaluation for the purposes of
6 this section, the ~~department of human services~~ record check
7 evaluation system has final authority in determining whether
8 prohibition of the person's participation as a volunteer is
9 warranted. The ~~department of human services~~ record check
10 evaluation system may permit a person who is evaluated to
11 participate as a volunteer if the person complies with the
12 ~~department's~~ record check evaluation system's conditions
13 relating to participation as a volunteer which may include
14 completion of additional training.

15 Sec. 39. Section 47.7, subsection 2, paragraph a, Code 2023,
16 is amended to read as follows:

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

31 Sec. 40. Section 48A.19, subsection 1, Code 2023, is amended
32 to read as follows:

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

35 *a.* All state offices that have direct client contact and

1 provide applications for public assistance, including but not
2 limited to offices administering the following programs:

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

5 (2) ~~Medical~~ The medical assistance program under chapter
6 249A.

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

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

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

14 (a) Department for the blind.

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

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

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

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

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

28 Sec. 41. Section 48A.31, Code 2023, is amended to read as
29 follows:

30 **48A.31 Deceased persons record.**

31 The state registrar of vital statistics shall transmit
32 or cause to be transmitted to the state registrar of voters,
33 once each calendar quarter, a certified list of all persons
34 seventeen years of age and older in the state whose deaths have
35 been reported to the ~~bureau~~ state registrar of vital records

1 ~~of the Iowa department of public health~~ statistics since the
2 previous list of decedents was certified to the state registrar
3 of voters. The list shall be submitted according to the
4 specifications of the state registrar of voters and shall be
5 transmitted to the state registrar of voters without charge
6 for production or transmission. The commissioner shall, in
7 the month following the end of a calendar quarter, run the
8 statewide voter registration system's matching program to
9 determine whether a listed decedent was registered to vote in
10 the county and shall immediately cancel the registration of any
11 person named on the list of decedents.

12 Sec. 42. Section 68B.2, subsection 23, Code 2023, is amended
13 to read as follows:

14 23. "*Regulatory agency*" means the department of agriculture
15 and land stewardship, department of workforce development,
16 department of commerce, ~~Iowa department of public health~~,
17 department of public safety, department of education, state
18 board of regents, department of health and human services,
19 department of revenue, department of inspections and appeals,
20 department of administrative services, public employment
21 relations board, state department of transportation, civil
22 rights commission, department of public defense, department of
23 homeland security and emergency management, Iowa ethics and
24 campaign disclosure board, and department of natural resources.

25 Sec. 43. Section 80.9B, subsections 3 and 7, Code 2023, are
26 amended to read as follows:

27 3. The provisions of [chapter 141A](#) also do not apply to
28 the transmission of the same information from either or
29 both information systems to employees of state correctional
30 institutions subject to the jurisdiction of the department
31 of corrections, employees of secure facilities for juveniles
32 subject to the jurisdiction of the department of health and
33 human services, and employees of city and county jails, if
34 those employees have direct physical supervision over inmates
35 of those facilities or institutions.

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

8 Sec. 44. Section 80.28, subsection 2, paragraph a,
9 subparagraph (6), Code 2023, is amended to read as follows:

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

12 Sec. 45. Section 80B.11C, Code 2023, is amended to read as
13 follows:

14 **80B.11C Public safety telecommunicator training standards.**

15 The director of the academy, subject to the approval of
16 the council, in consultation with the Iowa state sheriffs'
17 and deputies' association, the Iowa police executive forum,
18 the Iowa peace officers association, the Iowa state police
19 association, the Iowa professional fire fighters, the Iowa
20 emergency medical services association, the joint council of
21 Iowa fire service organizations, the Iowa department of public
22 safety, the Iowa chapter of the association of public-safety
23 communications officials—international, inc., the Iowa chapter
24 of the national emergency number association, the department
25 of homeland security and emergency management, and the Iowa
26 department of ~~public~~ public health and human services, shall adopt
27 rules pursuant to [chapter 17A](#) establishing minimum standards
28 for training of public safety telecommunicators. "*Public*
29 *safety telecommunicator*" means a person who serves as a first
30 responder by receiving requests for, or by dispatching requests
31 to, emergency response agencies which include but are not
32 limited to law enforcement, fire, rescue, and emergency medical
33 services agencies.

34 Sec. 46. Section 80E.2, Code 2023, is amended to read as
35 follows:

1 **80E.2 Drug policy advisory council — membership — duties.**

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

4 ~~a.~~ The drug policy ~~coordinator~~ director, who shall serve as
5 chairperson of the council.

6 ~~b.~~ The director of the department of corrections, or the
7 director's designee.

8 ~~c.~~ The director of the department of education, or the
9 director's designee.

10 ~~d.~~ The director of ~~the department of public health and human~~
11 services, or the director's designee.

12 ~~e.~~ The commissioner of public safety, or the commissioner's
13 designee.

14 ~~f.~~ ~~The director of the department of human services, or the~~
15 ~~director's designee.~~

16 ~~g.~~ ~~The director of the division of criminal and juvenile~~
17 ~~justice planning in the department of human rights, or the~~
18 ~~division director's designee.~~

19 ~~h.~~ f. The state public defender, or the state public
20 defender's designee.

21 ~~i.~~ g. A prosecuting attorney.

22 ~~j.~~ h. A certified alcohol and drug counselor.

23 ~~k.~~ i. A certified substance ~~abuse~~ use disorder prevention
24 specialist.

25 ~~l.~~ j. A substance use disorder treatment program director.

26 ~~m.~~ k. A justice of the Iowa supreme court, or judge, as
27 designated by the chief justice of the supreme court.

28 ~~n.~~ l. A member representing the Iowa peace officers
29 association.

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

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

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

35 2. The prosecuting attorney, certified alcohol and drug

1 counselor, certified substance ~~abuse~~ use disorder prevention
2 specialist, substance use disorder treatment program director,
3 member representing the Iowa peace officers association,
4 member representing the Iowa state police association, the
5 member representing the Iowa state sheriffs' and deputies'
6 association, and the member who is a police chief shall be
7 appointed by the governor, subject to senate confirmation, for
8 four-year terms beginning and ending as provided in section
9 69.19. A vacancy on the council shall be filled for the
10 unexpired term in the same manner as the original appointment
11 was made.

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

17 4. The members of the council shall be reimbursed for actual
18 and necessary travel and related expenses incurred in the
19 discharge of official duties. Each member of the council may
20 also be eligible to receive compensation as provided in section
21 7E.6.

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

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

28 Sec. 47. Section 84A.1A, subsection 1, paragraph b, Code
29 2023, is amended to read as follows:

30 *b.* The nonvoting members of the Iowa workforce development
31 board shall include the following:

32 (1) One state senator appointed by the minority leader of
33 the senate, who shall serve for a term as provided in section
34 69.16B.

35 (2) One state representative appointed by the minority

1 leader of the house of representatives, who shall serve for a
2 term as provided in [section 69.16B](#).

3 (3) One president, or the president's designee, of the
4 university of northern Iowa, the university of Iowa, or Iowa
5 state university of science and technology, designated by the
6 state board of regents on a rotating basis.

7 (4) One president, or the president's designee, of an
8 independent Iowa college, appointed by the Iowa association of
9 independent colleges and universities.

10 (5) One president or president's designee, of a community
11 college, appointed by the Iowa association of community college
12 presidents.

13 (6) One representative of the economic development
14 authority, appointed by the director.

15 ~~(7) One representative of the department on aging,~~
16 ~~appointed by the director.~~

17 ~~(8)~~ (7) One representative of the department of
18 corrections, appointed by the director.

19 ~~(9)~~ (8) One representative of the department of health and
20 human services, appointed by the director.

21 ~~(10)~~ (9) One representative of the United States department
22 of labor, office of apprenticeship.

23 ~~(11)~~ (10) One representative from the largest statewide
24 public employees' organization representing state employees.

25 ~~(12)~~ (11) One representative of a statewide labor
26 organization representing employees in the construction
27 industry.

28 ~~(13)~~ (12) One representative of a statewide labor
29 organization representing employees in the manufacturing
30 industry.

31 Sec. 48. Section 84A.6, subsections 2 and 3, Code 2023, are
32 amended to read as follows:

33 2. a. The director of the department of workforce
34 development, in cooperation with the department of health
35 and human services, shall provide job placement and training

1 to persons referred by the department of health and human
2 services under the promoting independence and self-sufficiency
3 through employment job opportunities and basic skills program
4 established pursuant to chapter 239B and the ~~food stamp~~
5 supplemental nutrition assistance program employment and
6 training program.

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

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

18 Sec. 49. Section 84A.9, Code 2023, is amended to read as
19 follows:

20 **84A.9 Statewide mentoring program.**

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

28 Sec. 50. Section 84A.11, subsection 2, Code 2023, is amended
29 to read as follows:

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

35 Sec. 51. Section 84B.1, Code 2023, is amended to read as

1 follows:

2 **84B.1 Workforce development system.**

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

18 Sec. 52. Section 84B.2, unnumbered paragraph 1, Code 2023,
19 is amended to read as follows:

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

33 Sec. 53. Section 85.38, subsection 4, Code 2023, is amended
34 to read as follows:

35 4. *Lien for hospital and medical services under chapter*

1 249A. In the event any hospital or medical services as provided
2 in [section 85.27](#) are paid by the state department of health and
3 human services on behalf of an employee who is entitled to such
4 benefits under the provisions of [this chapter](#) or [chapter 85A](#) or
5 [85B](#), a lien shall exist as respects the right of such employee
6 to benefits as described in [section 85.27](#).

7 Sec. 54. Section 85.60, Code 2023, is amended to read as
8 follows:

9 **85.60 Injuries while in work-based learning opportunity,**
10 **employment training, or evaluation.**

11 A person participating in a work-based learning opportunity
12 referred to in [section 85.61](#), or receiving earnings while
13 engaged in employment training or while undergoing an
14 employment evaluation under the direction of a rehabilitation
15 facility approved for purchase-of-service contracts or for
16 referrals by the department of health and human services or the
17 department of education, who sustains an injury arising out
18 of and in the course of the work-based learning opportunity
19 participation, employment training, or employment evaluation
20 is entitled to benefits as provided in [this chapter](#), [chapter](#)
21 [85A](#), [chapter 85B](#), and [chapter 86](#). Notwithstanding the minimum
22 benefit provisions of [this chapter](#), a person referred to in
23 this section and entitled to benefits under [this chapter](#) is
24 entitled to receive a minimum weekly benefit amount for a
25 permanent partial disability under [section 85.34](#), subsection
26 2, or for a permanent total disability under [section 85.34](#),
27 subsection 3, equal to the weekly benefit amount of a person
28 whose gross weekly earnings are thirty-five percent of the
29 statewide average weekly wage computed pursuant to [section 96.3](#)
30 and in effect at the time of the injury.

31 Sec. 55. Section 85.61, subsection 3, paragraph b, Code
32 2023, is amended to read as follows:

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

1 education.

2 Sec. 56. Section 85A.11, subsection 2, Code 2023, is amended
3 to read as follows:

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

15 Sec. 57. Section 85A.20, Code 2023, is amended to read as
16 follows:

17 **85A.20 Investigation.**

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

30 Sec. 58. Section 89.4, subsection 1, paragraph h, Code 2023,
31 is amended to read as follows:

32 *h.* Hot water heating boilers used for heating pools or spas
33 regulated by the department of ~~public health~~ and human services
34 pursuant to [chapter 135I](#).

35 Sec. 59. Section 89B.17, subsection 1, unnumbered paragraph

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

2 The director of ~~public~~ health and human services, the labor
3 commissioner, and the director of the department of natural
4 resources or the director's designee under written signatures
5 of all these parties may recommend any of the following
6 actions:

7 Sec. 60. Section 92.17, subsection 3, Code 2023, is amended
8 to read as follows:

9 3. A child from working in any occupation or business
10 operated by the child's parents. For the purposes of this
11 subsection, "*child*" and "*parents*" include a foster child and the
12 child's foster parents who are licensed by the department of
13 health and human services.

14 Sec. 61. Section 96.3, subsections 9 and 11, Code 2023, are
15 amended to read as follows:

16 9. *Child support intercept.*

17 a. An individual filing a claim for benefits under section
18 96.6, subsection 1, shall, at the time of filing, disclose
19 whether the individual owes a child support obligation which
20 is being enforced by the child support ~~recovery unit~~ services
21 established in [section 252B.2](#). If an individual discloses that
22 such a child support obligation is owed and the individual is
23 determined to be eligible for benefits under [this chapter](#),
24 the department shall notify the child support ~~recovery unit~~
25 services of the individual's disclosure and deduct and withhold
26 from benefits payable to the individual the amount specified
27 by the individual.

28 b. However, if the child support ~~recovery unit~~ services
29 and an individual owing a child support obligation reach an
30 agreement to have specified amounts deducted and withheld from
31 the individual's benefits and the child support ~~recovery unit~~
32 services submits a copy of the agreement to the department, the
33 department shall deduct and withhold the specified amounts.

34 c. (1) However, if the department is notified of income
35 withholding by the child support ~~recovery unit~~ services under

1 chapter 252D or [section 598.22](#) or [598.23](#) or if income is
 2 garnisheed by ~~the~~ child support ~~recovery unit~~ services under
 3 chapter 642 and an individual's benefits are condemned to the
 4 satisfaction of the child support obligation being enforced by
 5 ~~the~~ child support ~~recovery unit~~ services, the department shall
 6 deduct and withhold from the individual's benefits that amount
 7 required through legal process.

8 (2) Notwithstanding [section 642.2](#), subsections 2, 3,
 9 6, and 7, which restrict garnishments under [chapter 642](#) to
 10 wages of public employees, the department may be garnisheed
 11 under [chapter 642](#) by ~~the~~ child support ~~recovery unit~~ services
 12 established in [section 252B.2](#), pursuant to a judgment for child
 13 support against an individual eligible for benefits under this
 14 chapter.

15 (3) Notwithstanding [section 96.15](#), benefits under this
 16 chapter are not exempt from income withholding, garnishment,
 17 attachment, or execution if withheld for or garnisheed by ~~the~~
 18 child support ~~recovery unit~~ services, established in [section](#)
 19 [252B.2](#), or if an income withholding order or notice of the
 20 income withholding order under [section 598.22](#) or [598.23](#) is
 21 being enforced by ~~the~~ child support ~~recovery unit~~ services to
 22 satisfy the child support obligation of an individual who is
 23 eligible for benefits under [this chapter](#).

24 *d.* An amount deducted and withheld under paragraph "a", "b",
 25 or "c" shall be paid by the department to ~~the~~ child support
 26 ~~recovery unit~~ services, and shall be treated as if it were paid
 27 to the individual as benefits under [this chapter](#) and as if it
 28 were paid by the individual to ~~the~~ child support ~~recovery unit~~
 29 services in satisfaction of the individual's child support
 30 obligations.

31 *e.* If an agreement for reimbursement has been made, the
 32 department shall be reimbursed by ~~the~~ child support ~~recovery~~
 33 ~~unit~~ services for the administrative costs incurred by the
 34 department under [this section](#) which are attributable to the
 35 enforcement of child support obligations by ~~the~~ child support

1 ~~recovery unit services.~~

2 11. *Overissuance of ~~food-stamp~~ supplemental nutrition*
3 *assistance program benefits.* The department shall collect any
4 overissuance of ~~food-stamp~~ supplemental nutrition assistance
5 program benefits by offsetting the amount of the overissuance
6 from the benefits payable under [this chapter](#) to the individual.
7 This subsection shall only apply if the department is
8 reimbursed under an agreement with the department of health and
9 human services for administrative costs incurred in recouping
10 the overissuance. The provisions of [section 96.15](#) do not apply
11 to [this subsection](#).

12 Sec. 62. Section 97B.49B, subsection 1, paragraph e,
13 subparagraph (16), Code 2023, is amended to read as follows:

14 (16) A person employed by the department of health and
15 human services as a psychiatric security specialist at a civil
16 commitment unit for sexually violent offenders facility.

17 Sec. 63. Section 99D.7, subsections 22 and 23, Code 2023,
18 are amended to read as follows:

19 22. To cooperate with the gambling treatment program
20 administered by the ~~Iowa~~ department of ~~public~~ health and human
21 services to incorporate information regarding the gambling
22 treatment program and its toll-free telephone number in printed
23 materials distributed by the commission. The commission may
24 require licensees to have the information available in a
25 conspicuous place as a condition of licensure.

26 23. To establish a process to allow a person to be
27 voluntarily excluded from advance deposit wagering as defined
28 in [section 99D.11](#), from an internet fantasy sports contest as
29 defined in [section 99E.1](#), from advance deposit sports wagering
30 as defined in [section 99F.9](#), and from the wagering area of
31 a racetrack enclosure, from the gaming floor, and from the
32 sports wagering area, as defined in [section 99F.1](#), of all
33 other licensed facilities under [this chapter](#) and [chapter 99F](#)
34 as provided in [this subsection](#). The process shall provide
35 that an initial request by a person to be voluntarily excluded

1 shall be for a period of five years or life and any subsequent
 2 request following any five-year period shall be for a period of
 3 five years or life. The process established shall require that
 4 licensees be provided electronic access to names and social
 5 security numbers of persons voluntarily excluded through a
 6 secured interactive internet site maintained by the commission
 7 and information regarding persons voluntarily excluded shall
 8 be disseminated to all licensees under [this chapter](#), chapter
 9 99E, and [chapter 99F](#). The names, social security numbers, and
 10 information regarding persons voluntarily excluded shall be
 11 kept confidential unless otherwise ordered by a court or by
 12 another person duly authorized to release such information.
 13 The process established shall also require a person requesting
 14 to be voluntarily excluded be provided information compiled
 15 by the Iowa department of ~~public~~ health and human services
 16 on gambling treatment options. The state and any licensee
 17 under [this chapter](#), [chapter 99E](#), or [chapter 99F](#) shall not be
 18 liable to any person for any claim which may arise from this
 19 process. In addition to any other penalty provided by law, any
 20 money or thing of value that has been obtained by, or is owed
 21 to, a voluntarily excluded person as a result of wagers made
 22 by the person after the person has been voluntarily excluded
 23 shall be forfeited by the person and shall be credited to the
 24 general fund of the state. The commission shall not initiate
 25 any administrative action or impose penalties on a licensee who
 26 voluntarily reports to the commission activity described in
 27 section 99D.24, subsection 4, paragraph "c".

28 Sec. 64. Section 99D.9, subsection 6, paragraph b, Code
 29 2023, is amended to read as follows:

30 *b.* A licensee shall not permit a financial institution,
 31 vendor, or other person to dispense cash or credit through an
 32 electronic or mechanical device including but not limited to a
 33 satellite terminal as defined in [section 527.2](#), that is located
 34 in the wagering area. However, this paragraph shall not apply
 35 to cashless wagering systems where a person accesses a cash

1 account through a mobile application used by the licensee
2 to conduct cashless wagering. The mobile application shall
3 include the statewide telephone number authorized by the Iowa
4 department of ~~public~~ public health and human services to provide
5 problem gambling information and extensive responsible gaming
6 features in addition to those described in section 99D.7,
7 subsection 23.

8 Sec. 65. Section 99E.5, subsection 2, paragraph d, Code
9 2023, is amended to read as follows:

10 *d.* Include on the internet site or mobile application used
11 by the licensee to conduct internet fantasy sports contests the
12 statewide telephone number authorized by the Iowa department of
13 public health and human services to provide problem gambling
14 information and extensive responsible gaming features in
15 addition to those described in [section 99F.4, subsection 22](#).

16 Sec. 66. Section 99F.4, subsection 22, Code 2023, is amended
17 to read as follows:

18 22. To establish a process to allow a person to be
19 voluntarily excluded from advance deposit wagering as defined
20 in [section 99D.11](#), from an internet fantasy sports contest
21 as defined in [section 99E.1](#), from advance deposit sports
22 wagering as defined in [section 99F.9](#), from the gaming floor
23 and sports wagering area of an excursion gambling boat, from
24 the wagering area, as defined in [section 99D.2](#), and from the
25 gaming floor and sports wagering area of all other licensed
26 facilities under [this chapter](#) and [chapter 99D](#) as provided in
27 this subsection. The process shall provide that an initial
28 request by a person to be voluntarily excluded shall be for
29 a period of five years or life and any subsequent request
30 following any five-year period shall be for a period of five
31 years or life. The process established shall require that
32 licensees be provided electronic access to names and social
33 security numbers of persons voluntarily excluded through a
34 secured interactive internet site maintained by the commission
35 and information regarding persons voluntarily excluded shall

1 be disseminated to all licensees under [this chapter](#), chapter
2 99D, and [chapter 99E](#). The names, social security numbers, and
3 information regarding persons voluntarily excluded shall be
4 kept confidential unless otherwise ordered by a court or by
5 another person duly authorized to release such information.
6 The process established shall also require a person requesting
7 to be voluntarily excluded be provided information compiled
8 by the ~~Iowa~~ department of ~~public~~ health and human services
9 on gambling treatment options. The state and any licensee
10 under [this chapter](#), [chapter 99D](#), or [chapter 99E](#) shall not be
11 liable to any person for any claim which may arise from this
12 process. In addition to any other penalty provided by law, any
13 money or thing of value that has been obtained by, or is owed
14 to, a voluntarily excluded person as a result of wagers made
15 by the person after the person has been voluntarily excluded
16 shall be forfeited by the person and shall be credited to the
17 general fund of the state. The commission shall not initiate
18 any administrative action or impose penalties on a licensee who
19 voluntarily reports to the commission activity described in
20 section 99F.15, subsection 4, paragraph "n".

21 Sec. 67. Section 99F.7, subsection 10, paragraph b, Code
22 2023, is amended to read as follows:

23 *b.* A licensee shall not permit a financial institution,
24 vendor, or other person to dispense cash or credit through an
25 electronic or mechanical device including but not limited to
26 a satellite terminal, as defined in [section 527.2](#), that is
27 located on the gaming floor. However, this paragraph shall not
28 apply to cashless wagering systems where a person accesses a
29 cash account through a mobile application used by the licensee
30 to conduct cashless wagering. The mobile application shall
31 include the statewide telephone number authorized by the ~~Iowa~~
32 department of ~~public~~ health and human services to provide
33 problem gambling information and extensive responsible gaming
34 features in addition to those described in section 99F.4,
35 subsection 22.

1 Sec. 68. Section 99F.7A, subsection 2, paragraph a, Code
2 2023, is amended to read as follows:

3 a. Include on the internet site or mobile application used
4 by the licensee to conduct advance deposit sports wagering as
5 authorized in section 99F.9 the statewide telephone number
6 authorized by the Iowa department of ~~public health and human~~
7 services to provide problem gambling information and extensive
8 responsible gaming features in addition to those described in
9 section 99F.4, subsection 22.

10 Sec. 69. Section 100C.1, subsection 1, Code 2023, is amended
11 to read as follows:

12 1. "*Alarm system*" means a system or portion of a combination
13 system that consists of components and circuits arranged to
14 monitor and annunciate the status of a fire alarm, security
15 alarm, or nurse call or supervisory signal-initiating devices
16 and to initiate the appropriate response to those signals,
17 but does not mean any such security system or portion of a
18 combination system installed in a prison, jail, or detention
19 facility owned by the state, a political subdivision of the
20 state, the department of health and human services, or the Iowa
21 veterans home.

22 Sec. 70. Section 101C.3, subsection 1, Code 2023, is amended
23 to read as follows:

24 1. The Iowa propane education and research council is
25 established. The council shall consist of ten voting members,
26 nine of whom represent retail propane marketers and one of whom
27 shall be ~~the administrator of the division of a representative~~
28 of the department of health and human services responsible
29 for community action agencies of the department of human
30 rights. Members of the council ~~other than the administrator~~
31 representing retail propane marketers shall be appointed by the
32 fire marshal from a list of nominees submitted by qualified
33 propane industry organizations by December 15 of each year. A
34 vacancy in the unfinished term of a council member shall be
35 filled for the remainder of the term in the same manner as the

1 original appointment was made. ~~Other than the administrator,~~
2 ~~council~~ Council members representing retail propane marketers
3 shall be full-time employees or owners of a propane industry
4 business or representatives of an agricultural cooperative
5 actively engaged in the propane industry. An employee of a
6 qualified propane industry organization shall not serve as a
7 member of the council. An officer of the board of directors of
8 a qualified propane industry organization or propane industry
9 trade association shall not serve concurrently as a member of
10 the council. The fire marshal or a designee may serve as an ex
11 officio, nonvoting member of the council.

12 Sec. 71. Section 123.47, subsection 4, paragraph a,
13 subparagraph (2), Code 2023, is amended to read as follows:

14 (2) A second offense shall be a simple misdemeanor
15 punishable by a fine of five hundred dollars. In addition to
16 any other applicable penalty, the person in violation of this
17 section shall choose between either completing a substance
18 ~~abuse~~ use disorder evaluation or the suspension of the person's
19 motor vehicle operating privileges for a period not to exceed
20 one year.

21 Sec. 72. Section 124.409, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. Whenever the court finds that a person who is charged
24 with a violation of [section 124.401](#) and who consents thereto,
25 or who has entered a plea of guilty to or been found guilty of
26 a violation of that section, is addicted to, dependent upon,
27 or a chronic ~~abuser~~ user of any controlled substance and that
28 such person will be aided by proper medical treatment and
29 rehabilitative services, the court may order that the person
30 be committed as an in-patient or out-patient to a facility
31 licensed by the ~~Iowa~~ department of public health and human
32 services for medical treatment and rehabilitative services.

33 Sec. 73. Section 124.504, subsection 3, Code 2023, is
34 amended to read as follows:

35 3. A practitioner engaged in medical practice or research

1 or the Iowa ~~drug abuse~~ substance use disorder authority or
2 any program which is licensed by the authority shall not be
3 required to furnish the name or identity of a patient or
4 research subject to the board or the department, nor shall the
5 practitioner or the authority or any program which is licensed
6 by the authority be compelled in any state or local civil,
7 criminal, administrative, legislative or other proceedings
8 to furnish the name or identity of an individual that the
9 practitioner or the authority or any of its licensed programs
10 is obligated to keep confidential.

11 Sec. 74. Section 124.551, subsection 2, paragraph a,
12 unnumbered paragraph 1, Code 2023, is amended to read as
13 follows:

14 The program shall collect from pharmacies dispensing
15 information for controlled substances identified pursuant
16 to [section 124.554, subsection 1](#), paragraph "g", and from
17 first responders as defined in section 147A.1, subsection
18 7, with the exception of emergency medical care providers
19 as defined in [section 147A.1, subsection 4](#), administration
20 information for opioid antagonists. The department of ~~public~~
21 health and human services shall provide information for the
22 administration of opioid antagonists to the board as prescribed
23 by rule for emergency medical care providers as defined in
24 section 147A.1, subsection 4. The board shall adopt rules
25 requiring the following information to be provided regarding
26 the administration of opioid antagonists:

27 Sec. 75. Section 124.556, Code 2023, is amended to read as
28 follows:

29 **124.556 Education and treatment.**

30 The program shall include education initiatives and outreach
31 to consumers, prescribing practitioners, and pharmacists, and
32 shall also include assistance for identifying substance ~~abuse~~
33 use disorder treatment programs and providers. The program
34 shall also include educational updates and information on
35 general patient risk factors for prescribing practitioners.

1 The board and advisory council shall adopt rules, as provided
2 under [section 124.554](#), to implement [this section](#).

3 Sec. 76. Section 124E.2, subsections 3 and 8, Code 2023, are
4 amended to read as follows:

5 3. "*Department*" means the department of ~~public~~ health and
6 human services.

7 8. "*Laboratory*" means the state hygienic laboratory
8 ~~at the university of Iowa in Iowa City~~ or any other
9 independent medical cannabidiol testing facility accredited
10 to standard ISO/IEC 17025 by an international organization
11 for standards-approved accrediting body, with a controlled
12 substance registration certificate from the United States drug
13 enforcement administration and a certificate of registration
14 from the board of pharmacy. For the purposes of [this chapter](#),
15 an independent laboratory is a laboratory operated by an
16 entity that has no equity ownership in a medical cannabidiol
17 manufacturer.

18 Sec. 77. Section 124E.6, subsection 4, Code 2023, is amended
19 to read as follows:

20 4. A medical cannabidiol manufacturer shall contract with
21 a laboratory to perform spot-check testing of the medical
22 cannabidiol produced by the medical cannabidiol manufacturer
23 as provided in [section 124E.7](#). The department shall require
24 that the laboratory report testing results to the medical
25 cannabidiol manufacturer and the department as determined by
26 the department by rule. If a medical cannabidiol manufacturer
27 contracts with a laboratory other than the state hygienic
28 laboratory ~~at the university of Iowa in Iowa City~~, the
29 department shall approve the laboratory to perform testing
30 pursuant to [this chapter](#).

31 Sec. 78. Section 124E.14, Code 2023, is amended to read as
32 follows:

33 **124E.14 Out-of-state medical cannabidiol dispensaries.**

34 The department of ~~public health~~ shall utilize a request for
35 proposals process to select and license by December 1, 2017,

1 up to two out-of-state medical cannabidiol dispensaries from a
2 bordering state to sell and dispense medical cannabidiol to a
3 patient or primary caregiver in possession of a valid medical
4 cannabidiol registration card issued under [this chapter](#).

5 Sec. 79. Section 125.1, Code 2023, is amended to read as
6 follows:

7 **125.1 Declaration of policy.**

8 It is the policy of this state:

9 1. That persons with ~~substance-related disorders~~ a
10 substance use disorder be afforded the opportunity to
11 receive quality treatment and directed into rehabilitation
12 services which will help them resume a socially acceptable and
13 productive role in society.

14 2. To encourage substance ~~abuse~~ use disorder education
15 and prevention efforts and to insure that such efforts are
16 coordinated to provide a high quality of services without
17 unnecessary duplication.

18 3. To insure that substance ~~abuse~~ use disorder programs
19 are being operated by individuals who are qualified in their
20 field whether through formal education or through employment
21 or personal experience.

22 Sec. 80. Section 125.2, Code 2023, is amended to read as
23 follows:

24 **125.2 Definitions.**

25 For purposes of [this chapter](#), unless the context clearly
26 indicates otherwise:

27 ~~1. "Board" means the state board of health created pursuant~~
28 ~~to [chapter 136](#).~~

29 ~~2.~~ 1. "Chemical substance" means alcohol, wine, spirits,
30 and beer as defined in [chapter 123](#) and controlled substances
31 as defined in [section 124.101](#).

32 ~~3.~~ 2. "Chief medical officer" means the medical director
33 in charge of a public or private hospital, or the director's
34 physician-designee. [This chapter](#) does not negate the
35 authority otherwise reposed by [chapter 226](#) in the respective

1 superintendents of the state mental health institutes to make
2 decisions regarding the appropriateness of admissions or
3 discharges of patients of those institutes, however, it is
4 the intent of [this chapter](#) that a superintendent who is not a
5 licensed physician shall be guided in these decisions by the
6 chief medical officer of the institute.

7 ~~4.~~ 3. "Clerk" means the clerk of the district court.

8 4. "Council" means the council on health and human services.

9 5. "County of residence" means the same as defined in
10 section 331.394.

11 6. "Department" means the Iowa department of ~~public~~ health
12 and human services.

13 7. "Director" means the director of ~~the Iowa department of~~
14 public health and human services.

15 8. "Facility" means an institution, a detoxification center,
16 or an installation providing care, maintenance and treatment
17 for persons with ~~substance-related disorders~~ a substance use
18 disorder licensed by the department under [section 125.13](#),
19 hospitals licensed under [chapter 135B](#), or the state mental
20 health institutes designated by [chapter 226](#).

21 9. "Incapacitated by a chemical substance" means that a
22 person, as a result of the use of a chemical substance, is
23 unconscious or has the person's judgment otherwise so impaired
24 that the person is incapable of realizing and making a rational
25 decision with respect to the need for treatment.

26 10. "Incompetent person" means a person who has been
27 adjudged incompetent by a court of law.

28 11. "Interested person" means a person who, in the
29 discretion of the court, is legitimately concerned that a
30 respondent receive substance ~~abuse~~ use disorder treatment
31 services.

32 12. "Magistrate" means the same as defined in section 801.4,
33 subsection 10.

34 13. "Mental health professional" means the same as defined
35 in [section 228.1](#).

1 14. *“Psychiatric advanced registered nurse practitioner”*
2 means an individual currently licensed as a registered nurse
3 under [chapter 152](#) or [152E](#) who holds a national certification in
4 psychiatric mental health care and who is licensed by the board
5 of nursing as an advanced registered nurse practitioner.

6 15. *“Respondent”* means a person against whom an application
7 is filed under [section 125.75](#).

8 16. ~~*“Substance-related disorder”*~~ *“Substance use disorder”*
9 means a diagnosable substance ~~abuse~~ use disorder of sufficient
10 duration to meet diagnostic criteria specified within the most
11 current diagnostic and statistical manual of mental disorders
12 published by the American psychiatric association that results
13 in a functional impairment.

14 Sec. 81. Section 125.3, Code 2023, is amended to read as
15 follows:

16 **125.3 Substance ~~abuse~~ use disorder program established.**

17 The Iowa department of ~~public health~~ shall develop,
18 implement, and administer a comprehensive substance ~~abuse~~ use
19 disorder program pursuant to [sections 125.1](#) and [125.2](#), this
20 section, and [sections 125.7](#), [125.9](#), [125.10](#), 125.12 through
21 [125.21](#), [125.25](#), [125.32](#) through [125.34](#), and 125.37 through
22 125.43.

23 Sec. 82. Section 125.7, Code 2023, is amended to read as
24 follows:

25 **125.7 Duties of the ~~board~~ council.**

26 The ~~board~~ council shall:

27 1. Approve the comprehensive substance ~~abuse~~ use disorder
28 program, developed by the department pursuant to [sections 125.1](#)
29 through [125.3](#), [this section](#), and [sections 125.9](#), [125.10](#), 125.12
30 through [125.21](#), [125.25](#), [125.32](#) through [125.34](#), and 125.37
31 through 125.43.

32 2. Advise the department on policies governing the
33 performance of the department in the discharge of any duties
34 imposed on the department by law.

35 3. Advise or make recommendations to the governor and the

1 general assembly relative to substance ~~abuse~~ use disorder
2 treatment, intervention, education, and prevention programs in
3 this state.

4 4. Adopt rules for subsections 1 and 6 and review other
5 rules necessary to carry out the provisions of this chapter,
6 subject to review in accordance with chapter 17A.

7 5. Investigate the work of the department relating to
8 substance ~~abuse~~ use disorder, and for this purpose the ~~board~~
9 council shall have access at any time to all books, papers,
10 documents, and records of the department.

11 6. Consider and approve or disapprove all applications
12 for a license and all cases involving the renewal, denial,
13 suspension, or revocation of a license.

14 7. Act as the appeal board regarding funding decisions made
15 by the department.

16 Sec. 83. Section 125.9, subsections 1, 2, 4, 5, and 6, Code
17 2023, are amended to read as follows:

18 1. Plan, establish and maintain treatment, intervention,
19 education, and prevention programs as necessary or desirable in
20 accordance with the comprehensive substance ~~abuse~~ use disorder
21 program.

22 2. Make contracts necessary or incidental to the
23 performance of the duties and the execution of the powers
24 of the director, including contracts with public and
25 private agencies, organizations and individuals to pay
26 them for services rendered or furnished to persons with
27 ~~substance-related disorders~~ a substance use disorder.

28 4. Coordinate the activities of the department and
29 cooperate with substance ~~abuse~~ use disorder programs in
30 this and other states, and make contracts and other joint or
31 cooperative arrangements with state, local or private agencies
32 in this and other states for the treatment of persons with
33 ~~substance-related disorders~~ a substance use disorder and
34 for the common advancement of substance ~~abuse~~ use disorder
35 programs.

1 5. Require that a written report, in reasonable detail, be
2 submitted to the director at any time by any agency of this
3 state or of any of its political subdivisions in respect to any
4 substance ~~abuse~~ use disorder prevention function, or program
5 for the benefit of persons who are or have been involved in
6 substance ~~abuse~~ use disorder, which is being conducted by the
7 agency.

8 6. Submit to the governor a written report of the
9 pertinent facts at any time the director concludes that any
10 agency of this state or of any of its political subdivisions
11 is conducting any substance ~~abuse~~ use disorder prevention
12 function, or program for the benefit of persons who are or have
13 been involved in substance ~~abuse~~ use disorder in a manner not
14 consistent with or which impairs achievement of the objectives
15 of the state plan to combat substance ~~abuse~~ use disorder, and
16 has failed to effect appropriate changes in the function or
17 program.

18 Sec. 84. Section 125.10, Code 2023, is amended to read as
19 follows:

20 **125.10 Duties of director.**

21 The director shall:

22 1. Prepare and submit a state plan subject to approval by
23 the ~~board~~ council and in accordance with 42 U.S.C. §300x-21 et
24 seq. The state plan shall designate the department as the sole
25 agency for supervising the administration of the plan.

26 2. Develop, encourage, and foster statewide, regional,
27 and local plans and programs for the prevention of substance
28 ~~misuse~~ use disorder and the treatment of persons with
29 ~~substance-related disorders~~ a substance use disorder in
30 cooperation with public and private agencies, organizations and
31 individuals, and provide technical assistance and consultation
32 services for these purposes.

33 3. Coordinate the efforts and enlist the assistance of all
34 public and private agencies, organizations, and individuals
35 interested in the prevention of substance ~~misuse~~ use disorder

1 and the treatment of persons with ~~substance-related disorders~~ a
2 substance use disorder. The director's actions to implement
3 this subsection shall also address the treatment needs of
4 persons who have a mental illness, an intellectual disability,
5 brain injury, or other co-occurring condition in addition to a
6 ~~substance-related~~ substance use disorder.

7 4. Cooperate with the department of ~~human services~~ and
8 ~~the Iowa department of public health~~ in establishing and
9 conducting programs to provide treatment for persons with
10 ~~substance-related disorders~~ a substance use disorder.

11 5. Cooperate with the department of education, boards
12 of education, schools, police departments, courts, and other
13 public and private agencies, organizations, and individuals
14 in establishing programs for the prevention of substance
15 ~~misuse~~ use disorder and the treatment of persons with
16 ~~substance-related disorders~~ a substance use disorder, and in
17 preparing relevant curriculum materials for use at all levels
18 of school education.

19 6. Prepare, publish, evaluate and disseminate educational
20 material dealing with the nature and effects of chemical
21 substances.

22 7. Develop and implement, as an integral part of treatment
23 programs, an educational program for use in the treatment
24 of persons with ~~substance-related disorders~~ a substance use
25 disorder, which program shall include the dissemination of
26 information concerning the nature and effects of substances.

27 8. Organize and implement, in cooperation with local
28 treatment programs, training programs for all persons engaged
29 in treatment of persons with ~~substance-related disorders~~ a
30 substance use disorder.

31 9. Sponsor and implement research in cooperation with
32 local treatment programs into the causes and nature of
33 substance ~~misuse~~ use disorder and treatment of persons with
34 ~~substance-related disorders~~ a substance use disorder, and serve
35 as a clearing house for information relating to substance

1 ~~misuse~~ use disorder.

2 10. Specify uniform methods for keeping statistical
3 information by public and private agencies, organizations,
4 and individuals, and collect and make available relevant
5 statistical information, including number of persons treated,
6 frequency of admission and readmission, and frequency and
7 duration of treatment.

8 11. Develop and implement, with the counsel and approval
9 of the ~~board~~ council, the comprehensive plan for treatment
10 of persons with ~~substance-related disorders~~ a substance use
11 disorder in accordance with [this chapter](#).

12 12. Assist in the development of, and cooperate with,
13 substance ~~abuse~~ use disorder education and treatment programs
14 for employees of state and local governments and businesses and
15 industries in the state.

16 13. Utilize the support and assistance of interested
17 persons in the community, particularly persons who are
18 recovering from ~~substance-related disorders~~ a substance use
19 disorder to encourage persons with ~~substance-related disorders~~
20 a substance use disorder to voluntarily undergo treatment.

21 14. Cooperate with the commissioner of public safety in
22 establishing and conducting programs designed to deal with the
23 problem of persons operating motor vehicles while intoxicated.

24 15. Encourage general hospitals and other appropriate
25 health facilities to admit without discrimination persons
26 with ~~substance-related disorders~~ a substance use disorder
27 and to provide them with adequate and appropriate treatment.
28 The director may negotiate and implement contracts with
29 hospitals and other appropriate health facilities with adequate
30 detoxification facilities.

31 16. Encourage all health and disability insurance programs
32 to include ~~substance-related~~ substance use disorders as covered
33 illnesses.

34 17. Review all state health, welfare, education and
35 treatment proposals to be submitted for federal funding under

1 federal legislation, and advise the governor on provisions
2 to be included relating to substance ~~misuse~~ use disorder and
3 persons with ~~substance-related disorders~~ a substance use
4 disorder.

5 Sec. 85. Section 125.12, subsections 1 and 3, Code 2023, are
6 amended to read as follows:

7 1. The ~~board~~ council shall review the comprehensive
8 substance ~~abuse~~ use disorder program implemented by the
9 department for the treatment of persons with ~~substance-related~~
10 ~~disorders~~ a substance use disorder and concerned family
11 members. Subject to the review of the ~~board~~ council, the
12 director shall divide the state into appropriate regions
13 for the conduct of the program and establish standards for
14 the development of the program on the regional level. In
15 establishing the regions, consideration shall be given to city
16 and county lines, population concentrations, and existing
17 substance ~~abuse~~ use disorder treatment services.

18 3. The director shall provide for adequate and appropriate
19 treatment for persons with ~~substance-related disorders~~ a
20 substance use disorder and concerned family members admitted
21 under [sections 125.33](#) and [125.34](#), or under [section 125.75](#),
22 [125.81](#), or [125.91](#). Treatment shall not be provided at a
23 correctional institution except for inmates. A mental health
24 professional who is employed by a treatment provider under the
25 program may provide treatment to a person with co-occurring
26 ~~substance-related~~ substance use and mental health disorders.
27 Such treatment may also be provided by a person employed by
28 such a treatment provider who is receiving the supervision
29 required to meet the definition of mental health professional
30 but has not completed the supervision component.

31 Sec. 86. Section 125.13, subsection 1, paragraph a, Code
32 2023, is amended to read as follows:

33 a. Except as provided in [subsection 2](#), a person shall not
34 maintain or conduct any chemical substitutes or antagonists
35 program, residential program, or nonresidential outpatient

1 program, the primary purpose of which is the treatment and
2 rehabilitation of persons with ~~substance-related disorders~~ a
3 substance use disorder without having first obtained a written
4 license for the program from the department.

5 Sec. 87. Section 125.13, subsection 2, paragraphs a, b, c,
6 f, i, and j, Code 2023, are amended to read as follows:

7 a. A hospital providing care or treatment to persons
8 with ~~substance-related disorders~~ a substance use disorder
9 licensed under [chapter 135B](#) which is accredited by the joint
10 commission on the accreditation of health care organizations,
11 the commission on accreditation of rehabilitation facilities,
12 the American osteopathic association, or another recognized
13 organization approved by the ~~board~~ council. All survey reports
14 from the accrediting or licensing body must be sent to the
15 department.

16 b. Any practitioner of medicine and surgery or osteopathic
17 medicine and surgery, in the practitioner's private practice.
18 However, a program shall not be exempted from licensing by the
19 ~~board~~ council by virtue of its utilization of the services of a
20 medical practitioner in its operation.

21 c. Private institutions conducted by and for persons who
22 adhere to the faith of any well recognized church or religious
23 denomination for the purpose of providing care, treatment,
24 counseling, or rehabilitation to persons with ~~substance-related~~
25 ~~disorders~~ a substance use disorder and who rely solely on
26 prayer or other spiritual means for healing in the practice of
27 religion of such church or denomination.

28 f. Individuals in private practice who are providing
29 substance ~~abuse~~ use disorder treatment services independent
30 from a program that is required to be licensed under subsection
31 1.

32 i. A substance ~~abuse~~ use disorder treatment program not
33 funded by the department which is accredited or licensed
34 by the joint commission on the accreditation of health
35 care organizations, the commission on the accreditation

1 of rehabilitation facilities, the American osteopathic
2 association, or another recognized organization approved by
3 the ~~board~~ council. All survey reports from the accrediting or
4 licensing body must be sent to the department.

5 *j.* A hospital substance ~~abuse~~ use disorder treatment program
6 that is accredited or licensed by the joint commission on the
7 accreditation of health care organizations, the commission on
8 the accreditation of rehabilitation facilities, the American
9 osteopathic association, or another recognized organization
10 approved by the ~~board~~ council. All survey reports for the
11 hospital substance ~~abuse~~ use disorder treatment program
12 from the accrediting or licensing body shall be sent to the
13 department.

14 Sec. 88. Section 125.14, Code 2023, is amended to read as
15 follows:

16 **125.14 Licenses — renewal — fees.**

17 The ~~board~~ council shall consider all cases involving initial
18 issuance, and renewal, denial, suspension, or revocation
19 of a license. The department shall issue a license to an
20 applicant whom the ~~board~~ council determines meets the licensing
21 requirements of [this chapter](#). Licenses shall expire no
22 later than three years from the date of issuance and shall be
23 renewed upon timely application made in the same manner as
24 for initial issuance of a license unless notice of nonrenewal
25 is given to the licensee at least thirty days prior to the
26 expiration of the license. The department shall not charge a
27 fee for licensing or renewal of programs contracting with the
28 department for provision of treatment services. A fee may be
29 charged to other licensees.

30 Sec. 89. Section 125.14A, Code 2023, is amended to read as
31 follows:

32 **125.14A Personnel of a licensed program admitting juveniles.**

33 1. If a person is being considered for licensure under this
34 chapter, or for employment involving direct responsibility for
35 a child or with access to a child when the child is alone, by

1 a program admitting juveniles subject to licensure under this
2 chapter, or if a person will reside in a facility utilized
3 by such a program, and if the person has been convicted of
4 a crime or has a record of founded child abuse, the record
5 check evaluation system of the department of human services
6 and the program, for an employee of the program, shall perform
7 an evaluation to determine whether the crime or founded
8 child abuse warrants prohibition of licensure, employment, or
9 residence in the facility. The ~~department of human services~~
10 record check evaluation system shall conduct criminal and
11 child abuse record checks in this state and may conduct these
12 checks in other states. The evaluation shall be performed in
13 accordance with procedures adopted for this purpose by the
14 department of human services.

15 2. If the ~~department of human services~~ record check
16 evaluation system determines that a person has committed a
17 crime or has a record of founded child abuse and is licensed,
18 employed by a program licensed under [this chapter](#), or resides
19 in a licensed facility the ~~department~~ record check evaluation
20 system shall notify the program that an evaluation will be
21 conducted to determine whether prohibition of the person's
22 licensure, employment, or residence is warranted.

23 3. In an evaluation, the ~~department of human services~~
24 record check evaluation system and the program for an employee
25 of the program shall consider the nature and seriousness of
26 the crime or founded child abuse in relation to the position
27 sought or held, the time elapsed since the commission of the
28 crime or founded child abuse, the circumstances under which
29 the crime or founded child abuse was committed, the degree of
30 rehabilitation, the likelihood that the person will commit the
31 crime or founded child abuse again, and the number of crimes
32 or founded child abuses committed by the person involved. The
33 ~~department of human services~~ record check evaluation system
34 may permit a person who is evaluated to be licensed, employed,
35 or to reside, or to continue to be licensed, employed, or

1 to reside in a program, if the person complies with the
2 ~~department's~~ record check evaluation system's conditions
3 relating to the person's licensure, employment, or residence,
4 which may include completion of additional training. For an
5 employee of a licensee, these conditional requirements shall
6 be developed with the licensee. The ~~department of human~~
7 services record check evaluation system has final authority
8 in determining whether prohibition of the person's licensure,
9 employment, or residence is warranted and in developing any
10 conditional requirements under [this subsection](#).

11 4. If the ~~department of human services~~ record check
12 evaluation system determines that the person has committed a
13 crime or has a record of founded child abuse which warrants
14 prohibition of licensure, employment, or residence, the person
15 shall not be licensed under [this chapter](#) to operate a program
16 admitting juveniles and shall not be employed by a program or
17 reside in a facility admitting juveniles licensed under this
18 chapter.

19 5. In addition to the record checks required under this
20 section, the ~~department of human services~~ record check
21 evaluation system may conduct dependent adult abuse record
22 checks in this state and may conduct these checks in other
23 states, on a random basis. The provisions of [this section](#),
24 relative to an evaluation following a determination that a
25 person has been convicted of a crime or has a record of founded
26 child abuse, shall also apply to a random check conducted under
27 this subsection.

28 6. ~~Beginning July 1, 1994,~~ a A program or facility shall
29 inform all new applicants for employment of the possibility
30 of the performance of a record check and shall obtain, from
31 the applicant, a signed acknowledgment of the receipt of the
32 information.

33 7. ~~On or after July 1, 1994,~~ a A program or facility shall
34 include the following inquiry in an application for employment:
35 Do you have a record of founded child or dependent adult abuse

1 or have you ever been convicted of a crime, in this state or any
2 other state?

3 Sec. 90. Section 125.15, Code 2023, is amended to read as
4 follows:

5 **125.15 Inspections.**

6 The department may inspect the facilities and review the
7 procedures utilized by any chemical substitutes or antagonists
8 program, residential program, or nonresidential outpatient
9 program that has as a primary purpose the treatment and
10 rehabilitation of persons with ~~substance-related disorders~~ a
11 substance use disorder, for the purpose of ensuring compliance
12 with [this chapter](#) and the rules adopted pursuant to this
13 chapter. The examination and review may include case record
14 audits and interviews with staff and patients, consistent with
15 the confidentiality safeguards of state and federal law.

16 Sec. 91. Section 125.15A, subsection 1, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:

18 The department may place an employee or agent to serve as a
19 monitor in a licensed substance ~~abuse~~ use disorder treatment
20 program or may petition the court for appointment of a receiver
21 for a program when any of the following conditions exist:

22 Sec. 92. Section 125.15A, subsection 1, paragraph b, Code
23 2023, is amended to read as follows:

24 *b.* The ~~board~~ council has suspended, revoked, or refused to
25 renew the existing license of the program.

26 Sec. 93. Section 125.16, Code 2023, is amended to read as
27 follows:

28 **125.16 Transfer of license or change of location prohibited.**

29 A license issued under [this chapter](#) may not be transferred,
30 and the location of the physical facilities occupied or
31 utilized by any program licensed under [this chapter](#) shall not
32 be changed without the prior written consent of the ~~board~~
33 council.

34 Sec. 94. Section 125.17, Code 2023, is amended to read as
35 follows:

1 **125.17 License suspension or revocation.**

2 Violation of any of the requirements or restrictions of
3 this chapter or of any of the rules adopted pursuant to this
4 chapter is cause for suspension, revocation, or refusal to
5 renew a license. The director shall at the earliest time
6 feasible notify a licensee whose license the ~~board~~ council
7 is considering suspending or revoking and shall inform the
8 licensee what changes must be made in the licensee's operation
9 to avoid such action. The licensee shall be given a reasonable
10 time for compliance, as determined by the director, after
11 receiving such notice or a notice that the ~~board~~ council does
12 not intend to renew the license. When the licensee believes
13 compliance has been achieved, or if the licensee considers
14 the proposed suspension, revocation, or refusal to renew
15 unjustified, the licensee may submit pertinent information to
16 the ~~board~~ council and the ~~board~~ council shall expeditiously
17 make a decision in the matter and notify the licensee of the
18 decision.

19 Sec. 95. Section 125.18, Code 2023, is amended to read as
20 follows:

21 **125.18 Hearing before ~~board~~ council.**

22 If a licensee under [this chapter](#) makes a written request
23 for a hearing within thirty days of suspension, revocation,
24 or refusal to renew a license, a hearing before the ~~board~~
25 council shall be expeditiously arranged by the department of
26 inspections and appeals whose decision is subject to review by
27 the ~~board~~ council. The ~~board~~ council shall issue a written
28 statement of the ~~board's~~ council's findings within thirty days
29 after conclusion of the hearing upholding or reversing the
30 proposed suspension, revocation, or refusal to renew a license.
31 Action involving suspension, revocation, or refusal to renew a
32 license shall not be taken by the ~~board~~ council unless a quorum
33 is present at the meeting. A copy of the ~~board's~~ council's
34 decision shall be promptly transmitted to the affected licensee
35 who may, if aggrieved by the decision, seek judicial review of

1 the actions of the ~~board~~ council in accordance with the terms
2 of [chapter 17A](#).

3 Sec. 96. Section 125.19, Code 2023, is amended to read as
4 follows:

5 **125.19 Reissuance or reinstatement.**

6 After suspension, revocation, or refusal to renew a license
7 pursuant to [this chapter](#), the affected licensee shall not have
8 the license reissued or reinstated within one year of the
9 effective date of the suspension, revocation, or expiration
10 upon refusal to renew, unless the ~~board~~ council orders
11 otherwise. After that time, proof of compliance with the
12 requirements and restrictions of [this chapter](#) and the rules
13 adopted pursuant to [this chapter](#) must be presented to the ~~board~~
14 council prior to reinstatement or reissuance of a license.

15 Sec. 97. Section 125.20, Code 2023, is amended to read as
16 follows:

17 **125.20 Rules.**

18 The department shall establish rules pursuant to chapter
19 17A requiring facilities to use reasonable accounting and
20 reimbursement systems which recognize relevant cost-related
21 factors for patients with a substance abuse ~~patients use~~
22 disorder. A facility shall not be licensed nor shall any
23 payment be made under [this chapter](#) to a facility which fails
24 to comply with those rules or which does not permit inspection
25 by the department or examination of all records, including
26 financial records, methods of administration, general and
27 special dietary programs, the disbursement of drugs and methods
28 of supply, and any other records the department deems relevant
29 to the establishment of such a system. However, rules issued
30 pursuant to this paragraph shall not apply to any facility
31 referred to in [section 125.13, subsection 2](#) or [section 125.43](#).

32 Sec. 98. Section 125.21, subsection 1, Code 2023, is amended
33 to read as follows:

34 1. The ~~board~~ council has exclusive power in this state
35 to approve and license chemical substitutes and antagonists

1 programs, and to monitor chemical substitutes and antagonists
2 programs to ensure that the programs are operating within the
3 rules adopted pursuant to [this chapter](#). The ~~board~~ council
4 shall grant approval and license if the requirements of the
5 rules are met and state funding is not requested. The chemical
6 substitutes and antagonists programs conducted by persons
7 exempt from the licensing requirements of [this chapter](#) pursuant
8 to [section 125.13, subsection 2](#), are subject to approval and
9 licensure under [this section](#).

10 Sec. 99. Section 125.25, subsection 1, Code 2023, is amended
11 to read as follows:

12 1. Before making any allocation of funds to a local
13 substance ~~abuse~~ use disorder program, the department shall
14 require a detailed line item budget clearly indicating the
15 funds received from each revenue source for the fiscal year
16 for which the funds are requested on forms provided by the
17 department for each program.

18 Sec. 100. Section 125.32, unnumbered paragraph 1, Code
19 2023, is amended to read as follows:

20 The department shall adopt and may amend and repeal rules
21 for acceptance of persons into the treatment program, subject
22 to [chapter 17A](#), considering available treatment resources and
23 facilities, for the purpose of early and effective treatment
24 of persons with ~~substance-related disorders~~ a substance
25 use disorder and concerned family members. In establishing
26 the rules the department shall be guided by the following
27 standards:

28 Sec. 101. Section 125.32A, Code 2023, is amended to read as
29 follows:

30 **125.32A Discrimination prohibited.**

31 Any substance ~~abuse~~ use disorder treatment program receiving
32 state funding under [this chapter](#) or any other chapter of the
33 Code shall not discriminate against a person seeking treatment
34 solely because the person is pregnant, unless the program
35 in each instance identifies and refers the person to an

1 alternative and acceptable treatment program for the person.

2 Sec. 102. Section 125.33, Code 2023, is amended to read as
3 follows:

4 **125.33 Voluntary treatment of persons with ~~substance-related~~
5 disorders a substance use disorder.**

6 1. A person with a ~~substance-related~~ substance use
7 disorder may apply for voluntary treatment or rehabilitation
8 services directly to a facility or to a licensed physician and
9 surgeon or osteopathic physician and surgeon or to a mental
10 health professional. If the proposed patient is a minor or
11 an incompetent person, a parent, a legal guardian or other
12 legal representative may make the application. The licensed
13 physician and surgeon or osteopathic physician and surgeon,
14 mental health professional, or any employee or person acting
15 under the direction or supervision of the physician and
16 surgeon or osteopathic physician and surgeon, mental health
17 professional, or facility shall not report or disclose the
18 name of the person or the fact that treatment was requested
19 or has been undertaken to any law enforcement officer or law
20 enforcement agency; nor shall such information be admissible as
21 evidence in any court, grand jury, or administrative proceeding
22 unless authorized by the person seeking treatment. If the
23 person seeking such treatment or rehabilitation is a minor who
24 has personally made application for treatment, the fact that
25 the minor sought treatment or rehabilitation or is receiving
26 treatment or rehabilitation services shall not be reported
27 or disclosed to the parents or legal guardian of such minor
28 without the minor's consent, and the minor may give legal
29 consent to receive such treatment and rehabilitation.

30 2. Subject to rules adopted by the department, the
31 administrator or the administrator's designee in charge of a
32 facility may determine who shall be admitted for treatment
33 or rehabilitation. If a person is refused admission, the
34 administrator or the administrator's designee, subject to rules
35 adopted by the department, shall refer the person to another

1 facility for treatment if possible and appropriate.

2 3. A person with a ~~substance-related~~ substance use
3 disorder seeking treatment or rehabilitation and who is
4 either addicted to or dependent on a chemical substance may
5 first be examined and evaluated by a licensed physician and
6 surgeon or osteopathic physician and surgeon or a mental health
7 professional who may prescribe, if authorized or licensed
8 to do so, a proper course of treatment and medication, if
9 needed. The licensed physician and surgeon or osteopathic
10 physician and surgeon or mental health professional may further
11 prescribe a course of treatment or rehabilitation and authorize
12 another licensed physician and surgeon or osteopathic physician
13 and surgeon, mental health professional, or facility to
14 provide the prescribed treatment or rehabilitation services.
15 Treatment or rehabilitation services may be provided to a
16 person individually or in a group. A facility providing or
17 engaging in treatment or rehabilitation shall not report or
18 disclose to a law enforcement officer or law enforcement
19 agency the name of any person receiving or engaged in the
20 treatment or rehabilitation; nor shall a person receiving or
21 participating in treatment or rehabilitation report or disclose
22 the name of any other person engaged in or receiving treatment
23 or rehabilitation or that the program is in existence, to
24 a law enforcement officer or law enforcement agency. Such
25 information shall not be admitted in evidence in any court,
26 grand jury, or administrative proceeding. However, a person
27 engaged in or receiving treatment or rehabilitation may
28 authorize the disclosure of the person's name and individual
29 participation.

30 4. If a patient receiving inpatient or residential care
31 leaves a facility, the patient shall be encouraged to consent
32 to appropriate outpatient or halfway house treatment. If it
33 appears to the administrator in charge of the facility that
34 the patient is a person with a ~~substance-related~~ substance
35 use disorder who requires help, the director may arrange for

1 assistance in obtaining supportive services.

2 5. If a patient leaves a facility, with or against the
3 advice of the administrator in charge of the facility, the
4 director may make reasonable provisions for the patient's
5 transportation to another facility or to the patient's home.
6 If the patient has no home the patient shall be assisted in
7 obtaining shelter. If the patient is a minor or an incompetent
8 person, the request for discharge from an inpatient facility
9 shall be made by a parent, legal guardian, or other legal
10 representative, or by the minor or incompetent person if the
11 patient was the original applicant.

12 6. Any person who reports or discloses the name of a
13 person receiving treatment or rehabilitation services to a
14 law enforcement officer or law enforcement agency or any
15 person receiving treatment or rehabilitation services who
16 discloses the name of any other person receiving treatment or
17 rehabilitation services without the written consent of the
18 person in violation of the provisions of [this section](#) shall
19 upon conviction be guilty of a simple misdemeanor.

20 Sec. 103. Section 125.34, Code 2023, is amended to read as
21 follows:

22 **125.34 Treatment and services for persons with**
23 **~~substance-related disorders~~ a substance use disorder due to**
24 **intoxication and substance-induced incapacitation.**

25 1. A person with a ~~substance-related~~ substance use disorder
26 due to intoxication or substance-induced incapacitation may
27 come voluntarily to a facility for emergency treatment. A
28 person who appears to be intoxicated or incapacitated by a
29 substance in a public place and in need of help may be taken
30 to a facility by a peace officer under [section 125.91](#). If
31 the person refuses the proffered help, the person may be
32 arrested and charged with intoxication under [section 123.46](#),
33 if applicable.

34 2. If no facility is readily available the person may
35 be taken to an emergency medical service customarily used

1 for incapacitated persons. The peace officer in detaining
2 the person and in taking the person to a facility shall make
3 every reasonable effort to protect the person's health and
4 safety. In detaining the person the detaining officer may take
5 reasonable steps for self-protection. Detaining a person under
6 section 125.91 is not an arrest and no entry or other record
7 shall be made to indicate that the person who is detained has
8 been arrested or charged with a crime.

9 3. A person who arrives at a facility and voluntarily
10 submits to examination shall be examined by a licensed
11 physician and surgeon or osteopathic physician and surgeon or
12 mental health professional as soon as possible after the person
13 arrives at the facility. The person may then be admitted as a
14 patient or referred to another health facility. The referring
15 facility shall arrange for transportation.

16 4. If a person is voluntarily admitted to a facility, the
17 person's family or next of kin shall be notified as promptly
18 as possible. If an adult patient who is not incapacitated
19 requests that there be no notification, the request shall be
20 respected.

21 5. A peace officer who acts in compliance with [this section](#)
22 is acting in the course of the officer's official duty and is
23 not criminally or civilly liable ~~therefor~~ for such acts, unless
24 such acts constitute willful malice or abuse.

25 6. If the physician and surgeon or osteopathic physician
26 and surgeon in charge of the facility determines it is for the
27 patient's benefit, the patient shall be encouraged to agree to
28 further diagnosis and appropriate voluntary treatment.

29 7. A licensed physician and surgeon or osteopathic
30 physician and surgeon, mental health professional, facility
31 administrator, or an employee or a person acting as or on
32 behalf of the facility administrator, is not criminally or
33 civilly liable for acts in conformity with [this chapter](#), unless
34 the acts constitute willful malice or abuse.

35 Sec. 104. Section 125.37, subsection 2, Code 2023, is

1 amended to read as follows:

2 2. Notwithstanding [subsection 1](#), the director may make
3 available information from patients' records for purposes of
4 research into the causes and treatment of substance ~~abuse~~ use
5 disorder. Information under [this subsection](#) shall not be
6 published in a way that discloses patients' names or other
7 identifying information.

8 Sec. 105. Section 125.39, Code 2023, is amended to read as
9 follows:

10 **125.39 Eligible entities.**

11 A local governmental unit which is providing funds to a
12 facility for treatment of substance ~~abuse~~ use disorder may
13 request from the facility a treatment program plan prior to
14 authorizing payment of any claims filed by the facility. The
15 governing body of the local governmental unit may review the
16 plan, but shall not impose on the facility any requirement
17 conflicting with the comprehensive treatment program of the
18 facility.

19 Sec. 106. Section 125.43, Code 2023, is amended to read as
20 follows:

21 **125.43 Funding at mental health institutes.**

22 Chapter 230 governs the determination of the costs
23 and payment for treatment provided to persons with
24 ~~substance-related disorders~~ a substance use disorder in a
25 mental health institute under the department ~~of human services~~,
26 except that the charges are not a lien on real estate owned
27 by persons legally liable for support of the person with a
28 ~~substance-related~~ substance use disorder and the daily per diem
29 shall be billed at twenty-five percent. The superintendent of
30 a state ~~hospital~~ mental health institute shall total only those
31 expenditures which can be attributed to the cost of providing
32 inpatient treatment to persons with ~~substance-related disorders~~
33 a substance use disorder for purposes of determining the daily
34 per diem. [Section 125.44](#) governs the determination of who is
35 legally liable for the cost of care, maintenance, and treatment

1 of a person with a ~~substance-related~~ substance use disorder and
2 of the amount for which the person is liable.

3 Sec. 107. Section 125.43A, Code 2023, is amended to read as
4 follows:

5 **125.43A Prescreening — exception.**

6 Except in cases of medical emergency or court-ordered
7 admissions, a person shall be admitted to a state mental health
8 institute for treatment of a ~~substance-related~~ substance use
9 disorder only after a preliminary intake and assessment by a
10 department-licensed treatment facility or a hospital providing
11 care or treatment for persons with ~~substance-related disorders~~
12 a substance use disorder licensed under [chapter 135B](#) and
13 accredited by the joint commission on the accreditation of
14 health care organizations, the commission on accreditation
15 of rehabilitation facilities, the American osteopathic
16 association, or another recognized organization approved by
17 the ~~board~~ council, or by a designee of a department-licensed
18 treatment facility or a hospital other than a state mental
19 health institute, which confirms that the admission is
20 appropriate to the person's ~~substance-related~~ substance use
21 disorder service needs. A county board of supervisors may seek
22 an admission of a patient to a state mental health institute
23 who has not been confirmed for appropriate admission and the
24 county shall be responsible for one hundred percent of the cost
25 of treatment and services of the patient.

26 Sec. 108. Section 125.44, Code 2023, is amended to read as
27 follows:

28 **125.44 Agreements with facilities — liability for costs.**

29 1. The director may, consistent with the comprehensive
30 ~~substance abuse~~ substance use disorder program, enter into written
31 agreements with a facility as defined in [section 125.2](#) to pay
32 for one hundred percent of the cost of the care, maintenance,
33 and treatment of persons with ~~substance-related disorders~~ a
34 substance use disorder, except when [section 125.43A](#) applies.
35 All payments for state patients shall be made in accordance

1 with the limitations of [this section](#). Such contracts shall be
2 for a period of no more than one year.

3 2. The contract may be in the form and contain provisions
4 as agreed upon by the parties. The contract shall provide
5 that the facility shall admit and treat persons with
6 ~~substance-related disorders~~ a substance use disorder regardless
7 of where they have residence. If one payment for care,
8 maintenance, and treatment is not made by the patient or
9 those legally liable for the patient, the payment shall be
10 made by the department directly to the facility. Payments
11 shall be made each month and shall be based upon the rate of
12 payment for services negotiated between the department and the
13 contracting facility. If a facility projects a temporary cash
14 flow deficit, the department may make cash advances at the
15 beginning of each fiscal year to the facility. The repayment
16 schedule for advances shall be part of the contract between the
17 department and the facility. [This section](#) does not pertain to
18 patients treated at the mental health institutes.

19 3. If the appropriation to the department is insufficient
20 to meet the requirements of [this section](#), the department shall
21 request a transfer of funds and [section 8.39](#) shall apply.

22 4. The person with a ~~substance-related~~ substance use
23 disorder is legally liable to the facility for the total amount
24 of the cost of providing care, maintenance, and treatment for
25 the person with a ~~substance-related~~ substance use disorder
26 while a voluntary or committed patient in a facility. This
27 section does not prohibit any individual from paying any
28 portion of the cost of treatment.

29 5. The department is liable for the cost of care, treatment,
30 and maintenance of persons with ~~substance-related disorders~~ a
31 substance use disorder admitted to the facility voluntarily or
32 pursuant to [section 125.75](#), [125.81](#), or [125.91](#) or [section 321J.3](#)
33 or [124.409](#) only to those facilities that have a contract with
34 the department under [this section](#), only for the amount computed
35 according to and within the limits of liability prescribed by

1 this section, and only when the person with a ~~substance-related~~
2 substance use disorder is unable to pay the costs and there is
3 no other person, firm, corporation, or insurance company bound
4 to pay the costs.

5 6. The department's maximum liability for the costs of care,
6 treatment, and maintenance of persons with ~~substance-related~~
7 ~~disorders~~ a substance use disorder in a contracting facility
8 is limited to the total amount agreed upon by the parties and
9 specified in the contract under [this section](#).

10 Sec. 109. Section 125.46, Code 2023, is amended to read as
11 follows:

12 **125.46 County of residence determined.**

13 The facility shall, when a person with a ~~substance-related~~
14 substance use disorder is admitted, or as soon thereafter as
15 it receives the proper information, determine and enter upon
16 its records the Iowa county of residence of the person with a
17 ~~substance-related~~ substance use disorder, or that the person
18 resides in some other state or country, or that the person is
19 unclassified with respect to residence.

20 Sec. 110. Section 125.55, Code 2023, is amended to read as
21 follows:

22 **125.55 Audits.**

23 All licensed substance ~~abuse~~ use disorder programs are
24 subject to annual audit either by the auditor of state or in
25 lieu of an audit by the auditor of state the substance ~~abuse~~
26 use disorder program may contract with or employ certified
27 public accountants to conduct the audit, in accordance with
28 sections 11.6, [11.14](#), and [11.19](#). The audit format shall be
29 as prescribed by the auditor of state. The certified public
30 accountant shall submit a copy of the audit to the director. A
31 licensed substance ~~abuse~~ use disorder program is also subject
32 to special audits as the director requests. The licensed
33 substance ~~abuse~~ use disorder program or the department shall
34 pay all expenses incurred by the auditor of state in conducting
35 an audit under [this section](#).

1 Sec. 111. Section 125.58, Code 2023, is amended to read as
2 follows:

3 **125.58 Inspection — penalties.**

4 1. If the department has probable cause to believe that
5 an institution, place, building, or agency not licensed as
6 a substance ~~abuse~~ use disorder treatment and rehabilitation
7 facility is in fact a substance ~~abuse~~ use disorder treatment
8 and rehabilitation facility as defined by [this chapter](#), and
9 is not exempt from licensing by [section 125.13, subsection 2](#),
10 the ~~board~~ council may order an inspection of the institution,
11 place, building, or agency. If the inspector upon presenting
12 proper identification is denied entry for the purpose of making
13 the inspection, the inspector may, with the assistance of
14 the county attorney of the county in which the premises are
15 located, apply to the district court for an order requiring
16 the owner or occupant to permit entry and inspection of the
17 premises to determine whether there have been violations
18 of [this chapter](#). The investigation may include review of
19 records, reports, and documents maintained by the facility
20 and interviews with staff members consistent with the
21 confidentiality safeguards of state and federal law.

22 2. A person establishing, conducting, managing, or
23 operating a substance ~~abuse~~ use disorder treatment and
24 rehabilitation facility without a license is guilty of a
25 serious misdemeanor. Each day of continued violation after
26 conviction or notice from the department by certified mail of a
27 violation shall be considered a separate offense or chargeable
28 offense. A person establishing, conducting, managing or
29 operating a substance ~~abuse~~ use disorder treatment and
30 rehabilitation facility without a license may be temporarily
31 or permanently restrained therefrom by a court of competent
32 jurisdiction in an action brought by the state.

33 3. Notwithstanding the existence or pursuit of any other
34 remedy, the department may, in the manner provided by law,
35 maintain an action in the name of the state for injunction or

1 other process against a person or governmental unit to restrain
2 or prevent the establishment, conduct, management or operation
3 of a substance ~~abuse~~ use disorder treatment and rehabilitation
4 facility without a license.

5 Sec. 112. Section 125.59, subsection 1, paragraph a,
6 unnumbered paragraph 1, Code 2023, is amended to read as
7 follows:

8 Of these funds, notwithstanding section 125.13, subsection
9 1, one-half of the transferred amount shall be used for grants
10 to counties operating a substance ~~abuse~~ use disorder program
11 involving only education, prevention, referral or posttreatment
12 services, either with the counties' own employees or by
13 contract with a nonprofit corporation. The grants shall not
14 annually exceed ten thousand dollars to any one county, subject
15 to the following conditions:

16 Sec. 113. Section 125.59, subsection 1, paragraph b, Code
17 2023, is amended to read as follows:

18 b. If the transferred amount for **this subsection** exceeds
19 grant requests funded to the ten thousand dollar maximum,
20 the department of ~~public health~~ may use the remainder for
21 activities and public information resources that align with
22 best practices for ~~substance-related~~ substance use disorder
23 prevention or to increase grants pursuant to **subsection 2**.

24 Sec. 114. Section 125.75, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. Proceedings for the involuntary commitment or treatment
27 of a person with a ~~substance-related~~ substance use disorder
28 to a facility pursuant to **this chapter** or for the involuntary
29 hospitalization of a person pursuant to **chapter 229** may
30 be commenced by any interested person by filing a verified
31 application with the clerk of the district court of the
32 county where the respondent is presently located or which
33 is the respondent's place of residence. The clerk or the
34 clerk's designee shall assist the applicant in completing the
35 application.

1 Sec. 115. Section 125.75, subsection 2, paragraph a,
2 subparagraph (1), Code 2023, is amended to read as follows:

3 (1) A ~~substance-related~~ substance use disorder as defined
4 in section 125.2.

5 Sec. 116. Section 125.80, subsections 3 and 4, Code 2023,
6 are amended to read as follows:

7 3. If the report of a court-designated licensed physician
8 and surgeon or osteopathic physician and surgeon or mental
9 health professional is to the effect that the respondent is
10 not a person with a ~~substance-related~~ substance use disorder,
11 the court, without taking further action, shall terminate the
12 proceeding and dismiss the application on its own motion and
13 without notice.

14 4. If the report of a court-designated licensed physician
15 and surgeon or osteopathic physician and surgeon or mental
16 health professional is to the effect that the respondent is a
17 person with a ~~substance-related~~ substance use disorder, the
18 court shall schedule a commitment hearing as soon as possible.
19 The hearing shall be held not more than forty-eight hours
20 after the report is filed, excluding Saturdays, Sundays, and
21 holidays, unless an extension for good cause is requested
22 by the respondent, or as soon thereafter as possible if the
23 court considers that sufficient grounds exist for delaying the
24 hearing.

25 Sec. 117. Section 125.81, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. If a person filing an application requests that a
28 respondent be taken into immediate custody, and the court upon
29 reviewing the application and accompanying documentation, finds
30 probable cause to believe that the respondent is a person with
31 a ~~substance-related~~ substance use disorder who is likely to
32 injure the person or other persons if allowed to remain at
33 liberty, the court may enter a written order directing that
34 the respondent be taken into immediate custody by the sheriff,
35 and be detained until the commitment hearing, which shall

1 be held no more than five days after the date of the order,
2 except that if the fifth day after the date of the order is
3 a Saturday, Sunday, or a holiday, the hearing may be held on
4 the next business day. The court may order the respondent
5 detained for the period of time until the hearing is held, and
6 no longer except as provided in [section 125.88](#), in accordance
7 with [subsection 2](#), paragraph "a", if possible, and if not, then
8 in accordance with [subsection 2](#), paragraph "b", or, only if
9 neither of these alternatives is available in accordance with
10 subsection 2, paragraph "c".

11 Sec. 118. Section 125.81, subsection 2, paragraph c, Code
12 2023, is amended to read as follows:

13 c. In the nearest facility which is licensed to care for
14 persons with mental illness or substance ~~abuse~~ use disorder,
15 provided that detention in a jail or other facility intended
16 for confinement of those accused or convicted of a crime shall
17 not be ordered.

18 Sec. 119. Section 125.82, subsections 3 and 4, Code 2023,
19 are amended to read as follows:

20 3. The person who filed the application and a licensed
21 physician and surgeon or osteopathic physician and surgeon,
22 mental health professional, or certified alcohol and drug
23 counselor certified by the nongovernmental Iowa board of
24 ~~substance abuse~~ certification who has examined the respondent
25 in connection with the commitment hearing shall be present
26 at the hearing, unless the court for good cause finds that
27 their presence or testimony is not necessary. The applicant,
28 respondent, and the respondent's attorney may waive the
29 presence or telephonic appearance of the licensed physician
30 and surgeon or osteopathic physician and surgeon, mental
31 health professional, or certified alcohol and drug counselor
32 who examined the respondent and agree to submit as evidence
33 the written report of the licensed physician and surgeon or
34 osteopathic physician and surgeon, mental health professional,
35 or certified alcohol and drug counselor. The respondent's

1 attorney shall inform the court if the respondent's attorney
2 reasonably believes that the respondent, due to diminished
3 capacity, cannot make an adequately considered waiver decision.
4 "Good cause" for finding that the testimony of the licensed
5 physician and surgeon or osteopathic physician and surgeon,
6 mental health professional, or certified alcohol and drug
7 counselor who examined the respondent is not necessary may
8 include, but is not limited to, such a waiver. If the court
9 determines that the testimony of the licensed physician and
10 surgeon or osteopathic physician and surgeon, mental health
11 professional, or certified alcohol and drug counselor is
12 necessary, the court may allow the licensed physician and
13 surgeon or osteopathic physician and surgeon, mental health
14 professional, or certified alcohol and drug counselor to
15 testify by telephone. The respondent shall be present at the
16 hearing unless prior to the hearing the respondent's attorney
17 stipulates in writing that the attorney has conversed with the
18 respondent, and that in the attorney's judgment the respondent
19 cannot make a meaningful contribution to the hearing, or that
20 the respondent has waived the right to be present, and the
21 basis for the attorney's conclusions. A stipulation to the
22 respondent's absence shall be reviewed by the court before the
23 hearing, and may be rejected if it appears that insufficient
24 grounds are stated or that the respondent's interests would not
25 be served by the respondent's absence.

26 4. The respondent's welfare is paramount, and the hearing
27 shall be tried as a civil matter and conducted in as informal a
28 manner as is consistent with orderly procedure. The hearing
29 may be held by video conference at the discretion of the
30 court. Discovery as permitted under the Iowa rules of civil
31 procedure is available to the respondent. The court shall
32 receive all relevant and material evidence, but the court is
33 not bound by the rules of evidence. A presumption in favor of
34 the respondent exists, and the burden of evidence and support
35 of the contentions made in the application shall be upon the

1 person who filed the application. If upon completion of the
2 hearing the court finds that the contention that the respondent
3 is a person with a ~~substance-related~~ substance use disorder has
4 not been sustained by clear and convincing evidence, the court
5 shall deny the application and terminate the proceeding.

6 Sec. 120. Section 125.83, Code 2023, is amended to read as
7 follows:

8 **125.83 Placement for evaluation.**

9 If upon completion of the commitment hearing, the court
10 finds that the contention that the respondent is a person with
11 a ~~substance-related~~ substance use disorder has been sustained
12 by clear and convincing evidence, the court shall order the
13 respondent placed at a facility or under the care of a suitable
14 facility on an outpatient basis as expeditiously as possible
15 for a complete evaluation and appropriate treatment. The
16 court shall furnish to the facility at the time of admission
17 or outpatient placement, a written statement of facts setting
18 forth the evidence on which the finding is based. The
19 administrator of the facility shall report to the court no
20 more than fifteen days after the individual is admitted to or
21 placed under the care of the facility, which shall include the
22 chief medical officer's recommendation concerning treatment
23 of a ~~substance-related~~ substance use disorder. An extension
24 of time may be granted for a period not to exceed seven days
25 upon a showing of good cause. A copy of the report shall be
26 sent to the respondent's attorney who may contest the need
27 for an extension of time if one is requested. If the request
28 is contested, the court shall make an inquiry as it deems
29 appropriate and may either order the respondent released
30 from the facility or grant an extension of time for further
31 evaluation. If the administrator fails to report to the court
32 within fifteen days after the individual is admitted to the
33 facility, and no extension of time has been requested, the
34 administrator is guilty of contempt and shall be punished
35 under [chapter 665](#). The court shall order a rehearing on the

1 application to determine whether the respondent should continue
2 to be held at the facility.

3 Sec. 121. Section 125.83A, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. If upon completion of the commitment hearing, the court
6 finds that the contention that the respondent is a person with
7 a ~~substance-related~~ substance use disorder has been sustained
8 by clear and convincing evidence, and the court is furnished
9 evidence that the respondent is eligible for care and treatment
10 in a facility operated by the United States department of
11 veterans affairs or another agency of the United States
12 government and that the facility is willing to receive the
13 respondent, the court may so order. The respondent, when so
14 placed in a facility operated by the United States department
15 of veterans affairs or another agency of the United States
16 government within or outside of this state, shall be subject to
17 the rules of the United States department of veterans affairs
18 or other agency, but shall not lose any procedural rights
19 afforded the respondent by [this chapter](#). The chief officer
20 of the facility shall have, with respect to the respondent
21 so placed, the same powers and duties as the chief medical
22 officer of a hospital in this state would have in regard to
23 submission of reports to the court, retention of custody,
24 transfer, convalescent leave, or discharge. Jurisdiction
25 is retained in the court to maintain surveillance of the
26 respondent's treatment and care, and at any time to inquire
27 into the respondent's condition and the need for continued care
28 and custody.

29 Sec. 122. Section 125.84, Code 2023, is amended to read as
30 follows:

31 **125.84 Evaluation report.**

32 The facility administrator's report to the court of the
33 chief medical officer's substance ~~abuse~~ use disorder evaluation
34 of the respondent shall be made no later than the expiration of
35 the time specified in [section 125.83](#). At least two copies of

1 the report shall be filed with the clerk, who shall distribute
2 the copies in the manner described by section 125.80,
3 subsection 2. The report shall state one of the four following
4 alternative findings:

5 1. That the respondent does not, as of the date of the
6 report, require further treatment for substance ~~abuse~~ use
7 disorder. If the report so states, the court shall order the
8 respondent's immediate release from involuntary commitment and
9 terminate the proceedings.

10 2. That the respondent is a person with a ~~substance-related~~
11 substance use disorder who is in need of full-time custody,
12 care, and treatment in a facility, and is considered likely
13 to benefit from treatment. If the report so states, the
14 court shall enter an order which may require the respondent's
15 continued placement and commitment to a facility for
16 appropriate treatment.

17 3. That the respondent is a person with a ~~substance-related~~
18 substance use disorder who is in need of treatment, but does
19 not require full-time placement in a facility. If the report
20 so states, the report shall include the chief medical officer's
21 recommendation for treatment of the respondent on an outpatient
22 or other appropriate basis, and the court shall enter an order
23 which may direct the respondent to submit to the recommended
24 treatment. The order shall provide that if the respondent
25 fails or refuses to submit to treatment, as directed by the
26 court's order, the court may order that the respondent be
27 taken into immediate custody as provided by [section 125.81](#)
28 and, following notice and hearing held in accordance with
29 the procedures of [sections 125.77](#) and [125.82](#), may order the
30 respondent treated as a patient requiring full-time custody,
31 care, and treatment as provided in [subsection 2](#), and may order
32 the respondent involuntarily committed to a facility.

33 4. That the respondent is a person with a ~~substance-related~~
34 substance use disorder who is in need of treatment, but in
35 the opinion of the chief medical officer is not responding to

1 the treatment provided. If the report so states, the report
2 shall include the facility administrator's recommendation for
3 alternative placement, and the court shall enter an order
4 which may direct the respondent's transfer to the recommended
5 placement or to another placement after consultation with the
6 respondent's attorney and the facility administrator who made
7 the report under this subsection.

8 Sec. 123. Section 125.85, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. A respondent committed under section 125.84, subsection
11 2, shall remain in the custody of a facility for treatment
12 for a period of thirty days, unless sooner discharged. The
13 department is not required to pay the cost of any medication or
14 procedure provided to the respondent during that period which
15 is not necessary or appropriate to the specific objectives
16 of detoxification and treatment of substance ~~abuse~~ use
17 disorder. At the end of the thirty-day period, the respondent
18 shall be discharged automatically unless the administrator
19 of the facility, before expiration of the period, obtains a
20 court order for the respondent's recommitment pursuant to an
21 application under section 125.75, for a further period not to
22 exceed ninety days.

23 Sec. 124. Section 125.91, Code 2023, is amended to read as
24 follows:

25 **125.91 Emergency detention.**

26 1. The procedure prescribed by this section shall only
27 be used for a person with a ~~substance-related~~ substance
28 use disorder due to intoxication or substance-induced
29 incapacitation who has threatened, attempted, or inflicted
30 physical self-harm or harm on another, and is likely to inflict
31 physical self-harm or harm on another unless immediately
32 detained, or who is incapacitated by a substance, if an
33 application has not been filed naming the person as the
34 respondent pursuant to section 125.75 and the person cannot be
35 ordered into immediate custody and detained pursuant to section

1 125.81.

2 2. *a.* A peace officer who has reasonable grounds to believe
3 that the circumstances described in [subsection 1](#) are applicable
4 may, without a warrant, take or cause that person to be taken
5 to the nearest available facility referred to in section
6 125.81, subsection 2, paragraph "b" or "c". Such a person with
7 a ~~substance-related~~ substance use disorder due to intoxication
8 or substance-induced incapacitation who also demonstrates
9 a significant degree of distress or dysfunction may also
10 be delivered to a facility by someone other than a peace
11 officer upon a showing of reasonable grounds. Upon delivery
12 of the person to a facility under [this section](#), the attending
13 physician and surgeon or osteopathic physician and surgeon may
14 order treatment of the person, but only to the extent necessary
15 to preserve the person's life or to appropriately control
16 the person's behavior if the behavior is likely to result in
17 physical injury to the person or others if allowed to continue.
18 The peace officer or other person who delivered the person to
19 the facility shall describe the circumstances of the matter to
20 the attending physician and surgeon or osteopathic physician
21 and surgeon. If the person is a peace officer, the peace
22 officer may do so either in person or by written report.

23 *b.* If the attending physician and surgeon or osteopathic
24 physician and surgeon has reasonable grounds to believe that
25 the circumstances in [subsection 1](#) are applicable, the facility
26 shall have the authority to detain the person for a period of
27 no longer than twelve hours. Within twelve hours of detaining
28 a person pursuant to [this section](#), the attending physician
29 shall communicate with the nearest available magistrate.

30 *c.* Once contacted pursuant to paragraph "b", the magistrate
31 shall, based upon the circumstances described by the attending
32 physician and surgeon or osteopathic physician and surgeon,
33 give the attending physician and surgeon or osteopathic
34 physician and surgeon oral instructions either directing that
35 the person be released forthwith, or authorizing the person's

1 detention in an appropriate facility. The magistrate may also
2 give oral instructions and order that the detained person be
3 transported to an appropriate facility.

4 *d.* If the magistrate orders that the person be detained, the
5 magistrate shall, by the close of business on the next working
6 day, file a written order with the clerk in the county where it
7 is anticipated that an application may be filed under section
8 125.75. The order may be filed by facsimile if necessary. The
9 order shall state the circumstances under which the person was
10 taken into custody or otherwise brought to a facility and the
11 grounds supporting the finding of probable cause to believe
12 that the person is a person with a ~~substance-related~~ substance
13 use disorder likely to result in physical injury to the person
14 or others if not detained. The order shall confirm the oral
15 order authorizing the person's detention including any order
16 given to transport the person to an appropriate facility. The
17 clerk shall provide a copy of that order to the attending
18 physician and surgeon or osteopathic physician and surgeon at
19 the facility to which the person was originally taken, any
20 subsequent facility to which the person was transported, and
21 to any law enforcement department or ambulance service that
22 transported the person pursuant to the magistrate's order.

23 3. The attending physician and surgeon or osteopathic
24 physician and surgeon shall examine and may detain the person
25 pursuant to the magistrate's order for a period not to exceed
26 forty-eight hours from the time the order is dated, excluding
27 Saturdays, Sundays, and holidays, unless the order is dismissed
28 by a magistrate. The facility may provide treatment which is
29 necessary to preserve the person's life or to appropriately
30 control the person's behavior if the behavior is likely to
31 result in physical injury to the person or others if allowed
32 to continue or is otherwise deemed medically necessary by
33 the attending physician and surgeon or osteopathic physician
34 and surgeon or mental health professional, but shall not
35 otherwise provide treatment to the person without the person's

1 consent. The person shall be discharged from the facility and
2 released from detention no later than the expiration of the
3 forty-eight-hour period, unless an application for involuntary
4 commitment is filed with the clerk pursuant to [section 125.75](#).
5 The detention of a person by the procedure in [this section](#), and
6 not in excess of the period of time prescribed by [this section](#),
7 shall not render the peace officer, attending physician and
8 surgeon or osteopathic physician and surgeon, or facility
9 detaining the person liable in a criminal or civil action
10 for false arrest or false imprisonment if the peace officer,
11 attending physician and surgeon or osteopathic physician
12 and surgeon, mental health professional, or facility had
13 reasonable grounds to believe that the circumstances described
14 in [subsection 1](#) were applicable.

15 4. The cost of detention in a facility under the procedure
16 prescribed in [this section](#) shall be paid in the same way as if
17 the person had been committed to the facility pursuant to an
18 application filed under [section 125.75](#).

19 Sec. 125. Section 125.93, Code 2023, is amended to read as
20 follows:

21 **125.93 Commitment records — confidentiality.**

22 Records of the identity, diagnosis, prognosis, or treatment
23 of a person which are maintained in connection with the
24 provision of substance ~~abuse~~ use disorder treatment services
25 are confidential, consistent with the requirements of section
26 125.37, and with the federal confidentiality regulations
27 authorized by the federal Drug Abuse Office and Treatment Act,
28 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse
29 and Alcoholism Prevention, Treatment and Rehabilitation Act, 42
30 U.S.C. §290dd-2. However, such records may be disclosed to an
31 employee of the department of corrections, if authorized by the
32 director of the department of corrections, or to an employee
33 of a judicial district department of correctional services, if
34 authorized by the director of the judicial district department
35 of correctional services.

1 Sec. 126. Section 135.1, Code 2023, is amended to read as
2 follows:

3 **135.1 Definitions.**

4 For the purposes of [chapter 155](#) and [Title IV, subtitle 2](#),
5 excluding [chapter 146](#), unless otherwise defined:

6 1. "*Director*" ~~shall mean~~ means the director of ~~public health~~
7 and human services.

8 2. "*Health officer*" means the physician, physician
9 assistant, advanced registered nurse practitioner, or advanced
10 practice registered nurse who is the health officer of the
11 local board of health.

12 3. "*Local board*" ~~shall mean~~ means the local board of health.

13 4. "*Physician*" means a person licensed to practice
14 medicine and surgery, osteopathic medicine and surgery,
15 chiropractic, podiatry, or optometry under the laws of this
16 state; but a person licensed as a physician and surgeon shall
17 be designated as a "physician" or "surgeon", a person licensed
18 as an osteopathic physician and surgeon shall be designated
19 as an "osteopathic physician" or "osteopathic surgeon", a
20 person licensed as a chiropractor shall be designated as a
21 "chiropractor", a person licensed as a podiatrist shall be
22 designated as a "podiatric physician", and a person licensed
23 as an optometrist shall be designated as an "optometrist". A
24 definition or designation contained in [this subsection](#) shall
25 not be interpreted to expand the scope of practice of such
26 licensees.

27 5. "*Rules*" ~~shall~~ include regulations and orders.

28 6. "*State department*" or "*department*" ~~shall mean~~ means the
29 ~~Iowa~~ department of public health and human services.

30 Sec. 127. Section 135.11, Code 2023, is amended to read as
31 follows:

32 **135.11 Duties Public health duties of department.**

33 ~~The director of public health shall be the head of the "Iowa~~
34 ~~Department of Public Health", which department shall:~~

35 1. Exercise general supervision over the public health,

1 promote public hygiene and sanitation, prevent substance ~~abuse~~
2 use disorder and unless otherwise provided, enforce the laws
3 relating to the same.

4 2. Conduct campaigns for the education of the people in
5 hygiene and sanitation.

6 3. Issue ~~monthly~~ health bulletins containing fundamental
7 health principles and other health data deemed of public
8 interest.

9 4. Make investigations and surveys in respect to the
10 causes of disease and epidemics, and the effect of locality,
11 employment, and living conditions upon the public health. For
12 this purpose the department may use the services of the experts
13 connected with the state hygienic laboratory ~~at the state~~
14 ~~university of Iowa~~.

15 5. Establish stations throughout the state for the
16 distribution of antitoxins and vaccines to physicians,
17 ~~druggists~~ pharmacists, and other persons, at cost. All
18 antitoxin and vaccine thus distributed shall be labeled "Iowa
19 Department of Public Health and Human Services".

20 6. Exercise general supervision over the administration and
21 enforcement of the sexually transmitted diseases and infections
22 law, [chapter 139A, subchapter II](#).

23 7. Exercise sole jurisdiction over the disposal and
24 transportation of the dead bodies of human beings and prescribe
25 the methods to be used in preparing such bodies for disposal
26 and transportation. However, the department may approve
27 a request for an exception to the application of specific
28 embalming and disposition rules adopted pursuant to this
29 subsection if such rules would otherwise conflict with tenets
30 and practices of a recognized religious denomination to which
31 the deceased individual adhered or of which denomination the
32 deceased individual was a member. The department shall inform
33 the board of mortuary science of any such approved exception
34 which may affect services provided by a funeral director
35 licensed pursuant to [chapter 156](#).

1 8. Establish, publish, and enforce rules which require
2 companies, corporations, and other entities to obtain a permit
3 from the department prior to scattering cremated human remains.

4 9. Exercise general supervision over the administration and
5 enforcement of the vital statistics law, [chapter 144](#).

6 ~~10. Enforce the law relative to chapter 146 and~~
7 ~~"Health-related Professions", Title IV, subtitle 3, excluding~~
8 ~~chapter 155.~~

9 ~~11. Establish and maintain divisions as are necessary~~
10 ~~for the proper enforcement of the laws administered by the~~
11 ~~department.~~

12 ~~12. Establish, publish, and enforce rules not inconsistent~~
13 ~~with law for the enforcement of the provisions of chapter 125~~
14 ~~and 155, and Title IV, subtitle 2, excluding chapter 146 and~~
15 ~~for the enforcement of the various laws, the administration and~~
16 ~~supervision of which are imposed upon the department.~~

17 ~~13.~~ 10. Administer healthy aging and essential public
18 health services by approving grants of state funds to the local
19 boards of health for the purposes of promoting healthy aging
20 throughout the lifespan and enhancing health promotion and
21 disease prevention services, and by providing guidelines for
22 the approval of the grants and allocation of the state funds.
23 Guidelines, evaluation requirements and formula allocation
24 procedures for the services shall be established by the
25 department by rule.

26 ~~14.~~ 11. Administer [chapters 125, 136A, 136C, 139A, 142,](#)
27 [142A, 144, and 147A.](#)

28 ~~15. Issue an annual report to the governor as provided in~~
29 ~~[section 7E.3, subsection 4.](#)~~

30 ~~16.~~ 12. Consult with the office of statewide clinical
31 education programs at the university of Iowa college of
32 medicine and annually submit a report to the general assembly
33 by January 15 verifying the number of physicians in active
34 practice in Iowa by county who are engaged in providing
35 obstetrical care. To the extent data are readily available,

1 the report shall include information concerning the number
2 of deliveries per year by specialty and county, the age of
3 physicians performing deliveries, and the number of current
4 year graduates of the university of Iowa college of medicine
5 and the Des Moines university — osteopathic medical center
6 entering into residency programs in obstetrics, gynecology,
7 and family practice. The report may include additional
8 data relating to access to obstetrical services that may be
9 available.

10 ~~17.~~ 13. Administer the statewide maternal and child health
11 program and the program for children with disabilities by
12 conducting mobile and regional child health specialty clinics
13 and conducting other activities to improve the health of
14 low-income women and children and to promote the welfare of
15 children with actual or potential conditions which may cause
16 disabilities and children with chronic illnesses in accordance
17 with the requirements of Tit. V of the federal Social Security
18 Act. The department shall provide technical assistance to
19 encourage the coordination and collaboration of state agencies
20 in developing outreach centers which provide publicly supported
21 services for pregnant women, infants, and children. The
22 department shall also, through cooperation and collaborative
23 agreements with the ~~department of human services and the~~
24 mobile and regional child health specialty clinics, establish
25 common intake proceedings for maternal and child health
26 services. The department shall work in cooperation with the
27 legislative services agency in monitoring the effectiveness of
28 the maternal and child health centers, including the provision
29 of transportation for patient appointments and the keeping of
30 scheduled appointments.

31 ~~18.~~ 14. Establish, publish, and enforce rules requiring
32 prompt reporting of methemoglobinemia, pesticide poisoning, and
33 the reportable poisonings and illnesses established pursuant
34 to [section 139A.21](#).

35 ~~19.~~ 15. Collect and maintain reports of pesticide

1 poisonings and other poisonings, illnesses, or injuries
2 caused by selected chemical or physical agents,
3 including methemoglobinemia and pesticide and fertilizer
4 hypersensitivity; and compile and publish, annually, a
5 statewide and county-by-county profile based on the reports.

6 ~~20.~~ 16. Adopt rules which require personnel of a licensed
7 hospice, of a homemaker-home health aide provider agency
8 which receives state homemaker-home health aide funds, or of
9 an agency which provides respite care services and receives
10 funds to complete training concerning blood-borne pathogens,
11 including human immunodeficiency virus and viral hepatitis,
12 consistent with standards from the federal occupational safety
13 and health administration.

14 ~~21.~~ 17. Adopt rules which require all emergency medical
15 services personnel, fire fighters, and law enforcement
16 personnel to complete training concerning blood-borne
17 pathogens, including human immunodeficiency virus and
18 viral hepatitis, consistent with standards from the federal
19 occupational safety and health administration.

20 ~~22.~~ 18. Adopt rules which provide for the testing of a
21 convicted or alleged offender for the human immunodeficiency
22 virus pursuant to [sections 915.40 through 915.43](#). The rules
23 shall provide for the provision of counseling, health care, and
24 support services to the victim.

25 ~~23.~~ 19. Establish ad hoc and advisory committees to the
26 director in areas where technical expertise is not otherwise
27 readily available. Members may be compensated for their actual
28 and necessary expenses incurred in the performance of their
29 duties. To encourage health consumer participation, public
30 members may also receive a per diem as specified in section
31 7E.6 if funds are available and the per diem is determined
32 to be appropriate by the director. Expense moneys paid to
33 the members shall be paid from funds appropriated to the
34 department. A majority of the members of such a committee
35 constitutes a quorum.

1 ~~24.~~ 20. Administer annual grants to county boards of health
2 for the purpose of conducting programs for the testing of
3 private water supply wells, the closing of abandoned private
4 water supply wells, and the renovation or rehabilitation of
5 private water supply wells. Grants shall be funded through
6 moneys transferred to the department from the agriculture
7 management account of the groundwater protection fund pursuant
8 to [section 455E.11, subsection 2](#), paragraph "b", subparagraph
9 (2), subparagraph division (b). The department shall adopt
10 rules relating to the awarding of the grants.

11 ~~25.~~ 21. Establish and administer, if sufficient funds
12 are available to the department, a program to assess and
13 forecast health workforce supply and demand in the state for
14 the purpose of identifying current and projected workforce
15 needs. The program may collect, analyze, and report data that
16 furthers the purpose of the program. The program shall not
17 release information that permits identification of individual
18 respondents of program surveys.

19 ~~26.~~ 22. In consultation with the advisory committee for
20 perinatal guidelines, develop and maintain the statewide
21 perinatal program based on the recommendations of the American
22 academy of pediatrics and the American college of obstetricians
23 and gynecologists contained in the most recent edition of
24 the guidelines for perinatal care, and shall adopt rules in
25 accordance with [chapter 17A](#) to implement those recommendations.
26 Hospitals within the state shall determine whether to
27 participate in the statewide perinatal program, and select the
28 hospital's level of participation in the program. A hospital
29 having determined to participate in the program shall comply
30 with the guidelines appropriate to the level of participation
31 selected by the hospital. Perinatal program surveys and
32 reports are privileged and confidential and are not subject to
33 discovery, subpoena, or other means of legal compulsion for
34 their release to a person other than the affected hospital, and
35 are not admissible in evidence in a judicial or administrative

1 proceeding other than a proceeding involving verification of
2 the participating hospital under [this subsection](#).

3 ~~27.~~ 23. In consultation with the department of corrections,
4 the antibiotic resistance task force, and the American
5 federation of state, county and municipal employees, develop
6 educational programs to increase awareness and utilization of
7 infection control practices in institutions listed in section
8 904.102.

9 ~~28.~~ 24. Administer the Iowa youth survey, in collaboration
10 with other state agencies, as appropriate, every two years to
11 students in grades six, eight, and eleven in Iowa's public
12 and nonpublic schools. Survey data shall be evaluated and
13 reported, with aggregate data available online at the Iowa
14 youth survey internet site.

15 Sec. 128. Section 135.14, Code 2023, is amended to read as
16 follows:

17 **135.14 State public health dental director — duties program.**

18 ~~1. The position of state public health dental director is
19 established within the department.~~

20 ~~2. The dental director department shall perform all of the
21 following duties:~~

22 ~~a. 1. Plan and direct all work activities of the statewide
23 public health dental program.~~

24 ~~b. 2. Develop comprehensive dental initiatives for
25 prevention activities.~~

26 ~~c. 3. Evaluate the effectiveness of the statewide public
27 health dental program and of program personnel.~~

28 ~~d. Manage the oral and health delivery systems bureau
29 including direction, supervision, and fiscal management of
30 bureau staff.~~

31 ~~e. 4. Other related work as required.~~

32 Sec. 129. Section 135.15, Code 2023, is amended to read as
33 follows:

34 **135.15 Oral and health delivery systems bureau established —
35 responsibilities.**

1 ~~An oral and health delivery systems bureau is established~~
2 ~~within the division of health promotion and chronic disease~~
3 ~~prevention of the department.~~ The bureau department shall be
4 responsible for all of the following:

5 1. Providing population-based oral health services,
6 including public health training, improvement of dental support
7 systems for families, technical assistance, awareness-building
8 activities, and educational services, at the state and local
9 level to assist Iowans in maintaining optimal oral health
10 throughout all stages of life.

11 2. Performing infrastructure building and enabling services
12 through the administration of state and federal grant programs
13 targeting access improvement, prevention, and local oral
14 health programs utilizing maternal and child health programs,
15 Medicaid, and other new or existing programs.

16 3. Leveraging federal, state, and local resources for
17 programs under the purview of the bureau department.

18 4. Facilitating ongoing strategic planning and application
19 of evidence-based research in oral health care policy
20 development that improves oral health care access and the
21 overall oral health of all Iowans.

22 5. Developing and implementing an ongoing oral health
23 surveillance system for the evaluation and monitoring of
24 the oral health status of children and other underserved
25 populations.

26 6. Facilitating the provision of oral health services
27 through dental homes. For the purposes of **this section**,
28 *"dental home"* means a network of individualized care based on
29 risk assessment, which includes oral health education, dental
30 screenings, preventive services, diagnostic services, treatment
31 services, and emergency services.

32 Sec. 130. Section 135.16A, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. a. The department of inspections and appeals shall
35 assist the ~~Iowa department of public health~~ in adopting rules

1 necessary to implement and administer [this section](#).

2 *b.* If necessary to implement, administer, and enforce this
3 section, the ~~Iowa department of public health~~, in cooperation
4 with the department of agriculture and land stewardship, shall
5 submit a request to the United States department of agriculture
6 for a waiver or other exception from regulations as deemed
7 feasible by the ~~Iowa department of public health~~. The ~~Iowa~~
8 ~~department of public health~~ shall regularly report the status
9 of such request to the legislative services agency.

10 Sec. 131. Section 135.22A, subsection 2, Code 2023, is
11 amended to read as follows:

12 2. The advisory council on brain injuries is established.
13 The following persons or their designees shall serve as ex
14 officio, nonvoting members of the council:

15 *a.* The director of ~~public health~~ and human services or the
16 director's designee.

17 ~~*b.* The director of human services and any division~~
18 ~~administrators of the department of human services so assigned~~
19 ~~by the director.~~

20 ~~*c.*~~ *b.* The director of the department of education.

21 ~~*d.*~~ *c.* The chief of the special education bureau of the
22 department of education.

23 ~~*e.*~~ *d.* The administrator of the division of vocational
24 rehabilitation services of the department of ~~education~~
25 workforce development.

26 ~~*f.*~~ *e.* The director of the department for the blind.

27 Sec. 132. Section 135.22B, subsections 1, 2, 6, and 7, Code
28 2023, are amended to read as follows:

29 1. *Definitions.* For the purposes of [this section](#),
30

31 ~~*a.* "Brain injury services waiver"~~ "brain injury services
32 waiver" means the state's medical assistance home and
33 community-based services waiver for persons with brain injury
34 implemented under [chapter 249A](#).

35 ~~*b.* "Program administrator" means the division of the~~
~~department designated to administer the brain injury services~~

1 ~~program in accordance with subsection 2.~~

2 2. *Program created.*

3 a. A brain injury services program is created and shall be
4 administered by a ~~division of the Iowa department of public~~
5 ~~health in cooperation with counties and the department of human~~
6 ~~services.~~

7 b. ~~The division of the department assigned to administer the~~
8 ~~advisory council on brain injuries under section 135.22A shall~~
9 ~~be the program administrator. The division department's duties~~
10 shall include but are not limited to serving as the fiscal
11 agent and contract administrator for the program and providing
12 program oversight.

13 c. The ~~division~~ department shall consult with the advisory
14 council on brain injuries, established pursuant to section
15 135.22A, regarding the program and shall report to the council
16 concerning the program at least quarterly. The council shall
17 make recommendations to the department concerning the program's
18 operation.

19 6. *Cost-share requirements.*

20 a. The cost-share component's financial eligibility
21 requirements shall be established in administrative rule. In
22 establishing the requirements, the department shall consider
23 the eligibility and cost-share requirements used for the ~~hawk-i~~
24 Hawki program under [chapter 514I](#).

25 b. An individual's cost-share responsibility for services
26 under the cost-share component shall be determined on a
27 sliding scale based upon the individual's family income. An
28 individual's cost-share shall be assessed as a copayment, which
29 shall not exceed thirty percent of the cost payable for the
30 service.

31 c. The service provider shall bill the department for the
32 portion of the cost payable for the service that is not covered
33 by the individual's copayment responsibility.

34 7. *Application process.*

35 a. The application materials for services under the

1 cost-share component of the brain injury services program
2 shall use the application form and other materials of the
3 brain injury services waiver. In order to apply for the brain
4 injury services program, the applicant must authorize the
5 ~~department of human services~~ to provide the applicant's waiver
6 application materials to the brain injury services program.
7 The application materials provided shall include but are not
8 limited to the waiver application and any denial letter,
9 financial assessment, and functional assessment regarding the
10 person.

11 *b.* If a functional assessment for the waiver has not
12 been completed due to a person's financial ineligibility for
13 the waiver, the brain injury services program may provide
14 for a functional assessment to determine the person's needs
15 by reimbursing the ~~department of human services~~ for the
16 assessment.

17 *c.* The ~~program administrator~~ department shall file copies
18 of the individual's application and needs assessment with the
19 program resource facilitator assigned to the individual's
20 geographic area.

21 *d.* The ~~department's program administrator~~ department shall
22 make a final determination as to whether program funding will
23 be authorized under the cost-share component.

24 Sec. 133. Section 135.24, subsection 2, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:

26 The ~~department, in consultation with the department of human~~
27 ~~services,~~ shall adopt rules to implement the volunteer health
28 care provider program which shall include the following:

29 Sec. 134. Section 135.24A, Code 2023, is amended to read as
30 follows:

31 **135.24A Free clinics — volunteer record check.**

32 1. For purposes of **this section**, "*free clinic*" means a free
33 clinic as defined in **section 135.24** that is also a network
34 of free clinics in this state that offers operational and
35 collaborative opportunities to free clinics.

1 2. Persons who are potential volunteers or volunteers in
2 a free clinic in a position having direct individual contact
3 with patients of the free clinic shall be subject to criminal
4 history and child and dependent adult abuse record checks in
5 accordance with [this section](#). The free clinic shall request
6 that the department of public safety perform the criminal
7 history check and the record check evaluation system of the
8 department of health and human services perform child and
9 dependent adult abuse record checks of the person in this state
10 and may request these checks in other states.

11 3. A free clinic subject to [this section](#) shall establish
12 an evaluation process to determine whether a crime of founded
13 child or dependent adult abuse warrants prohibition of the
14 person's participation as a volunteer in the free clinic.
15 The evaluation process shall not be less stringent than
16 the evaluation process performed by the ~~department of human~~
17 ~~services~~ record check evaluation system and shall be approved
18 by the department ~~of human services~~.

19 Sec. 135. Section 135.25, Code 2023, is amended to read as
20 follows:

21 **135.25 Emergency medical services fund.**

22 An emergency medical services fund is created in the state
23 treasury under the control of the department. The fund
24 includes, but is not limited to, amounts appropriated by the
25 general assembly, amounts transferred pursuant to section
26 602.8108, subsection 4, and other moneys available from
27 federal or private sources which are to be used for purposes
28 of [this section](#). Funds remaining in the fund at the end of
29 each fiscal year shall not revert to the general fund of the
30 state but shall remain in the emergency medical services fund,
31 notwithstanding [section 8.33](#). The fund is established to
32 assist counties by matching, on a dollar-for-dollar basis,
33 moneys spent by a county for the acquisition of equipment for
34 the provision of emergency medical services and by providing
35 grants to counties for education and training in the delivery

1 of emergency medical services, as provided in [this section](#) and
2 section 422D.6. A county seeking matching funds under this
3 section shall apply to the ~~emergency medical services division~~
4 ~~of the~~ department. The department shall adopt rules concerning
5 the application and awarding process for the matching funds and
6 the criteria for the allocation of moneys in the fund if the
7 moneys are insufficient to meet the emergency medical services
8 needs of the counties. Moneys allocated by the department to a
9 county for emergency medical services purposes may be used for
10 equipment or training and education as determined by the board
11 of supervisors pursuant to [section 422D.6](#).

12 Sec. 136. Section 135.36, Code 2023, is amended to read as
13 follows:

14 **135.36 Interference with health department officer —**
15 **penalties.**

16 Any person resisting or interfering with the department, its
17 employees, or authorized agents, in the discharge of any duty
18 imposed by law shall be guilty of a simple misdemeanor.

19 Sec. 137. Section 135.39, Code 2023, is amended to read as
20 follows:

21 **135.39 Federal aid.**

22 The ~~state department of public health is hereby authorized~~
23 ~~to~~ may accept financial aid from the government of the United
24 States for the purpose of assisting in carrying on public
25 health or substance ~~abuse~~ use disorder responsibility in the
26 state of Iowa.

27 Sec. 138. Section 135.39B, subsection 3, Code 2023, is
28 amended to read as follows:

29 3. The prohibition under [this section](#) shall not apply to
30 early childhood immunizations for influenza or in times of
31 emergency or epidemic as determined by the director ~~of public~~
32 ~~health~~. If an emergency or epidemic is determined to exist
33 by the director ~~of public health~~ under [this subsection](#), the
34 director ~~of public health~~ shall notify the ~~state board of~~
35 council on health and human services, the governor, and the

1 legislative council, and shall notify the public upon request.

2 Sec. 139. Section 135.39E, Code 2023, is amended to read as
3 follows:

4 **135.39E Fluoridation in public water supply — notice of**
5 **discontinuance.**

6 1. At least ninety days prior to taking any action to
7 permanently discontinue fluoridation in its water supply, an
8 owner or operator of a public water supply system, as defined
9 in [section 455B.171](#), shall provide notice to the ~~oral and~~
10 ~~health delivery systems bureau established in section 135.15~~
11 department and the public water supply system's customers.

12 2. In order to provide notice to its customers, the owner or
13 operator of the public water supply system shall place a notice
14 on each customer's water bill or provide notice in a way that
15 is reasonably calculated so that all customers will receive the
16 notice.

17 3. [Section 135.38](#) does not apply to violations of this
18 section.

19 Sec. 140. Section 135.43, Code 2023, is amended to read as
20 follows:

21 **135.43 Iowa child death review team established — duties.**

22 1. An Iowa child death review team is established ~~as part~~
23 ~~of the office of the state medical examiner in the department.~~
24 ~~The office of the state medical examiner~~ department shall
25 provide staffing and administrative support to the team.

26 2. The membership of the review team is subject to the
27 provisions of [sections 69.16](#) and [69.16A](#), relating to political
28 affiliation and gender balance. Review team members who
29 are not designated by another appointing authority shall be
30 appointed by the ~~state medical examiner~~ director. Membership
31 terms shall be for three years. A membership vacancy shall be
32 filled in the same manner as the original appointment. The
33 review team shall elect a chairperson and other officers as
34 deemed necessary by the review team. The review team shall
35 meet upon the call of the ~~state medical examiner~~ director or as

1 determined by the review team. The review team shall include
2 the following:

3 *a.* The state medical examiner or the state medical
4 examiner's designee.

5 *b.* A certified or licensed professional who is knowledgeable
6 concerning sudden infant death syndrome.

7 *c.* A pediatrician who is knowledgeable concerning deaths of
8 children.

9 *d.* A family practice physician who is knowledgeable
10 concerning deaths of children.

11 *e.* One mental health professional who is knowledgeable
12 concerning deaths of children.

13 *f.* One social worker who is knowledgeable concerning deaths
14 of children.

15 *g.* A certified or licensed professional who is knowledgeable
16 concerning domestic violence.

17 *h.* A professional who is knowledgeable concerning substance
18 ~~abuse~~ use disorder.

19 *i.* A local law enforcement official.

20 *j.* A county attorney.

21 *k.* An emergency room nurse who is knowledgeable concerning
22 the deaths of children.

23 *l.* A perinatal expert.

24 *m.* A representative of the health insurance industry.

25 *n.* One other member who is appointed at large.

26 3. The review team shall perform the following duties:

27 *a.* Collect, review, and analyze child death certificates and
28 child death data, including patient records or other pertinent
29 confidential information concerning the deaths of children
30 under age eighteen, and other information as the review team
31 deems appropriate for use in preparing an annual report to the
32 governor and the general assembly concerning the causes and
33 manner of child deaths. The report shall include analysis of
34 factual information obtained through review and recommendations
35 regarding prevention of child deaths.

1 *b.* Recommend to the governor and the general assembly
2 interventions to prevent deaths of children based on an
3 analysis of the cause and manner of such deaths.

4 *c.* Recommend to the agencies represented on the review team
5 changes which may prevent child deaths.

6 *d.* Except as authorized by [this section](#), maintain the
7 confidentiality of any patient records or other confidential
8 information reviewed.

9 *e.* Recommend to the department ~~of human services~~,
10 appropriate law enforcement agencies, and any other person
11 involved with child protection, interventions that may prevent
12 harm to a child who is related to or is living in the same home
13 as a child whose case is reviewed by the team.

14 *f.* If the sharing of information is necessary to assist in
15 or initiate a child death investigation or criminal prosecution
16 and the office or agency receiving the information does not
17 otherwise have access to the information, share information
18 possessed by the review team with the office of the attorney
19 general, a county attorney's office, or an appropriate
20 law enforcement agency. The office or agency receiving
21 the information shall maintain the confidentiality of the
22 information in accordance with [this section](#). Unauthorized
23 release or disclosure of the information received is subject to
24 penalty as provided in [this section](#).

25 *g.* In order to assist ~~a division of~~ the department in
26 performing the ~~division's~~ department's duties, if the ~~division~~
27 department does not otherwise have access to the information,
28 share information possessed by the review team. The ~~division~~
29 ~~receiving~~ recipient of the information shall maintain the
30 confidentiality of the information in accordance with this
31 section. Unauthorized release or disclosure of the information
32 received is subject to penalty as provided in [this section](#).

33 4. The ~~review team~~ department shall develop protocols for a
34 child fatality review committee, to be appointed by the ~~state~~
35 ~~medical examiner~~ director on an ad hoc basis, to immediately

1 review the child abuse assessments which involve the fatality
2 of a child under age eighteen. The ~~state medical examiner~~
3 director shall appoint a medical examiner, a pediatrician, and
4 a person involved with law enforcement to the committee.

5 a. The purpose of the review shall be to determine
6 whether the department of ~~human services~~ and others involved
7 with the case of child abuse responded appropriately. The
8 protocols shall provide for the committee to consult with any
9 multidisciplinary team, as defined in [section 235A.13](#), that
10 is operating in the area in which the fatality occurred. The
11 protocols shall also ensure that a member of the child fatality
12 review committee does not have a conflict of interest regarding
13 the child fatality under review.

14 b. The committee shall have access to patient records
15 and other pertinent confidential information and, subject to
16 the restrictions in [this subsection](#), may redisseminate the
17 confidential information in the committee's report.

18 c. Upon completion of the review, the committee shall issue
19 a report which shall include findings concerning the case and
20 recommendations for changes to prevent child fatalities when
21 similar circumstances exist. The report shall include but
22 is not limited to the following information, subject to the
23 restrictions listed in paragraph "d":

24 (1) The dates, outcomes, and results of any actions taken by
25 the department of ~~human services~~ and others in regard to each
26 report and allegation of child abuse involving the child who
27 died.

28 (2) The results of any review of the case performed by a
29 multidisciplinary team, or by any other public entity that
30 reviewed the case.

31 (3) Confirmation of receipt by the department of ~~human~~
32 ~~services~~ of any report of child abuse involving the child,
33 including confirmation as to whether or not any assessment
34 involving the child was performed in accordance with section
35 232.71B, the results of any assessment, a description of the

1 most recent assessment and the services offered to the family,
2 the services rendered to the family, and the basis for the
3 department's decisions concerning the case.

4 *d.* Prior to issuing the report, the committee shall consult
5 with the county attorney responsible for prosecution of the
6 alleged perpetrator of the child fatality. The committee's
7 report shall include child abuse information associated with
8 the case and the child, but is subject to the restrictions
9 applicable to the department ~~of human services~~ for release of
10 information concerning a child fatality or near fatality in
11 accordance with [section 235A.15, subsection 9](#).

12 *e.* Following the completion of the trial of any alleged
13 perpetrator of the child fatality and the appeal period
14 for the granting of a new trial, the committee shall issue
15 a supplemental report containing the information that was
16 withheld, in accordance with paragraph "*d*", so as not to
17 jeopardize the prosecution or the rights of the alleged
18 perpetrator to a fair trial as described in section 235A.15,
19 subsection 9, paragraphs "*e*" and "*f*".

20 *f.* The report and any supplemental report shall be submitted
21 to the governor and general assembly.

22 *g.* If deemed appropriate by the committee, at any point
23 in the review the committee may recommend to the department
24 ~~of human services~~, appropriate law enforcement agencies, and
25 any other person involved with child protection, interventions
26 that may prevent harm to a child who is related to or is living
27 in the same home as a child whose case is reviewed by the
28 committee.

29 5. *a.* The following individuals shall designate a liaison
30 to assist the review team in fulfilling its responsibilities:

- 31 (1) The director of public health and human services.
32 ~~(2) The director of human services.~~
33 ~~(3)~~ (2) The commissioner of public safety.
34 ~~(4)~~ (3) The attorney general.
35 ~~(5)~~ (4) The director of transportation.

1 ~~(6)~~ (5) The director of the department of education.

2 *b.* In addition, the ~~chairperson of the review team~~
3 department shall designate a liaison from the public at large
4 to assist the review team in fulfilling its responsibilities.

5 6. The review team may establish subcommittees to which the
6 team may delegate some or all of the team's responsibilities
7 under [subsection 3](#).

8 7. *a.* The ~~state medical examiner, the Iowa department~~
9 ~~of public health, and the department of human services~~ shall
10 adopt rules providing for disclosure of information which is
11 confidential under [chapter 22](#) or any other provision of state
12 law, to the review team for purposes of performing its child
13 death and child abuse review responsibilities.

14 *b.* A person in possession or control of medical,
15 investigative, assessment, or other information pertaining to a
16 child death and child abuse review shall allow the inspection
17 and reproduction of the information by the ~~office of the state~~
18 ~~medical examiner~~ department upon the request of the ~~office~~
19 department, to be used only in the administration and for
20 the duties of the Iowa child death review team. Except as
21 provided for a report on a child fatality by an ad hoc child
22 fatality review committee under [subsection 4](#), information and
23 records produced under [this section](#) which are confidential
24 under [section 22.7](#) and [chapter 235A](#), and information or records
25 received from the confidential records, remain confidential
26 under [this section](#). A person does not incur legal liability
27 by reason of releasing information to the department ~~or the~~
28 ~~office of the state medical examiner~~ as required under and in
29 compliance with [this section](#).

30 8. Review team members and their agents are immune from any
31 liability, civil or criminal, which might otherwise be incurred
32 or imposed as a result of any act, omission, proceeding,
33 decision, or determination undertaken or performed, or
34 recommendation made as a review team member or agent provided
35 that the review team members or agents acted in good faith

1 and without malice in carrying out their official duties in
2 their official capacity. The ~~state medical examiner department~~
3 shall adopt rules pursuant to **chapter 17A** to administer
4 this subsection. A complainant bears the burden of proof in
5 establishing malice or lack of good faith in an action brought
6 against review team members involving the performance of their
7 duties and powers under **this section**.

8 9. A person who releases or discloses confidential data,
9 records, or any other type of information in violation of this
10 section is guilty of a serious misdemeanor.

11 Sec. 141. Section 135.61, subsection 12, Code 2023, is
12 amended to read as follows:

13 12. "*Health services*" means clinically related diagnostic,
14 curative, or rehabilitative services, and includes ~~alcoholism,~~
15 ~~drug abuse,~~ substance use disorder and mental health services.

16 Sec. 142. Section 135.100, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
19 and human services.

20 Sec. 143. Section 135.101, Code 2023, is amended to read as
21 follows:

22 **135.101 Childhood lead poisoning prevention program.**

23 There is established a childhood lead poisoning prevention
24 program within the ~~Iowa~~ department of ~~public~~ health. The
25 department shall implement and review programs necessary to
26 eliminate potentially dangerous toxic lead levels in children
27 in Iowa in a year for which funds are appropriated to the
28 department for this purpose.

29 Sec. 144. Section 135.106, subsection 1, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 The ~~Iowa~~ department of ~~public~~ health shall establish a
32 healthy opportunities for parents to experience success (HOPES)
33 - healthy families Iowa (HFI) program to provide services to
34 families and children during the prenatal through preschool
35 years. The program shall be designed to do all of the

1 following:

2 Sec. 145. Section 135.106, subsection 2, unnumbered
3 paragraph 1, Code 2023, is amended to read as follows:

4 The HOPES-HFI program shall be developed by the ~~Iowa~~
5 ~~department of public health~~, and may be implemented, in
6 whole or in part, by contracting with a nonprofit child
7 abuse prevention organization, local nonprofit certified home
8 health program or other local nonprofit organizations, and
9 shall include, but is not limited to, all of the following
10 components:

11 Sec. 146. Section 135.106, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. It is the intent of the general assembly to provide
14 communities with the discretion and authority to redesign
15 existing local programs and services targeted at and assisting
16 families expecting babies and families with children who
17 are newborn through five years of age. The ~~Iowa~~ department
18 ~~of public health, department of human services, department~~
19 of education, and other state agencies and programs, as
20 appropriate, shall provide technical assistance and support
21 to communities desiring to redesign their local programs and
22 shall facilitate the consolidation of existing state funding
23 appropriated and made available to the community for family
24 support services. Funds which are consolidated in accordance
25 with [this subsection](#) shall be used to support the redesigned
26 service delivery system. In redesigning services, communities
27 are encouraged to implement a single uniform family risk
28 assessment mechanism and shall demonstrate the potential for
29 improved outcomes for children and families. Requests by
30 local communities for the redesigning of services shall be
31 submitted to the ~~Iowa~~ department of ~~public health, department~~
32 ~~of human services~~, and the department of education, and are
33 subject to the approval of the early childhood Iowa state board
34 in consultation with the departments, based on the practices
35 utilized with early childhood Iowa areas under [chapter 256I](#).

1 Sec. 147. Section 135.107, Code 2023, is amended to read as
2 follows:

3 135.107 ~~Center for rural~~ Rural health and primary care
4 ~~established~~ — duties.

5 1. ~~The center for rural health and primary care is~~
6 ~~established within the department.~~

7 2. 1. ~~The center for rural health and primary care~~
8 department shall do all of the following:

9 a. Provide technical planning assistance to rural
10 communities and counties exploring innovative means of
11 delivering rural health services through community health
12 services assessment, planning, and implementation, including
13 but not limited to hospital conversions, cooperative agreements
14 among hospitals, physician and health practitioner support,
15 recruitment and retention of primary health care providers,
16 public health services, emergency medical services, medical
17 assistance facilities, rural health care clinics, and
18 alternative means which may be included in the long-term
19 community health services assessment and developmental plan.
20 ~~The center for rural health and primary care~~ department
21 shall encourage collaborative efforts of the local boards of
22 health, hospital governing boards, and other public and private
23 entities located in rural communities to adopt a long-term
24 community health services assessment and developmental plan
25 pursuant to rules adopted by the department and perform the
26 duties required of the Iowa department ~~of public health~~ in
27 section 135B.33.

28 b. Provide technical assistance to assist rural communities
29 in improving Medicare reimbursements through the establishment
30 of rural health clinics, defined pursuant to 42 U.S.C. §1395x,
31 and distinct part skilled nursing facility beds.

32 c. Coordinate services to provide research for the following
33 items:

34 (1) Examination of the prevalence of rural occupational
35 health injuries in the state.

1 (2) Assessment of training and continuing education
2 available through local hospitals and others relating to
3 diagnosis and treatment of diseases associated with rural
4 occupational health hazards.

5 (3) Determination of continuing education support necessary
6 for rural health practitioners to diagnose and treat illnesses
7 caused by exposure to rural occupational health hazards.

8 (4) Determination of the types of actions that can help
9 prevent agricultural accidents.

10 (5) Surveillance and reporting of disabilities suffered
11 by persons engaged in agriculture resulting from diseases
12 or injuries, including identifying the amount and severity
13 of agricultural-related injuries and diseases in the state,
14 identifying causal factors associated with agricultural-related
15 injuries and diseases, and indicating the effectiveness of
16 intervention programs designed to reduce injuries and diseases.

17 *d.* Cooperate with the center for agricultural safety and
18 health established under [section 262.78](#), the center for health
19 effects of environmental contamination established under
20 [section 263.17](#), and the department of agriculture and land
21 stewardship. The agencies shall coordinate programs to the
22 extent practicable.

23 *e.* Administer grants for farm safety education efforts
24 directed to rural families for the purpose of preventing
25 farm-related injuries to children.

26 ~~3.~~ 2. ~~The center for rural health and primary care~~
27 department shall establish a primary care provider recruitment
28 and retention endeavor, to be known as PRIMECARRE. The
29 endeavor shall include a health care workforce and community
30 support grant program and a primary care provider loan
31 repayment program. The endeavor shall be developed and
32 implemented in a manner to promote and accommodate local
33 creativity in efforts to recruit and retain health care
34 professionals to provide services in the locality. The
35 focus of the endeavor shall be to promote and assist local

1 efforts in developing health care provider recruitment and
2 retention programs. The ~~center for rural health and primary~~
3 ~~care~~ department may enter into an agreement with the college
4 student aid commission for the administration of the ~~center's~~
5 department's grant and loan repayment programs.

6 *a. Health care workforce and community support grant program.*

7 (1) The ~~center for rural health and primary care~~ department
8 shall adopt rules establishing flexible application processes
9 based upon the department's strategic plan to be used by the
10 ~~center~~ department to establish a grant assistance program as
11 provided in this paragraph "a", and establishing the criteria
12 to be used in evaluating the applications. Selection criteria
13 shall include a method for prioritizing grant applications
14 based on illustrated efforts to meet the health care provider
15 needs of the locality and surrounding area. Such assistance
16 may be in the form of a forgivable loan, grant, or other
17 nonfinancial assistance as deemed appropriate by the ~~center~~
18 department. An application submitted may contain a commitment
19 of matching funds for the grant assistance. Application may
20 be made for assistance by a single community or group of
21 communities or in response to programs recommended in the
22 strategic plan to address health workforce shortages.

23 (2) Grants awarded under the program shall be awarded
24 to rural, underserved areas or special populations as
25 identified by the department's strategic plan or evidence-based
26 documentation.

27 *b. Primary care provider loan repayment program.*

28 (1) A primary care provider loan repayment program is
29 established to increase the number of health professionals
30 practicing primary care in federally designated health
31 professional shortage areas of the state. Under the program,
32 loan repayment may be made to a recipient for educational
33 expenses incurred while completing an accredited health
34 education program directly related to obtaining credentials
35 necessary to practice the recipient's health profession.

1 (2) The ~~center for rural health and primary care~~
2 department shall adopt rules relating to the establishment and
3 administration of the primary care provider loan repayment
4 program. Rules adopted pursuant to this paragraph shall
5 provide, at a minimum, for all of the following:

6 (a) Determination of eligibility requirements and
7 qualifications of an applicant to receive loan repayment under
8 the program, including but not limited to years of obligated
9 service, clinical practice requirements, and residency
10 requirements. One year of obligated service shall be provided
11 by the applicant in exchange for each year of loan repayment,
12 unless federal requirements otherwise require. Loan repayment
13 under the program shall not be approved for a health provider
14 whose license or certification is restricted by a medical
15 regulatory authority of any jurisdiction of the United States,
16 other nations, or territories.

17 (b) Identification of federally designated health
18 professional shortage areas of the state and prioritization of
19 such areas according to need.

20 (c) Determination of the amount and duration of the loan
21 repayment an applicant may receive, giving consideration to the
22 availability of funds under the program, and the applicant's
23 outstanding educational loans and professional credentials.

24 (d) Determination of the conditions of loan repayment
25 applicable to an applicant.

26 (e) Enforcement of the state's rights under a loan repayment
27 program contract, including the commencement of any court
28 action.

29 (f) Cancellation of a loan repayment program contract for
30 reasonable cause unless federal requirements otherwise require.

31 (g) Participation in federal programs supporting repayment
32 of loans of health care providers and acceptance of gifts,
33 grants, and other aid or amounts from any person, association,
34 foundation, trust, corporation, governmental agency, or other
35 entity for the purposes of the program.

1 (h) Upon availability of state funds, determination of
2 eligibility criteria and qualifications for participating
3 communities and applicants not located in federally designated
4 shortage areas.

5 (i) Other rules as necessary.

6 ~~4.~~ 3. *a.* Eligibility under any of the programs established
7 under the primary care provider recruitment and retention
8 endeavor shall be based upon a community health services
9 assessment completed under subsection 2, paragraph "a".
10 Participation in a community health services assessment process
11 shall be documented by the community or region.

12 *b.* Assistance under this subsection shall not be granted
13 until such time as the community or region making application
14 has completed a community health services assessment and
15 adopted a long-term community health services assessment and
16 developmental plan. In addition to any other requirements, an
17 applicant's plan shall include, to the extent possible, a clear
18 commitment to informing high school students of the health care
19 opportunities which may be available to such students.

20 *c.* ~~The center for rural health and primary care~~ department
21 shall seek additional assistance and resources from other state
22 departments and agencies, federal agencies and grant programs,
23 private organizations, and any other person, as appropriate.
24 ~~The center~~ department is authorized and directed to accept
25 on behalf of the state any grant or contribution, federal or
26 otherwise, made to assist in meeting the cost of carrying out
27 the purpose of this subsection. All federal grants to and the
28 federal receipts of the ~~center~~ department are appropriated
29 for the purpose set forth in such federal grants or receipts.
30 Funds appropriated by the general assembly to the ~~center~~
31 department for implementation of this subsection shall first
32 be used for securing any available federal funds requiring a
33 state match, with remaining funds being used for the health
34 care workforce and community support grant program.

35 *d.* ~~The center for rural health and primary care~~ department

1 may, to further the purposes of **this subsection**, provide
2 financial assistance in the form of grants to support
3 the effort of a community which is clearly part of the
4 community's long-term community health services assessment
5 and developmental plan. Efforts for which such grants may
6 be awarded include but are not limited to the procurement of
7 clinical equipment, clinical facilities, and telecommunications
8 facilities, and the support of locum tenens arrangements and
9 primary care provider mentor programs.

10 Sec. 148. Section 135.108, subsections 1 and 2, Code 2023,
11 are amended to read as follows:

12 1. "*Department*" means the Iowa department of ~~public~~ health
13 and human services.

14 2. "*Director*" means the director of ~~public~~ health and human
15 services.

16 Sec. 149. Section 135.109, Code 2023, is amended to read as
17 follows:

18 **135.109 Iowa domestic abuse death review team membership.**

19 1. An Iowa domestic abuse death review team is established
20 ~~as an independent agency of state government~~ in the department.

21 2. The department shall provide staffing and administrative
22 support to the team.

23 3. The team shall include the following members:

24 a. The state medical examiner or the state medical
25 examiner's designee.

26 b. A licensed physician, physician assistant, or nurse who
27 is knowledgeable concerning domestic abuse injuries and deaths,
28 including suicides.

29 c. A licensed mental health professional who is
30 knowledgeable concerning domestic abuse.

31 d. A representative or designee of the Iowa coalition
32 against domestic violence.

33 e. A certified or licensed professional who is knowledgeable
34 concerning substance ~~abuse~~ use disorder.

35 f. A law enforcement official who is knowledgeable

1 concerning domestic abuse.

2 *g.* A law enforcement investigator experienced in domestic
3 abuse investigation.

4 *h.* An attorney experienced in prosecuting domestic abuse
5 cases.

6 *i.* A judicial officer appointed by the chief justice of the
7 supreme court.

8 *j.* A clerk of the district court appointed by the chief
9 justice of the supreme court.

10 *k.* An employee or subcontractor of the department of
11 corrections who is a trained batterers' education program
12 facilitator.

13 *l.* An attorney licensed in this state who provides criminal
14 defense assistance or child custody representation, and who has
15 experience in dissolution of marriage proceedings.

16 *m.* Both a female and a male victim of domestic abuse.

17 *n.* A family member of a decedent whose death resulted from
18 domestic abuse.

19 4. The following individuals shall each designate a liaison
20 to assist the team in fulfilling the team's duties:

21 *a.* The attorney general.

22 *b.* The director of the Iowa department of corrections.

23 ~~*c.* The director of public health.~~

24 ~~*d.*~~ *c.* The director of health and human services.

25 ~~*e.*~~ *d.* The commissioner of public safety.

26 ~~*f.* The administrator of the bureau of vital records of the
27 Iowa department of public health.~~

28 ~~*g.*~~ *e.* The director of the department of education.

29 ~~*h.*~~ *f.* The state court administrator.

30 ~~*i.* The director of the department of human rights.~~

31 ~~*j.*~~ *g.* The director of the state law enforcement academy.

32 5. *a.* The director of ~~public health~~, in consultation with
33 the attorney general, shall appoint review team members who are
34 not designated by another appointing authority.

35 *b.* A membership vacancy shall be filled in the same manner

1 as the original appointment.

2 c. The membership of the review team is subject to the
3 provisions of [sections 69.16](#) and [69.16A](#), relating to political
4 affiliation and gender balance.

5 d. A member of the team may be reappointed to serve
6 additional terms on the team, subject to the provisions of
7 chapter 69.

8 6. Membership terms shall be three-year staggered terms.

9 7. Members of the team are eligible for reimbursement of
10 actual and necessary expenses incurred in the performance of
11 their official duties.

12 8. Team members and their agents are immune from any
13 liability, civil or criminal, which might otherwise be incurred
14 or imposed as a result of any act, omission, proceeding,
15 decision, or determination undertaken or performed, or
16 recommendation made as a team member or agent provided that the
17 team members or agents acted reasonably and in good faith and
18 without malice in carrying out their official duties in their
19 official capacity. A complainant bears the burden of proof
20 in establishing malice or unreasonableness or lack of good
21 faith in an action brought against team members involving the
22 performance of their duties and powers.

23 Sec. 150. Section 135.118, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. A child protection center grant program is established
26 in the Iowa department of ~~public health~~ in accordance with
27 this section. The ~~director of public health~~ department shall
28 establish requirements for the grant program and shall award
29 grants. A grant may be used for establishment of a new center
30 or for support of an existing center.

31 Sec. 151. Section 135.118, subsection 2, paragraph d, Code
32 2023, is amended to read as follows:

33 d. As necessary to address serious cases of child abuse such
34 as those involving sexual abuse, serious physical abuse, and
35 substance ~~abuse~~ use disorder, a grantee must be able to involve

1 or consult with persons from various professional disciplines
2 who have training and expertise in addressing special types
3 of child abuse. These persons may include but are not
4 limited to physicians and other health care professionals,
5 mental health professionals, social workers, child protection
6 workers, attorneys, juvenile court officers, public health
7 workers, child development experts, child educators, and child
8 advocates.

9 Sec. 152. Section 135.118, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. The director shall create a committee to consider grant
12 proposals and to make grant recommendations to the director.
13 The committee membership may include but is not limited to
14 representatives of the following: departments of health and
15 human services, and justice, ~~and public health~~, Iowa medical
16 society, Iowa hospital association, Iowa nurses association,
17 and an association representing social workers.

18 Sec. 153. Section 135.140, Code 2023, is amended to read as
19 follows:

20 **135.140 Definitions.**

21 As used in [this subchapter](#), unless the context otherwise
22 requires:

23 1. "*Bioterrorism*" means the intentional use of any
24 microorganism, virus, infectious substance, or biological
25 product that may be engineered as a result of biotechnology,
26 or any naturally occurring or bioengineered component of any
27 such microorganism, virus, infectious substance, or biological
28 product, to cause death, disease, or other biological
29 malfunction in a human, an animal, a plant, or another living
30 organism.

31 2. "*Department*" means the Iowa department of ~~public health~~
32 and human services.

33 3. "*Director*" means the director of ~~public health~~ and human
34 services or the director's designee.

35 4. "*Disaster*" means disaster as defined in [section 29C.2](#).

1 ~~5. "Division" means the division of acute disease prevention~~
2 ~~and emergency response of the department.~~

3 ~~6.~~ 5. "Public health disaster" means a state of disaster
4 emergency proclaimed by the governor in consultation with the
5 department pursuant to [section 29C.6](#) for a disaster which
6 specifically involves an imminent threat of an illness or
7 health condition that meets any of the following conditions of
8 paragraphs "a" and "b":

9 a. Is reasonably believed to be caused by any of the
10 following:

11 (1) Bioterrorism or other act of terrorism.

12 (2) The appearance of a novel or previously controlled or
13 eradicated infectious agent or biological toxin.

14 (3) A chemical attack or accidental release.

15 (4) An intentional or accidental release of radioactive
16 material.

17 (5) A nuclear or radiological attack or accident.

18 (6) A natural occurrence or incident, including but not
19 limited to fire, flood, storm, drought, earthquake, tornado,
20 or windstorm.

21 (7) A man-made occurrence or incident, including but not
22 limited to an attack, spill, or explosion.

23 b. Poses a high probability of any of the following:

24 (1) A large number of deaths in the affected population.

25 (2) A large number of serious or long-term disabilities in
26 the affected population.

27 (3) Widespread exposure to an infectious or toxic agent that
28 poses a significant risk of substantial future harm to a large
29 number of the affected population.

30 (4) Short-term or long-term physical or behavioral health
31 consequences to a large number of the affected population.

32 ~~7.~~ 6. "Public health response team" means a team of
33 professionals, including licensed health care providers,
34 nonmedical professionals skilled and trained in disaster or
35 emergency response, and public health practitioners, which is

1 sponsored by a hospital or other entity and approved by the
2 department to provide disaster assistance in the event of a
3 disaster or threatened disaster.

4 Sec. 154. Section 135.141, Code 2023, is amended to read as
5 follows:

6 **135.141 ~~Division of~~ Department duties related to acute
7 disease prevention and emergency response ~~— establishment —~~
8 ~~duties of department.~~**

9 1. ~~A division of acute disease prevention and emergency~~
10 ~~response is established within the department. The division~~
11 department shall coordinate the administration of this
12 subchapter with ~~other administrative divisions of the~~
13 ~~department and with~~ federal, state, and local agencies and
14 officials.

15 2. The department shall do all of the following:

16 a. Coordinate with the department of homeland security and
17 emergency management the administration of emergency planning
18 matters which involve the public health, including development,
19 administration, and execution of the public health components
20 of the comprehensive emergency plan and emergency management
21 program pursuant to [section 29C.8](#).

22 b. Coordinate with federal, state, and local agencies and
23 officials, and private agencies, organizations, companies, and
24 persons, the administration of emergency planning, response,
25 and recovery matters that involve the public health.

26 c. If a public health disaster exists, or if there is
27 reasonable cause to believe that a public health disaster is
28 imminent, conduct a risk assessment of any present or potential
29 danger to the public health from chemical, radiological, or
30 other potentially dangerous agents.

31 d. For the purpose of paragraph "c", an employee or agent
32 of the department may enter into and examine any premises
33 containing potentially dangerous agents with the consent of the
34 owner or person in charge of the premises or, if the owner or
35 person in charge of the premises refuses admittance, with an

1 administrative search warrant obtained under [section 808.14](#).
2 Based on findings of the risk assessment and examination of the
3 premises, the director may order reasonable safeguards or take
4 any other action reasonably necessary to protect the public
5 health pursuant to rules adopted to administer [this subsection](#).

6 *e.* Coordinate the location, procurement, storage,
7 transportation, maintenance, and distribution of medical
8 supplies, drugs, antidotes, and vaccines to prepare for or in
9 response to a public health disaster, including receiving,
10 distributing, and administering items from the strategic
11 national stockpile program of the centers for disease control
12 and prevention of the United States department of health and
13 human services.

14 *f.* Conduct or coordinate public information activities
15 regarding emergency and disaster planning, response, and
16 recovery matters that involve the public health.

17 *g.* Apply for and accept grants, gifts, or other funds to be
18 used for programs authorized by [this subchapter](#).

19 *h.* Establish and coordinate other programs or activities
20 as necessary for the prevention, detection, management, and
21 containment of public health disasters, and for the recovery
22 from such disasters.

23 *i.* Adopt rules pursuant to [chapter 17A](#) for the
24 administration of [this subchapter](#) including rules adopted in
25 cooperation with the Iowa pharmacy association and the Iowa
26 hospital association for the development of a surveillance
27 system to monitor supplies of drugs, antidotes, and vaccines to
28 assist in detecting a potential public health disaster. Prior
29 to adoption, the rules shall be approved by the ~~state board of~~
30 health council on health and human services and the director of
31 the department of homeland security and emergency management.

32 Sec. 155. Section 135.166, subsection 1, paragraph a, Code
33 2023, is amended to read as follows:

34 *a.* The department of ~~public health~~ shall enter into a
35 memorandum of understanding with the contractor selected

1 through a request for proposals process to act as the
2 department's intermediary in collecting, maintaining, and
3 disseminating hospital inpatient, outpatient, and ambulatory
4 data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5,
5 subsection 1, paragraph "a", subparagraph (4), and 641 IAC
6 177.3.

7 Sec. 156. Section 135.173A, Code 2023, is amended to read
8 as follows:

9 **135.173A Child care advisory committee.**

10 1. The early childhood stakeholders alliance shall
11 establish a state child care advisory committee as part of the
12 stakeholders alliance. The advisory committee shall advise
13 and make recommendations to the governor, general assembly,
14 ~~department of human services~~, and other state agencies
15 concerning child care.

16 2. The membership of the advisory committee shall consist of
17 a broad spectrum of parents and other persons from across the
18 state with an interest in or involvement with child care.

19 3. Except as otherwise provided, the voting members of
20 the advisory committee shall be appointed by the stakeholders
21 alliance from a list of names submitted by a nominating
22 committee to consist of one member of the advisory committee,
23 one member of the ~~department of human services'~~ department's
24 child care staff, three consumers of child care, and one member
25 of a professional child care organization. Two names shall be
26 submitted for each appointment. The voting members shall be
27 appointed for terms of three years.

28 4. The voting membership of the advisory committee shall be
29 appointed in a manner so as to provide equitable representation
30 of persons with an interest in child care and shall include all
31 of the following:

32 a. Two parents of children served by a registered child
33 development home.

34 b. Two parents of children served by a licensed center.

35 c. Two not-for-profit child care providers.

- 1 *d.* Two for-profit child care providers.
2 *e.* One child care home provider.
3 *f.* Three child development home providers.
4 *g.* One child care resource and referral service grantee.
5 *h.* One nongovernmental child advocacy group representative.
6 *i.* One designee of the department of ~~human services~~.
7 ~~*j.* One designee of the Iowa department of public health.~~
8 ~~*k.*~~ *j.* One designee of the department of education.
9 ~~*l.*~~ *k.* One head start program provider.
10 ~~*m.*~~ *l.* One person who is a business owner or executive
11 officer from nominees submitted by the Iowa chamber of commerce
12 executives.
13 ~~*n.* One designee of the early childhood Iowa office of the~~
14 ~~department of management.~~
15 ~~*o.*~~ *m.* One person who is a member of the Iowa afterschool
16 alliance.
17 ~~*p.*~~ *n.* One person who is part of a local program
18 implementing the statewide preschool program for four-year-old
19 children under [chapter 256C](#).
20 ~~*q.*~~ *o.* One person who represents the early childhood
21 stakeholders alliance.
22 5. In addition to the voting members of the advisory
23 committee, the membership shall include four legislators as
24 ex officio, nonvoting members. The four legislators shall
25 be appointed one each by the majority leader of the senate,
26 the minority leader of the senate, the speaker of the house
27 of representatives, and the minority leader of the house of
28 representatives for terms as provided in [section 69.16B](#).
29 6. In fulfilling the advisory committee's role, the
30 committee shall do all of the following:
31 *a.* Consult with the department of ~~human services~~ and make
32 recommendations concerning policy issues relating to child
33 care.
34 *b.* Advise the department of ~~human services~~ concerning
35 services relating to child care, including but not limited to

1 any of the following:

- 2 (1) Resource and referral services.
- 3 (2) Provider training.
- 4 (3) Quality improvement.
- 5 (4) Public-private partnerships.
- 6 (5) Standards review and development.
- 7 (6) The federal child care and development block grant,
8 state funding, grants, and other funding sources for child
9 care.

10 c. Assist the department of ~~human services~~ in developing an
11 implementation plan to provide seamless service to recipients
12 of public assistance, which includes child care services.
13 For the purposes of [this subsection](#), "seamless service"
14 means coordination, where possible, of the federal and state
15 requirements which apply to child care.

16 d. Advise and provide technical services to the director of
17 the department of education or the director's designee relating
18 to prekindergarten, kindergarten, and before and after school
19 programming and facilities.

20 e. Make recommendations concerning child care expansion
21 programs that meet the needs of children attending a core
22 education program by providing child care before and after the
23 core program hours and during times when the core program does
24 not operate.

25 f. Make recommendations for improving collaborations
26 between the child care programs involving the department of
27 ~~human services~~ and programs supporting the education and
28 development of young children including but not limited to the
29 federal head start program; the statewide preschool program for
30 four-year-old children; and the early childhood, at-risk, and
31 other early education programs administered by the department
32 of education.

33 g. Make recommendations for eliminating duplication and
34 otherwise improving the eligibility determination processes
35 used for the state child care assistance program and other

1 programs supporting low-income families, including but not
2 limited to the federal head start, early head start, and even
3 start programs; the early childhood, at-risk, and preschool
4 programs administered by the department of education; the
5 family and self-sufficiency grant program; and the family
6 investment program.

7 *h.* Make recommendations as to the most effective and
8 efficient means of managing the state and federal funding
9 available for the state child care assistance program.

10 *i.* Review program data from the department of ~~human services~~
11 and other departments concerning child care as deemed to be
12 necessary by the advisory committee, although a department
13 shall not provide personally identifiable data or information.

14 *j.* Advise and assist the early childhood stakeholders
15 alliance in developing the strategic plan required pursuant to
16 section 256I.4, subsection 4.

17 7. The department of ~~human services~~ shall provide
18 information to the advisory committee semiannually on all of
19 the following:

20 *a.* Federal, state, local, and private revenues and
21 expenditures for child care including but not limited to
22 updates on the current and future status of the revenues and
23 expenditures.

24 *b.* Financial information and data relating to regulation of
25 child care by the department of ~~human services~~ and the usage of
26 the state child care assistance program.

27 *c.* Utilization and availability data relating to child care
28 regulation, quantity, and quality from consumer and provider
29 perspectives.

30 *d.* Statistical and demographic data regarding child care
31 providers and the families utilizing child care.

32 *e.* Statistical data regarding the processing time for
33 issuing notices of decision to state child care assistance
34 applicants and for issuing payments to child care providers.

35 8. The advisory committee shall coordinate with the early

1 childhood stakeholders alliance its reporting annually in
2 December to the governor and general assembly concerning the
3 status of child care in the state, providing findings, and
4 making recommendations. The annual report may be personally
5 presented to the general assembly's standing committees on
6 health and human resources services by a representative of the
7 advisory committee.

8 Sec. 157. Section 135.175, subsection 6, paragraphs b and c,
9 Code 2023, are amended to read as follows:

10 *b.* State programs that may receive funding from the fund
11 and the accounts in the fund, if specifically designated for
12 the purpose of drawing down federal funding, are the primary
13 care recruitment and retention endeavor (PRIMECARRE), the Iowa
14 affiliate of the national rural recruitment and retention
15 network, the ~~oral and health delivery systems bureau dental~~
16 program of the department, the primary care office and
17 shortage designation program, and the state office of rural
18 health, ~~administered through the oral and health delivery~~
19 ~~systems bureau~~ of the department ~~of public health~~; any entity
20 identified by the federal government entity through which
21 federal funding for a specified health care workforce shortage
22 initiative is received; and a program developed in accordance
23 with the strategic plan developed by the department ~~of public~~
24 ~~health~~ in accordance with [section 135.163](#).

25 *c.* Any federal funding received for the purposes of
26 addressing state health care workforce shortages shall be
27 deposited in the health care workforce shortage national
28 initiatives account, unless otherwise specified by the source
29 of the funds, and shall be used as required by the source of
30 the funds. If use of the federal funding is not designated,
31 the funds shall be used in accordance with the strategic plan
32 developed by the department ~~of public health~~ in accordance with
33 section 135.163, or to address workforce shortages as otherwise
34 designated by the department ~~of public health~~. Other sources
35 of funding shall be deposited in the fund or account and used

1 as specified by the source of the funding.

2 Sec. 158. Section 135.185, subsection 6, Code 2023, is
3 amended to read as follows:

4 6. The department ~~of public health~~, the board of medicine,
5 the board of nursing, and the board of pharmacy shall adopt
6 rules pursuant to chapter 17A to implement and administer this
7 section, including but not limited to standards and procedures
8 for the prescription, distribution, storage, replacement, and
9 administration of epinephrine auto-injectors, and for training
10 and authorization to be required for personnel authorized to
11 administer epinephrine.

12 Sec. 159. Section 135.190, subsection 1, paragraph d, Code
13 2023, is amended to read as follows:

14 *d. "Person in a position to assist"* means a family member,
15 friend, caregiver, health care provider, employee of a
16 substance ~~abuse~~ use disorder treatment facility, school
17 employee, or other person who may be in a place to render aid to
18 a person at risk of experiencing an opioid-related overdose.

19 Sec. 160. Section 135.190A, subsection 6, Code 2023, is
20 amended to read as follows:

21 6. The department shall submit a report to the
22 ~~co-chairpersons and ranking members of the joint appropriations~~
23 ~~subcommittee on the justice system and to the legislative~~
24 ~~services agency~~ general assembly on or before December 31
25 of each year which shall contain a list of deposits and
26 expenditures from the fund for the prior fiscal year and the
27 amount of carryover funds, if any, to be distributed in the
28 next fiscal year.

29 Sec. 161. Section 135A.2, subsections 2 and 4, Code 2023,
30 are amended to read as follows:

31 2. "*Department*" means the department of ~~public health~~ and
32 human services.

33 4. "*Governmental public health system*" means local boards
34 of health, the ~~state board of~~ council on health and human
35 services, designated local public health agencies, the state

1 hygienic laboratory, and the department.

2 Sec. 162. Section 135A.8, subsection 4, Code 2023, is
3 amended to read as follows:

4 4. A local board of health seeking matching funds or grants
5 under [this section](#) shall apply to the department. The ~~state~~
6 ~~board of~~ council on health and human services shall adopt rules
7 concerning the application and award process for the allocation
8 of moneys in the fund and shall establish the criteria for the
9 allocation of moneys in the fund if the moneys are insufficient
10 to meet the needs of local boards of health.

11 Sec. 163. Section 135A.9, unnumbered paragraph 1, Code
12 2023, is amended to read as follows:

13 The ~~state board of~~ council on health and human services shall
14 adopt rules pursuant to [chapter 17A](#) to implement [this chapter](#)
15 which shall include but are not limited to the following:

16 Sec. 164. Section 135B.7, subsection 1, paragraph a, Code
17 2023, is amended to read as follows:

18 a. The department, with the approval of the ~~state board of~~
19 council on health and human services, shall adopt rules setting
20 out the standards for the different types of hospitals to be
21 licensed under [this chapter](#). The department shall enforce the
22 rules.

23 Sec. 165. Section 135B.9, subsection 2, Code 2023, is
24 amended to read as follows:

25 2. In the state resource centers and state mental health
26 institutes operated by the department of health and human
27 services, the designated protection and advocacy agency as
28 provided in [section 135C.2, subsection 4](#), shall have the
29 authority to investigate all complaints of abuse and neglect
30 of persons with developmental disabilities or mental illnesses
31 if the complaints are reported to the protection and advocacy
32 agency or if there is probable cause to believe that the abuse
33 has occurred. Such authority shall include the examination of
34 all records pertaining to the care provided to the residents
35 and contact or interview with any resident, employee, or any

1 other person who might have knowledge about the operation of
2 the institution.

3 Sec. 166. Section 135B.33, subsection 1, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 Subject to availability of funds, the ~~Iowa~~ department of
6 ~~public health and human services~~ shall provide technical
7 planning assistance to local boards of health and hospital
8 governing boards to ensure access to hospital services in
9 rural areas. The department shall encourage the local boards
10 of health and hospital governing boards to adopt a long-term
11 community health services and developmental plan including the
12 following:

13 Sec. 167. Section 135B.34, Code 2023, is amended to read as
14 follows:

15 **135B.34 Hospital employees — criminal history and abuse**
16 **record checks — penalty.**

17 1. *a.* Prior to employment of a person in a hospital, the
18 hospital shall do one of the following:

19 (1) Request that the department of public safety perform a
20 criminal history check and the record check evaluation system
21 of the department of health and human services perform child
22 and dependent adult abuse record checks of the person in this
23 state.

24 (2) Access the single contact repository to perform the
25 required record checks.

26 *b.* (1) If a hospital accesses the single contact repository
27 to perform the required record checks pursuant to paragraph
28 "*a*", the hospital may utilize a third-party vendor to perform a
29 comprehensive preliminary background check and provisionally
30 employ a person being considered for employment pending
31 completion of the required record checks through the single
32 contact repository and the evaluation by the ~~department of~~
33 ~~human services~~ record check evaluation system, as applicable,
34 subject to all of the following:

35 (a) If the comprehensive preliminary background check

1 determines that the person being considered for employment has
2 been convicted of a crime, but the crime does not constitute a
3 felony as defined in [section 701.7](#) and is not a crime specified
4 pursuant to [chapter 708, 708A, 709, 709A, 710, 710A, 711, or](#)
5 [712, or pursuant to section 726.3, 726.27, or 726.28.](#)

6 (b) If the comprehensive preliminary background check
7 determines the person being considered for employment does not
8 have a record of founded child abuse or dependent adult abuse
9 or if an exception pursuant to [subsection 4](#) is applicable to
10 the person.

11 (c) If the hospital has requested an evaluation in
12 accordance with [subsection 2](#), paragraph "a", to determine
13 whether the crime warrants prohibition of the person's
14 employment in the hospital.

15 (2) The provisional employment under this paragraph "b"
16 may continue until such time as the required record checks
17 through the single contact repository and the evaluation by the
18 ~~department of human services~~ record check evaluation system,
19 as applicable, are completed.

20 c. A hospital shall inform all persons prior to employment
21 regarding the performance of the record checks and shall
22 obtain, from the persons, a signed acknowledgment of the
23 receipt of the information. A hospital shall include the
24 following inquiry in an application for employment:

25 Do you have a record of founded child or dependent adult abuse
26 or have you ever been convicted of a crime, in this state or any
27 other state?

28 2. a. If it is determined that a person being considered
29 for employment in a hospital has committed a crime, the
30 department of public safety shall notify the hospital that upon
31 the request of the hospital the ~~department of human services~~
32 record check evaluation system will perform an evaluation
33 to determine whether the crime warrants prohibition of the
34 person's employment in the hospital.

35 b. (1) If a person being considered for employment, other

1 than employment involving the operation of a motor vehicle, has
2 been convicted of a crime listed in subparagraph (2) but does
3 not have a record of founded child or dependent adult abuse
4 and the hospital has requested an evaluation in accordance
5 with paragraph "a" to determine whether the crime warrants
6 prohibition of the person's employment, the hospital may employ
7 the person for not more than sixty calendar days pending
8 completion of the evaluation.

9 (2) Subparagraph (1) applies to a crime that is a simple
10 misdemeanor offense under [section 123.47](#), and to a crime
11 that is a first offense of operating a motor vehicle while
12 intoxicated under [section 321J.2, subsection 1](#).

13 c. If a ~~department of human services~~ record check evaluation
14 system child or dependent adult abuse record check shows that
15 the person has a record of founded child or dependent adult
16 abuse, the ~~department of human services~~ record check evaluation
17 system shall notify the hospital that upon the request of
18 the hospital the ~~department of human services~~ record check
19 evaluation system will perform an evaluation to determine
20 whether the founded child or dependent adult abuse warrants
21 prohibition of the person's employment in the hospital.

22 d. An evaluation performed under [this subsection](#) shall
23 be performed in accordance with procedures adopted for this
24 purpose by the department of health and human services.

25 e. (1) If a person owns or operates more than one hospital,
26 and an employee of one of such hospitals is transferred to
27 another such hospital without a lapse in employment, the
28 hospital is not required to request additional criminal and
29 child and dependent adult abuse record checks of that employee.

30 (2) If the ownership of a hospital is transferred, at the
31 time of transfer the record checks required by [this section](#)
32 shall be performed for each employee for whom there is no
33 documentation that such record checks have been performed.
34 The hospital may continue to employ such employee pending the
35 performance of the record checks and any related evaluation.

1 3. In an evaluation, the ~~department of human services~~
2 record check evaluation system shall consider the nature and
3 seriousness of the crime or founded child or dependent adult
4 abuse in relation to the position sought or held, the time
5 elapsed since the commission of the crime or founded child
6 or dependent adult abuse, the circumstances under which the
7 crime or founded child or dependent adult abuse was committed,
8 the degree of rehabilitation, the likelihood that the person
9 will commit the crime or founded child or dependent adult
10 abuse again, and the number of crimes or founded child or
11 dependent adult abuses committed by the person involved. If
12 the ~~department of human services~~ record check evaluation system
13 performs an evaluation for the purposes of [this section](#), the
14 ~~department of human services~~ record check evaluation system
15 has final authority in determining whether prohibition of the
16 person's employment is warranted.

17 4. *a.* Except as provided in [subsection 1](#), paragraph "b",
18 subsection 2, and paragraph "b" of [this subsection](#), a person
19 who has committed a crime or has a record of founded child
20 or dependent adult abuse shall not be employed in a hospital
21 licensed under [this chapter](#) unless an evaluation has been
22 performed by the ~~department of human services~~ record check
23 evaluation system.

24 *b.* A person with a criminal or abuse record who is or was
25 employed by a hospital licensed under [this chapter](#) and is hired
26 by another hospital shall be subject to the criminal history
27 and abuse record checks required pursuant to [subsection 1](#).
28 However, if an evaluation was previously performed by the
29 ~~department of human services~~ record check evaluation system
30 concerning the person's criminal or abuse record and it was
31 determined that the record did not warrant prohibition of
32 the person's employment and the latest record checks do not
33 indicate a crime was committed or founded abuse record was
34 entered subsequent to that evaluation, the person may commence
35 employment with the other hospital in accordance with the

1 ~~department of human services'~~ record check evaluation system's
2 evaluation and an exemption from the requirements in paragraph
3 "a" for reevaluation of the latest record checks is authorized.
4 Otherwise, the requirements of paragraph "a" remain applicable
5 to the person's employment. Authorization of an exemption
6 under this paragraph "b" from requirements for reevaluation of
7 the latest record checks by the ~~department of human services~~
8 record check evaluation system is subject to all of the
9 following provisions:

10 (1) The position with the subsequent employer is
11 substantially the same or has the same job responsibilities as
12 the position for which the previous evaluation was performed.

13 (2) Any restrictions placed on the person's employment in
14 the previous evaluation by the ~~department of human services~~
15 record check evaluation system shall remain applicable in the
16 person's subsequent employment.

17 (3) The person subject to the record checks has maintained a
18 copy of the previous evaluation and provides the evaluation to
19 the subsequent employer or the previous employer provides the
20 previous evaluation from the person's personnel file pursuant
21 to the person's authorization. If a physical copy of the
22 previous evaluation is not provided to the subsequent employer,
23 the record checks shall be reevaluated.

24 (4) Although an exemption under this lettered paragraph "b"
25 may be authorized, the subsequent employer may instead request
26 a reevaluation of the record checks and may employ the person
27 while the reevaluation is being performed.

28 5. a. If a person employed by a hospital that is subject
29 to [this section](#) is convicted of a crime or has a record of
30 founded child or dependent adult abuse entered in the abuse
31 registry after the person's employment application date, the
32 person shall inform the hospital of such information within
33 forty-eight hours of the criminal conviction or entry of the
34 record of founded child or dependent adult abuse. The hospital
35 shall act to verify the information within seven calendar

1 days of notification. If the information is verified, the
2 requirements of subsections 2, 3, and 4 regarding employability
3 and evaluations shall be applied by the hospital to determine
4 whether or not the person's employment is continued. The
5 hospital may continue to employ the person pending the
6 performance of an evaluation by the ~~department of human~~
7 services record check evaluation system to determine whether
8 prohibition of the person's employment is warranted. A person
9 who is required by this subsection to inform the person's
10 employer of a conviction or entry of an abuse record and
11 fails to do so within the required period commits a serious
12 misdemeanor.

13 *b.* If a hospital receives credible information, as
14 determined by the hospital, that a person employed by the
15 hospital has been convicted of a crime or a record of founded
16 child or dependent adult abuse has been entered in the
17 abuse registry after employment from a person other than the
18 employee and the employee has not informed the hospital of such
19 information within the period required under paragraph "a", the
20 hospital shall act to verify the credible information within
21 seven calendar days of receipt of the credible information. If
22 the information is verified, the requirements of subsections
23 2, 3, and 4 regarding employability and evaluations shall
24 be applied by the hospital to determine whether or not the
25 person's employment is continued.

26 *c.* The hospital may notify the county attorney for the
27 county where the hospital is located of any violation or
28 failure by an employee to notify the hospital of a criminal
29 conviction or entry of an abuse record within the period
30 required under paragraph "a".

31 6. A hospital licensed in this state may access the single
32 contact repository established by the department pursuant to
33 section 135C.33 as necessary for the hospital to perform record
34 checks of persons employed or being considered for employment
35 by the hospital.

1 7. For the purposes of [this section](#), "*comprehensive*
2 *preliminary background check*" ~~means~~ and "*record check evaluation*
3 *system*" mean the same as defined in [section 135C.1](#).

4 Sec. 168. Section 135C.1, subsection 20, Code 2023, is
5 amended to read as follows:

6 20. "*Residential care facility*" means any institution,
7 place, building, or agency providing for a period exceeding
8 twenty-four consecutive hours accommodation, board, personal
9 assistance and other essential daily living activities to
10 three or more individuals, not related to the administrator or
11 owner thereof within the third degree of consanguinity, who by
12 reason of illness, disease, or physical or mental infirmity
13 are unable to sufficiently or properly care for themselves but
14 who do not require the services of a registered or licensed
15 practical nurse except on an emergency basis or who by reason
16 of illness, disease, or physical or mental infirmity are unable
17 to sufficiently or properly care for themselves but who do not
18 require the services of a registered or licensed practical
19 nurse except on an emergency basis if home and community-based
20 services, other than nursing care, as defined by [this chapter](#)
21 and departmental rule, are provided. For the purposes of
22 this definition, the home and community-based services to be
23 provided are limited to the type included under the medical
24 assistance program provided pursuant to [chapter 249A](#), are
25 subject to cost limitations established by the department
26 of health and human services under the medical assistance
27 program, and except as otherwise provided by the department of
28 inspections and appeals with the concurrence of the department
29 of health and human services, are limited in capacity to the
30 number of licensed residential care facilities and the number
31 of licensed residential care facility beds in the state as of
32 December 1, 2003.

33 Sec. 169. Section 135C.1, Code 2023, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 18A. "*Record check evaluation system*" means

1 the record check evaluation system of the department of health
2 and human services used to perform child and dependent adult
3 abuse record checks and to evaluate criminal history and abuse
4 records.

5 Sec. 170. Section 135C.4, subsection 3, Code 2023, is
6 amended to read as follows:

7 3. For the purposes of [this section](#), the home and
8 community-based services to be provided shall be limited
9 to the type included under the medical assistance program
10 provided pursuant to [chapter 249A](#), shall be subject to cost
11 limitations established by the department of health and human
12 services under the medical assistance program, and except
13 as otherwise provided by the department of inspections and
14 appeals with the concurrence of the department of health and
15 human services, shall be limited in capacity to the number of
16 licensed residential care facilities and the number of licensed
17 residential care facility beds in the state as of December 1,
18 2003.

19 Sec. 171. Section 135C.6, subsections 8 and 9, Code 2023,
20 are amended to read as follows:

21 8. The following residential programs to which the
22 department of health and human services applies accreditation,
23 certification, or standards of review shall not be required to
24 be licensed as a health care facility under [this chapter](#):

25 a. Residential programs providing care to not more than four
26 individuals and receiving moneys appropriated to the department
27 of health and human services under provisions of a federally
28 approved home and community-based services waiver for persons
29 with an intellectual disability or other medical assistance
30 program under [chapter 249A](#). In approving a residential
31 program under this paragraph, the department of health and
32 human services shall consider the geographic location of the
33 program so as to avoid an overconcentration of such programs
34 in an area. In order to be approved under this paragraph,
35 a residential program shall not be required to involve the

1 conversion of a licensed residential care facility for persons
2 with an intellectual disability.

3 *b.* Not more than forty residential care facilities for
4 persons with an intellectual disability that are licensed to
5 serve not more than five individuals may be authorized by the
6 department of health and human services to convert to operation
7 as a residential program under the provisions of a medical
8 assistance home and community-based services waiver for persons
9 with an intellectual disability. A converted residential
10 program operating under this paragraph is subject to the
11 conditions stated in paragraph "*a*" except that the program shall
12 not serve more than five individuals.

13 *c.* A residential program approved by the department of
14 health and human services pursuant to this paragraph "*c*" to
15 receive moneys appropriated to the department of health and
16 human services under provisions of a federally approved home
17 and community-based services habilitation or waiver program may
18 provide care to not more than five individuals. The department
19 shall approve a residential program under this paragraph that
20 complies with all of the following conditions:

21 (1) Approval of the program will not result in an
22 overconcentration of such programs in an area.

23 (2) The county in which the residential program is located
24 submits to the department of health and human services a letter
25 of support for approval of the program.

26 (3) The county in which the residential program is located
27 provides to the department of health and human services
28 verification in writing that the program is needed to address
29 one or more of the following:

30 (a) The quantity of services currently available in the
31 county is insufficient to meet the need.

32 (b) The quantity of affordable rental housing in the county
33 is insufficient.

34 (c) Implementation of the program will cause a reduction in
35 the size or quantity of larger congregate programs.

1 9. Contingent upon the department of health and human
2 services receiving federal approval, a residential program
3 which serves not more than eight individuals and is licensed as
4 an intermediate care facility for persons with an intellectual
5 disability may surrender the facility license and continue
6 to operate under a federally approved medical assistance
7 home and community-based services waiver for persons with an
8 intellectual disability, if the department of health and human
9 services has approved a plan submitted by the residential
10 program.

11 Sec. 172. Section 135C.14, unnumbered paragraph 1, Code
12 2023, is amended to read as follows:

13 The department shall, in accordance with chapter 17A and
14 with the approval of the ~~state board of~~ council on health
15 and human services, adopt and enforce rules setting minimum
16 standards for health care facilities. In so doing, the
17 department, with the approval of the ~~state board of~~ council
18 on health and human services, may adopt by reference, with
19 or without amendment, nationally recognized standards and
20 rules, which shall be specified by title and edition, date
21 of publication, or similar information. The rules and
22 standards required by this section shall be formulated in
23 consultation with the director of health and human services or
24 the director's designee, with the state fire marshal, and with
25 affected industry, professional, and consumer groups, and shall
26 be designed to further the accomplishment of the purposes of
27 this chapter and shall relate to:

28 Sec. 173. Section 135C.16, subsection 3, Code 2023, is
29 amended to read as follows:

30 3. An authorized representative of the department may
31 enter any licensed health care facility without a warrant,
32 and may examine all records pertaining to the care provided
33 residents of the facility. An authorized representative of the
34 department may contact or interview any resident, employee, or
35 any other person who might have knowledge about the operation

1 of a health care facility. An authorized representative of the
 2 department of health and human services shall have the same
 3 right with respect to any facility where one or more residents
 4 are cared for entirely or partially at public expense, and an
 5 authorized representative of the designated protection and
 6 advocacy agency shall have the same right with respect to
 7 any facility where one or more residents have developmental
 8 disabilities or mental illnesses, and the state fire marshal
 9 or a deputy appointed pursuant to section 135C.9, subsection
 10 1, paragraph "b", shall have the same right of entry into any
 11 facility and the right to inspect any records pertinent to
 12 fire safety practices and conditions within that facility, and
 13 an authorized representative of the office of long-term care
 14 ombudsman shall have the same right with respect to any nursing
 15 facility or residential care facility. If any such authorized
 16 representative has probable cause to believe that any
 17 institution, building, or agency not licensed as a health care
 18 facility is in fact a health care facility as defined by this
 19 chapter, and upon producing identification that the individual
 20 is an authorized representative is denied entry ~~thereto~~ to
 21 the facility for the purpose of making an inspection, the
 22 authorized representative may, with the assistance of the
 23 county attorney of the county in which the purported health
 24 care facility is located, apply to the district court for an
 25 order requiring the owner or occupant to permit entry and
 26 inspection of the premises to determine whether there have been
 27 any violations of [this chapter](#).

28 Sec. 174. Section 135C.17, Code 2023, is amended to read as
 29 follows:

30 **135C.17 Duties of other departments.**

31 It shall be the duty of the department of health and
 32 human services, state fire marshal, office of long-term care
 33 ombudsman, and the officers and agents of other state and local
 34 governmental units, and the designated protection and advocacy
 35 agency to assist the department in carrying out the provisions

1 of this chapter, insofar as the functions of these respective
2 offices and departments are concerned with the health, welfare,
3 and safety of any resident of any health care facility. It
4 shall be the duty of the department to cooperate with the
5 protection and advocacy agency and the office of long-term
6 care ombudsman by responding to all reasonable requests for
7 assistance and information as required by federal law and this
8 chapter.

9 Sec. 175. Section 135C.19, subsection 2, paragraph b, Code
10 2023, is amended to read as follows:

11 b. A copy of each citation required to be posted by this
12 subsection shall be sent by the department to the department
13 of health and human services, to the designated protection
14 and advocacy agency if the facility has one or more residents
15 with developmental disabilities or mental illness, and to the
16 office of long-term care ombudsman if the facility is a nursing
17 facility or residential care facility.

18 Sec. 176. Section 135C.19, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. If the facility cited subsequently advises the
21 department of health and human services that the violation
22 has been corrected to the satisfaction of the department of
23 inspections and appeals, the department of health and human
24 services shall maintain this advisory in the same file with
25 the copy of the citation. The department of health and human
26 services shall not disseminate to the public any information
27 regarding citations issued by the department of inspections and
28 appeals, but shall forward or refer inquiries to the department
29 of inspections and appeals.

30 Sec. 177. Section 135C.20A, subsection 2, Code 2023, is
31 amended to read as follows:

32 2. The report card form shall be developed by the department
33 in cooperation with representatives of the department ~~on~~
34 aging of health and human services, the state long-term care
35 ombudsman, representatives of certified volunteer long-term

1 care ombudsmen, representatives of protection and advocacy
2 entities, consumers, and other interested persons.

3 Sec. 178. Section 135C.22, Code 2023, is amended to read as
4 follows:

5 **135C.22 Applicable to governmental units.**

6 The provisions of **this chapter** shall be applicable to
7 institutions operated by or under the control of the department
8 of health and human services, the state board of regents, or
9 any other governmental unit.

10 Sec. 179. Section 135C.31A, Code 2023, is amended to read
11 as follows:

12 **135C.31A Assessment of residents — program eligibility —**
13 **prescription drug coverage.**

14 1. A health care facility shall assist the Iowa department
15 of veterans affairs in identifying, upon admission of a
16 resident, the resident's eligibility for benefits through the
17 United States department of veterans affairs. The department
18 of inspections and appeals, in cooperation with the department
19 of health and human services, shall adopt rules to administer
20 this section, including a provision that ensures that if a
21 resident is eligible for benefits through the United States
22 department of veterans affairs or other third-party payor,
23 the payor of last resort for reimbursement to the health care
24 facility is the medical assistance program. The rules shall
25 also require the health care facility to request information
26 from a resident or resident's personal representative regarding
27 the resident's veteran status and to report to the Iowa
28 department of veterans affairs only the names of residents
29 identified as potential veterans along with the names of their
30 spouses and any dependents. Information reported by the
31 health care facility shall be verified by the Iowa department
32 of veterans affairs. **This section** shall not apply to the
33 admission of an individual to a state mental health institute
34 for acute psychiatric care or to the admission of an individual
35 to the Iowa veterans home.

1 2. *a.* If a resident is identified, upon admission to a
2 health care facility, as eligible for benefits through the
3 United States department of veterans affairs pursuant to
4 subsection 1 or through other means, the health care facility
5 shall allow the resident to access any prescription drug
6 benefit included in such benefits for which the resident is
7 also eligible. The health care facility shall also assist the
8 Iowa department of veterans affairs in identifying individuals
9 residing in such health care facilities on July 1, 2009, who
10 are eligible for the prescription drug benefit.

11 *b.* The department of inspections and appeals, the department
12 of veterans affairs, and the department of health and human
13 services shall identify any barriers to residents in accessing
14 such prescription drug benefits and shall assist health
15 care facilities in adjusting their procedures for medication
16 administration to comply with [this subsection](#).

17 Sec. 180. Section 135C.33, Code 2023, is amended to read as
18 follows:

19 **135C.33 Employees and certified nurse aide trainees — child**
20 **or dependent adult abuse information and criminal record check**
21 **options — evaluations — application to other providers —**
22 **penalty.**

23 1. *a.* For the purposes of [this section](#), the term “*crime*”
24 does not include offenses under [chapter 321](#) classified as a
25 simple misdemeanor or equivalent simple misdemeanor offenses
26 from another jurisdiction.

27 *b.* Prior to employment of a person in a facility or with a
28 provider as specified in [subsection 5](#), the facility or provider
29 shall do one of the following:

30 (1) Request that the department of public safety perform a
31 criminal history check and the record check evaluation system
32 of the department of health and human services perform child
33 and dependent adult abuse record checks of the person in this
34 state.

35 (2) Access the single contact repository to perform the

1 required record checks.

2 *c.* (1) If a facility or a provider as specified in
3 subsection 5 accesses the single contact repository to perform
4 the required record checks pursuant to paragraph "b", the
5 facility or provider may utilize a third-party vendor to
6 perform a comprehensive preliminary background check and
7 provisionally employ a person being considered for employment
8 pending completion of the required record checks through
9 the single contact repository and the evaluation by the
10 ~~department of human services~~ record check evaluation system, as
11 applicable, subject to all of the following:

12 (a) If the comprehensive preliminary background check
13 determines that the person being considered for employment has
14 been convicted of a crime, but the crime does not constitute a
15 felony as defined in [section 701.7](#) and is not a crime specified
16 pursuant to [chapter 708](#), [708A](#), [709](#), [709A](#), [710](#), [710A](#), [711](#), or
17 [712](#), or pursuant to [section 726.3](#), [726.27](#), or [726.28](#).

18 (b) If the comprehensive preliminary background check
19 determines the person being considered for employment does not
20 have a record of founded child abuse or dependent adult abuse
21 or if an exception pursuant to [subsection 4](#) is applicable to
22 the person.

23 (c) If the facility or provider has requested an evaluation
24 in accordance with [subsection 2](#), paragraph "a", to determine
25 whether the crime warrants prohibition of the person's
26 employment in the facility or with the provider.

27 (2) The provisional employment under this paragraph "c"
28 may continue until such time as the required record checks
29 through the single contact repository and the evaluation by the
30 ~~department of human services~~ record check evaluation system,
31 as applicable, are completed.

32 *d.* A facility or provider shall inform all persons prior
33 to employment regarding the performance of the record checks
34 and shall obtain, from the persons, a signed acknowledgment of
35 the receipt of the information. A facility or provider shall

1 include the following inquiry in an application for employment:
2 Do you have a record of founded child or dependent adult abuse
3 or have you ever been convicted of a crime other than a simple
4 misdemeanor offense relating to motor vehicles and laws of the
5 road under [chapter 321](#) or equivalent provisions, in this state
6 or any other state?

7 2. *a.* If it is determined that a person being considered
8 for employment in a facility or with a provider has been
9 convicted of a crime under a law of any state, the department
10 of public safety shall notify the facility or provider that
11 upon the request of the facility or provider the ~~department of~~
12 ~~human services~~ record check evaluation system will perform an
13 evaluation to determine whether the crime warrants prohibition
14 of the person's employment in the facility or with the
15 provider.

16 *b.* (1) If a person being considered for employment, other
17 than employment involving the operation of a motor vehicle, has
18 been convicted of a crime listed in subparagraph (2) but does
19 not have a record of founded child or dependent adult abuse
20 and the facility or provider has requested an evaluation in
21 accordance with paragraph "a" to determine whether the crime
22 warrants prohibition of the person's employment, the facility
23 or provider may employ the person for not more than sixty
24 calendar days pending completion of the evaluation.

25 (2) Subparagraph (1) applies to a crime that is a simple
26 misdemeanor offense under [section 123.47](#), and to a crime
27 that is a first offense of operating a motor vehicle while
28 intoxicated under [section 321J.2, subsection 1](#).

29 *c.* If a ~~department of human services~~ record check evaluation
30 system child or dependent adult abuse record check shows
31 that such person has a record of founded child or dependent
32 adult abuse, the ~~department of human services~~ record check
33 evaluation system shall notify the facility or provider that
34 upon the request of the facility or provider the ~~department of~~
35 ~~human services~~ record check evaluation system will perform an

1 evaluation to determine whether the founded child or dependent
2 adult abuse warrants prohibition of employment in the facility
3 or with the provider.

4 *d.* An evaluation performed under this subsection shall
5 be performed in accordance with procedures adopted for this
6 purpose by the department of health and human services.

7 *e.* (1) If a person owns or operates more than one facility
8 or a provider owns or operates more than one location, and
9 an employee of one of such facilities or provider locations
10 is transferred to another such facility or provider location
11 without a lapse in employment, the facility or provider is not
12 required to request additional criminal and child and dependent
13 adult abuse record checks of that employee.

14 (2) If the ownership of a facility or provider is
15 transferred, at the time of transfer the record checks required
16 by this section shall be performed for each employee for whom
17 there is no documentation that such record checks have been
18 performed. The facility or provider may continue to employ
19 such employee pending the performance of the record checks and
20 any related evaluation.

21 3. In an evaluation, the ~~department of human services~~
22 record check evaluation system shall consider the nature and
23 seriousness of the crime or founded child or dependent adult
24 abuse in relation to the position sought or held, the time
25 elapsed since the commission of the crime or founded child
26 or dependent adult abuse, the circumstances under which the
27 crime or founded child or dependent adult abuse was committed,
28 the degree of rehabilitation, the likelihood that the person
29 will commit the crime or founded child or dependent adult
30 abuse again, and the number of crimes or founded child or
31 dependent adult abuses committed by the person involved. If
32 the ~~department of human services~~ record check evaluation system
33 performs an evaluation for the purposes of this section, the
34 ~~department of human services~~ record check evaluation system
35 has final authority in determining whether prohibition of the

1 person's employment is warranted.

2 4. a. Except as provided in subsection 1, paragraph "c",
3 subsection 2, and paragraph "b" of this subsection, a person
4 who has committed a crime or has a record of founded child or
5 dependent adult abuse shall not be employed in a facility or
6 with a provider unless an evaluation has been performed by the
7 ~~department of human services~~ record check evaluation system.

8 b. A person with a criminal or abuse record who is or was
9 employed by a facility or provider and is hired by another
10 facility or provider shall be subject to the criminal history
11 and abuse record checks required pursuant to subsection 1.
12 However, if an evaluation was previously performed by the
13 ~~department of human services~~ record check evaluation system
14 concerning the person's criminal or abuse record and it was
15 determined that the record did not warrant prohibition of
16 the person's employment and the latest record checks do not
17 indicate a crime was committed or founded abuse record was
18 entered subsequent to that evaluation, the person may commence
19 employment with the other facility or provider in accordance
20 with the ~~department of human services'~~ record check evaluation
21 system's evaluation and an exemption from the requirements in
22 paragraph "a" for reevaluation of the latest record checks
23 is authorized. Otherwise, the requirements of paragraph "a"
24 remain applicable to the person's employment. Authorization
25 of an exemption under this paragraph "b" from requirements for
26 reevaluation of the latest record checks by the ~~department of~~
27 ~~human services~~ record check evaluation system is subject to all
28 of the following provisions:

29 (1) The position with the subsequent employer is
30 substantially the same or has the same job responsibilities as
31 the position for which the previous evaluation was performed.

32 (2) Any restrictions placed on the person's employment in
33 the previous evaluation by the ~~department of human services~~
34 record check evaluation system shall remain applicable in the
35 person's subsequent employment.

1 (3) The person subject to the record checks has maintained a
2 copy of the previous evaluation and provides the evaluation to
3 the subsequent employer or the previous employer provides the
4 previous evaluation from the person's personnel file pursuant
5 to the person's authorization. If a physical copy of the
6 previous evaluation is not provided to the subsequent employer,
7 the record checks shall be reevaluated.

8 (4) Although an exemption under this paragraph "b" may
9 be authorized, the subsequent employer may instead request a
10 reevaluation of the record checks and may employ the person
11 while the reevaluation is being performed.

12 5. a. This section shall also apply to prospective
13 employees of all of the following, if the provider is regulated
14 by the state or receives any state or federal funding:

15 (1) An employee of a homemaker-home health aide, home care
16 aide, adult day services, or other provider of in-home services
17 if the employee provides direct services to consumers.

18 (2) An employee of a hospice, if the employee provides
19 direct services to consumers.

20 (3) An employee who provides direct services to consumers
21 under a federal home and community-based services waiver.

22 (4) An employee of an elder group home certified under
23 chapter 231B, if the employee provides direct services to
24 consumers.

25 (5) An employee of an assisted living program certified
26 under chapter 231C, if the employee provides direct services
27 to consumers.

28 b. In substantial conformance with the provisions of this
29 section, including the provision authorizing provisional
30 employment following completion of a comprehensive preliminary
31 background check, prior to the employment of such an employee,
32 the provider shall request the performance of the criminal
33 and child and dependent adult abuse record checks. The
34 provider shall inform the prospective employee and obtain the
35 prospective employee's signed acknowledgment. The department

1 ~~of human services~~ record check evaluation system shall perform
2 the evaluation of any criminal record or founded child or
3 dependent adult abuse record and shall make the determination
4 of whether a prospective employee of a provider shall not be
5 employed by the provider.

6 6. a. This section shall also apply to an employee of
7 a temporary staffing agency that provides staffing for a
8 facility, service, program, or other provider regulated by this
9 section if the employee provides direct services to consumers.

10 b. In substantial conformance with the provisions of this
11 section, including the provision authorizing provisional
12 employment following completion of a comprehensive preliminary
13 background check, prior to the employment of such an employee,
14 the temporary staffing agency shall request the performance of
15 the criminal and child and dependent adult abuse record checks.
16 The temporary staffing agency shall inform the prospective
17 employee and obtain the prospective employee's signed
18 acknowledgment. The ~~department of human services~~ record check
19 evaluation system shall perform the evaluation of any criminal
20 record or founded child or dependent adult abuse record
21 and shall make the determination of whether a prospective
22 employee of a temporary staffing agency shall not be employed
23 by the assisted living program as defined in [section 231C.2](#),
24 the Medicare certified home health agency, or the facility,
25 service, program, or other provider regulated by [this section](#).

26 c. If a person employed by a temporary staffing agency that
27 is subject to [this section](#) is convicted of a crime or has a
28 record of founded child or dependent adult abuse entered in the
29 abuse registry after the person's employment application date,
30 the person shall inform the temporary staffing agency within
31 forty-eight hours and the temporary staffing agency shall
32 inform the facility, service, program, or other provider within
33 two hours.

34 d. If a temporary staffing agency fails to comply with the
35 requirements of [this section](#), the temporary staffing agency

1 shall be liable to the facility, service, program, or other
2 provider for any actual damages, including civil penalties, and
3 reasonable attorney fees.

4 e. This section shall not apply to employees employed by a
5 temporary staffing agency for a position that does not provide
6 direct services to consumers.

7 7. a. The department of inspections and appeals, in
8 conjunction with other departments and agencies of state
9 government involved with criminal history and abuse registry
10 information, shall establish a single contact repository for
11 facilities and other providers to have electronic access to
12 data to perform background checks for purposes of employment,
13 as required of the facilities and other providers under this
14 section.

15 b. The department may access the single contact repository
16 for any of the following purposes:

17 (1) To verify data transferred from the department's nurse
18 aide registry to the repository.

19 (2) To conduct record checks of applicants for employment
20 with the department.

21 8. a. If a person employed by a facility, service, or
22 program employer that is subject to this section is convicted
23 of a crime or has a record of founded child or dependent
24 adult abuse entered in the abuse registry after the person's
25 employment application date, the person shall inform the
26 employer of such information within forty-eight hours of the
27 criminal conviction or entry of the record of founded child or
28 dependent adult abuse. The employer shall act to verify the
29 information within seven calendar days of notification. If
30 the information is verified, the requirements of subsections
31 2, 3, and 4 regarding employability and evaluations shall
32 be applied by the employer to determine whether or not the
33 person's employment is continued. The employer may continue to
34 employ the person pending the performance of an evaluation by
35 the ~~department of human services~~ record check evaluation system

1 to determine whether prohibition of the person's employment
2 is warranted. A person who is required by [this subsection](#) to
3 inform the person's employer of a conviction or entry of an
4 abuse record and fails to do so within the required period
5 commits a serious misdemeanor.

6 *b.* If a facility, service, or program employer receives
7 credible information, as determined by the employer, that a
8 person employed by the employer has been convicted of a crime
9 or a record of founded child or dependent adult abuse has been
10 entered in the abuse registry after employment from a person
11 other than the employee and the employee has not informed
12 the employer of such information within the period required
13 under paragraph "a", the employer shall act to verify the
14 credible information within seven calendar days of receipt of
15 the credible information. If the information is verified, the
16 requirements of [subsections 2, 3, and 4](#) regarding employability
17 and evaluations shall be applied to determine whether or not
18 the person's employment is continued.

19 *c.* The employer may notify the county attorney for the
20 county where the employer is located of any violation or
21 failure by an employee to notify the employer of a criminal
22 conviction or entry of an abuse record within the period
23 required under paragraph "a".

24 9. *a.* For the purposes of [this subsection](#), unless the
25 context otherwise requires:

26 (1) "*Certified nurse aide training program*" means a program
27 approved in accordance with the rules for such programs adopted
28 by the department of health and human services for the training
29 of persons seeking to be a certified nurse aide for employment
30 in any of the facilities or programs [this section](#) applies to or
31 in a hospital, as defined in [section 135B.1](#).

32 (2) "*Student*" means a person applying for, enrolled in, or
33 returning to a certified nurse aide training program.

34 *b.* (1) Prior to a student beginning or returning to a
35 certified nurse aide training program, the program shall do one

1 of the following:

2 (a) Request that the department of public safety perform
3 a criminal history check and the ~~department of human services~~
4 record check evaluation system perform child and dependent
5 adult abuse record checks, in this state, of the student.

6 (b) Access the single contact repository to perform the
7 required record checks.

8 (2) If a program accesses the single contact repository to
9 perform the required record checks pursuant to subparagraph
10 (1), the program may utilize a third-party vendor to perform a
11 comprehensive preliminary background check to allow a person
12 to provisionally participate in the clinical component of the
13 certified nurse aide training program pending completion of the
14 required record checks through the single contact repository
15 and the evaluation by the ~~department of human services~~ record
16 check evaluation system, as applicable, subject to all of the
17 following:

18 (a) If the comprehensive preliminary background check
19 determines that the person being considered for provisional
20 participation has been convicted of a crime but the crime does
21 not constitute a felony as defined in [section 701.7](#) and is not
22 a crime specified pursuant to [chapter 708](#), [708A](#), [709](#), [709A](#),
23 [710](#), [710A](#), [711](#), or [712](#), or pursuant to [section 726.3](#), [726.27](#),
24 or [726.28](#).

25 (b) If the comprehensive preliminary background check
26 determines the person being considered for provisional
27 participation does not have a record of founded child abuse or
28 dependent adult abuse or if an exception pursuant to subsection
29 4 is applicable to the person.

30 (c) If the program has requested an evaluation in accordance
31 with [subsection 2](#), paragraph "a", to determine whether the crime
32 warrants prohibition of the person's provisional participation.

33 (d) The provisional participation under this subparagraph
34 (2) may continue until such time as the required record checks
35 through the single contact repository and the evaluation by the

1 ~~department of human services~~ record check evaluation system,
2 as applicable, are completed.

3 *c.* If a student has a criminal record or a record of
4 founded child or dependent adult abuse, the student shall
5 not be involved in a clinical education component of the
6 certified nurse aide training program involving children or
7 dependent adults unless an evaluation has been performed by the
8 ~~department of human services~~ record check evaluation system.
9 Upon request of the certified nurse aide training program, the
10 ~~department of human services~~ record check evaluation system
11 shall perform an evaluation to determine whether the record
12 warrants prohibition of the student's involvement in a clinical
13 education component of the certified nurse aide training
14 program involving children or dependent adults. The evaluation
15 shall be performed in accordance with the criteria specified in
16 subsection 3, and the ~~department of human services~~ record check
17 evaluation system shall report the results of the evaluation
18 to the certified nurse aide training program. The ~~department~~
19 ~~of human services~~ record check evaluation system has final
20 authority in determining whether prohibition of the student's
21 involvement in the clinical education component is warranted.

22 *d.* (1) If a student's clinical education component of the
23 training program involves children or dependent adults but
24 does not involve operation of a motor vehicle, and the student
25 has been convicted of a crime listed in subparagraph (2), but
26 does not have a record of founded child or dependent adult
27 abuse, and the training program has requested an evaluation in
28 accordance with paragraph "c" to determine whether the crime
29 warrants prohibition of the student's involvement in such
30 clinical education component, the training program may allow
31 the student's participation in the component for not more than
32 sixty days pending completion of the evaluation.

33 (2) Subparagraph (1) applies to a crime that is a simple
34 misdemeanor offense under [section 123.47](#), and to a crime
35 that is a first offense of operating a motor vehicle while

1 intoxicated under [section 321J.2, subsection 1.](#)

2 e. (1) If a student is convicted of a crime or has a
3 record of founded child or dependent adult abuse entered in the
4 abuse registry after the record checks and any evaluation have
5 been performed, the student shall inform the certified nurse
6 aide training program of such information within forty-eight
7 hours of the criminal conviction or entry of the record of
8 founded child or dependent adult abuse. The program shall
9 act to verify the information within seven calendar days of
10 notification. If the information is verified, the requirements
11 of paragraph "c" shall be applied by the program to determine
12 whether or not the student's involvement in a clinical
13 education component may continue. The program may allow
14 the student involvement to continue pending the performance
15 of an evaluation by the ~~department of human services~~ record
16 check evaluation system. A student who is required by this
17 subparagraph to inform the program of a conviction or entry of
18 an abuse record and fails to do so within the required period
19 commits a serious misdemeanor.

20 (2) If a program receives credible information, as
21 determined by the program, that a student has been convicted
22 of a crime or a record of founded child or dependent adult
23 abuse has been entered in the abuse registry after the record
24 checks and any evaluation have been performed, from a person
25 other than the student and the student has not informed the
26 program of such information within the period required under
27 subparagraph (1), the program shall act to verify the credible
28 information within seven calendar days of receipt of the
29 credible information. If the information is verified, the
30 requirements of paragraph "c" shall be applied to determine
31 whether or not the student's involvement in a clinical
32 education component may continue.

33 (3) The program may notify the county attorney for the
34 county where the program is located of any violation or failure
35 by a student to notify the program of a criminal conviction

1 or entry of an abuse record within the period required under
2 subparagraph (1).

3 *f.* If a certified nurse aide training program is conducted
4 by a health care facility and a student of that program
5 subsequently accepts and begins employment with the facility
6 within thirty days of completing the program, the criminal
7 history and abuse registry checks of the student performed
8 pursuant to **this subsection** shall be deemed to fulfill the
9 requirements for such checks prior to employment pursuant to
10 subsection 1.

11 Sec. 181. Section 135D.2, subsections 3 and 13, Code 2023,
12 are amended to read as follows:

13 3. "*Department*" means the department of ~~public~~ public health and
14 human services.

15 13. "*Iowa Medicaid enterprise program*" means the centralized
16 medical assistance program ~~infrastructure, based on a business~~
17 ~~enterprise model, and designed to foster collaboration among~~
18 ~~all program stakeholders by focusing on quality, integrity, and~~
19 consistency as defined in section 249A.2.

20 Sec. 182. Section 135D.6, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. A single industry shall not be disproportionately
23 represented as voting members of the board. The board shall
24 include at least one member who is a consumer of health
25 services and a majority of the voting members of the board
26 shall be representative of participants in the Iowa health
27 information network. The director of ~~public~~ public health and human
28 services or the director's designee and the director of the
29 ~~Iowa Medicaid enterprise program~~ or the director's designee
30 shall act as voting members of the board. The commissioner
31 of insurance shall act as an ex officio, nonvoting member of
32 the board. Individuals serving in an ex officio, nonvoting
33 capacity shall not be included in the total number of
34 individuals authorized as members of the board.

35 Sec. 183. Section 135D.6, subsection 3, paragraph f, Code

1 2023, is amended to read as follows:

2 *f.* Provide an annual budget and fiscal report for the Iowa
3 health information network to the governor, the department of
4 ~~public~~ health and human services, the department of management,
5 the chairs and ranking members of the legislative government
6 oversight standing committees, and the legislative services
7 agency. The report shall also include information about the
8 services provided through the network and information on the
9 participant usage of the network.

10 Sec. 184. Section 135G.10, Code 2023, is amended to read as
11 follows:

12 **135G.10 Rules.**

13 1. The department of inspections and appeals and the
14 department of health and human services shall collaborate
15 in establishing standards for licensing of subacute care
16 facilities to achieve all of the following objectives:

17 *a.* Subacute mental health services are provided based on
18 sound, proven clinical practice.

19 *b.* Subacute mental health services are established in a
20 manner that allows the services to be included in the federal
21 medical assistance state plan.

22 2. It is the intent of the general assembly that subacute
23 mental health services be included in the Medicaid state
24 plan adopted for the implementation of the federal Patient
25 Protection and Affordable Care Act, benchmark plan.

26 3. The department of inspections and appeals, in
27 consultation with the department of health and human services
28 and affected professional groups, shall adopt and enforce rules
29 setting out the standards for a subacute care facility and the
30 rights of the residents admitted to a subacute care facility.
31 The department of inspections and appeals and the department
32 of health and human services shall coordinate the adoption of
33 rules and the enforcement of the rules in order to prevent
34 duplication of effort by the departments and of requirements of
35 the licensee.

1 Sec. 185. Section 135G.11, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. Upon receipt of a complaint made in accordance with
4 subsection 1, the department shall make a preliminary review
5 of the complaint. Unless the department concludes that the
6 complaint is intended to harass a subacute care facility or
7 a licensee or is without reasonable basis, it shall within
8 twenty working days of receipt of the complaint make or cause
9 to be made an on-site inspection of the subacute care facility
10 which is the subject of the complaint. The department of
11 inspections and appeals may refer to the department of health
12 and human services any complaint received by the department
13 of inspections and appeals if the complaint applies to rules
14 adopted by the department of health and human services. The
15 complainant shall also be notified of the name, address, and
16 telephone number of the designated protection and advocacy
17 agency if the alleged violation involves a facility with one
18 or more residents with a developmental disability or mental
19 illness. In any case, the complainant shall be promptly
20 informed of the result of any action taken by the department
21 in the matter.

22 Sec. 186. Section 135H.4, Code 2023, is amended to read as
23 follows:

24 **135H.4 Licensure.**

25 A person shall not establish, operate, or maintain a
26 psychiatric medical institution for children unless the person
27 obtains a license for the institution under [this chapter](#) and
28 either holds a license under [section 237.3, subsection 2,](#)
29 paragraph "a", as a comprehensive residential facility for
30 children or holds a license under [section 125.13,](#) if the
31 facility provides substance ~~abuse~~ use disorder treatment.

32 Sec. 187. Section 135H.6, subsection 1, paragraph e, Code
33 2023, is amended to read as follows:

34 e. The department of health and human services has submitted
35 written approval of the application based on the department

1 of health and human services' determination of need. The
2 department of health and human services shall identify the
3 location and number of children in the state who require the
4 services of a psychiatric medical institution for children.
5 Approval of an application shall be based upon the location
6 of the proposed psychiatric institution relative to the need
7 for services identified by the department of health and human
8 services and an analysis of the applicant's ability to provide
9 services and support consistent with requirements under chapter
10 232, particularly regarding community-based treatment. If
11 the proposed psychiatric institution is not freestanding from
12 a facility licensed under [chapter 135B](#) or [135C](#), approval
13 under this paragraph shall not be given unless the department
14 of health and human services certifies that the proposed
15 psychiatric institution is capable of providing a resident with
16 a living environment similar to the living environment provided
17 by a licensee which is freestanding from a facility licensed
18 under [chapter 135B](#) or [135C](#).

19 Sec. 188. Section 135H.6, subsections 2, 3, 4, and 5, Code
20 2023, are amended to read as follows:

21 2. The department of health and human services shall
22 not give approval to an application which would cause the
23 total number of beds licensed under [this chapter](#) for services
24 reimbursed by the medical assistance program under [chapter 249A](#)
25 to exceed four hundred thirty beds.

26 3. In addition to the beds authorized under subsection
27 2, the department of health and human services may establish
28 not more than thirty beds licensed under [this chapter](#) at the
29 state mental health institute at Independence. The beds shall
30 be exempt from the certificate of need requirement under
31 subsection 1, paragraph "d".

32 4. The department of health and human services may give
33 approval to conversion of beds approved under [subsection 2](#),
34 to beds which are specialized to provide substance ~~abuse~~
35 use disorder treatment. However, the total number of beds

1 approved under subsection 2 and this subsection shall not
2 exceed four hundred thirty. Conversion of beds under this
3 subsection shall not require a revision of the certificate
4 of need issued for the psychiatric institution making the
5 conversion. Beds for children who do not reside in this state
6 and whose service costs are not paid by public funds in this
7 state are not subject to the limitations on the number of beds
8 and certificate of need requirements otherwise applicable under
9 this section.

10 5. A psychiatric institution licensed prior to July 1, 1999,
11 may exceed the number of beds authorized under subsection 2
12 if the excess beds are used to provide services funded from a
13 source other than the medical assistance program under chapter
14 249A. Notwithstanding subsection 1, paragraphs "d" and "e",
15 and subsection 2, the provision of services using those excess
16 beds does not require a certificate of need or a review by the
17 department of health and human services.

18 Sec. 189. Section 135H.7, Code 2023, is amended to read as
19 follows:

20 **135H.7 Personnel.**

21 1. A person shall not be allowed to provide services in a
22 psychiatric institution if the person has a disease which is
23 transmissible to other persons through required contact in the
24 workplace, which presents a significant risk of infecting other
25 persons, which presents a substantial possibility of harming
26 other persons, or for which no reasonable accommodation can
27 eliminate the risk of infecting other persons.

28 2. a. If a person is being considered for licensure under
29 this chapter, or for employment involving direct responsibility
30 for a child or with access to a child when the child is alone,
31 by a licensed psychiatric institution, or if a person will
32 reside in a facility utilized by a licensee, and if the person
33 has been convicted of a crime or has a record of founded child
34 abuse, the ~~department of human services~~ record check evaluation
35 system and the licensee, for an employee of the licensee, shall

1 perform an evaluation to determine whether the crime or founded
2 child abuse warrants prohibition of licensure, employment, or
3 residence in the facility. The record check evaluation system
4 of the department of health and human services shall conduct
5 criminal and child abuse record checks in this state and may
6 conduct these checks in other states. The evaluation shall
7 be performed in accordance with procedures adopted for this
8 purpose by the department of health and human services.

9 **b.** If the ~~department of human services~~ record check
10 evaluation system determines that a person has committed a
11 crime or has a record of founded child abuse and is licensed,
12 employed by a psychiatric institution licensed under this
13 chapter, or resides in a licensed facility, the ~~department~~
14 record check evaluation system shall notify the program
15 that an evaluation will be conducted to determine whether
16 prohibition of the person's licensure, employment, or residence
17 is warranted.

18 **c.** In an evaluation, the ~~department of human services~~
19 record check evaluation system and the licensee for an employee
20 of the licensee shall consider the nature and seriousness of
21 the crime or founded child abuse in relation to the position
22 sought or held, the time elapsed since the commission of the
23 crime or founded child abuse, the circumstances under which
24 the crime or founded child abuse was committed, the degree of
25 rehabilitation, the likelihood that the person will commit the
26 crime or founded child abuse again, and the number of crimes
27 or founded child abuses committed by the person involved.
28 The ~~department~~ record check evaluation system may permit a
29 person who is evaluated to be licensed, employed, or to reside,
30 or to continue to be licensed, employed, or to reside in a
31 licensed facility, if the person complies with the ~~department's~~
32 record check evaluation system's conditions relating to the
33 person's licensure, employment, or residence, which may include
34 completion of additional training. For an employee of a
35 licensee, these conditional requirements shall be developed

1 with the licensee. The ~~department of human services~~ record
2 check evaluation system has final authority in determining
3 whether prohibition of the person's licensure, employment,
4 or residence is warranted and in developing any conditional
5 requirements under this paragraph.

6 3. If the ~~department of human services~~ record check
7 evaluation system determines that the person has committed a
8 crime or has a record of founded child abuse which warrants
9 prohibition of licensure, employment, or residence, the
10 person shall not be licensed under **this chapter** to operate
11 a psychiatric institution and shall not be employed by a
12 psychiatric institution or reside in a facility licensed under
13 this chapter.

14 4. In addition to the record checks required under
15 subsection 2, the ~~department of human services~~ record check
16 evaluation system may conduct dependent adult abuse record
17 checks in this state and may conduct these checks in other
18 states, on a random basis. The provisions of subsections 2 and
19 3, relative to an evaluation following a determination that a
20 person has been convicted of a crime or has a record of founded
21 child abuse, shall also apply to a random dependent adult abuse
22 record check conducted under **this subsection**.

23 5. ~~Beginning July 1, 1994,~~ a A licensee shall inform all new
24 applicants for employment of the possibility of the performance
25 of a record check and shall obtain, from the applicant, a
26 signed acknowledgment of the receipt of the information.

27 6. ~~On or after July 1, 1994,~~ a A licensee shall include the
28 following inquiry in an application for employment:

29 Do you have a record of founded child or dependent adult abuse
30 or have you ever been convicted of a crime, in this state or any
31 other state?

32 Sec. 190. Section 135H.10, Code 2023, is amended to read as
33 follows:

34 **135H.10 Rules.**

35 1. The department of inspections and appeals, in

1 consultation with the department of health and human services
2 and affected professional groups, shall adopt and enforce rules
3 setting out the standards for a psychiatric medical institution
4 for children and the rights of the residents admitted to
5 a psychiatric institution. The department of inspections
6 and appeals and the department of health and human services
7 shall coordinate the adoption of rules and the enforcement of
8 the rules in order to prevent duplication of effort by the
9 departments and of requirements of the licensee.

10 2. This chapter shall not be construed as prohibiting the
11 use of funds appropriated for foster care to provide payment
12 to a psychiatric medical institution for children for the
13 financial participation required of a child whose foster care
14 placement is in a psychiatric medical institution for children.
15 In accordance with established policies and procedures for
16 foster care, the department of health and human services shall
17 act to recover any such payment for financial participation,
18 apply to be named payee for the child's unearned income, and
19 recommend parental liability for the costs of a court-ordered
20 foster care placement in a psychiatric medical institution.

21 Sec. 191. Section 135H.12, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. Upon receipt of a complaint made in accordance with
24 section 135H.11, the department shall make a preliminary review
25 of the complaint. Unless the department concludes that the
26 complaint is intended to harass a psychiatric institution or
27 a licensee or is without reasonable basis, it shall within
28 twenty working days of receipt of the complaint make or cause
29 to be made an on-site inspection of the psychiatric institution
30 which is the subject of the complaint. The department of
31 inspections and appeals may refer to the department of health
32 and human services any complaint received by the department
33 if the complaint applies to rules adopted by the department
34 of health and human services. The complainant shall also
35 be notified of the name, address, and telephone number of

1 the designated protection and advocacy agency if the alleged
2 violation involves a facility with one or more residents with
3 developmental disabilities or mental illness. In any case, the
4 complainant shall be promptly informed of the result of any
5 action taken by the department in the matter.

6 Sec. 192. Section 135J.7, Code 2023, is amended to read as
7 follows:

8 **135J.7 Rules.**

9 Except as otherwise provided in [this chapter](#), the department
10 shall adopt rules pursuant to [chapter 17A](#) necessary to
11 implement [this chapter](#), subject to approval of the ~~state board~~
12 ~~of~~ council on health and human services. Formulation of the
13 rules shall include consultation with Iowa hospice organization
14 representatives and other persons affected by [this chapter](#).

15 Sec. 193. Section 135L.1, subsection 3, Code 2023, is
16 amended to read as follows:

17 3. "*Child-placing agency*" means any agency, public,
18 semipublic, or private, which represents itself as placing
19 children, receiving children for placement, or actually
20 engaging in placement of children and includes the department
21 of health and human services.

22 Sec. 194. Section 135L.2, subsection 1, paragraph b,
23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) Information regarding the options described in the
25 video including information regarding the agencies and programs
26 available to provide assistance to the pregnant minor in
27 parenting a child; information relating to adoption including
28 but not limited to information regarding child-placing
29 agencies; and information regarding abortion including but not
30 limited to the legal requirements relative to the performance
31 of an abortion on a pregnant minor. The information provided
32 shall include information explaining that if a pregnant
33 minor decides to continue the pregnancy to term and to retain
34 parental rights, the father of the child is liable for the
35 support of the child and that if the pregnant minor seeks

1 public assistance on behalf of the child, the pregnant minor
2 shall, and if the pregnant minor is not otherwise eligible as
3 a public assistance recipient, the pregnant minor may, seek
4 the assistance of ~~the child support recovery unit~~ services in
5 establishing the paternity of the child, and in seeking support
6 payments for a reasonable amount of the costs associated with
7 the pregnancy, medical support, and maintenance from the father
8 of the child, or if the father is a minor, from the parents of
9 the minor father. The information shall include a listing of
10 the agencies and programs and the services available from each.

11 Sec. 195. Section 135L.2, subsection 2, paragraph a, Code
12 2023, is amended to read as follows:

13 a. The video shall be available through the state and local
14 offices of the ~~Iowa department of public health, the department~~
15 of health and human services, and the judicial branch and
16 through the office of each licensed physician who performs
17 abortions.

18 Sec. 196. Section 135L.3, subsection 3, paragraph m,
19 subparagraph (4), Code 2023, is amended to read as follows:

20 (4) The pregnant minor declares that the pregnant minor
21 is a victim of child abuse pursuant to [section 232.68](#), the
22 person responsible for the care of the child is a parent of
23 the child, and either the abuse has been reported pursuant to
24 the procedures prescribed in chapter 232, subchapter III, part
25 2, or a parent of the child is named in a report of founded
26 child abuse. The department of health and human services
27 shall maintain confidentiality under [chapter 232](#) and shall not
28 release any information in response to a request for public
29 records, discovery procedures, subpoena, or any other means,
30 unless the release of information is expressly authorized by
31 the pregnant minor regarding the pregnant minor's pregnancy and
32 abortion, if the abortion is obtained. A person who knowingly
33 violates the confidentiality provisions of this subparagraph is
34 guilty of a serious misdemeanor.

35 Sec. 197. Section 135L.8, Code 2023, is amended to read as

1 follows:

2 **135L.8 Adoption of rules — implementation and documents.**

3 The Iowa department of ~~public~~ health and human services
4 shall adopt rules to implement the notification procedures
5 pursuant to **this chapter** including but not limited to rules
6 regarding the documents necessary for notification of a parent
7 or grandparent of a pregnant minor who is designated to receive
8 notification under **this chapter**.

9 Sec. 198. Section 135M.2, subsection 4, Code 2023, is
10 amended to read as follows:

11 4. "*Department*" means the Iowa department of ~~public~~ health
12 and human services.

13 Sec. 199. Section 136A.1, Code 2023, is amended to read as
14 follows:

15 **136A.1 Purpose.**

16 To reduce and avoid adverse health conditions of inhabitants
17 of the state, the Iowa department of ~~public health~~ shall
18 initiate, conduct, and supervise screening and health care
19 programs in order to detect and predict congenital or inherited
20 disorders. The department shall assist in the translation and
21 integration of genetic and genomic advances into public health
22 services to improve health outcomes throughout the life span of
23 the inhabitants of the state.

24 Sec. 200. Section 136A.2, subsection 4, Code 2023, is
25 amended to read as follows:

26 4. "*Department*" means the Iowa department of ~~public~~ health
27 and human services.

28 Sec. 201. Section 136A.3, Code 2023, is amended to read as
29 follows:

30 ~~136A.3 Establishment of center for congenital~~ **Congenital and**
31 **inherited disorders — department duties.**

32 A ~~center for congenital and inherited disorders is~~
33 ~~established within the department.~~ The center department shall
34 do all of the following:

35 1. Initiate, conduct, and supervise statewide screening

1 programs for congenital and inherited disorders amenable to
2 population screening.

3 2. Initiate, conduct, and supervise statewide health care
4 programs to aid in the early detection, treatment, prevention,
5 education, and provision of supportive care related to
6 congenital and inherited disorders.

7 3. Develop specifications for and designate a central
8 laboratory in which tests conducted pursuant to the screening
9 programs provided for in [subsection 1](#) will be performed.

10 4. Gather, evaluate, and maintain information related
11 to causes, severity, prevention, and methods of treatment
12 for congenital and inherited disorders in conjunction with
13 a central registry, screening programs, genetic health care
14 programs, and ongoing scientific investigations and surveys.

15 5. Perform surveillance and monitoring of congenital and
16 inherited disorders to determine the occurrence and trends of
17 the disorders, to conduct thorough and complete epidemiological
18 surveys, to assist in the planning for and provision of
19 services to children with congenital and inherited disorders
20 and their families, and to identify environmental and genetic
21 risk factors for congenital and inherited disorders.

22 6. Provide information related to severity, causes,
23 prevention, and methods of treatment for congenital and
24 inherited disorders to the public, medical and scientific
25 communities, and health science disciplines.

26 7. Implement public education programs, continuing
27 education programs for health practitioners, and education
28 programs for trainees of the health science disciplines related
29 to genetics, congenital disorders, and inheritable disorders.

30 8. Participate in policy development to assure the
31 appropriate use and confidentiality of genetic information and
32 technologies to improve health and prevent disease.

33 9. Collaborate with state and local health agencies and
34 other public and private organizations to provide education,
35 intervention, and treatment for congenital and inherited

1 disorders and to integrate genetics and genomics advances into
2 public health activities and policies.

3 Sec. 202. Section 136A.3A, subsections 1 and 3, Code 2023,
4 are amended to read as follows:

5 1. A congenital and inherited disorders advisory committee
6 is established to assist the ~~center for congenital and~~
7 ~~inherited disorders and the~~ department in the development of
8 programs that ensure the availability and access to quality
9 genetic and genomic health care services for all Iowans.

10 3. The advisory committee shall assist the ~~center for~~
11 ~~congenital and inherited disorders and the~~ department in
12 designating the conditions to be included in the newborn
13 screening and in regularly evaluating the effectiveness and
14 appropriateness of the newborn screening.

15 Sec. 203. Section 136A.4, Code 2023, is amended to read as
16 follows:

17 **136A.4 Genetic health services.**

18 The ~~center~~ department may initiate, conduct, and supervise
19 genetic health services for the inhabitants of the state,
20 including the provision of regional genetic consultation
21 clinics, comprehensive neuromuscular health care outreach
22 clinics, and other outreach services and clinics as established
23 by rule.

24 Sec. 204. Section 136A.5B, subsection 1, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:

26 In accordance with the duties prescribed in [section 136A.3](#),
27 the ~~center for congenital and inherited disorders~~ department
28 shall collaborate with state and local health agencies
29 and other public and private organizations to develop and
30 publish or approve and publish informational materials to
31 educate and raise awareness of cytomegalovirus and congenital
32 cytomegalovirus among women who may become pregnant, expectant
33 parents, parents of infants, attending health care providers,
34 and others, as appropriate. The materials shall include
35 information regarding all of the following:

1 Sec. 205. Section 136A.5B, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. An attending health care provider shall provide to a
4 pregnant woman during the first trimester of the pregnancy the
5 informational materials published under [this section](#). The
6 ~~center for congenital and inherited disorders~~ department shall
7 make the informational materials available to attending health
8 care providers upon request.

9 Sec. 206. Section 136A.6, Code 2023, is amended to read as
10 follows:

11 **136A.6 Central registry.**

12 The ~~center for congenital and inherited disorders~~ department
13 shall maintain a central registry, or shall establish an
14 agreement with a designated contractor to maintain a central
15 registry, to compile, evaluate, retain, and disseminate
16 information on the occurrence, prevalence, causes, treatment,
17 and prevention of congenital disorders. Congenital disorders
18 shall be considered reportable conditions in accordance with
19 rules adopted by the department and shall be abstracted and
20 maintained by the registry.

21 Sec. 207. Section 136A.7, Code 2023, is amended to read as
22 follows:

23 **136A.7 Confidentiality.**

24 The ~~center for congenital and inherited disorders~~ and
25 ~~the~~ department shall maintain the confidentiality of any
26 identifying information collected, used, or maintained pursuant
27 to [this chapter](#) in accordance with [section 22.7, subsection 2](#).

28 Sec. 208. Section 136A.8, Code 2023, is amended to read as
29 follows:

30 **136A.8 Rules.**

31 The ~~center for congenital and inherited disorders, with~~
32 ~~assistance provided by the Iowa~~ department of public health,
33 shall adopt rules pursuant to [chapter 17A](#) to administer this
34 chapter.

35 Sec. 209. Section 136B.1, subsection 1, Code 2023, is

1 amended to read as follows:

2 1. As used in [this chapter](#), unless the context otherwise
3 requires, "*department*" means the Iowa department of ~~public~~
4 health and human services.

5 Sec. 210. Section 136C.1, subsections 2 and 3, Code 2023,
6 are amended to read as follows:

7 2. "*Department*" means the Iowa department of ~~public~~ health
8 and human services.

9 3. "*Director*" means the director of ~~public~~ health and human
10 services or the director's designee.

11 Sec. 211. Section 136C.3, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. Establish minimum training standards including
14 continuing education requirements, and administer examinations
15 and disciplinary procedures for operators of radiation machines
16 and users of radioactive materials. A state of Iowa license
17 to practice medicine, osteopathic medicine, chiropractic,
18 podiatry, dentistry, dental hygiene, or veterinary medicine, or
19 licensure as a physician assistant pursuant to [chapter 148C](#), or
20 certification by the dental board in dental radiography, or by
21 the board of podiatry in podiatric radiography, or enrollment
22 in a program or course of study approved by the Iowa department
23 ~~of public health~~ which includes the application of radiation to
24 humans satisfies the minimum training standards for operation
25 of radiation machines only.

26 Sec. 212. Section 137.102, Code 2023, is amended to read as
27 follows:

28 **137.102 Definitions.**

29 As used in [this chapter](#) unless the context otherwise
30 requires:

31 1. "*City board*" means a city board of health in existence
32 prior to July 1, 2010.

33 2. "*City health department*" refers to the personnel and
34 property under the jurisdiction of a city board in existence
35 prior to July 1, 2010.

1 3. "*Council*" means a ~~city~~ the council on health and human
2 services.

3 4. "*County board*" means a county board of health.

4 5. "*County health department*" refers to the personnel and
5 property under the jurisdiction of a county board.

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

8 7. "*District*" means any two or more geographically
9 contiguous counties.

10 8. "*District board*" means a board of health representing
11 at least two geographically contiguous counties formed with
12 approval of the state department in accordance with this
13 chapter, or any district board of health in existence prior to
14 July 1, 2010.

15 9. "*District health department*" refers to the personnel and
16 property under the jurisdiction of a district board.

17 10. "*Local board of health*" means a city, county, or
18 district board of health.

19 11. "*Officers*" means a local board of health chairperson,
20 vice chairperson, and secretary, and other officers which may
21 be named at the discretion of the local board of health.

22 ~~12. "*State board*" means the state board of health.~~

23 ~~13.~~ 12. "*State department*" or "*department*" means the Iowa
24 department of ~~public~~ health and human services.

25 Sec. 213. Section 137.104, subsection 1, paragraph b,
26 unnumbered paragraph 1, Code 2023, is amended to read as
27 follows:

28 Make and enforce such reasonable rules and regulations not
29 inconsistent with law and the rules of the ~~state board~~ council
30 as may be necessary for the protection and improvement of the
31 public health.

32 Sec. 214. Section 137.104, subsection 1, paragraph b,
33 subparagraph (1), Code 2023, is amended to read as follows:

34 (1) Rules of a city board shall become effective upon
35 approval by the city council and publication in a newspaper

1 having general circulation in the city.

2 Sec. 215. Section 137.104, subsection 2, paragraph d, Code
3 2023, is amended to read as follows:

4 *d.* By written agreement with the city council of any city
5 within its jurisdiction, enforce appropriate ordinances of the
6 city relating to public health.

7 Sec. 216. Section 137.105, subsection 1, paragraphs a and f,
8 Code 2023, are amended to read as follows:

9 *a.* All members of a city board shall be appointed by the
10 city council.

11 *f.* A local board of health member shall serve without
12 compensation, but may be reimbursed for necessary expenses in
13 accordance with rules established by the ~~state board~~ council
14 or the applicable jurisdiction.

15 Sec. 217. Section 137.107, Code 2023, is amended to read as
16 follows:

17 **137.107 Request reviewed by state department.**

18 The state department shall review requests submitted
19 pursuant to [section 137.106](#). The state department, upon
20 finding that all required elements are present, shall present
21 findings to the ~~state board~~ council. The ~~state board~~ council
22 may approve the formation of a district board and if the
23 formation is approved, shall notify the county boards from whom
24 the request was received.

25 Sec. 218. Section 137.114, Code 2023, is amended to read as
26 follows:

27 **137.114 Withdrawal from district.**

28 A county may withdraw from an existing district board upon
29 submission of a request for withdrawal to and approval by
30 the state department. The request shall include a plan to
31 reform its county board or join a different district board,
32 information specified in [section 137.106](#), and approval of the
33 request by the district board and, at the recommendation of
34 the state department, the ~~state board~~ council. Any county
35 choosing to withdraw from the district board shall commit to

1 the continuity of services in its county by reestablishing
2 its county board or joining a different district board. The
3 remaining counties in the district shall submit an application
4 including the information specified in [section 137.106](#) to the
5 state department for review as provided in [section 137.107](#).

6 Sec. 219. Section 137.119, Code 2023, is amended to read as
7 follows:

8 **137.119 Adoption of rules.**

9 The ~~state board of health~~ council shall adopt rules to
10 implement [this chapter](#). The department is vested with
11 discretionary authority to interpret the provisions of this
12 chapter.

13 Sec. 220. Section 137F.1, subsection 9, unnumbered
14 paragraph 1, Code 2023, is amended to read as follows:

15 *"Food establishment"* means an operation that stores,
16 prepares, packages, serves, vends, or otherwise provides food
17 for human consumption and includes a food service operation in
18 a salvage or distressed food operation, school, summer camp,
19 residential service substance ~~abuse~~ use disorder treatment
20 facility, halfway house substance ~~abuse~~ use disorder treatment
21 facility, correctional facility operated by the department of
22 corrections, or the state training school. *"Food establishment"*
23 does not include the following:

24 Sec. 221. Section 139A.2, Code 2023, is amended to read as
25 follows:

26 **139A.2 Definitions.**

27 For purposes of [this chapter](#), unless the context otherwise
28 requires:

29 1. *"Area quarantine"* means prohibiting ingress and egress
30 to and from a building or buildings, structure or structures,
31 or other definable physical location, or portion thereof, to
32 prevent or contain the spread of a suspected or confirmed
33 quarantinable disease or to prevent or contain exposure to a
34 suspected or known chemical, biological, radioactive, or other
35 hazardous or toxic agent.

1 2. "*Business*" means and includes every trade, occupation,
2 or profession.

3 3. "*Care provider*" means an individual who is trained
4 and authorized by federal or state law to provide health
5 care services or services of any kind in the course of the
6 individual's official duties, for compensation or in a
7 voluntary capacity, who is a health care provider, emergency
8 medical care provider as defined in [section 147A.1](#), fire
9 fighter, or peace officer. "*Care provider*" also means an
10 individual who renders emergency care or assistance in an
11 emergency or due to an accident as described in [section 613.17](#).

12 4. "*Communicable disease*" means any disease spread from
13 person to person or animal to person.

14 5. "*Contagious or infectious disease*" means hepatitis in
15 any form, meningococcal disease, AIDS or HIV as defined in
16 [section 141A.1](#), tuberculosis, and any other disease determined
17 to be life-threatening to a person exposed to the disease as
18 established by rules adopted by the department, based upon a
19 determination by the state epidemiologist and in accordance
20 with guidelines of the centers for disease control and
21 prevention of the United States department of health and human
22 services.

23 6. "*Department*" means the Iowa department of ~~public~~ health
24 and human services.

25 7. "*Designated officer*" means a person who is designated by
26 a department, agency, division, or service organization to act
27 as an infection control liaison officer.

28 8. "*Director*" means the director of health and human
29 services.

30 ~~8-~~ 9. "*Exposure*" means a specific eye, mouth, other mucous
31 membrane, nonintact skin, or parenteral contact with blood or
32 other potentially infectious bodily fluids.

33 ~~9-~~ 10. "*Exposure-prone procedure*" means a procedure
34 performed by a health care provider which presents a recognized
35 risk of percutaneous injury to the health care provider and

1 if such an injury occurs, the health care provider's blood
2 is likely to contact a patient's body cavity, subcutaneous
3 tissues, or mucous membranes, or an exposure-prone procedure as
4 defined by the centers for disease control and prevention of
5 the United States department of health and human services.

6 ~~10.~~ 11. "HBV" means hepatitis B virus.

7 ~~11.~~ 12. "Health care facility" means a health care facility
8 as defined in [section 135C.1](#), an ambulatory surgical center,
9 or a clinic.

10 ~~12.~~ 13. "Health care provider" means a person licensed
11 to practice medicine and surgery, osteopathic medicine
12 and surgery, chiropractic, podiatry, nursing, dentistry,
13 optometry, or as a physician assistant, dental hygienist, or
14 acupuncturist.

15 ~~13.~~ 14. "HIV" means HIV as defined in [section 141A.1](#).

16 ~~14.~~ 15. "Hospital" means hospital as defined in section
17 135B.1.

18 ~~15.~~ 16. "Isolation" means the separation of persons or
19 animals presumably or actually infected with a communicable
20 disease or who are disease carriers for the usual period of
21 communicability of that disease in such places, marked by
22 placards if necessary, and under such conditions as will
23 prevent the direct or indirect conveyance of the infectious
24 agent or contagion to susceptible persons.

25 ~~16.~~ 17. "Local board" means the local board of health.

26 ~~17.~~ 18. "Local department" means the local health
27 department.

28 ~~18.~~ 19. "Placard" means a warning sign to be erected and
29 displayed on the periphery of a quarantine area, forbidding
30 entry to or exit from the area.

31 ~~19.~~ 20. "Public health disaster" means public health
32 disaster as defined in [section 135.140](#).

33 ~~20.~~ 21. "Quarantinable disease" means any communicable
34 disease designated by rule adopted by the department as
35 requiring quarantine or isolation to prevent its spread.

1 ~~21.~~ 22. "*Quarantine*" means the limitation of freedom
2 of movement of persons or animals that have been exposed to
3 a quarantinable disease within specified limits marked by
4 placards for a period of time equal to the longest usual
5 incubation period of the disease in such manner as to prevent
6 the spread of a quarantinable disease which affects people.

7 ~~22.~~ 23. "*Reportable disease*" means any disease designated
8 by rule adopted by the department requiring its occurrence to
9 be reported to an appropriate authority.

10 ~~23.~~ 24. "*Sexually transmitted disease or infection*"
11 means a disease or infection as identified by rules adopted
12 by the department, based upon a determination by the state
13 epidemiologist and in accordance with guidelines of the
14 centers for disease control and prevention of the United States
15 department of health and human services.

16 ~~24.~~ 25. "*Significant exposure*" means a situation in which
17 there is a risk of contracting disease through exposure to
18 a person's infectious bodily fluids in a manner capable of
19 transmitting an infectious agent as determined by the centers
20 for disease control and prevention of the United States
21 department of health and human services and adopted by rule of
22 the department.

23 ~~25.~~ 26. "*Terminal cleaning*" means cleaning procedures
24 defined in the isolation guidelines issued by the centers for
25 disease control and prevention of the United States department
26 of health and human services.

27 Sec. 222. Section 139A.3, subsection 3, paragraph c, Code
28 2023, is amended to read as follows:

29 c. Notwithstanding paragraph "b", information contained in
30 the report may be reported in public health records in a manner
31 which prevents the identification of any person or business
32 named in the report. If information contained in the report
33 concerns a business, information disclosing the identity of
34 the business may be released to the public when the state
35 epidemiologist or the director of ~~public health~~ determines such

1 a release of information necessary for the protection of the
2 health of the public.

3 Sec. 223. Section 139A.8, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. Subject to the provision of **subsection 4**, the ~~state board~~
6 ~~of~~ council on health and human services may modify or delete
7 any of the immunizations in **subsection 2**.

8 Sec. 224. Section 139A.8, subsection 4, paragraph b, Code
9 2023, is amended to read as follows:

10 b. The exemptions under **this subsection** do not apply in
11 times of emergency or epidemic as determined by the ~~state board~~
12 ~~of~~ council on health and human services and as declared by the
13 director of ~~public health and human services~~.

14 Sec. 225. Section 139A.9, Code 2023, is amended to read as
15 follows:

16 **139A.9 Forcible removal — isolation — quarantine.**

17 The forcible removal and isolation or quarantine of any
18 infected person shall be accomplished according to the rules
19 and regulations of the local board or the rules of the ~~state~~
20 ~~board of~~ council on health and human services.

21 Sec. 226. Section 141A.1, subsection 6, Code 2023, is
22 amended to read as follows:

23 6. "*Department*" means the ~~Iowa~~ department of ~~public health~~
24 and human services.

25 Sec. 227. Section 141A.2, subsection 6, Code 2023, is
26 amended to read as follows:

27 6. The department, with the approval of the ~~state~~
28 ~~board of~~ council on health and human services, may conduct
29 epidemiological blinded and nonblinded studies to determine
30 the incidence and prevalence of HIV infection. Initiation
31 of any new epidemiological studies shall be contingent upon
32 the receipt of funding sufficient to cover all the costs
33 associated with the studies. The informed consent, reporting,
34 and counseling requirements of **this chapter** shall not apply to
35 blinded studies.

1 Sec. 228. Section 141A.4, subsection 1, paragraph c, Code
2 2023, is amended to read as follows:

3 c. All persons having a history of injecting drug ~~abuse~~ use
4 disorder.

5 Sec. 229. Section 141A.9, subsection 2, paragraph j, Code
6 2023, is amended to read as follows:

7 j. To employees of state correctional institutions subject
8 to the jurisdiction of the department of corrections, employees
9 of secure facilities for juveniles subject to the department
10 of health and human services, and employees of city and county
11 jails, if the employees have direct supervision over inmates of
12 those facilities or institutions in the exercise of the duties
13 prescribed pursuant to [section 80.9B](#).

14 Sec. 230. Section 142.1, Code 2023, is amended to read as
15 follows:

16 **142.1 Delivery of bodies.**

17 The body of every person dying in a public asylum, hospital,
18 county care facility, penitentiary, or reformatory in this
19 state, or found dead within the state, or which is to be buried
20 at public expense in this state, except those buried under the
21 provisions of [chapter 144C](#) or [249](#), and which is suitable for
22 scientific purposes, shall be delivered to the medical college
23 of the state university, or some osteopathic or chiropractic
24 college or school located in this state, which has been
25 approved under the law regulating the practice of osteopathic
26 medicine or chiropractic; but no such body shall be delivered
27 to any such college or school if the deceased person expressed
28 a desire during the person's last illness that the person's
29 body should be buried or cremated, nor if such is the desire
30 of the person's relatives. Such bodies shall be equitably
31 distributed among said colleges and schools according to their
32 needs for teaching anatomy in accordance with such rules as
33 may be adopted by the ~~Iowa~~ department of public health and
34 human services. The expense of transporting said bodies to
35 such college or school shall be paid by the college or school

1 receiving the same. If the deceased person has not expressed
2 a desire during the person's last illness that the person's
3 body should be buried or cremated and no person authorized to
4 control the deceased person's remains under [section 144C.5](#)
5 requests the person's body for burial or cremation, and if a
6 friend objects to the use of the deceased person's body for
7 scientific purposes, said deceased person's body shall be
8 forthwith delivered to such friend for burial or cremation at
9 no expense to the state or county. Unless such friend provides
10 for burial and burial expenses within five days, the body shall
11 be used for scientific purposes under [this chapter](#).

12 Sec. 231. Section 142.2, Code 2023, is amended to read as
13 follows:

14 **142.2 Furnished to physicians.**

15 When there are more dead bodies available for use under
16 section 142.1 than are desired by said colleges or schools, the
17 same may be delivered to physicians in the state for scientific
18 study under such rules as may be adopted by the Iowa department
19 of public health and human services.

20 Sec. 232. Section 142.3, Code 2023, is amended to read as
21 follows:

22 **142.3 Notification of department.**

23 Every county medical examiner, funeral director or embalmer,
24 and the managing officer of every public asylum, hospital,
25 county care facility, penitentiary, or reformatory, as soon
26 as any dead body shall come into the person's custody which
27 may be used for scientific purposes as provided in sections
28 142.1 and [142.2](#), shall at once notify the nearest relative
29 or friend of the deceased, if known, and the Iowa department
30 of public health and human services, and hold such body
31 unburied for forty-eight hours. Upon receipt of notification,
32 the department shall issue verbal or written instructions
33 relative to the disposition to be made of said body. Complete
34 jurisdiction over said bodies is vested exclusively in the Iowa
35 department of public health and human services. No autopsy or

1 post mortem, except as are legally ordered by county medical
2 examiners, shall be performed on any of said bodies prior to
3 their delivery to the medical schools.

4 Sec. 233. Section 142.9, Code 2023, is amended to read as
5 follows:

6 **142.9 Failure to deliver dead body.**

7 Any person having the custody of the dead body of any human
8 being which is required to be delivered for scientific purposes
9 by [this chapter](#), who shall fail to notify the Iowa department
10 of ~~public~~ health and human services of the existence of such
11 body, or fail to deliver the same in accordance with the
12 instructions of the department, shall be guilty of a simple
13 misdemeanor.

14 Sec. 234. Section 142A.2, Code 2023, is amended to read as
15 follows:

16 **142A.2 Definitions.**

17 As used in [this chapter](#), unless the context otherwise
18 requires:

19 ~~1. "Administrator" means the administrator of the division
20 of tobacco use prevention and control.~~

21 ~~2.~~ 1. "Commission" means the commission on tobacco use
22 prevention and control established in [this chapter](#).

23 ~~3.~~ 2. "Community partnership" means a public agency or
24 nonprofit organization implementing the tobacco use prevention
25 and control initiative in a local area in accordance with this
26 chapter.

27 ~~4.~~ 3. "Department" means the Iowa department of ~~public~~
28 health and human services.

29 ~~5.~~ 4. "Director" means the director of ~~public~~ health and
30 human services.

31 ~~6.~~ "Division" means ~~the division of tobacco use prevention
32 and control of the Iowa department of public health,~~
33 ~~established pursuant to [this chapter](#).~~

34 ~~7.~~ 5. "Initiative" means the comprehensive tobacco use
35 prevention and control initiative established in [this chapter](#).

1 ~~8.~~ 6. "Manufacturer" means manufacturer as defined in
2 section 453A.1.

3 ~~9.~~ 7. "Pregnant woman" means a female of any age who is
4 pregnant.

5 ~~10.~~ 8. "School-age youth" means a person attending school
6 in kindergarten through grade twelve.

7 ~~11.~~ 9. "Tobacco" means both cigarettes and tobacco products
8 as defined in [section 453A.1](#).

9 ~~12.~~ 10. "Youth" means a person who is five through
10 twenty-four years of age.

11 Sec. 235. Section 142A.3, Code 2023, is amended to read as
12 follows:

13 **142A.3 Tobacco use prevention and control — ~~division~~ —**
14 **commission — created.**

15 1. The department ~~shall establish, as a separate and~~
16 ~~distinct division within the department, a division of tobacco~~
17 ~~use prevention and control. The division shall develop,~~
18 implement, and administer the initiative established in this
19 chapter and shall perform other duties as directed by this
20 chapter or as assigned by the director ~~of public health.~~

21 2. A commission on tobacco use prevention and control
22 is established to develop policy, provide direction for
23 the initiative, and perform all other duties related to
24 the initiative and other tobacco use prevention and control
25 activities as directed by [this chapter](#) or referred to the
26 commission by the director ~~of public health.~~

27 3. The membership of the commission shall include the
28 following voting members who shall serve three-year, staggered
29 terms:

30 a. Members, at least one of whom is a member of a racial
31 minority, to be appointed by the governor, subject to
32 confirmation by the senate pursuant to [sections 2.32](#) and [69.19](#),
33 and consisting of the following:

34 (1) Three members who are active with nonprofit health
35 organizations that emphasize tobacco use prevention or who are

1 active as health services providers, at the local level.

2 (2) Three members who are active with health promotion
3 activities at the local level in youth education, nonprofit
4 services, or other activities relating to tobacco use
5 prevention and control.

6 b. Three voting members, to be selected by the participants
7 in the annual statewide youth summit of the initiative's youth
8 program, who shall not be subject to [section 69.16](#) or [69.16A](#).
9 However, the selection process shall provide for diversity
10 among the members and at least one of the youth members shall
11 be a female.

12 4. The commission shall also include the following ex
13 officio, nonvoting members:

14 a. Four members of the general assembly, with not more than
15 one member from each chamber being from the same political
16 party. The majority leader of the senate and the minority
17 leader of the senate shall each appoint one of the senate
18 members. The majority leader of the house of representatives
19 and the minority leader of the house of representatives shall
20 each appoint one of the house members.

21 b. The presiding officer of the statewide youth executive
22 body, selected by the delegates to the statewide youth summit.

23 5. In addition to the members of the commission, the
24 following agencies, organizations, and persons shall each
25 assign a single liaison to the commission to provide assistance
26 to the commission in the discharge of the commission's duties:

27 a. The department of education.

28 b. The drug policy ~~coordinator~~ director.

29 c. The department of justice, office of the attorney
30 general.

31 ~~d. The department of human services.~~

32 6. Citizen members shall be reimbursed for actual and
33 necessary expenses incurred in performance of their duties.

34 Citizen members shall be paid a per diem as specified in
35 section 7E.6. Legislative members are eligible for per diem

1 and expenses as provided in [section 2.10](#).

2 7. A member of the commission who is convicted of a crime
3 relating to tobacco, alcohol, or controlled substances is
4 subject to removal from the commission.

5 8. A vacancy on the commission other than for the youth
6 members shall be filled in the same manner as the original
7 appointment for the balance of the unexpired term. A youth
8 member vacancy shall be filled by the presiding officer of the
9 statewide executive body as selected by the delegates to the
10 statewide youth summit.

11 9. The commission shall elect a chairperson from among its
12 voting members and may select other officers from among its
13 voting members, as determined necessary by the commission.
14 The commission shall meet regularly as determined by the
15 commission, upon the call of the chairperson, or upon the call
16 of a majority of the voting members.

17 10. The commission may designate an advisory council. The
18 commission shall determine the membership and representation
19 of the advisory council and members of the council shall serve
20 at the pleasure of the commission. The advisory council may
21 include representatives of health care provider groups, parent
22 groups, antitobacco advocacy programs and organizations,
23 research and evaluation experts, and youth organizers.

24 Sec. 236. Section 142A.4, Code 2023, is amended to read as
25 follows:

26 **142A.4 Commission duties.**

27 The commission shall do all of the following:

28 1. Develop and implement the comprehensive tobacco use
29 prevention and control initiative as provided in [this chapter](#).

30 2. Provide a forum for the discussion, development, and
31 recommendation of public policy alternatives in the field of
32 tobacco use prevention and control.

33 3. Develop an educational component of the initiative.
34 Educational efforts provided through the school system shall be
35 developed in conjunction with the department of education.

1 4. Develop a plan for implementation of the initiative in
2 accordance with the purpose and intent specified in section
3 142A.1.

4 5. Provide for technical assistance, training, and other
5 support under the initiative.

6 6. Take actions to develop and implement a statewide
7 system for the initiative programs that are delivered through
8 community partnerships.

9 7. Manage and coordinate the provision of funding and other
10 moneys available to the initiative by combining all or portions
11 of appropriations or other revenues as authorized by law.

12 8. Assist with the linkage of the initiative with child
13 welfare and juvenile justice decategorization projects,
14 education programming, early childhood Iowa areas, and other
15 programs and services directed to youth at the state and
16 community level.

17 9. *a.* Coordinate and respond to any requests from a
18 community partnership relating to any of the following:

19 (1) Removal of barriers to community partnership efforts.

20 (2) Pooling and redirecting of existing federal, state, or
21 other public or private funds available for purposes that are
22 consistent with the initiative.

23 (3) Seeking of federal waivers to assist community
24 partnership efforts.

25 *b.* In coordinating and responding to the requests, the
26 commission shall work with state agencies, the governor, and
27 the general assembly as necessary to address requests deemed
28 appropriate by the commission.

29 10. Adopt rules pursuant to [chapter 17A](#) as necessary for
30 the designation, governance, and oversight of the initiative
31 and the implementation of [this chapter](#). The commission shall
32 provide for community partnership and youth program input in
33 the rules adoption process. The rules shall include but are
34 not limited to all of the following:

35 *a.* Performance indicators for initiative programs, community

1 partnerships, and the services provided under the auspices of
2 community partnerships. The performance indicators shall be
3 developed with input from communities.

4 *b.* Minimum standards to further the provision of equal
5 access to services.

6 11. Monitor and evaluate the effectiveness of performance
7 measures utilized under the initiative.

8 12. Submit a report to the governor and the general assembly
9 ~~on a periodic basis, during the initial year of operation,~~
10 ~~and on an annual basis thereafter,~~ regarding the initiative,
11 including demonstrated progress based on performance
12 indicators. The commission shall report more frequently if
13 requested by the joint appropriations subcommittee that makes
14 recommendations concerning the commission's budget. Beginning
15 ~~July 1, 2005, the commission shall also perform a comprehensive~~
16 ~~review of the initiative and shall submit a report of its~~
17 ~~findings to the governor and the general assembly on or before~~
18 ~~December 15, 2005.~~

19 13. Represented by the chairperson of the commission,
20 annually appear before the joint appropriations subcommittee
21 that makes recommendations concerning the commission's budget
22 to report on budget expenditures and ~~division~~ department
23 operations relative to the prior fiscal year and the current
24 fiscal year.

25 ~~14. Advise the director in evaluating potential candidates~~
26 ~~for the position of administrator, consult with the director~~
27 ~~in the hiring of the administrator, and review and advise~~
28 ~~the director on the performance of the administrator in the~~
29 ~~discharge of the administrator's duties.~~

30 ~~15.~~ 14. Prioritize funding needs and the allocation of
31 moneys appropriated and other resources available for the
32 programs and activities of the initiative.

33 ~~16.~~ 15. Review fiscal needs of the initiative and make
34 recommendations to the director in the development of budget
35 requests.

1 ~~17.~~ 16. Solicit and accept any gift of money or property,
2 including any grant of money, services, or property from the
3 federal government, the state, a political subdivision, or
4 a private source that is consistent with the goals of the
5 initiative. The commission shall adopt rules prohibiting the
6 acceptance of gifts from a manufacturer of tobacco products.

7 ~~18.~~ 17. Advise and make recommendations to the governor,
8 the general assembly, and the director, ~~and the administrator,~~
9 relative to tobacco use, treatment, intervention, prevention,
10 control, and education programs in the state.

11 ~~19.~~ 18. Evaluate the work of the ~~division and the~~
12 department relating to the initiative. For this purpose, the
13 commission shall have access to any relevant department records
14 and documents, and other information reasonably obtainable by
15 the department.

16 ~~20.~~ 19. Develop the structure for the statewide youth
17 summit to be held annually.

18 ~~21.~~ 20. Approve the content of any materials distributed
19 by the youth program pursuant to [section 142A.9](#), prior to
20 distribution of the materials.

21 Sec. 237. Section 142A.5, Code 2023, is amended to read as
22 follows:

23 **142A.5 ~~Director and administrator~~ Department duties.**

24 ~~1.~~ The ~~director~~ department shall do all of the following:

25 ~~a.~~ ~~Establish and maintain the division of tobacco use~~
26 ~~prevention and control.~~

27 ~~b.~~ ~~Employ a separate division administrator, in accordance~~
28 ~~with the requirements of [section 142A.4, subsection 14](#), in a~~
29 ~~full-time equivalent position whose sole responsibility and~~
30 ~~duty shall be the administration and oversight of the division.~~
31 ~~The division administrator shall report to and shall serve~~
32 ~~at the pleasure of the director. The administrator shall~~
33 ~~be exempt from the merit system provisions of chapter 8A,~~
34 ~~subchapter IV.~~

35 ~~c.~~ 1. Coordinate all tobacco use prevention and control

1 programs and activities under the purview of the department.

2 ~~d.~~ 2. Receive and review budget recommendations from the
3 commission. The director shall consider these recommendations
4 in developing the budget request for the department.

5 ~~2. The administrator shall do all of the following:~~

6 ~~a.~~ 3. Implement the initiative, coordinate the activities
7 of the commission and the initiative, and coordinate other
8 tobacco use prevention and control activities ~~as assigned by~~
9 ~~the director.~~

10 ~~b.~~ 4. Monitor and evaluate the effectiveness of performance
11 measures.

12 ~~e.~~ 5. Provide staff and administrative support to the
13 commission.

14 ~~d.~~ 6. Administer contracts entered into under [this chapter](#).

15 ~~e.~~ 7. Coordinate and cooperate with other tobacco use
16 prevention and control programs within and outside of the
17 state.

18 ~~f.~~ 8. Provide necessary information to the commission
19 to assist the commission in making its annual report to the
20 joint appropriations subcommittee pursuant to section 142A.4,
21 ~~subsection 13,~~ and in fulfilling other commission duties
22 pursuant to [section 142A.4](#).

23 Sec. 238. Section 142A.6, subsections 1 and 4, Code 2023,
24 are amended to read as follows:

25 1. A comprehensive tobacco use prevention and control
26 initiative is established. The ~~division~~ department shall
27 implement the initiative as provided in [this chapter](#).

28 4. The ~~division~~ department shall implement the initiative
29 in a manner that ensures that youth are extensively involved
30 in the decision making for the programs implemented under
31 the initiative. The initiative shall also involve parents,
32 schools, and community members in activities to achieve the
33 results desired for the initiative. The ~~division~~ department
34 shall encourage collaboration at the state and local levels
35 to maximize available resources and to provide flexibility to

1 support community efforts.

2 Sec. 239. Section 142C.15, subsections 1 and 2, Code 2023,
3 are amended to read as follows:

4 1. An anatomical gift public awareness and transplantation
5 fund is created as a separate fund in the state treasury
6 under the control of the ~~Iowa~~ department of ~~public~~ health and
7 human services. The fund shall consist of moneys remitted
8 by the county treasurer of a county or by the department of
9 transportation which were collected through the payment of a
10 contribution made by an applicant for registration of a motor
11 vehicle pursuant to [section 321.44A](#) and any other contributions
12 to the fund.

13 2. The moneys collected under [this section](#) and deposited
14 in the fund are appropriated to the ~~Iowa~~ department of ~~public~~
15 health and human services for the purposes specified in
16 this section. Moneys in the fund shall not be subject to
17 appropriation or expenditure for any other purpose.

18 Sec. 240. Section 142C.15, subsection 4, unnumbered
19 paragraph 1, Code 2023, is amended to read as follows:

20 The ~~Iowa~~ department of ~~public~~ health and human services may
21 use not more than five percent of the moneys in the fund for
22 administrative costs. The remaining moneys in the fund may
23 be expended through grants to any of the following persons,
24 subject to the following conditions:

25 Sec. 241. Section 142C.17, unnumbered paragraph 1, Code
26 2023, is amended to read as follows:

27 The ~~Iowa~~ department of ~~public~~ health and human services, in
28 conjunction with any statewide organ procurement organization
29 in Iowa, shall prepare and submit a report to the general
30 assembly on or before January 1 each year regarding organ
31 donation rates and voluntary compliance efforts with hospital
32 organ and tissue donation protocols by physicians, hospitals,
33 and other health systems organizations. The report shall
34 contain the following:

35 Sec. 242. Section 142C.18, subsection 1, Code 2023, is

1 amended to read as follows:

2 1. The ~~director~~ department of ~~public~~ health and human
3 services shall contract with and recognize the Iowa donor
4 registry for the purpose of indicating on the donor registry
5 all relevant information regarding a donor's making or amending
6 of an anatomical gift.

7 Sec. 243. Section 142D.2, Code 2023, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3A. "*Department*" means the department of
10 health and human services.

11 Sec. 244. Section 142D.6, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. The owner, operator, manager, or other person having
14 custody or control of a public place, place of employment,
15 area declared a nonsmoking place pursuant to [section 142D.5](#),
16 or outdoor area where smoking is prohibited under this
17 chapter shall clearly and conspicuously post in and at every
18 entrance to the public place, place of employment, area
19 declared a nonsmoking place pursuant to [section 142D.5](#), or
20 outdoor area, "no smoking" signs or the international "no
21 smoking" symbol. Additionally, a "no smoking" sign or the
22 international "no smoking" symbol shall be placed in every
23 vehicle that constitutes a public place, place of employment,
24 or area declared a nonsmoking place pursuant to [section 142D.5](#)
25 under [this chapter](#), visible from the exterior of the vehicle.
26 All signs shall contain the telephone number for reporting
27 complaints and the internet site of the department of ~~public~~
28 ~~health~~. The owner, operator, manager, or other person having
29 custody or control of the public place, place of employment,
30 area declared a nonsmoking place pursuant to [section 142D.5](#),
31 or outdoor area may use the sample signs provided on the
32 ~~department of public health's~~ department's internet site, or
33 may use another sign if the contents of the sign comply with
34 the requirements of [this subsection](#).

35 Sec. 245. Section 142D.8, Code 2023, is amended to read as

1 follows:

2 **142D.8 Enforcement.**

3 1. **This chapter** shall be enforced by the department of
4 ~~public health~~ or the department's designee. The department of
5 ~~public health~~ shall adopt rules to administer **this chapter**,
6 including rules regarding enforcement. The department
7 ~~of public health~~ shall provide information regarding the
8 provisions of **this chapter** and related compliance issues to
9 employers, owners, operators, managers, and other persons
10 having custody or control of a public place, place of
11 employment, area declared a nonsmoking place pursuant to
12 section 142D.5, or outdoor area where smoking is prohibited,
13 and the general public via the department's internet site. The
14 internet site shall include sample signage and the telephone
15 number for reporting complaints. Judicial magistrates shall
16 hear and determine violations of **this chapter**.

17 2. If a public place is subject to any state or political
18 subdivision inspection process or is under contract with the
19 state or a political subdivision, the person performing the
20 inspection shall assess compliance with the requirements of
21 this chapter and shall report any violations to the department
22 ~~of public health~~ or the department's designee.

23 3. An owner, operator, manager, or other person having
24 custody or control of a public place, place of employment, area
25 declared a nonsmoking place pursuant to **section 142D.5**, or
26 outdoor area regulated under **this chapter** shall inform persons
27 violating **this chapter** of the provisions of **this chapter**.

28 4. An employee or private citizen may bring a legal action
29 to enforce **this chapter**. Any person may register a complaint
30 under **this chapter** by filing a complaint with the department of
31 ~~public health~~ or the department's designee.

32 5. In addition to the remedies provided in **this section**, the
33 department ~~of public health~~ or the department's designee or any
34 other person aggrieved by the failure of the owner, operator,
35 manager, or other person having custody or control of a public

1 place, place of employment, area declared a nonsmoking place
2 pursuant to [section 142D.5](#), or outdoor area regulated by this
3 chapter to comply with [this chapter](#) may seek injunctive relief
4 to enforce [this chapter](#).

5 Sec. 246. Section 142D.9, subsection 5, Code 2023, is
6 amended to read as follows:

7 5. Violation of [this chapter](#) constitutes a public nuisance
8 which may be abated by the department ~~of public health~~ or the
9 department's designee by restraining order, preliminary or
10 permanent injunction, or other means provided by law, and the
11 entity abating the public nuisance may take action to recover
12 the costs of such abatement.

13 Sec. 247. Section 144.1, Code 2023, is amended to read as
14 follows:

15 **144.1 Definitions.**

16 As used in [this chapter](#), unless the context otherwise
17 requires:

18 ~~1. "Board" means the state board of health.~~

19 ~~2. "Book", "list", "record", or "schedule" kept by a county
20 auditor, assessor, treasurer, recorder, sheriff, or other
21 county officer means the county system as defined in section
22 445.1.~~

23 ~~3.~~ 1. "Court of competent jurisdiction" when used to refer
24 to inspection of an original certificate of birth based upon an
25 adoption means the court where the adoption was ordered.

26 ~~4.~~ 2. "Cremated remains" means all the remains of the
27 cremated human body recovered after the completion of the
28 cremation process, including pulverization which leaves only
29 bone fragments reduced to unidentifiable dimensions, and may
30 include the residue of any foreign matter including casket
31 material, bridgework, or eyeglasses that were cremated with the
32 human remains.

33 ~~5.~~ 3. "Cremation" means the technical process, using
34 heat and flame, that reduces human remains to bone fragments,
35 with the reduction taking place through heat and evaporation.

1 Cremation shall include the processing, and may include the
2 pulverization, of the bone fragments.

3 ~~6.~~ 4. "*Dead body*" means a lifeless human body or parts
4 or bones of a body, if, from the state of the body, parts,
5 or bones, it may reasonably be concluded that death recently
6 occurred.

7 ~~7.~~ 5. "*Department*" means the Iowa department of public
8 health and human services.

9 ~~8.~~ "*Division*" ~~means a division, within the department, for~~
10 ~~records and statistics.~~

11 ~~9.~~ 6. "*Fetal death*" means death prior to the complete
12 expulsion or extraction from its mother of a product of human
13 conception, irrespective of the duration of pregnancy. Death
14 is indicated by the fact that after expulsion or extraction
15 the fetus does not breathe or show any other evidence of life
16 such as beating of the heart, pulsation of the umbilical cord,
17 or definite movement of voluntary muscles. In determining a
18 fetal death, heartbeats shall be distinguished from transient
19 cardiac contractions, and respirations shall be distinguished
20 from fleeting respiratory efforts or gasps.

21 ~~10.~~ 7. "*Filing*" means the presentation of a certificate,
22 report, or other record, provided for in [this chapter](#), of a
23 birth, death, fetal death, adoption, marriage, dissolution, or
24 annulment for registration by the ~~division~~ department.

25 ~~11.~~ 8. "*Final disposition*" means the burial, interment,
26 cremation, removal from the state, or other disposition of a
27 dead body or fetus.

28 ~~12.~~ 9. "*Institution*" means any establishment, public
29 or private, which provides inpatient medical, surgical,
30 or diagnostic care or treatment, or nursing, custodial, or
31 domiciliary care to two or more unrelated individuals, or to
32 which persons are committed by law.

33 ~~13.~~ 10. "*Live birth*" means the complete expulsion or
34 extraction from its mother of a product of human conception,
35 irrespective of the duration of pregnancy, which, after

1 such expulsion or extraction, breathes or shows any other
2 evidence of life such as beating of the heart, pulsation of
3 the umbilical cord, or definite movement of voluntary muscles,
4 whether or not the umbilical cord has been cut or the placenta
5 is attached. In determining a live birth, heartbeats shall
6 be distinguished from transient cardiac contractions, and
7 respirations shall be distinguished from fleeting respiratory
8 efforts or gasps.

9 11. "Record" kept by a county auditor, assessor, treasurer,
10 recorder, sheriff, or other county officer means the county
11 system as defined in section 445.1.

12 ~~14.~~ 12. "Registration" means the process by which vital
13 statistic records are completed, filed, and incorporated by the
14 division department in the division's department's official
15 records.

16 ~~15.~~ 13. "State registrar" means the state registrar of
17 vital statistics.

18 ~~16.~~ 14. "System of vital statistics" includes the
19 registration, collection, preservation, amendment, and
20 certification of vital statistics records, and activities and
21 records related thereto to the records including the data
22 processing, analysis, and publication of statistical data
23 derived from such records.

24 ~~17.~~ 15. "Vital statistics" means records of births, deaths,
25 fetal deaths, adoptions, marriages, dissolutions, annulments,
26 and data related thereto to the records.

27 Sec. 248. Section 144.2, Code 2023, is amended to read as
28 follows:

29 **144.2 ~~Division of records~~ Records and statistics.**

30 ~~There is established in the~~ The department a ~~division for~~
31 ~~records and statistics which~~ shall install, maintain, and
32 operate the system of vital statistics throughout the state.
33 No system for the registration of births, deaths, fetal deaths,
34 adoptions, marriages, dissolutions, and annulments, shall be
35 maintained in the state or any of its political subdivisions

1 other than the one provided for in **this chapter**. Suitable
2 quarters shall be provided for the ~~division~~ department
3 by the executive council at the seat of government. The
4 quarters shall be properly equipped for the permanent and safe
5 preservation of all official records made and returned under
6 this chapter.

7 Sec. 249. Section 144.4, Code 2023, is amended to read as
8 follows:

9 **144.4 Registrar State registrar.**

10 The director of ~~public health~~ or the director's designee
11 shall be the state registrar of vital statistics and shall
12 carry out the provisions of **this chapter**.

13 Sec. 250. Section 144.5, Code 2023, is amended to read as
14 follows:

15 **144.5 Duties of state registrar.**

16 The state registrar shall do all of the following:

17 1. Administer and enforce **this chapter** and the rules issued
18 under **this chapter**, and issue instructions for the efficient
19 administration of the statewide system of vital statistics ~~and~~
20 ~~the division for records and statistics~~.

21 2. Direct and supervise the statewide system of vital
22 statistics and ~~the division for records and statistics~~ and be
23 custodian of its records.

24 3. Direct, supervise, and control the activities of clerks
25 of the district court and county recorders related to the
26 operation of the vital statistics system and provide registrars
27 with necessary postage.

28 4. Prescribe, print, and distribute the forms required by
29 this chapter and prescribe any other means for transmission of
30 data, as necessary to accomplish complete, accurate reporting.

31 5. Prepare and publish annual reports of vital statistics of
32 this state and other reports as may be required.

33 6. Delegate functions and duties vested in the state
34 registrar to officers, to employees of the department, to the
35 clerks of the district court, and to the county registrars as

1 the state registrar deems necessary or expedient.

2 7. Provide, by rules, for appropriate morbidity reporting.

3 Sec. 251. Section 144.12A, subsection 4, Code 2023, is
4 amended to read as follows:

5 4. The department shall, upon request, provide the name,
6 address, social security number, and any other identifying
7 information of a registrant to the biological mother of
8 the child; a court; ~~the department of human services;~~ the
9 attorney of any party to an adoption, termination of parental
10 rights, or establishment of paternity or support action; or
11 to ~~the child support recovery unit~~ services for an action to
12 establish paternity or support; or any other subunit of the
13 department subject to prior approval by the state registrar.
14 The information shall not be divulged to any other person and
15 shall be considered a confidential record as to any other
16 person, except upon order of the court for good cause shown.
17 If the registry has not received a declaration of paternity,
18 the department shall provide a written statement to that effect
19 to the person making the inquiry.

20 Sec. 252. Section 144.13, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. The ~~division~~ state registrar shall make all of the
23 following available to ~~the child support recovery unit~~
24 services, upon request:

25 a. A copy of a child's birth certificate.

26 b. The social security numbers of the mother and the father.

27 c. A copy of the affidavit of paternity if filed pursuant
28 to [section 252A.3A](#) and any subsequent rescission form which
29 rescinds the affidavit.

30 d. Information, other than information for medical and
31 health use only, identified on a child's birth certificate or
32 on an affidavit of paternity filed pursuant to [section 252A.3A](#).

33 The information may be provided as mutually agreed upon by the
34 ~~division~~ state registrar and ~~the child support recovery unit~~
35 services, including by automated exchange.

1 Sec. 253. Section 144.13A, subsection 5, paragraph a, Code
2 2023, is amended to read as follows:

3 a. Ten dollars of each registration fee is appropriated and
4 shall be used for primary and secondary child abuse prevention
5 programs pursuant to [section 235A.1](#), and ten dollars of each
6 registration fee is appropriated and shall be used for the
7 ~~center for~~ congenital and inherited disorders central registry
8 established pursuant to [section 136A.6](#). Notwithstanding
9 section 8.33, moneys appropriated in this paragraph that remain
10 unencumbered or unobligated at the close of the fiscal year
11 shall not revert but shall remain available for expenditure
12 for the purposes designated until the close of the succeeding
13 fiscal year, and shall not be transferred, used, obligated,
14 appropriated, or otherwise encumbered except as provided in
15 this paragraph.

16 Sec. 254. Section 144.26, Code 2023, is amended to read as
17 follows:

18 **144.26 Death certificate.**

19 1. a. A death certificate for each death which occurs
20 in this state shall be filed as directed by the state
21 registrar within three days after the death and prior to final
22 disposition, and shall be registered by the county registrar
23 if it has been completed and filed in accordance with this
24 chapter. A death certificate shall include the social security
25 number, if provided, of the deceased person. All information
26 including the certifying physician's, physician assistant's,
27 or advanced registered nurse practitioner's name shall be
28 typewritten.

29 b. A physician assistant or an advanced registered nurse
30 practitioner authorized to sign a death certificate shall be
31 licensed in this state and shall have been in charge of the
32 deceased patient's care.

33 2. All information included on a death certificate may
34 be provided as mutually agreed upon by the ~~division~~ state
35 registrar and ~~the child support recovery unit services,~~

1 including by automated exchange.

2 3. *a.* The county in which a dead body is found is the
3 county of death. If death occurs in a moving conveyance,
4 the county in which the dead body is first removed from the
5 conveyance is the county of death.

6 *b.* If a decedent died outside of the county of the
7 decedent's residence, the state registrar shall send a copy
8 of the decedent's death certificate and any amendments to the
9 county registrar of the county of the decedent's residence.
10 The county registrar shall record a death certificate received
11 pursuant to this paragraph in the same records in which the
12 death certificate of a decedent who died within the county
13 is recorded. The state registrar may provide the county
14 registrars with electronic access to vital records in lieu of
15 the requirements of this paragraph.

16 4. *a.* The department shall establish by rule procedures
17 for making a finding of presumption of death when no body
18 can be found. The department shall also provide by rule
19 the responsibility for completing and signing the medical
20 certification of cause of death in such circumstances. The
21 presumptive death certificate shall be in a form prescribed by
22 the state registrar and filed in the county where the death was
23 presumed to occur.

24 *b.* The ~~division~~ department shall provide for the correction,
25 substitution, or removal of a presumptive death certificate
26 when the body of the person is later found, additional facts
27 are discovered, or the person is discovered to be alive.

28 5. Upon the activation of an electronic death record system,
29 each person with a duty related to death certificates shall
30 participate in the electronic death record system. A person
31 with a duty related to a death certificate includes but is not
32 limited to a physician as defined in [section 135.1](#), a physician
33 assistant, an advanced registered nurse practitioner, a funeral
34 director, and a county recorder.

35 Sec. 255. Section 144.29A, subsection 1, paragraph c, Code

1 2023, is amended to read as follows:

2 c. The maternal health services region of the Iowa
3 department of ~~public~~ health and human services, as designated
4 as of July 1, 1997, in which the patient resides.

5 Sec. 256. Section 144.36, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. A certificate recording each marriage performed in
8 this state shall be filed with the state registrar. The
9 county registrar shall prepare the certificate on the form
10 furnished by the state registrar upon the basis of information
11 obtained from the parties to be married, who shall attest to
12 the information by their signatures. The county registrar in
13 each county shall keep a record ~~book for marriages~~ of marriage
14 certificates as required by the state registrar. ~~The form of~~
15 ~~marriage record books shall be uniform throughout the state. A~~
16 ~~properly indexed permanent record of marriage certificates upon~~
17 ~~microfilm, electronic computer, or data processing equipment~~
18 ~~may be kept in lieu of marriage record books.~~

19 Sec. 257. Section 144.37, Code 2023, is amended to read as
20 follows:

21 **144.37 Dissolution and annulment records.**

22 1. For each dissolution or annulment of marriage granted
23 by any court in this state, a record shall be prepared by
24 the clerk of court or by the petitioner or the petitioner's
25 legal representative if directed by the clerk and filed by
26 the clerk of court with the state registrar. The information
27 necessary to prepare the ~~report~~ record shall be furnished with
28 the petition, to the clerk of court by the petitioner or the
29 petitioner's legal representative, on forms supplied by the
30 state registrar.

31 2. The clerk of the district court in each county shall
32 ~~keep a record book for~~ maintain the records of dissolutions and
33 annulments of marriage as required by the state registrar. ~~The~~
34 ~~form of dissolution record books shall be uniform throughout~~
35 ~~the state. A properly indexed record of dissolutions upon~~

1 ~~microfilm, electronic computer, or data processing equipment~~
2 ~~may be kept in lieu of dissolution record books.~~

3 3. On or before the tenth day of each calendar month, the
4 clerk of court shall forward to the state registrar the record
5 of each dissolution and annulment granted during the preceding
6 calendar month and related reports required by regulations
7 issued under [this chapter](#).

8 Sec. 258. Section 144.43, subsection 3, paragraph b, Code
9 2023, is amended to read as follows:

10 b. The following vital statistics records in the custody
11 of the state archivist may be inspected and copied as of right
12 under [chapter 22](#):

13 (1) A record of birth ~~that~~ if the record is at least
14 seventy-five years old or upon proof of entitlement to the
15 record.

16 (2) A record of marriage ~~that~~ if the record is at least
17 seventy-five years old or upon proof of entitlement to the
18 record.

19 (3) A record of divorce, dissolution of marriage,
20 or annulment of marriage ~~that~~ if the record is at least
21 seventy-five years old or upon proof of entitlement to the
22 record.

23 (4) A record of death or fetal death, ~~either of which~~ if the
24 record is at least fifty years old or upon proof of entitlement
25 to the record.

26 Sec. 259. Section 144A.2, subsection 5, Code 2023, is
27 amended to read as follows:

28 5. "*Department*" means the ~~Iowa~~ department of ~~public~~ health
29 and human services.

30 Sec. 260. Section 144D.1, subsection 2, Code 2023, is
31 amended to read as follows:

32 2. "*Department*" means the department of ~~public~~ health and
33 human services.

34 Sec. 261. Section 146A.1, subsection 1, paragraph d,
35 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended

1 to read as follows:

2 That the woman has been provided information regarding all
3 of the following, based upon the materials developed by the
4 department of ~~public~~ health and human services pursuant to
5 subparagraph (2):

6 Sec. 262. Section 146A.1, subsection 1, paragraph d,
7 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
8 to read as follows:

9 The department of ~~public~~ health and human services shall
10 make available to physicians, upon request, all of the
11 following information:

12 Sec. 263. Section 146B.1, subsection 3, Code 2023, is
13 amended to read as follows:

14 3. "*Department*" means the department of ~~public~~ health and
15 human services.

16 Sec. 264. Section 147.77, Code 2023, is amended to read as
17 follows:

18 **147.77 Powers, privileges, rights, or duties provided by rule**
19 **— applicability to physician assistants.**

20 1. The following agencies that adopt rules pursuant to
21 chapter 17A providing a power, privilege, right, or duty to
22 a physician licensed under [chapter 148](#) or other profession
23 licensed under [this subtitle](#) relating to the following subjects
24 shall, consistent with the scope of practice of physician
25 assistants licensed under [chapter 148C](#), and unless otherwise
26 inconsistent with state or federal law, provide the same power,
27 privilege, right, or duty by rule to a physician assistant
28 licensed under [chapter 148C](#):

29 a. The department of administrative services, with respect
30 to rules relating to the following:

31 (1) Retroactive conversion of vacation time to sick leave
32 for vacation time spent under the care of a physician.

33 (2) Certification of a catastrophic illness by a physician
34 for purposes of donation of leave and second medical
35 opinions and updates sought from a physician relating to such

1 certifications.

2 ~~b. The department on aging, with respect to rules relating~~
3 ~~to a written order from a physician for an older individual~~
4 ~~requesting a therapeutic diet, and the interpretation of such~~
5 ~~orders.~~

6 ~~e.~~ b. The department of corrections, with respect to rules
7 relating to the following:

8 (1) That a parolee shall not use, purchase, possess, or
9 transfer any drugs unless prescribed by a physician.

10 (2) That a serious medical need is one that has been
11 diagnosed by a physician as requiring treatment or is one so
12 obvious that a lay person would easily recognize the necessity
13 for a physician's attention.

14 (3) That each jail shall have a designated licensed
15 physician, licensed osteopathic physician, or medical resource
16 designated for the medical supervision, care, and treatment of
17 prisoners as deemed necessary and appropriate.

18 (4) That prescription medication, as ordered by a licensed
19 physician, licensed osteopathic physician, or licensed dentist
20 shall be provided in accordance with the directions of the
21 prescribing physician or dentist. Prisoners with medication
22 from a personal physician, osteopathic physician, or dentist
23 may be evaluated by a physician, osteopathic physician, or
24 dentist selected by the jail administrator to determine if the
25 present medication is appropriate.

26 (5) That expired drugs or drugs not in unit dose packaging,
27 whose administration had been discontinued by the attending
28 physician, shall be destroyed by the jail administrator or
29 designee in the presence of a witness.

30 (6) That special diets in jails prescribed by a physician
31 shall be followed and documented, that the physician who
32 prescribes the special diet shall specify a date on which the
33 diet will be reviewed for renewal or discontinuation, and that
34 unless specified by the prescribing physician, a certified
35 dietitian shall develop the menu.

1 (7) That special diets prescribed by a physician for the
2 care and treatment of juveniles in nonsecure hold shall be
3 followed and documented.

4 (8) For medical services in temporary holding facilities,
5 that a serious medical need is one that has been diagnosed by
6 a physician as requiring treatment or one that is so obvious
7 that a lay person would easily recognize the necessity for a
8 physician's attention.

9 (9) For medical resources in temporary holding facilities,
10 that each facility shall have a designated licensed physician,
11 licensed osteopathic physician, or medical resource designated
12 for the medical supervision, care, and treatment of detainees
13 as deemed necessary and appropriate.

14 (10) Medication procedures in temporary holding facilities,
15 that prescription medication, as ordered by a licensed
16 physician, licensed osteopathic physician, or licensed dentist
17 shall be provided in accordance with the directions of the
18 prescribing physician or dentist. Detainees with medication
19 from a personal physician, osteopathic physician, or dentist
20 may be evaluated by a physician, osteopathic physician, or
21 dentist selected by the facility administrator to determine if
22 the present medication is appropriate.

23 (11) For medication storage in temporary holding
24 facilities, that expired drugs or drugs not in unit dose
25 packaging, whose administration had been discontinued by
26 the attending physician, shall be destroyed by the facility
27 administrator or designee in the presence of a witness.

28 (12) For medical diets in temporary holding facilities,
29 that special diets as prescribed by a physician shall be
30 followed and documented.

31 (13) For medical care and treatment for juveniles in
32 nonsecure holds in temporary holding facilities, that special
33 diets as prescribed by a physician shall be followed and
34 documented.

35 ~~d.~~ c. The economic development authority, with respect

1 to rules relating to the certification of a person with a
2 disability for the purpose of the targeted small business
3 program, that in order to be considered a person with a
4 disability for the purpose of the targeted small business
5 program, the person must qualify and receive certification as
6 having a disability from a licensed medical physician or must
7 have been found eligible for vocational rehabilitation services
8 by the department of ~~education~~ workforce development, division
9 of vocational rehabilitation services, or by the department for
10 the blind.

11 ~~e.~~ d. The department of education, with respect to rules
12 relating to the following:

13 (1) For statements relating to medication administration
14 policies, that a statement that persons administering
15 medication shall include authorized practitioners, such as
16 licensed registered nurses and physicians, and persons to whom
17 authorized practitioners have delegated the administration
18 of prescription and nonprescription drugs. Individuals
19 shall self-administer asthma or other airway constricting
20 disease medication or possess and have use of an epinephrine
21 auto-injector with parent and physician consent on file,
22 without the necessity of demonstrating competency to
23 self-administer these medications.

24 (2) For medication administration courses relating
25 to medication administration policies, that a medication
26 administration course be conducted by a registered nurse
27 or licensed pharmacist and include an annual medication
28 administration procedural skills check completed with a
29 registered nurse or pharmacist.

30 (3) For school-based youth services programs, that
31 preventive and primary health care services shall be delivered
32 by specifically credentialed providers as specified.

33 ~~f.~~ e. The department of health and human services, with
34 respect to rules relating to the following:

35 (1) That an incident for purposes of accreditation

1 of providers of services to persons with mental illness,
2 intellectual disabilities, or developmental disabilities
3 includes but is not limited to an occurrence involving the
4 individual using the service that results in a physical injury
5 to or by the individual that requires a physician's treatment
6 or admission to a hospital.

7 (2) That a mental health professional, for purposes
8 of accreditation of providers of services to persons with
9 mental illness, intellectual disabilities, or developmental
10 disabilities, includes a medical professional licensed in this
11 state, provided that the professional otherwise meets all of
12 the conditions to qualify as a mental health professional.

13 (3) That home health aide services for purposes of
14 disability services management and regional services may
15 include medications specifically ordered by a physician.

16 (4) That payment relating to the state supplementary
17 assistance program for residential care shall only be made when
18 there is on file an order written by a physician certifying
19 that the applicant or recipient being admitted requires
20 residential care but does not require nursing services.

21 (5) That a case folder for a facility participating in
22 the state supplementary assistance program must include a
23 physician's statement certifying that a resident does not
24 require nursing services.

25 (6) That personnel providing psychological evaluations
26 and counseling or psychotherapy services for area education
27 agencies under the medical assistance program include specified
28 professions endorsed, licensed, or registered in this state,
29 provided that the professional otherwise meets all of the
30 conditions to qualify as a mental health professional.

31 (7) That personnel providing psychological evaluations and
32 counseling or psychotherapy services for providers of infant
33 and toddler program services under the medical assistance
34 program include specified professions endorsed, licensed,
35 or registered in this state, provided that the professional

1 otherwise meets all of the conditions to qualify as a mental
2 health professional.

3 (8) That personnel providing other services for providers
4 of infant and toddler program services under the medical
5 assistance program include specified professions recognized,
6 endorsed, or licensed in this state, provided that the
7 professional otherwise meets all of the conditions to qualify
8 as a mental health professional.

9 (9) That personnel providing psychological evaluations
10 and counseling or psychotherapy services for providers of
11 local education agency services under the medical assistance
12 program include specified professions endorsed, licensed,
13 or registered in this state, provided that the professional
14 otherwise meets all of the conditions to qualify as a mental
15 health professional.

16 (10) That personnel providing other services for providers
17 of local education agency services under the medical assistance
18 program include specified professions recognized, endorsed,
19 or licensed in this state, provided that the professional
20 otherwise meets all of the conditions to qualify as a mental
21 health professional.

22 (11) For payment for medically necessary home health agency
23 services under the medical assistance program, that payment
24 shall be approved for medically necessary home health agency
25 services prescribed by a physician in a plan of home health
26 care provided by a Medicare-certified home health agency.

27 (12) For authorization for medically necessary home health
28 agency services under the medical assistance program, that
29 services shall be authorized by a physician, evidenced by the
30 physician's signature and date on a plan of treatment.

31 (13) For treatment plans of home health agencies under the
32 medical assistance program, that a member's medical condition
33 shall be reflected by the date last seen by a physician, if
34 available.

35 (14) For items included in treatment plans of home health

1 agencies under the medical assistance program, that a plan of
2 care shall include a physician's signature and date and that
3 the plan of care must be signed and dated by the physician
4 before the claim for service is submitted for reimbursement.

5 (15) For skilled nursing services provided by a home health
6 agency under the medical assistance program, that medical
7 documentation shall be submitted justifying the need for
8 continued visits, including the physician's estimate of the
9 length of time that additional visits will be necessary, and
10 that daily skilled nursing visits or multiple daily visits for
11 wound care or insulin injections shall be covered when ordered
12 by a physician and included in the plan of care.

13 (16) For physical therapy services provided by a home health
14 agency under the medical assistance program, that payment shall
15 be made for physical therapy services when the services follow
16 a treatment plan established by the physician after any needed
17 consultation with the qualified physical therapist.

18 (17) For occupational therapy services provided by a
19 home health agency under the medical assistance program,
20 that payment shall be made for occupational therapy services
21 when the services follow a treatment plan established by the
22 physician.

23 (18) For speech therapy services provided by a home health
24 agency under the medical assistance program, that payment shall
25 be made for speech therapy services when the services follow a
26 treatment plan established by the physician.

27 (19) For home health aide services provided by a home health
28 agency under the medical assistance program, that the service
29 as well as the frequency and duration are stated in a written
30 plan of treatment established by a physician.

31 (20) For home health aide services provided by a home health
32 agency under the medical assistance program, that services
33 provided for specified durations when ordered by a physician
34 and included in a plan of care shall be allowed as intermittent
35 services.

1 (21) For home health aide services provided by a home health
2 agency under the medical assistance program, that personal
3 care services include helping the member take medications
4 specifically ordered by a physician.

5 (22) For private duty nursing or personal care services for
6 persons aged twenty and under, under the medical assistance
7 program, that private duty nursing services are those services
8 which are provided by a registered nurse or a licensed
9 practical nurse under the direction of the member's physician
10 to a member in the member's place of residence or outside the
11 member's residence, when normal life activities take the member
12 outside the place of residence.

13 (23) For private duty nursing or personal care services for
14 persons aged twenty and under, under the medical assistance
15 program, that services shall be provided according to a written
16 plan of care authorized by a licensed physician.

17 (24) For private duty nursing or personal care services for
18 persons aged twenty and under, under the medical assistance
19 program, that personal care services are those services
20 provided by a home health aide or certified nurse's aide and
21 which are delegated and supervised by a registered nurse under
22 the direction of the member's physician to a member in the
23 member's place of residence or outside the member's residence,
24 when normal life activities take the member outside the place
25 of residence, and that these services shall be in accordance
26 with the member's plan of care and authorized by a physician.

27 (25) For requirements for private duty nursing or personal
28 care services for persons aged twenty and under, under the
29 medical assistance program, that private duty nursing or
30 personal care services shall be ordered in writing by a
31 physician as evidenced by the physician's signature on the plan
32 of care.

33 (26) For obtaining prescription medications for children in
34 juvenile detention and shelter care homes, that prescription
35 medication provided to residents shall be dispensed only from a

1 licensed pharmacy in this state in accordance with state law,
2 from a licensed pharmacy in another state according to the laws
3 of that state, or by a licensed physician.

4 (27) For health and dental programs provided by agencies
5 providing foster care services, that a child's physical
6 examination shall be performed by a licensed physician or
7 licensed nurse practitioner.

8 (28) For health and dental programs provided by agencies
9 providing foster care services, that if documentation of prior
10 immunization is unavailable, immunizations required by the
11 department of ~~public health~~ shall begin within thirty days of
12 placement, unless contraindicated and unless a statement from
13 a physician to that effect is included in the child's medical
14 record, and that a statement from a physician, referring
15 agency, parent, or guardian indicating immunizations are
16 current is sufficient documentation of immunizations.

17 (29) For the dispensing, storage, authorization, and
18 recording of medications in child care centers, that all
19 medications shall be stored in their original containers, with
20 accompanying physician or pharmacist's directions and label
21 intact and stored so they are inaccessible to children and the
22 public.

23 (30) For an infants' area in a child care center, that
24 upon the recommendation of a child's physician or the area
25 education agency serving the child, a child who is two years
26 of age or older with a disability that results in significant
27 developmental delays in physical and cognitive functioning who
28 does not pose a threat to the safety of the infants may, if
29 appropriate and for a limited time approved by the department,
30 remain in the infant area.

31 (31) For facility requirements for a child development
32 home, that the telephone number for each child's physician
33 shall be written on paper and readily accessible by the
34 telephone.

35 (32) For medications and hazardous materials in a child

1 development home, that medications shall be given only with
2 the parent's or doctor's written authorization, and that each
3 prescribed medication shall be accompanied by a physician's or
4 pharmacist's direction.

5 (33) For medical reports regarding the health of a family
6 in a family life home, that a medical report shall provide
7 significant findings of a physician, such as the presence or
8 absence of any communicable disease.

9 (34) For medical reexaminations of a family in a family
10 life home, that medical reexaminations may be required at the
11 discretion of a physician.

12 (35) For medical examinations of a client in a family life
13 home, that a physician shall certify that the client is free
14 from any communicable disease and does not require a higher
15 level of care than that provided by a family life home.

16 (36) For the records of a client in a family life home,
17 that the family shall have available at all times, the name,
18 address, and telephone number of the client's physician.

19 (37) For the facility requirements for a child care home,
20 that the telephone number for each child's physician shall be
21 written on paper and readily accessible by the telephone.

22 (38) For the administration of medications at a child care
23 home, that medications shall be given only with the parent's or
24 doctor's written authorization and each prescribed medication
25 shall be accompanied by a physician's or pharmacist's
26 direction.

27 (39) For payments for foster care, that an intellectual
28 disabilities professional includes specified professions,
29 provided that the professional otherwise meets all of
30 the conditions to qualify as an intellectual disabilities
31 professional.

32 (40) For payments for foster care, that a mental health
33 professional includes specified professions, provided that the
34 professional otherwise meets all of the conditions to qualify
35 as a mental health professional.

1 (41) For the subsidized adoption program, that a qualified
2 intellectual disability professional includes specified
3 professions, provided that the professional otherwise meets
4 all of the conditions to qualify as a qualified intellectual
5 disability professional.

6 (42) For the subsidized adoption program, that a qualified
7 mental health professional includes specified professions,
8 provided that the professional otherwise meets all of
9 the conditions to qualify as a qualified mental health
10 professional.

11 (43) For the information provided to a foster care provider
12 by a department worker at the time of placement, that the
13 information shall include the names, addresses, and telephone
14 numbers of the child's physician and dentist.

15 (44) A written order from a physician for an older
16 individual requesting a therapeutic diet, and the
17 interpretation of such orders.

18 (45) That "impaired glucose tolerance", for purposes of
19 outpatient diabetes education programs, means a condition in
20 which blood glucose levels are higher than normal, diagnosed by
21 a physician, and treated with a food plan, exercise, or weight
22 control.

23 (46) For instructors for programs not recognized by the
24 American diabetes association or accredited by the American
25 association of diabetes educators, that the primary instructors
26 shall be one or more of specified health care professionals who
27 are knowledgeable about the disease process of diabetes and the
28 treatment of diabetes.

29 (47) For the written form for participation in the
30 prescription drug donation repository program, that the form
31 shall include the name and telephone number of the responsible
32 pharmacist, physician, or nurse practitioner who is employed
33 by or under contract with the pharmacy or medical facility,
34 and shall also include a statement, signed and dated by the
35 responsible pharmacist, physician, or nurse practitioner,

1 indicating that the pharmacy or medical facility meets the
2 eligibility requirements and shall comply with the requirements
3 established by rule.

4 (48) For the dispensing of donated prescription drugs and
5 supplies, that donated drugs and supplies may be dispensed
6 only if the drugs or supplies are prescribed by a health
7 care practitioner for use by an eligible individual and
8 are dispensed by a licensed pharmacist, physician, or nurse
9 practitioner.

10 ~~g.~~ f. The department of inspections and appeals, with
11 respect to rules relating to the following:

12 (1) For the qualifications of an attending physician at a
13 hospice, that the person shall have an active Iowa license to
14 practice medicine.

15 (2) For residential care facilities for persons with
16 intellectual disabilities, that a qualified intellectual
17 disability professional includes specified professions,
18 provided that the professional otherwise meets all of the
19 conditions to qualify as a qualified intellectual disability
20 professional.

21 (3) For nursing facilities, that a qualified intellectual
22 disabilities professional includes specified professions,
23 provided that the professional otherwise meets all of the
24 conditions to qualify as a qualified intellectual disabilities
25 professional.

26 (4) For intermediate care facilities for persons with
27 mental illness, that a qualified mental health professional
28 includes specified professions, provided that the professional
29 otherwise meets all of the conditions to qualify as a qualified
30 mental health professional.

31 (5) For notifications submitted to the department from
32 a subacute mental health care facility in the event of an
33 accident causing a major injury, including as a major injury an
34 injury which requires consultation with the attending physician
35 or designee of the physician or advanced registered nurse

1 practitioner who determines that an injury is a major injury.

2 ~~h.~~ g. The racing and gaming commission, with respect to
3 rules relating to the following:

4 (1) For the grounds for denial, suspension, or revocation
5 of an occupational or vendor license, that a license shall be
6 denied if the applicant has a history of mental illness without
7 demonstrating successful treatment by a licensed medical
8 physician.

9 (2) For the qualifications for jockeys, that a jockey shall
10 pass a physical examination by a licensed physician affirming
11 fitness to participate as a jockey.

12 (3) For the regulation of licensees in restricted areas of
13 a racing facility, that licensees whose duties require them to
14 be in a restricted area of a racing facility shall not have
15 present within their systems any controlled substance as listed
16 in schedules I to V of U.S.C. Tit. 21 (Food and Drug Section
17 812), [chapter 124](#), or any prescription drug unless it was
18 obtained directly or pursuant to valid prescription or order
19 from a duly licensed physician who is acting in the course of
20 professional practice.

21 ~~i.~~ h. The Iowa law enforcement academy, with respect to
22 rules relating to the following:

23 (1) For the minimum standards for law enforcement officers,
24 that an officer is examined by a licensed physician or surgeon.

25 (2) For hiring standards must be reverified if an individual
26 is not hired by an Iowa law enforcement agency during a
27 specified period of time following completion of the course
28 of study, that the individual must be examined by a licensed
29 physician or surgeon.

30 (3) For the selection or appointment of reserve peace
31 officers, that the person shall be examined by a licensed
32 physician or surgeon.

33 ~~j.~~ i. The natural resource commission, with respect to
34 rules relating to the following:

35 (1) That the grounds for revoking or suspending an

1 instructor license include participation in a course while
2 ingesting prescription medication in a manner contrary to the
3 dosing directions given by the prescribing physician.

4 (2) For applications for use of a crossbow for deer and
5 turkey hunting by handicapped individuals, that an application
6 must include a statement signed by the applicant's physician
7 declaring that the individual is not physically capable of
8 shooting a bow and arrow.

9 (3) For authorization for the use of a crossbow for deer
10 and turkey hunting by handicapped individuals, that if a
11 conservation officer has probable cause to believe the person's
12 handicapped status has improved, making it possible for the
13 person to shoot a bow and arrow, the department of natural
14 resources may, upon the officer's request, require the person
15 to obtain in writing a current physician's statement.

16 (4) For licenses for nonresidents to participate in a
17 special deer hunting season for severely disabled persons,
18 that a nonresident applying for the license must have on file
19 with the department of natural resources either a copy of a
20 disabilities parking permit issued by a state department of
21 transportation or an Iowa department of natural resources form
22 signed by a physician that verifies their disability.

23 ~~k. The Iowa department of public health, with respect to
24 rules relating to the following:~~

25 ~~(1) That "impaired glucose tolerance", for purposes of
26 outpatient diabetes education programs, means a condition in
27 which blood glucose levels are higher than normal, diagnosed by
28 a physician, and treated with a food plan, exercise, or weight
29 control.~~

30 ~~(2) For instructors for programs not recognized by the
31 American diabetes association or accredited by the American
32 association of diabetes educators, that the primary instructors
33 shall be one or more of specified health care professionals who
34 are knowledgeable about the disease process of diabetes and the
35 treatment of diabetes.~~

1 ~~(3) For the written form for participation in the~~
2 ~~prescription drug donation repository program, that the form~~
3 ~~shall include the name and telephone number of the responsible~~
4 ~~pharmacist, physician, or nurse practitioner who is employed~~
5 ~~by or under contract with the pharmacy or medical facility,~~
6 ~~and shall also include a statement, signed and dated by the~~
7 ~~responsible pharmacist, physician, or nurse practitioner,~~
8 ~~indicating that the pharmacy or medical facility meets the~~
9 ~~eligibility requirements and shall comply with the requirements~~
10 ~~established by rule.~~

11 ~~(4) For the dispensing of donated prescription drugs and~~
12 ~~supplies, that donated drugs and supplies may be dispensed~~
13 ~~only if the drugs or supplies are prescribed by a health~~
14 ~~care practitioner for use by an eligible individual and~~
15 ~~are dispensed by a licensed pharmacist, physician, or nurse~~
16 ~~practitioner.~~

17 ~~i. j.~~ The department of public safety, with respect to
18 rules relating to permits to carry weapons, that a person who
19 is an unlawful user of or addicted to any controlled substance
20 includes any person who is a current user of a controlled
21 substance in a manner other than as prescribed by a licensed
22 physician.

23 ~~m. k.~~ The department of transportation, with respect
24 to rules relating to exemptions from motor vehicle window
25 transparency requirements, that a motor vehicle fitted with
26 a front windshield, a front side window, or a front sidewing
27 with less than seventy percent but not less than thirty-five
28 percent light transmittance before July 4, 2012, may continue
29 to be maintained and operated with a front windshield, a front
30 side window, or a front sidewing with less than seventy percent
31 but not less than thirty-five percent light transmittance on or
32 after July 4, 2012, so long as the vehicle continues to be used
33 for the transport of a passenger or operator who documented in
34 the manner specified by the department a medical need for such
35 reduced transparency, which document was signed by the person's

1 physician before July 4, 2012.

2 ~~p.~~ l. The Iowa department of veterans affairs, with respect
3 to rules relating to expenses relating to the purchase of
4 durable equipment or services, that individuals requesting
5 reimbursement who need durable equipment as a medical necessity
6 should provide information from a physician.

7 ~~e.~~ m. The department of workforce development, with respect
8 to rules relating to the following:

9 (1) That a voluntary quit shall be presumed to be without
10 good cause attributable to the employer for purposes of
11 unemployment compensation if a claimant left employment because
12 of illness or injury which was not caused or aggravated by the
13 employment or pregnancy and failed to obtain the advice of a
14 licensed and practicing physician, obtain certification of
15 release for work from a licensed and practicing physician, or
16 return to the employer and offer services upon recovery and
17 certification for work by a licensed and practicing physician.

18 (2) That for purposes of unemployment compensation, it is
19 a reason for a claimant leaving employment with good cause
20 attributable to the employer if the claimant left employment
21 because of illness, injury, or pregnancy upon the advice of
22 a licensed and practicing physician, and upon recovery, when
23 recovery was certified by a licensed and practicing physician,
24 the claimant returned and offered to perform services to the
25 employer, but no suitable, comparable work was available.

26 (3) That for purposes of unemployment compensation it is
27 a reason for a claimant leaving employment with good cause
28 attributable to the employer if the claimant left employment
29 upon the advice of a licensed and practicing physician for the
30 sole purpose of taking a family member to a place having a
31 different climate and subsequently returned to the claimant's
32 regular employer and offered to perform services, but the
33 claimant's regular or comparable work was not available.

34 ~~p.~~ n. The labor services division of the department of
35 workforce development, with respect to rules relating to the

1 following:

2 (1) For the disclosure of a trade secret relating to a
3 hazardous chemical during a medical emergency, that where a
4 treating physician or nurse determines that a medical emergency
5 exists and the specific chemical identity of a hazardous
6 chemical is necessary for emergency or first-aid treatment, the
7 chemical manufacturer, importer, or employer shall immediately
8 disclose the specific chemical identity of a trade secret
9 chemical to that treating physician or nurse, regardless of the
10 existence of a written statement of need or a confidentiality
11 agreement.

12 (2) For the disclosure of a trade secret relating to
13 a hazardous chemical in a nonemergency situation, that in
14 nonemergency situations, a chemical manufacturer, importer,
15 or employer shall, upon request, disclose a specific chemical
16 identity, otherwise permitted to be withheld by rule, to a
17 specified health professional providing medical or other
18 occupational health services to exposed employees or designated
19 representatives in specified circumstances.

20 (3) For applications for a license to practice asbestos
21 removal, that except as noted in rule, only worker and
22 contractor/supervisor license applicants must submit the
23 respiratory protection and physician's certification forms.

24 (4) For documentation held by persons licensed for asbestos
25 abatement in an area that is subject to a disaster emergency
26 proclamation, that the labor commissioner deems an individual
27 contractor, supervisor, or worker to be licensed and authorized
28 for asbestos abatement if the individual, in addition to other
29 specified conditions, makes immediately available on the
30 work site a copy of a physician's statement indicating that,
31 consistent with federal law, a licensed physician has examined
32 the individual within the past twelve months and approved the
33 individual to work while wearing a respirator.

34 (5) That the contents of an application for an event
35 license for a covered athletic event other than a professional

1 wrestling event shall contain, along with other requirements,
2 a copy of the medical license of the ringside physician and
3 the date, time, and location of the ringside physician's
4 examination of the contestants.

5 (6) For the responsibilities of the promoter of an athletic
6 event, that the promoter submit test results to the ringside
7 physician no later than at the time of the physical showing
8 that each contestant scheduled for the event tested negative
9 for the human immunodeficiency, hepatitis B, and hepatitis C
10 viruses within the one-year period prior to the event, and that
11 the contestant shall not participate and the physician shall
12 notify the promoter that the contestant is prohibited from
13 participating for medical reasons if specified circumstances
14 occur.

15 (7) For injuries during a professional boxing match, that if
16 a contestant claims to be injured during the bout, the referee
17 shall stop the bout and request the attending physician to make
18 an examination. If the physician decides that the contestant
19 has been injured as the result of a foul, the physician shall
20 advise the referee of the injury. If the physician is of the
21 opinion that the injured contestant may be able to continue,
22 the physician shall order an intermission, after which the
23 physician shall make another examination and again advise
24 the referee of the injured contestant's condition. It shall
25 be the duty of the promoter to have an approved physician in
26 attendance during the entire duration of all bouts.

27 (8) For persons allowed in a ring during a professional
28 boxing match, that no person other than the contestants and the
29 referee shall enter the ring during the bout, excepting the
30 seconds between the rounds or the attending physician if asked
31 by the referee to examine an injury to a contestant.

32 (9) For the weighing of contestants in a professional boxing
33 match, that contestants shall be weighed and examined on the
34 day of the scheduled match by the attending ring physician at a
35 time and place to be determined by the commissioner.

1 (10) For attending ring physicians during a professional
2 boxing match, that when a boxer has been injured seriously,
3 knocked out, or technically knocked out, the referee shall
4 immediately summon the attending ring physician to aid the
5 stricken boxer, and that managers, handlers, and seconds shall
6 not attend to the stricken boxer, except at the request of the
7 physician.

8 (11) For the keeping of time during a professional boxing
9 match, that the timekeeper shall keep an exact record of time
10 taken out at the request of a referee for an examination of a
11 contestant by the physician.

12 (12) For the suspension of contestants during a
13 professional boxing match that is an elimination tournament,
14 that a contestant who for specified reasons is not permitted
15 to box in the state for a period of time shall be examined by a
16 physician approved by the commissioner before being permitted
17 to fight again.

18 (13) For the designation of officials for professional
19 kickboxing, that the designation of physicians is subject to
20 the approval of the commissioner or designee.

21 (14) For officials for a mixed martial arts event, that
22 officials shall include a physician.

23 (15) For the keeping of time for a mixed martial arts
24 event, that the timekeeper shall keep an exact record of time
25 taken out at the request of a referee for an examination of a
26 contestant by the physician.

27 (16) For persons allowed in the cage during a mixed martial
28 arts event, that a physician may enter the cage to examine a
29 contestant upon the request of the referee.

30 (17) For the decorum of persons involved in a mixed martial
31 arts event, that a contestant is exempt from prohibitions on
32 specified conduct while interacting with the contestant's
33 opponent during a round, but if the round is stopped by the
34 physician or referee for a time out, the prohibitions shall
35 apply to the contestant.

1 (18) For the examination of contestants in a mixed martial
2 arts event, that on the day of the event, at a time and place
3 to be approved by the commissioner, the ringside physician
4 shall conduct a rigorous physical examination to determine the
5 contestant's fitness to participate in a mixed martial arts
6 match, and that a contestant deemed not fit by the physician
7 shall not participate in the event.

8 (19) For injuries during a mixed martial arts event, that if
9 a contestant claims to be injured or when a contestant has been
10 injured seriously or knocked out, the referee shall immediately
11 stop the fight and summon the attending ring physician to make
12 an examination of the stricken fighter. If the physician
13 decides that the contestant has been injured, the physician
14 shall advise the referee of the severity of the injury. If
15 the physician is of the opinion the injured contestant may be
16 able to continue, the physician shall order an intermission,
17 after which the physician shall make another examination and
18 again advise the referee of the injured contestant's condition.
19 Managers, handlers, and seconds shall not attend to the
20 stricken fighter, except at the request of the physician.

21 2. [This section](#) shall not be construed to expand, diminish,
22 or otherwise modify the scope of practice of any profession
23 licensed under [this subtitle](#).

24 3. The rulemaking requirements provided in [this section](#)
25 shall not be construed to prohibit the agencies listed in
26 subsection 1 from engaging in further rulemaking not in
27 conflict with [this section](#) or state or federal law relating to
28 the subject matter of [this section](#) or to otherwise diminish the
29 authority to engage in rulemaking provided to those agencies by
30 any other statute.

31 Sec. 265. Section 147A.1, subsections 1 and 2, Code 2023,
32 are amended to read as follows:

33 1. "*Department*" means the Iowa department of ~~public~~ health
34 and human services.

35 2. "*Director*" means the director of ~~the Iowa department of~~

1 public health and human services.

2 Sec. 266. Section 147A.21, subsections 2 and 3, Code 2023,
3 are amended to read as follows:

4 2. "*Department*" means the Iowa department of public health
5 and human services.

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

8 Sec. 267. Section 147A.24, subsection 1, paragraph d, Code
9 2023, is amended to read as follows:

10 d. Department of public health and human services.

11 Sec. 268. Section 147C.1, subsection 2, paragraph c, Code
12 2023, is amended to read as follows:

13 c. "*Alternative program*" means a nondisciplinary monitoring
14 or practice remediation process approved by a physical therapy
15 licensing board. This includes but is not limited to substance
16 abuse use disorder issues.

17 Sec. 269. Section 147D.1, subsection 2, paragraph c, Code
18 2023, is amended to read as follows:

19 c. "*Alternative program*" means a voluntary, nondisciplinary
20 substance abuse use disorder recovery program approved by a
21 state emergency medical services authority.

22 Sec. 270. Section 147E.1, subsection 2, paragraph k, Code
23 2023, is amended to read as follows:

24 k. "*Impaired practitioner*" means individuals whose
25 professional practice is adversely affected by substance abuse
26 use disorder, addiction, or other health-related conditions.

27 Sec. 271. Section 147F.1, subsection 2, paragraph n, Code
28 2023, is amended to read as follows:

29 n. "*Impaired practitioner*" means an individual whose
30 professional practice is adversely affected by substance abuse
31 use disorder, addiction, or other health-related conditions.

32 Sec. 272. Section 152.5A, Code 2023, is amended to read as
33 follows:

34 **152.5A Student record checks.**

35 1. For the purposes of this section:

1 *a.* "Comprehensive preliminary background check" means the
2 same as defined in [section 135C.1](#).

3 *b.* "Nursing program" means a nursing program that is
4 approved by the board pursuant to [section 152.5](#).

5 *c.* "Record check evaluation system" means the same as
6 defined in [section 135C.1](#).

7 ~~*e.*~~ *d.* "Student" means a person applying for, enrolled in,
8 or returning to the clinical education component of a nursing
9 program.

10 2. Prior to a student beginning or returning to a nursing
11 program, the nursing program shall do one of the following in
12 substantial conformance with the provisions of [section 135C.33](#):

13 *a.* Request that the department of public safety perform a
14 criminal history check and the record check evaluation system
15 of the department of health and human services perform child
16 and dependent adult abuse record checks of the student in this
17 state.

18 *b.* Access the single contact repository to perform the
19 required record checks.

20 3. *a.* If a program accesses the single contact repository
21 to perform the required record checks pursuant to subsection
22 2, the program may utilize a third-party vendor to perform
23 a comprehensive preliminary background check to allow a
24 student to provisionally participate in the clinical education
25 component of the nursing program pending completion of the
26 required record checks through the single contact repository
27 and the evaluation by the ~~department of human services~~ record
28 check evaluation system, as applicable, subject to all of the
29 following:

30 (1) If the comprehensive preliminary background check
31 determines that the student being considered for provisional
32 participation has been convicted of a crime, but the crime does
33 not constitute a felony as defined in [section 701.7](#) and is not
34 a crime specified pursuant to [chapter 708](#), [708A](#), [709](#), [709A](#),
35 [710](#), [710A](#), [711](#), or [712](#), or pursuant to [section 726.3](#), [726.27](#),

1 or 726.28.

2 (2) If the comprehensive preliminary background check
3 determines the student being considered for provisional
4 participation does not have a record of founded child abuse or
5 dependent adult abuse, or if an exception pursuant to section
6 135C.33, subsection 4, is applicable to the student.

7 (3) If the program has requested an evaluation in accordance
8 with section 135C.33, subsection 2, paragraph "a", to determine
9 whether the crime warrants prohibition of the student's
10 provisional participation.

11 b. The provisional participation under this subsection
12 may continue until such time as the required record checks
13 through the single contact repository and the evaluation by the
14 ~~department of human services~~ record check evaluation system,
15 as applicable, are completed.

16 4. If a student has a criminal record or a record of
17 founded child or dependent adult abuse, upon request of the
18 nursing program, the ~~department of human services~~ record check
19 evaluation system shall perform an evaluation to determine
20 whether the record warrants prohibition of the student's
21 involvement in a clinical education component of a nursing
22 program involving children or dependent adults. The ~~department~~
23 ~~of human services~~ record check evaluation system shall utilize
24 the criteria provided in section 135C.33 in performing the
25 evaluation and shall report the results of the evaluation to
26 the nursing program. The ~~department of human services~~ record
27 check evaluation system has final authority in determining
28 whether prohibition of the student's involvement in a clinical
29 education component is warranted.

30 Sec. 273. Section 154D.4, subsection 2, paragraph c, Code
31 2023, is amended to read as follows:

32 c. The provision of children, family, or mental health
33 services through the department of health and human services
34 or juvenile court, or agencies contracting with the department
35 of health and human services or juvenile court, by persons who

1 do not represent themselves to be either a marital and family
2 therapist or a mental health counselor.

3 Sec. 274. Section 155A.46, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2023, is amended to read as
5 follows:

6 A pharmacist may, pursuant to statewide protocols developed
7 by the board in consultation with the department of ~~public~~
8 health and human services and consistent with [subsection 2](#),
9 order and administer the following to patients ages eighteen
10 years and older:

11 Sec. 275. Section 155A.46, subsection 1, paragraph b,
12 unnumbered paragraph 1, Code 2023, is amended to read as
13 follows:

14 A pharmacist may, pursuant to statewide protocols developed
15 by the board in consultation with the department of ~~public~~
16 health and human services and consistent with [subsection 2](#),
17 order and administer the following to patients ages six months
18 and older:

19 Sec. 276. Section 155A.46, subsection 1, paragraph c, Code
20 2023, is amended to read as follows:

21 c. A pharmacist may, pursuant to statewide protocols
22 developed by the board in consultation with the department of
23 ~~public~~ health and human services and consistent with subsection
24 2, order and administer the final two doses in a course of
25 vaccinations for HPV to patients ages eleven years and older.

26 Sec. 277. Section 155A.46, subsection 1, paragraph e,
27 unnumbered paragraph 1, Code 2023, is amended to read as
28 follows:

29 A pharmacist may, pursuant to statewide protocols developed
30 by the board in consultation with the department of ~~public~~
31 health and human services and consistent with [subsection 2](#),
32 order and administer the following to patients ages six years
33 and older:

34 Sec. 278. Section 158.2, subsection 8, Code 2023, is amended
35 to read as follows:

1 8. Persons committed pursuant to [chapter 229A](#) to the custody
2 of the director of the department of health and human services
3 in the unit for sexually violent predators who cut the hair or
4 trim or shave the beard of any other person within the unit,
5 without receiving direct compensation from the person receiving
6 the service.

7 Sec. 279. Section 158.3, subsection 1, paragraph d, Code
8 2023, is amended to read as follows:

9 *d.* Presents a certificate, or satisfactory evidence, to the
10 department that the applicant has successfully completed tenth
11 grade, or the equivalent. The provisions of [this subsection](#)
12 shall not apply to students enrolled in a barber school
13 maintained at an institution under the control of ~~a director of~~
14 ~~a division of~~ the department of health and human services.

15 Sec. 280. Section 163.3A, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. The services shall be performed under the direction of
18 the department and may be part of measures authorized by the
19 governor under a declaration or proclamation issued pursuant
20 to [chapter 29C](#). In such case, the department shall cooperate
21 with the ~~Iowa~~ department of public health and human services
22 under [chapter 135](#), ~~and~~ the department of homeland security and
23 emergency management, and local emergency management agencies
24 as provided in [chapter 29C](#).

25 Sec. 281. Section 190B.102, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. The department of agriculture and land stewardship, ~~the~~
28 ~~department of public health,~~ the department of health and human
29 services, and the department of inspections and appeals shall
30 cooperate with the department of revenue to administer this
31 subchapter.

32 Sec. 282. Section 204.7, subsection 8, paragraph a,
33 subparagraph (3), Code 2023, is amended to read as follows:

34 (3) The consumable hemp product complies with packaging
35 and labeling requirements, which shall be established by the

1 department of ~~inspections~~ health and ~~appeals~~ human services by
2 rule.

3 Sec. 283. Section 204.7, subsection 8, paragraphs b and c,
4 Code 2023, are amended to read as follows:

5 *b.* A person manufacturing a consumable hemp product in
6 this state shall register with the department of ~~inspections~~
7 health and ~~appeals~~ human services on a form prescribed by
8 the department of ~~inspections~~ health and ~~appeals~~ human
9 services by rule. The department of ~~inspections~~ health and
10 ~~appeals~~ human services may impose a fee, established by the
11 department of ~~inspections~~ health and ~~appeals~~ human services
12 by rule, on a registrant not to exceed the cost of processing
13 the registration. The department of ~~inspections~~ health and
14 ~~appeals~~ human services shall adopt rules for the revocation
15 of a registration issued to a manufacturer who manufactures a
16 consumable hemp product not in compliance with [this chapter](#).

17 *c.* A person selling a consumable hemp product in this state
18 shall register with the department of ~~inspections~~ health and
19 ~~appeals~~ human services on a form prescribed by the department
20 of ~~inspections~~ health and ~~appeals~~ human services by rule and
21 shall keep on the premises of the person's business a copy
22 of the certificate of analysis issued pursuant to section
23 204.8 for the hemp contained in the consumable hemp products
24 sold by the person. The department of ~~inspections~~ health and
25 ~~appeals~~ human services may impose a fee, established by the
26 department of ~~inspections~~ health and ~~appeals~~ human services
27 by rule, on a registrant not to exceed the cost of processing
28 the registration. The department of ~~inspections~~ health and
29 ~~appeals~~ human services shall adopt rules for the revocation of
30 a registration issued to a person who sells a consumable hemp
31 product not in compliance with [this section](#).

32 Sec. 284. Section 206.2, subsection 17, paragraph c, Code
33 2023, is amended to read as follows:

34 *c.* To which reference is made on the label or in
35 literature accompanying the pesticide or device, except when

1 accurate, nonmisleading reference is made to current official
2 publications of the United States department of agriculture or
3 interior, the United States public health service, the state
4 agricultural experiment stations, the Iowa state university,
5 the Iowa department of ~~public~~ public health and human services, the
6 department of natural resources, or other similar federal
7 institutions or official agencies of this state or other
8 states authorized by law to conduct research in the field of
9 pesticides.

10 Sec. 285. Section 216.6, subsection 1, paragraph d, Code
11 2023, is amended to read as follows:

12 *d.* Person to solicit or require as a condition of employment
13 of any employee or prospective employee a test for the presence
14 of the antibody to the human immunodeficiency virus or to
15 affect the terms, conditions, or privileges of employment or
16 terminate the employment of any employee solely as a result
17 of the employee obtaining a test for the presence of the
18 antibody to the human immunodeficiency virus. An agreement
19 between an employer, employment agency, labor organization,
20 or their employees, agents, or members and an employee or
21 prospective employee concerning employment, pay, or benefits to
22 an employee or prospective employee in return for taking a test
23 for the presence of the antibody to the human immunodeficiency
24 virus, is prohibited. The prohibitions of this paragraph
25 do not apply if the state epidemiologist determines and the
26 director of ~~public~~ public health and human services declares through
27 the utilization of guidelines established by the center for
28 disease control of the United States department of health and
29 human services, that a person with a condition related to
30 acquired immune deficiency syndrome poses a significant risk
31 of transmission of the human immunodeficiency virus to other
32 persons in a specific occupation.

33 Sec. 286. Section 216A.1, Code 2023, is amended to read as
34 follows:

35 **216A.1 Department of health and human services — human**

1 **rights — purpose.**

2 1. A The department of health and human rights is created,
3 with the following divisions and offices services shall be
4 responsible for all of the following:

5 a. ~~Division of community~~ Community advocacy and services,
6 with the following offices:

- 7 (1) Office of Latino affairs.
8 (2) Office on the status of women.
9 (3) Office of persons with disabilities.
10 (4) Office of deaf services.
11 (5) Office on the status of African Americans.
12 (6) Office of Asian and Pacific Islander affairs.
13 (7) Office of Native American affairs.

14 b. ~~Division of community~~ Community action agencies.

15 c. ~~Division of criminal~~ Criminal and juvenile justice
16 planning.

17 2. The purpose of the department under this chapter and as
18 otherwise provided by law is to ensure basic rights, freedoms,
19 and opportunities for all by empowering underrepresented Iowans
20 and eliminating economic, social, and cultural barriers.

21 3. The department shall implement the comprehensive
22 strategic plan approved by the board under section 216A.3 and
23 shall issue an annual report to the governor and the general
24 assembly no later than November 1 of each year concerning the
25 operations of the department relating to responsibilities for
26 human rights.

27 Sec. 287. Section 216A.3, Code 2023, is amended to read as
28 follows:

29 **216A.3 Human rights board.**

30 1. A human rights board is created within the department of
31 ~~human rights.~~

32 2. The board shall consist of sixteen members, including
33 eleven voting members and five nonvoting members and determined
34 as follows:

35 a. The voting members shall consist of nine voting members

1 selected by each of the permanent commissions within the
2 department, and two voting members, appointed by the governor.
3 For purposes of this paragraph "a", "permanent commissions"
4 means the commission of Latino affairs, commission on the
5 status of women, commission of persons with disabilities,
6 commission on community action agencies, commission of deaf
7 services, justice advisory board, commission on the status of
8 African Americans, commission of Asian and Pacific Islander
9 affairs, and commission of Native American affairs. The term
10 of office for voting members is four years.

11 b. The nonvoting members shall consist of the department
12 director, two state representatives, one appointed by the
13 speaker of the house of representatives and one by the minority
14 leader of the house of representatives, and two state senators,
15 one appointed by the majority leader of the senate and one by
16 the minority leader of the senate.

17 3. A majority of the voting members of the board shall
18 constitute a quorum, and the affirmative vote of two-thirds of
19 the voting members present is necessary for any substantive
20 action taken by the board. The board shall select a
21 chairperson from the voting members of the board. The board
22 shall meet not less than four times a year.

23 4. The board shall ~~have the following duties:~~

24 a. ~~Develop~~ develop and monitor implementation of
25 a comprehensive strategic plan to remove barriers for
26 underrepresented populations and, in doing so, to increase
27 Iowa's productivity and inclusivity, including performance
28 measures and benchmarks.

29 b. ~~Approve, disapprove, amend, or modify the budget~~
30 ~~recommended by the department director for the operation of~~
31 ~~the department, subject to the budget requirements pursuant to~~
32 chapter 8.

33 c. ~~Adopt administrative rules pursuant to~~ chapter 17A,
34 ~~upon the recommendation of the department director, for the~~
35 ~~operation of the department.~~

1 ~~d. By November 1 of each year, approve the department report~~
2 ~~to the general assembly and the governor that covers activities~~
3 ~~during the preceding fiscal year.~~

4 Sec. 288. Section 216A.4, subsections 2 and 3, Code 2023,
5 are amended to read as follows:

6 2. "Department" means the department of health and human
7 rights services.

8 3. ~~"Department director"~~ "Director" means the director of
9 ~~the department of health and human rights services.~~

10 Sec. 289. Section 216A.6, subsection 2, paragraph d, Code
11 2023, is amended to read as follows:

12 ~~d. Department, or division, or office evaluations of~~
13 ~~information about a person seeking or receiving advocacy~~
14 ~~services.~~

15 Sec. 290. Section 216A.7, Code 2023, is amended to read as
16 follows:

17 **216A.7 Access to information.**

18 Upon request of the director, or an office, a commission,
19 or a council, ~~or administrator of a division of the department~~
20 created under this chapter, all boards, agencies, departments,
21 and offices of the state shall make available nonconfidential
22 information, records, data, and statistics which are relevant
23 to the populations or groups served by the offices, councils,
24 and commissions ~~of the department~~.

25 Sec. 291. Section 216A.11, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. "Office" means the office of Latino affairs of the
28 ~~department of human rights~~.

29 Sec. 292. Section 216A.13, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. Serve as liaison between the department ~~of human rights~~
32 and the public, sharing information and gathering constituency
33 input.

34 Sec. 293. Section 216A.15, subsection 4, Code 2023, is
35 amended to read as follows:

1 4. Recommend to the ~~department~~ director policies and
2 programs for the office.

3 Sec. 294. Section 216A.51, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. "Office" means the office on the status of women of the
6 department ~~of human rights~~.

7 Sec. 295. Section 216A.71, subsection 2, Code 2023, is
8 amended to read as follows:

9 2. "Office" means the office of persons with disabilities of
10 the department ~~of human rights~~.

11 Sec. 296. Section 216A.91, Code 2023, is amended to read as
12 follows:

13 **216A.91 Definitions.**

14 For purposes of **this subchapter**, unless the context
15 otherwise requires:

16 ~~1. "Administrator" means the administrator of the division
17 of community action agencies of the department of human rights.~~

18 ~~2. 1. "Commission" means the commission on community action
19 agencies.~~

20 ~~3. 2. "Community action agency" means a public agency
21 or a private nonprofit agency which is authorized under its
22 charter or bylaws to receive funds to administer community
23 action programs and is designated by the governor to receive
24 and administer the funds.~~

25 ~~4. 3. "Community action program" means a program conducted
26 by a community action agency which includes projects to provide
27 a range of services to improve the conditions of poverty in the
28 area served by the community action agency.~~

29 ~~5. "Delegate agency" means a subgrantee or contractor
30 selected by the community action agency.~~

31 ~~6. "Division" means the division of community action
32 agencies of the department of human rights.~~

33 Sec. 297. Section 216A.92, Code 2023, is amended to read as
34 follows:

35 **216A.92 ~~Division of community~~ Community action agencies.**

1 1. ~~The division of community action agencies is~~
2 ~~established. The purpose of the division of community action~~
3 ~~agencies is to~~ The department shall strengthen, supplement,
4 and coordinate efforts to develop the full potential of each
5 citizen by recognizing certain community action agencies and
6 supporting certain community-based programs delivered by
7 community action agencies.

8 2. ~~The division~~ department shall do all of the following:

9 a. Provide financial assistance for community action
10 agencies to implement community action programs, as permitted
11 by the community service block grant and subject to the funding
12 made available for the program.

13 b. Administer the community services block grant, the
14 low-income energy assistance block grants, department of energy
15 funds for weatherization, and other possible funding sources.
16 If a political subdivision is the community action agency,
17 the financial assistance shall be allocated to the political
18 subdivision.

19 c. Implement accountability measures for its programs and
20 require regular reporting on the measures by the community
21 action agencies.

22 d. Issue an annual report to the governor and general
23 assembly by July 1 of each year.

24 Sec. 298. Section 216A.92B, subsections 1 and 3, Code 2023,
25 are amended to read as follows:

26 1. Recommend to the board the adoption of rules pursuant
27 to [chapter 17A](#) as it deems necessary for the commission and
28 ~~division~~ department.

29 3. Serve as liaisons between the ~~division~~ department and the
30 public, sharing information and gathering constituency input.

31 Sec. 299. Section 216A.93, Code 2023, is amended to read as
32 follows:

33 **216A.93 Establishment of community action agencies.**

34 The ~~division~~ department shall recognize and assist in the
35 designation of certain community action agencies to assist in

1 the delivery of community action programs. These programs
2 shall include but not be limited to outreach, community
3 services block grant, low-income energy assistance, and
4 weatherization programs. If a community action agency is in
5 effect and currently serving an area, that community action
6 agency shall become the designated community action agency
7 for that area. If any geographic area of the state ceases
8 to be served by a designated community action agency, the
9 ~~division~~ department may solicit applications and assist the
10 governor in designating a community action agency for that
11 area in accordance with current community services block grant
12 requirements.

13 Sec. 300. Section 216A.98, Code 2023, is amended to read as
14 follows:

15 **216A.98 Audit.**

16 Each community action agency shall be audited annually but
17 shall not be required to obtain a duplicate audit to meet the
18 requirements of [this section](#). In lieu of an audit by the
19 auditor of state, the community action agency may contract with
20 or employ a certified public accountant to conduct the audit,
21 pursuant to the applicable terms and conditions prescribed by
22 sections 11.6, [11.14](#), and [11.19](#) and an audit format prescribed
23 by the auditor of state. Copies of each audit shall be
24 furnished to the ~~division~~ department in a manner prescribed by
25 the ~~division~~ department.

26 Sec. 301. Section 216A.99, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. The ~~administrator~~ department shall provide financial
29 assistance for community action agencies to implement community
30 action programs, as permitted by the community service block
31 grant, administer the low-income energy assistance block
32 grants, department of energy funds for weatherization received
33 in Iowa, and other possible funding sources.

34 Sec. 302. Section 216A.102, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. Under rules ~~developed~~ adopted by the ~~division of~~
2 ~~community action agencies of the department of human rights~~
3 ~~and adopted by the board~~, the fund may be used to negotiate
4 reconnection of essential utility services with the energy
5 provider.

6 Sec. 303. Section 216A.104, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. The general assembly finds that provision of assistance
9 to prevent utility disconnections will also prevent the
10 development of public health risks due to such disconnections.
11 The ~~division~~ department shall establish an energy utility
12 assessment and resolution program administered by each
13 community action agency for persons with low incomes who have
14 or need a deferred payment agreement or are in need of an
15 emergency fuel delivery to address home energy utility costs.

16 Sec. 304. Section 216A.104, subsection 2, paragraphs b and
17 f, Code 2023, are amended to read as follows:

18 *b.* The person is a residential customer of an energy utility
19 approved for the program by the ~~division~~ department.

20 *f.* The person complies with other eligibility requirements
21 adopted in rules by the ~~division~~ department.

22 Sec. 305. Section 216A.107, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. A family development and self-sufficiency council is
25 established within the department ~~of human rights~~. The council
26 shall consist of the following persons:

27 *a.* The director of the department ~~of human services~~ or the
28 director's designee.

29 ~~*b.* The director of the department of public health or the~~
30 ~~director's designee.~~

31 ~~*c.* The administrator of the division of community~~
32 ~~action agencies of the department of human rights or the~~
33 ~~administrator's designee.~~

34 ~~*d.*~~ *b.* The director of the school of social work at the
35 university of Iowa or the director's designee.

1 ~~e.~~ c. The dean of the college of human sciences at Iowa
2 state university or the dean's designee.

3 ~~f.~~ d. Two recipients or former recipients of the family
4 investment program, selected by the other members of the
5 council.

6 ~~g.~~ e. One recipient or former recipient of the family
7 investment program who is a member of a racial or ethnic
8 minority, selected by the other members of the council.

9 ~~h.~~ f. One member representing providers of services to
10 victims of domestic violence, selected by the other members of
11 the council.

12 ~~i.~~ g. The head of the department of design, textiles,
13 gerontology, and family studies at the university of northern
14 Iowa or that person's designee.

15 ~~j.~~ h. The director of the department of education or the
16 director's designee.

17 ~~k.~~ i. The director of the department of workforce
18 development or the director's designee.

19 ~~l.~~ j. Two persons representing the business community,
20 selected by the other members of the council.

21 ~~m.~~ k. Two members from each chamber of the general
22 assembly serving as ex officio, nonvoting members. The two
23 members of the senate shall be appointed one each by the
24 majority leader and the minority leader of the senate. The two
25 members of the house of representatives shall be appointed one
26 each by the speaker and the minority leader of the house of
27 representatives.

28 Sec. 306. Section 216A.107, subsection 3, paragraph c,
29 subparagraphs (1) and (3), Code 2023, are amended to read as
30 follows:

31 (1) Designation of families to be served that meet one or
32 more criteria for being at risk of dependency on the family
33 investment program or of family instability, and agreement
34 to serve clients that are referred by the department of
35 ~~human services~~ from the family investment program which

1 meet the criteria. The criteria may include but are not
2 limited to factors such as educational level, work history,
3 family structure, age of the youngest child in the family,
4 previous length of stay on the family investment program, and
5 participation in the family investment program or the foster
6 care program while the head of a household was a child. Grant
7 proposals shall also establish the number of families to be
8 served under the grant.

9 (3) Designation of the manner in which other needs of the
10 families will be provided for, including but not limited to
11 child care assistance, transportation, substance ~~abuse~~ use
12 disorder treatment, support group counseling, food, clothing,
13 and housing.

14 Sec. 307. Section 216A.107, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. *a.* The ~~division~~ department shall administer the family
17 development and self-sufficiency grant program. ~~The department~~
18 ~~of human services shall disclose to the division confidential~~
19 ~~information pertaining to individuals receiving services under~~
20 ~~the grant program, as authorized under [section 217.30](#). The~~
21 ~~division and the department of human services shall share~~
22 ~~information and data necessary for tracking performance~~
23 ~~measures of the family development and self-sufficiency grant~~
24 ~~program, for referring families participating in the promoting~~
25 ~~independence and self-sufficiency through employment job~~
26 ~~opportunities and basic skills (PROMISE JOBS) program under~~
27 ~~[section 239B.17](#) and related activities and programs to the~~
28 ~~grant program, and for meeting federal reporting requirements.~~
29 ~~The division and the department of human services may by mutual~~
30 ~~agreement, as specified in the memorandum of agreement entered~~
31 ~~into in accordance with paragraph "b", add to or delete from~~
32 ~~the initial shared information items listed in this lettered~~
33 ~~paragraph. The initial shared information shall include but is~~
34 ~~not limited to all of the following:~~

35 (1) ~~Family enrollments and exits to and from each of the~~

1 ~~programs.~~

2 ~~(2) Monthly reports of individual participant activity in~~
3 ~~PROMISE JOBS components that are countable work activities~~
4 ~~according to federal guidelines applicable to those components.~~

5 ~~(3) Aggregate grant program participant activity in all~~
6 ~~PROMISE JOBS program components.~~

7 ~~(4) Work participation rates for grant program participants~~
8 ~~who were active family investment program participants.~~

9 ~~(5) The average hourly wage of grant program participants~~
10 ~~who left the family investment program.~~

11 ~~(6) The percentage of grant program participants who exited~~
12 ~~from the grant program at or after the time family investment~~
13 ~~program participation ended and did not reenroll in the family~~
14 ~~investment program for at least one year.~~

15 ~~b. The division shall develop a memorandum of agreement~~
16 ~~with the department of human services to share outcome data and~~
17 ~~coordinate referrals and delivery of services to participants~~
18 ~~in the family investment program under [chapter 239B](#) and the~~
19 ~~grant program and other shared clients and shall provide the~~
20 ~~department of human services with information necessary for~~
21 ~~compliance with federal temporary assistance for needy families~~
22 ~~block grant state plan and reporting requirements, including~~
23 ~~but not limited to financial and data reports.~~

24 ~~e. b.~~ To the extent that the family development and
25 self-sufficiency grant program is funded by the federal
26 temporary assistance for needy families block grant and by the
27 state maintenance of efforts funds appropriated in connection
28 with the block grant, the ~~division~~ department shall comply with
29 all federal requirements for the block grant. The ~~division~~
30 department is responsible for payment of any federal penalty
31 imposed that is attributable to the grant program and shall
32 receive any federal bonus payment attributable to the grant
33 program.

34 ~~d. c.~~ The ~~division~~ department shall ensure that
35 expenditures of moneys appropriated to the department of human

1 ~~services~~ from the general fund of the state for the family
2 development and self-sufficiency grant program are eligible to
3 be considered as state maintenance of effort expenditures under
4 federal temporary assistance for needy families block grant
5 requirements.

6 ~~e.~~ d. The ~~commission~~ department shall consider the
7 recommendations of the council in adopting rules pertaining to
8 the grant program.

9 ~~f.~~ e. The ~~division~~ department shall submit to the governor
10 and general assembly on or before November 30 following the
11 end of each state fiscal year, a report detailing performance
12 measure and outcome data evaluating the family development and
13 self-sufficiency grant program for the fiscal year that just
14 ended.

15 Sec. 308. Section 216A.111, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. "Office" means the office of deaf services of the
18 department ~~of human rights~~.

19 Sec. 309. Section 216A.131, Code 2023, is amended to read
20 as follows:

21 **216A.131 Definitions.**

22 For the purpose of **this subchapter**, unless the context
23 otherwise requires:

24 1. ~~"Administrator" means the administrator of the division~~
25 ~~of criminal and juvenile justice planning.~~

26 2. 1. "Board" means the justice advisory board.

27 3. 2. "Department" means the department of health and human
28 rights services.

29 4. ~~"Division" means the division of criminal and juvenile~~
30 ~~justice planning.~~

31 Sec. 310. Section 216A.131A, Code 2023, is amended to read
32 as follows:

33 **216A.131A ~~Division of criminal~~ Criminal and juvenile justice**
34 **planning.**

35 ~~The division of criminal and juvenile justice planning is~~

1 ~~established to~~ department shall fulfill the responsibilities
2 of this subchapter, including the duties specified in sections
3 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.

4 Sec. 311. Section 216A.132, subsection 1, paragraph b, Code
5 2023, is amended to read as follows:

6 b. Additional voting members of the board, each serving a
7 four-year term, shall include one representative from each of
8 the following:

- 9 (1) The Iowa coalition against sexual assault.
- 10 (2) The American civil liberties union of Iowa.
- 11 (3) The Iowa county attorneys association.
- 12 (4) The department of health and human services.
- 13 (5) The department of corrections.
- 14 (6) A judicial district department of correctional
15 services.
- 16 (7) The department of public safety.
- 17 ~~(8) The office on the status of African Americans.~~
- 18 ~~(9) The department of public health.~~
- 19 ~~(10)~~ (8) The board of parole.
- 20 ~~(11)~~ (9) The department of justice.
- 21 ~~(12)~~ (10) The state public defender.
- 22 ~~(13)~~ (11) The ~~governor's~~ office of drug control policy.

23 Sec. 312. Section 216A.132, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. Members of the board shall receive reimbursement
26 from the state for actual and necessary expenses incurred
27 in the performance of their official duties and may also
28 be eligible to receive compensation as provided in section
29 7E.6. All expense moneys paid to nonlegislative members shall
30 be paid from funds appropriated to the ~~division~~ department.
31 Legislative members shall receive compensation as provided in
32 sections 2.10 and 2.12.

33 Sec. 313. Section 216A.133, subsection 2, Code 2023, is
34 amended to read as follows:

35 2. The board shall advise the ~~division~~ department on its

1 administration of state and federal grants and appropriations
2 and shall carry out other functions consistent with this
3 subchapter.

4 Sec. 314. Section 216A.133, subsection 3, paragraphs i, j,
5 k, l, and r, Code 2023, are amended to read as follows:

6 *i.* Providing input to the ~~department~~ director in the
7 development of budget recommendations for the ~~division~~
8 department.

9 *j.* ~~Coordinating with the administrator to develop and~~
10 ~~make~~ Developing and making recommendations to the ~~department~~
11 director pursuant to ~~section 216A.2~~.

12 *k.* Serving as a liaison between the ~~division~~ department
13 and the public, sharing information and gathering constituency
14 input.

15 *l.* Recommending to the department the adoption of rules
16 pursuant to chapter 17A as it deems necessary for the board and
17 ~~division~~ department.

18 *r.* Reviewing data supplied by the ~~division~~ department, the
19 department of management, the legislative services agency, the
20 Iowa supreme court, and other departments or agencies for the
21 purpose of determining the effectiveness and efficiency of the
22 collection of such data.

23 Sec. 315. Section 216A.136, unnumbered paragraph 1, Code
24 2023, is amended to read as follows:

25 The ~~division~~ department shall maintain an Iowa statistical
26 analysis center for the purpose of coordinating with data
27 resource agencies to provide data and analytical information to
28 federal, state, and local governments, and assist agencies in
29 the use of criminal and juvenile justice data. Notwithstanding
30 any other provision of state law, unless prohibited by federal
31 law or regulation, the ~~division~~ department shall be granted
32 access, for purposes of research and evaluation, to criminal
33 history records, official juvenile court records, juvenile
34 court social records, and any other data collected or under
35 control of the board of parole, department of corrections,

1 department of workforce development, district departments of
 2 correctional services, ~~department of human services~~, judicial
 3 branch, and department of public safety. However, intelligence
 4 data and peace officer investigative reports maintained by the
 5 department of public safety shall not be considered data for
 6 the purposes of [this section](#). Any record, data, or information
 7 obtained by the ~~division~~ department under [this section](#) and
 8 the ~~division~~ department itself is subject to the federal and
 9 state confidentiality laws and regulations which are applicable
 10 to the original record, data, or information obtained by the
 11 ~~division~~ department and to the original custodian of the
 12 record, data, or information. The access shall include but is
 13 not limited to all of the following:

14 Sec. 316. Section 216A.137, Code 2023, is amended to read
 15 as follows:

16 **216A.137 Correctional policy project.**

17 1. The ~~division~~ department shall maintain an Iowa
 18 correctional policy project for the purpose of conducting
 19 analyses of major correctional issues affecting the criminal
 20 and juvenile justice system. The board shall identify and
 21 prioritize the issues and studies to be addressed by the
 22 ~~division~~ department through this project and shall report
 23 project plans and findings annually along with the report
 24 required in [section 216A.135](#). Issues and studies to be
 25 considered by the board shall include but are not limited
 26 to a review of the information systems available to assess
 27 corrections trends and program effectiveness, the development
 28 of an evaluation plan for assessing the impact of corrections
 29 expenditures, and a study of the desirability and feasibility
 30 of changing the state's sentencing practices, which includes
 31 a prison population forecast.

32 2. The ~~division~~ department may form subcommittees for the
 33 purpose of addressing major correctional issues affecting the
 34 criminal and juvenile justice system. The ~~division~~ department
 35 shall establish a subcommittee to address issues specifically

1 affecting the juvenile justice system.

2 Sec. 317. Section 216A.138, subsections 1, 2, 4, and 7, Code
3 2023, are amended to read as follows:

4 1. The ~~division~~ department shall coordinate the development
5 of a multiagency database to track the progress of juveniles
6 through various state and local agencies and programs. The
7 ~~division~~ department shall develop a plan which utilizes
8 existing databases, including the Iowa court information
9 system, the federally mandated national adoption and foster
10 care information system, and the other state and local
11 databases pertaining to juveniles, to the extent possible.

12 2. The department of ~~human services, department of~~
13 ~~corrections, judicial branch, department of public safety,~~
14 ~~department of education, local school districts, and other~~
15 ~~state agencies and political subdivisions shall cooperate with~~
16 the ~~division~~ department in the development of the plan.

17 4. The ~~division~~ department shall develop the plan within
18 the context of existing federal privacy and confidentiality
19 requirements. The plan shall build upon existing resources and
20 facilities to the extent possible.

21 7. If the ~~division~~ department has insufficient funds and
22 resources to implement [this section](#), the ~~division~~ department
23 shall determine what, if any, portion of [this section](#) may be
24 implemented, and the remainder of [this section](#) shall not apply.

25 Sec. 318. Section 216A.140, subsection 5, Code 2023, is
26 amended to read as follows:

27 5. *Membership.* The youth development council membership
28 shall be determined by the council itself and shall include the
29 directors or chief administrators, or their designees, from the
30 following state agencies and programs:

31 a. Child advocacy board.

32 ~~b. Iowa commission on volunteer service in the office of~~
33 ~~the governor.~~

34 ~~c.~~ b. Department of education.

35 ~~d. Department of human rights.~~

1 ~~e. Department of human services.~~

2 ~~f.~~ c. Department of ~~public~~ health and human services.

3 ~~g.~~ d. Department of workforce development.

4 ~~h.~~ e. ~~Governor's office~~ Office of drug control policy.

5 ~~i.~~ f. Iowa cooperative extension service in agriculture and
6 home economics.

7 ~~j. Early childhood Iowa office in the department of~~
8 ~~management.~~

9 Sec. 319. Section 216A.140, subsection 8, paragraphs b and
10 c, Code 2023, are amended to read as follows:

11 *b.* The youth advisory council shall consist of no more
12 than twenty-one youth ages fourteen through twenty years who
13 reside in Iowa. Membership shall be for two-year staggered
14 terms. The ~~department~~ director, or the director's designee,
15 shall select council members using an application process. The
16 ~~department~~ director or the director's designee shall strive
17 to maintain a diverse council membership and shall take into
18 consideration race, ethnicity, disabilities, gender, and
19 geographic location of residence of the applicants.

20 *c.* Except as otherwise provided by law, the youth advisory
21 council shall determine its own rules of procedure and
22 operating policies, subject to approval by the ~~department~~
23 director or the director's designee.

24 Sec. 320. Section 216A.141, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. "Office" means the office on the status of African
27 Americans of the department ~~of human rights.~~

28 Sec. 321. Section 216A.151, subsection 3, Code 2023, is
29 amended to read as follows:

30 3. "Office" means the office of Asian and Pacific Islander
31 affairs of the department ~~of human rights.~~

32 Sec. 322. Section 216A.161, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. "Office" means the office of Native American affairs of
35 the department ~~of human rights.~~

1 Sec. 323. Section 216D.2, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. "*Public office building*" means the state capitol, all
4 county courthouses, all city halls, and all buildings used
5 primarily for governmental offices of the state or any county
6 or city. It does not include public schools or buildings
7 at institutions of the state board of regents or the state
8 department of health and human services.

9 Sec. 324. NEW SECTION. 217.01 Definitions.

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

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

13 2. "*Department*" means the department of health and human
14 services.

15 3. "*Director*" means the director of health and human
16 services.

17 Sec. 325. Section 217.1, Code 2023, is amended to read as
18 follows:

19 **217.1 Programs of department.**

20 There is established a department of health and human
21 services to administer programs designed to protect and improve
22 the health, well-being, and productivity of the people of
23 the state of Iowa. The department shall concern itself with
24 the problems of human behavior, adjustment, and daily living
25 through the administration of programs of family, child, and
26 adult welfare, economic assistance including costs of medical
27 care, rehabilitation toward self-care and support, delinquency
28 prevention and control, treatment and rehabilitation of
29 juvenile offenders, care and treatment of persons with mental
30 illness or an intellectual disability, public health, and other
31 related programs as provided by law.

32 Sec. 326. Section 217.2, Code 2023, is amended to read as
33 follows:

34 **217.2 Council on health and human services.**

35 1. *a.* There is created within the department ~~of human~~

1 ~~services~~ a council on health and human services which shall
2 act in a policymaking and advisory capacity on matters within
3 the jurisdiction of the department. The council shall consist
4 of ~~seven~~ nine voting members appointed by the governor subject
5 to confirmation by the senate. Appointments shall be made
6 on the basis of interest in public affairs, good judgment,
7 and knowledge and ability in the field of health and human
8 services. Appointments shall be made to provide a diversity of
9 interest and point of view in the membership and without regard
10 to religious opinions or affiliations. The voting members of
11 the council shall serve for six-year staggered terms.

12 *b.* Each term of a voting member shall commence and end as
13 provided by [section 69.19](#).

14 *c.* All voting members of the council shall be electors
15 of the state of Iowa. No more than ~~four~~ five members shall
16 belong to the same political party and no more than ~~two~~ three
17 members shall, at the time of appointment, reside in the same
18 congressional district. At least one member of the council
19 shall be a member of a county board of supervisors at the time
20 of appointment to the council. At least one member of the
21 council shall be a physician licensed to practice medicine in
22 Iowa. Vacancies occurring during a term of office shall be
23 filled in the same manner as the original appointment for the
24 balance of the unexpired term subject to confirmation by the
25 senate.

26 2. In addition to the voting members described in subsection
27 1, the membership of the council shall include four legislators
28 as ex officio, nonvoting members. The four legislators shall
29 be appointed one each by the majority leader of the senate,
30 the minority leader of the senate, the speaker of the house
31 of representatives, and the minority leader of the house of
32 representatives for terms as provided in [section 69.16B](#).

33 Sec. 327. Section 217.3, Code 2023, is amended to read as
34 follows:

35 **217.3 Duties of council.**

1 The council ~~on human services~~ shall:

2 1. Organize annually and select a chairperson and vice
3 chairperson.

4 2. Adopt and establish policy for the operation and
5 conduct of the department ~~of human services~~, subject to any
6 guidelines which may be adopted by the general assembly, and
7 the implementation of all services and programs ~~thereunder~~
8 administered by the department.

9 3. Report immediately to the governor any failure by the
10 ~~director or any administrator of the department of human~~
11 ~~services~~ to carry out any of the policy decisions or directives
12 of the council.

13 4. Approve the budget of the department ~~of human services~~
14 prior to submission to the governor. Prior to approval of the
15 budget, the council shall publicize and hold a public hearing
16 to provide explanations and hear questions, opinions, and
17 suggestions regarding the budget. Invitations to the hearing
18 shall be extended to the governor, the governor-elect, the
19 director of the department of management, and other persons
20 deemed by the council as integral to the budget process. The
21 budget materials submitted to the governor shall include a
22 review of options for revising the medical assistance program
23 made available by federal action or by actions implemented
24 by other states as identified by the department, the medical
25 assistance advisory council created in [section 249A.4B](#), and
26 by county representatives. The review shall address what
27 potential revisions could be made in this state and how the
28 changes would be beneficial to Iowans.

29 5. Insure that all programs administered or services
30 rendered by the department directly to any citizen or through
31 a local agency to any citizen are coordinated and integrated
32 so that any citizen does not receive a duplication of services
33 from various departments or local agencies that could be
34 rendered by one department or local agency. If the council
35 finds that such is not the case, it shall hear and determine

1 which department or local agency shall provide the needed
2 service or services and enter an order of their determination
3 by resolution of the council which must be concurred in by
4 at least a majority of the members. Thereafter such order
5 or resolution of the council shall be obeyed by all state
6 departments and local agencies to which it is directed.

7 6. Adopt all necessary rules recommended by the ~~director or~~
8 ~~administrators of divisions hereinafter established~~ department
9 prior to their promulgation pursuant to chapter 17A.

10 ~~7. Approve the establishment of any new division or~~
11 ~~reorganization, consolidation or abolition of any established~~
12 ~~division prior to the same becoming effective.~~

13 ~~8. 7.~~ Recommend to the governor the names of individuals
14 qualified for the position of director ~~of human services~~ when a
15 vacancy exists in the office.

16 Sec. 328. Section 217.3A, Code 2023, is amended to read as
17 follows:

18 **217.3A Advisory committees.**

19 ~~1. General.~~ The council ~~on human services~~ shall establish
20 and utilize the advisory committee identified in this section
21 and may establish and utilize other ad hoc advisory committees
22 as determined necessary to advise the council. The council
23 shall establish appointment provisions, membership terms,
24 operating guidelines, and other operational requirements for
25 committees established pursuant to this section.

26 ~~2. Child abuse prevention.~~ The council shall establish a
27 child abuse prevention program advisory committee to support
28 the child abuse prevention program implemented in accordance
29 with section 235A.1. The duties of the advisory committee
30 shall include all of the following:

31 ~~a.~~ Advise the director of human services and the
32 administrator of the division of the department of human
33 services responsible for child and family programs regarding
34 expenditures of funds received for the child abuse prevention
35 program.

1 ~~b. Review the implementation and effectiveness of~~
2 ~~legislation and administrative rules concerning the child abuse~~
3 ~~prevention program.~~

4 ~~c. Recommend changes in legislation and administrative rules~~
5 ~~to the general assembly and the appropriate administrative~~
6 ~~officials.~~

7 ~~d. Require reports from state agencies and other entities as~~
8 ~~necessary to perform its duties.~~

9 ~~e. Receive and review complaints from the public concerning~~
10 ~~the operation and management of the child abuse prevention~~
11 ~~program.~~

12 ~~f. Approve grant proposals.~~

13 Sec. 329. Section 217.4, Code 2023, is amended to read as
14 follows:

15 **217.4 Meetings of council.**

16 The council shall meet at least monthly. Additional
17 meetings shall be called by the chairperson or upon written
18 request of any three council members thereof as necessary to
19 carry out the duties of the council. The chairperson shall
20 preside at all meetings or in the absence of the chairperson
21 the vice chairperson shall preside. The members of the council
22 shall be paid a per diem as specified in [section 7E.6](#) and their
23 reasonable and necessary expenses.

24 Sec. 330. Section 217.5, Code 2023, is amended to read as
25 follows:

26 **217.5 Director of health and human services.**

27 The chief administrative officer for the department ~~of human~~
28 ~~services~~ is the director ~~of human services~~. The director shall
29 be appointed by the governor subject to confirmation by the
30 senate and shall serve at the pleasure of the governor. The
31 governor shall fill a vacancy in this office in the same manner
32 as the original appointment was made. The director shall be
33 selected primarily for administrative ability. The director
34 shall not be selected on the basis of political affiliation
35 and shall not engage in political activity while holding this

1 position.

2 Sec. 331. NEW SECTION. **217.5A Attorneys — legal counsel**
3 **and advice.**

4 Notwithstanding section 13.7, the department may employ or
5 retain attorneys to provide legal counsel and advice. However,
6 section 13.7 shall govern the employment or retention of
7 attorneys by the department to represent the department in any
8 action or proceeding brought in any court or tribunal.

9 Sec. 332. Section 217.6, Code 2023, is amended to read as
10 follows:

11 **217.6 Rules and regulations — organization of department.**

12 1. The director ~~is hereby authorized to~~ may recommend
13 to the council for adoption ~~such~~ rules and regulations ~~as~~
14 ~~are necessary to carry into practice~~ administer the duties,
15 functions, and programs of the ~~various divisions and to~~
16 ~~establish such divisions and to assign or reassign duties,~~
17 ~~powers, and responsibilities within the department, all with~~
18 ~~the approval of the council on human services, within the~~
19 ~~department as the director deems necessary and appropriate~~
20 ~~for the proper administration of the duties, functions and~~
21 ~~programs with which the department is charged.~~ Any action
22 taken, decision made, or administrative rule adopted by any
23 administrator of a division may be reviewed by the director.
24 The director, upon such review, may affirm, modify, or reverse
25 any such action, decision, or rule.

26 2. The rules and regulations adopted for the public benefits
27 and programs administered by the department ~~of human services~~
28 shall apply the residency eligibility restrictions required by
29 federal and state law.

30 3. The director shall organize the department ~~of human~~
31 ~~services~~ into ~~divisions~~ subunits as necessary to most
32 efficiently carry out ~~in an efficient manner~~ the intent
33 of this chapter and any other chapter the department is
34 responsible for administering. ~~The department of human~~
35 ~~services may be initially divided into the following divisions~~

1 ~~of responsibility:~~

2 ~~a. The division of child and family services.~~

3 ~~b. The division of mental health and disability services.~~

4 ~~c. The division of administration.~~

5 ~~d. The division of planning, research, and statistics.~~

6 4. If the department ~~of human services~~ requires or requests
7 a service consumer, service provider, or other person to
8 maintain required documentation in electronic form, the
9 department shall accept such documentation submitted by
10 electronic means and shall not require a physical copy of the
11 documentation unless required by state or federal law.

12 Sec. 333. Section 217.13, Code 2023, is amended to read as
13 follows:

14 **217.13 Department to provide certain volunteer services —**
15 **volunteer liability.**

16 1. The department ~~of human services~~ shall establish
17 volunteer programs designed to enhance the services provided
18 by the department. Roles for volunteers may include but shall
19 not be limited to parent aides, friendly visitors, commodity
20 distributors, clerical assistants, medical transporters, and
21 other functions to complement and supplement the department's
22 work with clients. Roles for volunteers shall include
23 conservators and guardians. The department shall adopt rules
24 for programs which are established.

25 2. a. The director shall appoint a coordinator of volunteer
26 services to oversee the provision of services of volunteer
27 conservators and guardians on a volunteer basis to individuals
28 in this state requiring such services. The coordinator,
29 after consulting with personnel assigned to the district of
30 the department, shall recommend to the director how best to
31 serve the needs of individuals in need of the services of a
32 guardian or conservator. Where possible, the coordinator shall
33 recommend that the services be provided on a multicounty basis.

34 b. The coordinator shall cooperate with the ~~administrators~~
35 ~~of the divisions of the~~ department in providing these services

1 and shall seek out alternative sources for providing the
2 services required under this section.

3 3. All volunteers registered with the department and
4 in compliance with departmental rules are considered state
5 employees for purposes of chapter 669. However, this section
6 does not except a conservator or guardian from an action
7 brought under section 658.1A or 658.3. This section does not
8 relieve a guardian or conservator from duties under chapter
9 633.

10 Sec. 334. Section 217.18, Code 2023, is amended to read as
11 follows:

12 **217.18 Official seal.**

13 The department shall have an official seal with the words
14 "Iowa Department of Health and Human Services" and such other
15 design as the department prescribes engraved ~~thereon~~ on the
16 seal. Every commission, order, or other paper of an official
17 nature executed by the department may be attested with ~~such~~ the
18 seal.

19 Sec. 335. Section 217.19, Code 2023, is amended to read as
20 follows:

21 **217.19 Expenses.**

22 1. The director ~~of said department,~~ and the director's
23 staff, assistants, and employees shall, in addition to salary,
24 receive their necessary traveling expenses by the nearest
25 traveled and practicable route, when engaged in the performance
26 of official business.

27 2. The department of administrative services shall work
28 with the department ~~of human services~~ to develop and implement
29 an expense policy applicable to the members of a board,
30 commission, committee, or other body under the auspices of the
31 department ~~of human services~~ who meet the income requirements
32 for payment of per diem in accordance with section 7E.6,
33 subsection 2. The policy shall allow for the payment of
34 the member's expenses to be addressed through use of direct
35 billings, travel purchase card, prepaid expenses, or other

1 alternative means of addressing the expenses in lieu of
2 reimbursement of the member.

3 Sec. 336. Section 217.21, Code 2023, is amended to read as
4 follows:

5 **217.21 Annual report.**

6 The department shall, annually, at the time provided by law
7 make a report to the governor and general assembly, and cover
8 ~~therein~~ in the report the annual period ending with June 30
9 preceding, which report shall ~~embrace~~ include:

10 1. An itemized statement of ~~its~~ the department's
11 expenditures concerning each program under ~~its~~ the department's
12 administration.

13 2. Adequate and complete statistical reports for the
14 state as a whole concerning all payments made under ~~its~~ the
15 department's administration.

16 3. Such recommendations as to changes in laws under ~~its~~ the
17 department's administration as the director may deem necessary.

18 4. The observations and recommendations of the director and
19 the council ~~on human services~~ relative to the programs of the
20 department.

21 5. Such other information as the director or council ~~on~~
22 ~~human services may deem~~ deems advisable, or which may be
23 requested by the governor or by the general assembly.

24 Sec. 337. Section 217.23, Code 2023, is amended to read as
25 follows:

26 **217.23 Personnel — merit system — reimbursement for damaged**
27 **property.**

28 1. The director ~~of human services~~ or the director's
29 designee, shall employ ~~such~~ personnel as are necessary for the
30 performance of the duties and responsibilities assigned to
31 the department. All employees shall be selected on a basis
32 of fitness for the work to be performed with due regard to
33 training and experience and shall be subject to the provisions
34 of [chapter 8A, subchapter IV](#).

35 2. The department may expend moneys from the support

1 allocation of the department as reimbursement for replacement
2 or repair of personal items of the department's employees
3 damaged or destroyed by clients of the department during the
4 employee's tour of duty. However, the reimbursement shall not
5 exceed three hundred dollars for each item. The department
6 shall establish rules in accordance with **chapter 17A** to carry
7 out the purpose of **this section**.

8 Sec. 338. Section 217.24, Code 2023, is amended to read as
9 follows:

10 **217.24 Payment by electronic funds transfer.**

11 The department ~~of human services~~ shall continue expanding
12 the practice of making payments to program participants and
13 vendors by means of electronic funds transfer. The department
14 shall seek the capacity for making payment by such means for
15 all programs administered by the department.

16 Sec. 339. Section 217.32, Code 2023, is amended to read as
17 follows:

18 **217.32 Office space in county.**

19 ~~Where~~ When the department ~~of human services~~ assigns
20 personnel to an office located in a county for the purpose of
21 performing in that county designated eligibility for economic
22 and medical assistance programs and protective services duties
23 and responsibilities assigned by law to the department, it
24 shall be the responsibility of the county to provide and
25 maintain the necessary office space and office supplies and
26 equipment for the personnel so assigned in the same manner as
27 if they were employees of the county. The department shall at
28 least annually, or more frequently if the department ~~so~~ elects,
29 reimburse the county for a portion, designated by law, of the
30 cost of maintaining office space and providing supplies and
31 equipment as required by **this section**, and also for a similar
32 portion of the cost of providing the necessary office space if
33 in order to do so it is necessary for the county to lease office
34 space outside the courthouse or any other building owned by the
35 county. The portion of the ~~foregoing~~ costs reimbursed to the

1 county under [this section](#) shall be equivalent to the proportion
2 of those costs which the federal government authorizes to be
3 paid from available federal funds, unless the general assembly
4 directs otherwise when appropriating funds for support of the
5 department.

6 Sec. 340. Section 217.33, Code 2023, is amended to read as
7 follows:

8 **217.33 Legal services.**

9 The director ~~of human services~~ pursuant to a state plan
10 funded in part by the federal government may provide services
11 for eligible persons by contract with nonprofit legal aid
12 organizations.

13 Sec. 341. Section 217.34, Code 2023, is amended to read as
14 follows:

15 **217.34 Debt setoff.**

16 The investigations division of the department of inspections
17 and appeals and the department ~~of human services~~ shall provide
18 assistance to set off against a person's or provider's income
19 tax refund or rebate any debt which has accrued through written
20 contract, nonpayment of premiums pursuant to section 249A.3,
21 subsection 2, paragraph "a", subparagraph (1), subrogation,
22 departmental recoupment procedures, or court judgment and which
23 is in the form of a liquidated sum due and owing the department
24 ~~of human services~~. The department of inspections and appeals,
25 with approval of the department ~~of human services~~, shall adopt
26 rules under [chapter 17A](#) necessary to assist the department of
27 administrative services in the implementation of the setoff
28 under [section 8A.504](#) in regard to money owed to the state for
29 public assistance overpayments or nonpayment of premiums as
30 specified in [this section](#). The department ~~of human services~~
31 shall adopt rules under [chapter 17A](#) necessary to assist the
32 department of administrative services in the implementation of
33 the setoff under [section 8A.504](#), in regard to collections by
34 ~~the child support recovery unit services~~ and ~~the foster care~~
35 ~~recovery unit services~~.

1 Sec. 342. Section 217.35, Code 2023, is amended to read as
2 follows:

3 **217.35 Fraud and recoupment activities.**

4 Notwithstanding the requirement for deposit of recovered
5 moneys under [section 239B.14](#), recovered moneys generated
6 through fraud and recoupment activities are appropriated to
7 the department ~~of human services~~ to be used for additional
8 fraud and recoupment activities performed by the department ~~of~~
9 ~~human services~~ or the department of inspections and appeals.
10 The department ~~of human services~~ may use the recovered
11 moneys appropriated to add not more than five full-time
12 equivalent positions, in addition to those funded by annual
13 appropriations. The appropriation of the recovered moneys is
14 subject to both of the following conditions:

15 1. The director ~~of human services~~ determines that the
16 investment can reasonably be expected to increase recovery of
17 assistance paid in error, due to fraudulent or nonfraudulent
18 actions, in excess of the amount recovered in the previous
19 fiscal year.

20 2. The amount expended for the additional fraud and
21 recoupment activities shall not exceed the amount of the
22 projected increase in assistance recovered.

23 Sec. 343. Section 217.36, Code 2023, is amended to read as
24 follows:

25 **217.36 Distribution of earned income tax credit information.**

26 1. The department shall ensure that educational materials
27 relating to the federal and state earned income tax credits
28 are provided in accordance with [this section](#) to each household
29 receiving assistance or benefits under:

30 a. The ~~hawk-i~~ Hawki program under [chapter 514I](#).

31 b. The family investment program under [chapter 239B](#).

32 c. The medical assistance ~~Act~~ program under [chapter 249A](#).

33 d. The food programs defined in [section 234.1](#) which are
34 administered by the department.

35 e. Any other appropriate programs administered by, or under

1 the oversight of, the department ~~of human services~~.

2 2. The department shall, by mail or through the internet,
3 provide a household described in [subsection 1](#) with access to:

4 a. Internal revenue service publications relating to the
5 federal earned income tax credit.

6 b. Department of revenue publications relating to the state
7 earned income tax credit.

8 c. Information prepared by tax preparers who provide
9 volunteer or free federal or state income tax preparation
10 services to low-income and other eligible persons and who are
11 located in close geographic proximity to the person.

12 3. In January of each year, the department or a
13 representative of the department shall mail to each household
14 described in [subsection 1](#) information about the federal and
15 state earned income tax credit that provides the household with
16 referrals to the resources described in [subsection 2](#).

17 4. The mailings required by the department under this
18 section do not have to be made as a separate mailing but may
19 be included in existing mailings being made to the appropriate
20 households.

21 Sec. 344. Section 217.40, Code 2023, is amended to read as
22 follows:

23 **217.40 Training for guardians and conservators.**

24 The department ~~of human services~~, or a person designated
25 by the director, shall establish training programs designed
26 to assist all duly appointed guardians and conservators in
27 understanding their fiduciary duties and liabilities, the
28 special needs of the ward, and how to best serve the ward and
29 the ward's interests.

30 Sec. 345. Section 217.41, Code 2023, is amended to read as
31 follows:

32 **217.41 Refugee services foundation.**

33 1. The department ~~of human services~~ shall cause a refugee
34 services foundation to be created for the sole purpose of
35 engaging in refugee resettlement activities to promote the

1 welfare and self-sufficiency of refugees who live in Iowa and
2 who are not citizens of the United States. The foundation may
3 establish an endowment fund to assist in the financing of its
4 activities. The foundation shall be incorporated under chapter
5 504.

6 2. The foundation shall be created in a manner so that
7 donations and bequests to the foundation qualify as tax
8 deductible under federal and state income tax laws. The
9 foundation is not a state agency and shall not exercise
10 sovereign power of the state. The state is not liable for any
11 debts of the foundation.

12 3. The refugee services foundation shall have a board
13 of directors of five members. One member shall be appointed
14 by the governor and four members shall be appointed by the
15 director ~~of human services~~. Members of the board shall serve
16 three-year terms beginning on July 1, and ending on June 30. A
17 vacancy on the board shall be filled in the same manner as the
18 original appointment for the remainder of the term. Not more
19 than two members appointed by the director ~~of human services~~
20 shall be of the same gender or of the same political party.

21 4. The refugee services foundation may accept and
22 administer trusts deemed by the board to be beneficial.
23 Notwithstanding [section 633.63](#), the foundation may act as
24 trustee of such a trust.

25 Sec. 346. Section 217.41B, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. The department ~~of human services~~ shall discontinue the
28 Medicaid family planning network waiver effective July 1, 2017,
29 and shall instead establish a state family planning services
30 program. The state program shall replicate the eligibility
31 requirements and other provisions included in the Medicaid
32 family planning network waiver as approved by the centers for
33 Medicare and Medicaid services of the United States department
34 of health and human services in effect on June 30, 2017.

35 Sec. 347. Section 217.41B, subsection 3, paragraph a,

1 subparagraph (2), Code 2023, is amended to read as follows:

2 (2) The department ~~of human services~~ shall adopt rules
3 pursuant to [chapter 17A](#) to require that as a condition of
4 eligibility as a provider under the family planning services
5 program, each distinct location of a nonprofit health care
6 delivery system shall enroll in the program as a separate
7 provider, be assigned a distinct provider identification
8 number, and complete an attestation that abortions are not
9 performed at the distinct location.

10 Sec. 348. Section 217.41C, subsection 1, paragraph a, Code
11 2023, is amended to read as follows:

12 a. The department ~~of human services~~ shall create the more
13 options for maternal support program, a statewide program to
14 promote healthy pregnancies and childbirth through nonprofit
15 organizations that provide pregnancy support services.

16 Sec. 349. Section 217.41C, subsection 3, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:

18 The department ~~of human services~~ shall issue a request for
19 proposals to select a program administrator for the program.
20 A program administrator shall meet all of the following
21 requirements:

22 Sec. 350. Section 217.41C, subsections 5 and 6, Code 2023,
23 are amended to read as follows:

24 5. The department ~~of human services~~ shall publish the
25 program administrator and subcontractor criteria on the
26 department's internet site.

27 6. The department ~~of human services~~ shall adopt rules
28 pursuant to [chapter 17A](#) to administer the program, and shall
29 provide technical assistance to the program administrator,
30 monitor the program administrator for adherence to state and
31 federal requirements, and collect and maintain program data.

32 Sec. 351. Section 217.41C, subsection 7, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 Beginning October 1, 2023, and on or before October
35 1 annually thereafter, the department ~~of human services~~

1 shall submit to the general assembly the following program
2 information relative to the prior fiscal year:

3 Sec. 352. Section 217.42, Code 2023, is amended to read as
4 follows:

5 **217.42 ~~Service areas~~ — County offices.**

6 ~~1. The organizational structure to deliver the department's~~
7 ~~field services shall be based upon service areas designated by~~
8 ~~the department. The service areas shall serve as a basis for~~
9 ~~providing field services to persons residing in the counties~~
10 ~~comprising the service area.~~

11 ~~2.~~ 1. The department shall maintain an office in each
12 county. Based on the annual appropriations for field
13 operations, the department shall strive to maintain a full-time
14 presence in each county. If it is not possible to maintain a
15 full-time presence in each county, the department shall provide
16 staff based on its caseweight system to assure the provision of
17 services. The department shall consult with the county boards
18 of supervisors of those counties regarding staffing prior to
19 any modification of office hours.

20 ~~3.~~ 2. A county or group of counties may voluntarily enter
21 into a [chapter 28E](#) agreement with the department to provide
22 funding or staff persons to deliver field services in county
23 offices. The agreement shall cover the full fiscal year but
24 may be revised by mutual consent.

25 Sec. 353. Section 217.43, Code 2023, is amended to read as
26 follows:

27 **217.43 ~~Service area~~ County advisory boards — location of**
28 **county offices.**

29 1. *a.* The department shall establish a ~~service area~~ one
30 or more advisory ~~board in each service area~~ boards. Each of
31 the county boards of supervisors ~~of the counties comprising~~
32 ~~the service area~~ shall appoint two ~~service area~~ advisory board
33 members. All of the following requirements apply to the
34 appointments made by a county board of supervisors:

35 (1) The membership shall be appointed in accordance with

1 section 69.16, relating to political affiliation, and section
2 69.16A, relating to gender balance.

3 (2) Not more than one of the members shall be a member of
4 the board of supervisors.

5 (3) Appointments shall be made on the basis of interest in
6 maintaining and improving service delivery.

7 b. Appointments shall be made a part of the regular
8 proceedings of the board of supervisors and shall be filed with
9 the county auditor and the ~~service area manager~~ department. A
10 vacancy on the board shall be filled in the same manner as the
11 original appointment.

12 c. The boards of supervisors shall develop and agree to
13 other organizational provisions involving the advisory board,
14 including reporting requirements.

15 2. The purpose of the advisory boards is to improve
16 communication and coordination between the department and the
17 counties and to advise the department regarding maintenance and
18 improvement of service delivery ~~in the counties and communities~~
19 ~~comprising the service areas~~.

20 3. The department shall determine the community in which
21 each county office will be located. The county board of
22 supervisors shall determine the location of the office space
23 for the county office. The county board of supervisors shall
24 make reasonable efforts to collocate the office with other
25 state and local government or private entity offices in order
26 to maintain the offices in a cost-effective location that is
27 convenient to the public.

28 Sec. 354. Section 217.44, Code 2023, is amended to read as
29 follows:

30 **217.44 ~~Service areas~~ Department offices — employee and**
31 **volunteer record checks.**

32 1. The record check evaluation system of the department
33 shall conduct criminal and child and dependent adult abuse
34 record checks of persons who are potential employees,
35 employees, potential volunteers, and volunteers in ~~service area~~

1 department offices in a position having direct contact with the
2 department's clients. The record checks shall be performed in
3 this state and the ~~department~~ record check evaluation system
4 may conduct these checks in other states. If the ~~department~~
5 record check evaluation system determines that a person has
6 been convicted of a crime or has a record of founded child or
7 dependent adult abuse, the ~~department~~ record check evaluation
8 system shall perform an evaluation to determine whether the
9 crime or founded abuse warrants prohibition of the person's
10 employment or participation as a volunteer. The record checks
11 and evaluation shall be performed in accordance with procedures
12 adopted for this purpose by the department.

13 2. In an evaluation, the ~~department~~ record check evaluation
14 system shall consider the nature and seriousness of the crime
15 or founded child or dependent adult abuse in relation to the
16 position sought or held, the time elapsed since the commission
17 of the crime or founded abuse, the circumstances under which
18 the crime or founded abuse was committed, the degree of
19 rehabilitation, the likelihood that the person will commit
20 the crime or founded abuse again, and the number of crimes or
21 founded abuses committed by the person involved.

22 3. The ~~department~~ record check evaluation system may permit
23 a person who is evaluated to be employed or to participate as a
24 volunteer if the person complies with the ~~department's~~ record
25 check evaluation system's conditions relating to employment or
26 participation as a volunteer which may include completion of
27 additional training.

28 4. If the ~~department~~ record check evaluation system
29 determines that the person has committed a crime or has a
30 record of founded child or dependent adult abuse which warrants
31 prohibition of employment or participation as a volunteer, the
32 person shall not be employed by or participate as a volunteer
33 in a department ~~service~~-area office in a position having direct
34 contact with the department's clients.

35 Sec. 355. Section 217.45, subsection 1, unnumbered

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

2 A background investigation may be conducted by the
3 department ~~of human services~~ on all of the following
4 individuals:

5 Sec. 356. Section 218.1, Code 2023, is amended to read as
6 follows:

7 **218.1 Institutions controlled.**

8 The director ~~of human services~~ shall have the general and
9 full authority given under statute to control, manage, direct,
10 and operate the following institutions under the director's
11 jurisdiction, and may at the director's discretion assign
12 the powers and authorities given the director by statute to
13 ~~any one of the deputy directors, division administrators, or~~
14 ~~officers or employees of the divisions of the department of~~
15 ~~human services~~ a superintendent:

- 16 1. Glenwood state resource center.
- 17 2. Woodward state resource center.
- 18 3. Mental health institute, Cherokee, Iowa.
- 19 4. Mental health institute, Independence, Iowa.
- 20 5. State training school.
- 21 ~~6. Iowa juvenile home.~~
- 22 ~~7.~~ 6. Other facilities not attached to the campus of the
23 main institution as program developments require.

24 Sec. 357. Section 218.2, Code 2023, is amended to read as
25 follows:

26 **218.2 Powers of governor — report of abuses.**

27 1. Nothing contained in [section 218.1](#) shall limit the
28 general supervisory or examining powers vested in the governor
29 by the laws or Constitution of the State of Iowa, or legally
30 vested by the governor in any committee appointed by the
31 governor.

32 2. The ~~administrator~~ superintendent to whom primary
33 responsibility for a particular institution has been assigned
34 shall make reports to the director ~~of human services~~ as are
35 requested by the director and the director shall report, in

1 writing, to the governor any abuses found to exist in any of
2 the institutions.

3 Sec. 358. Section 218.3, Code 2023, is amended to read as
4 follows:

5 **218.3 Definitions.**

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

8 1. ~~"Administrator" means the person to whom the director~~
9 ~~of human services has assigned power and authority over an~~
10 ~~institution in accordance with **section 218.1**.~~ "Council" means
11 the council on health and human services.

12 2. "Department" means the department of health and human
13 services.

14 3. "Director" means the director of health and human
15 services.

16 ~~2.~~ 4. "Institution" means an institution listed in section
17 218.1.

18 5. "Resident" means a person committed or admitted to an
19 institution and is synonymous with patient, as appropriate to
20 the institution.

21 6. "Superintendent" means the person to whom primary
22 responsibility for a particular institution has been assigned.

23 Sec. 359. Section 218.4, Code 2023, is amended to read as
24 follows:

25 **218.4 Recommendation for rules.**

26 1. ~~The administrators of particular institutions~~ department
27 ~~shall recommend to the council on human services for adoption~~
28 ~~such rules not inconsistent with law as they may deem necessary~~
29 ~~for the discharge of their duties,~~ the management of each
30 ~~of such~~ the ~~institutions,~~ and ~~the admission, of residents~~
31 ~~thereto and the treatment, care, custody, education and~~
32 ~~discharge of residents. It is made the duty of the particular~~
33 ~~administrators~~ department ~~to establish rules by which danger~~
34 ~~to life and property from fire will be minimized. In the~~
35 ~~discharge of their duties and in the enforcement of their~~

1 ~~rules, they~~ The department may require any ~~of their~~ appointees
2 to perform duties in addition to those required by statute.

3 2. Rules adopted by the council pursuant to [chapter 17A](#)
4 shall be uniform and shall apply to all institutions under the
5 ~~particular administrator and to all other institutions under~~
6 ~~the administrator's~~ department's jurisdiction. The primary
7 rules for use in institutions where persons with mental illness
8 are served shall, unless otherwise indicated, uniformly apply
9 to county or private hospitals in which persons with mental
10 illness are served, but the rules shall not interfere with
11 proper medical treatment administered to ~~patients~~ such persons
12 by competent physicians. Annually, signed copies of the rules
13 shall be sent to the superintendent of each institution ~~or~~
14 ~~hospital under the control or supervision of a particular~~
15 ~~administrator~~. Copies shall also be sent to the clerk of each
16 district court, the chairperson of the board of supervisors
17 of each county and, as appropriate, to the officer in charge
18 of institutions or hospitals caring for persons with mental
19 illness in each county who shall be responsible for seeing
20 that the rules are posted in each institution or hospital in a
21 prominent place. The rules shall be kept current to meet the
22 public need and shall be revised and published annually.

23 3. The state fire marshal shall cause to be made an annual
24 inspection of all the institutions ~~listed in~~ [section 218.1](#) and
25 shall ~~make~~ provide a written report ~~thereof~~ of each inspection
26 to the ~~particular administrator of the state department of~~
27 ~~human services in control of such institution~~.

28 Sec. 360. Section 218.5, Code 2023, is amended to read as
29 follows:

30 **218.5 Fire protection contracts.**

31 ~~The administrators shall have power to~~ department may
32 enter into contracts with the governing body of any city or
33 other municipal corporation for the protection from fire of
34 any property under the ~~administrators'~~ department's primary
35 control, located in any municipal corporation or in territory

1 contiguous to the municipal corporation, upon terms as may be
2 agreed upon.

3 Sec. 361. Section 218.6, Code 2023, is amended to read as
4 follows:

5 **218.6 Transfer of appropriations made to institutions.**

6 1. Notwithstanding [section 8.39, subsection 1](#), without the
7 prior written consent and approval of the governor and the
8 director of the department of management, the director ~~of human~~
9 ~~services~~ may transfer funds between the appropriations made for
10 the institutions, listed as follows:

11 a. The state resource centers.

12 b. The state mental health institutes.

13 c. The state training school.

14 d. The civil commitment unit for sexual offenders.

15 2. The department shall report any transfer made pursuant
16 to [subsection 1](#) during a fiscal quarter to the legislative
17 services agency within thirty days of the beginning of the
18 subsequent fiscal quarter.

19 Sec. 362. Section 218.9, Code 2023, is amended to read as
20 follows:

21 **218.9 Appointment of superintendents.**

22 1. ~~The administrator in charge of an institution, subject to~~
23 ~~the approval of the director of human services,~~ shall appoint
24 the superintendent of the institution. The tenure of office of
25 a superintendent shall be at the pleasure of the ~~administrator~~
26 director. ~~The administrator~~ director may transfer a
27 superintendent ~~or warden~~ from one institution to another.

28 2. The superintendent ~~or warden~~ shall have immediate
29 custody and control, subject to the orders and policies of the
30 ~~administrator in charge of the institution~~ director, of all
31 property used in connection with the institution except as
32 provided in [this chapter](#).

33 Sec. 363. Section 218.10, Code 2023, is amended to read as
34 follows:

35 **218.10 Subordinate officers and employees.**

1 ~~The administrator in charge of a particular institution,~~
2 ~~with the consent and approval of the director of human~~
3 ~~services,~~ shall determine the number of subordinate officers
4 and employees for the institution. Subject to **this chapter,**
5 the officers and employees shall be appointed and discharged
6 by the superintendent or ~~business manager~~ the superintendent's
7 designee pursuant to **chapter 8A, subchapter IV.** The
8 superintendent shall keep, in the record of each subordinate
9 officer and employee, the date of employment, the compensation,
10 and the date of each discharge, and the reasons for discharge.

11 Sec. 364. Section 218.12, Code 2023, is amended to read as
12 follows:

13 **218.12 Bonds.**

14 ~~The administrator in charge of any particular institution~~
15 ~~shall require each~~ Each officer and any employee ~~of such~~
16 ~~administrator and of every an~~ institution under the
17 ~~administrator's control who may be~~ charged with the custody
18 or control of any money or property belonging to the state ~~to~~
19 ~~give~~ shall provide an official bond, properly conditioned,
20 and signed by sufficient sureties in a sum to be fixed by
21 the ~~administrator~~ director, which bond shall be approved by
22 the ~~administrator~~ director, and filed in the office of the
23 secretary of state.

24 Sec. 365. Section 218.13, Code 2023, is amended to read as
25 follows:

26 **218.13 Record checks.**

27 ~~1. For the purposes of this section, unless the context~~
28 ~~otherwise requires:~~

29 ~~a. "Department" means the department of human services.~~

30 ~~b. "Institution" means an institution controlled by the~~
31 ~~department as described in~~ **section 218.1.**

32 ~~c. "Resident" means a person committed or admitted to an~~
33 ~~institution.~~

34 ~~2.~~ 1. If a person is being considered for employment
35 involving direct responsibility for a resident or with access

1 to a resident when the resident is alone, or if a person
2 will reside in a facility utilized by an institution, and
3 if the person has been convicted of a crime or has a record
4 of founded child or dependent adult abuse, the record check
5 evaluation system of the department shall perform an evaluation
6 to determine whether the crime or founded abuse warrants
7 prohibition of employment or residence in the facility. The
8 ~~department~~ record check evaluation system shall conduct
9 criminal and child and dependent adult abuse record checks of
10 the person in this state and may conduct these checks in other
11 states. The investigation and evaluation shall be performed
12 in accordance with procedures adopted for this purpose by the
13 department.

14 ~~3.~~ 2. If the ~~department~~ record check evaluation system
15 determines that a person, who is employed by an institution
16 or resides in a facility utilized by an institution, has
17 been convicted of a crime or has a record of founded child
18 or dependent adult abuse, the ~~department~~ record check
19 evaluation system shall perform an evaluation to determine
20 whether prohibition of the person's employment or residence is
21 warranted. The evaluation shall be performed in accordance
22 with procedures adopted for this purpose by the department.

23 ~~4.~~ 3. In an evaluation, the ~~department~~ record check
24 evaluation system shall consider the nature and seriousness of
25 the crime or founded child or dependent adult abuse in relation
26 to the position sought or held, the time elapsed since the
27 commission of the crime or founded abuse, the circumstances
28 under which the crime or founded abuse was committed, the
29 degree of rehabilitation, the likelihood that the person will
30 commit the crime or founded abuse again, and the number of
31 crimes or founded abuses committed by the person involved.
32 The ~~department~~ record check evaluation system may permit
33 a person who is evaluated to be employed or reside or to
34 continue employment or residence if the person complies with
35 the ~~department's~~ record check evaluation system's conditions

1 relating to employment or residence which may include
2 completion of additional training.

3 ~~5.~~ 4. If the ~~department~~ record check evaluation system
4 determines that the person has committed a crime or has a
5 record of founded child or dependent adult abuse which warrants
6 prohibition of employment or residence, the person shall not
7 be employed by an institution or reside in a facility utilized
8 by an institution.

9 Sec. 366. Section 218.14, Code 2023, is amended to read as
10 follows:

11 **218.14 Dwelling of superintendent or other employee.**

12 1. ~~The administrator having control over an institution~~
13 ~~may, with consent of the director of human services, may~~
14 furnish the superintendent of the institution, in addition
15 to salary, with a dwelling or with appropriate quarters in
16 lieu of the dwelling, or ~~the administrator~~ may compensate the
17 superintendent of the institution in lieu of furnishing a
18 dwelling or quarters. If the superintendent of the institution
19 is furnished with a dwelling or quarters, either of which is
20 owned by the state, the superintendent may also be furnished
21 with water, heat, and electricity.

22 2. ~~The administrator having control over an institution~~
23 director may furnish assistant superintendents or other
24 employees, or both, with a dwelling or with appropriate
25 quarters, owned by the state. The assistant superintendent or
26 employee, who is so furnished, shall pay rent for the dwelling
27 or quarters in an amount to be determined by the ~~superintendent~~
28 ~~of the institution~~ director, which shall be the fair market
29 rental value of the dwelling or quarters. If an assistant
30 superintendent or employee is furnished with a dwelling or
31 quarters, either of which is owned by the state, the assistant
32 superintendent or employee may also be furnished with water,
33 heat, and electricity. However, the furnishing of these
34 utilities shall be considered in determining the fair market
35 rental value of the dwelling or quarters.

1 Sec. 367. Section 218.15, Code 2023, is amended to read as
2 follows:

3 **218.15 Salaries — how paid.**

4 The salaries and wages shall be included in the semimonthly
5 payrolls and paid in the same manner as other expenses of the
6 ~~several~~ institutions.

7 Sec. 368. Section 218.17, Code 2023, is amended to read as
8 follows:

9 **218.17 Authorized leave.**

10 Vacations and sick leave with pay as authorized in section
11 70A.1 shall only be taken at such times as the superintendent
12 or the ~~business manager~~ superintendent's designee in charge
13 of an officer or employee, as the case may be, may direct,
14 and only after written authorization by the superintendent or
15 ~~business manager~~ the superintendent's designee, and for the
16 number of days specified in the authorization. A copy of the
17 authorization shall be attached to the institution's copy of
18 the payroll of the institution, for audit purposes, for the
19 period during which the vacation was taken, and the semimonthly
20 payroll shall show the number of days the person was absent
21 under the authorization.

22 Sec. 369. Section 218.21, Code 2023, is amended to read as
23 follows:

24 **218.21 Record of residents.**

25 The ~~administrator of the department of human services in~~
26 ~~control of a state institution~~ director shall, as to every
27 person committed to any of the institutions, keep the following
28 record:

- 29 1. Name.
- 30 2. Residence.
- 31 3. Sex.
- 32 4. Age.
- 33 5. Nativity.
- 34 6. Occupation.
- 35 7. Civil condition.

1 8. Date of entrance or commitment.

2 9. Date of discharge.

3 10. Whether a discharge was final.

4 11. Condition of the person when discharged.

5 12. The name of the institutions from which and to which
6 such person has been transferred.

7 13. If ~~dead~~ deceased, the date and cause of the person's
8 death.

9 Sec. 370. Section 218.22, Code 2023, is amended to read as
10 follows:

11 **218.22 Record privileged.**

12 Except with the consent of the ~~administrator in charge of an~~
13 ~~institution~~ director, or on an order of a court of record, the
14 record provided in [section 218.21](#) shall be accessible only to
15 the ~~administrator of the division of the department of human~~
16 ~~services in control of such institution, the director of the~~
17 ~~department of human services~~ and to assistants and proper
18 clerks authorized by ~~such administrator or the administrator's~~
19 the director. The ~~administrator of the division of such~~
20 ~~institution is authorized to~~ director may permit the division
21 of library services of the department of education and the
22 historical division of the department of cultural affairs to
23 copy or reproduce by any photographic, photostatic, microfilm,
24 microcard or other process which accurately reproduces a
25 durable medium for reproducing the original and to destroy
26 in the manner described by law such records of residents
27 designated in [section 218.21](#).

28 Sec. 371. Section 218.23, Code 2023, is amended to read as
29 follows:

30 **218.23 Reports to ~~administrator~~ director.**

31 The superintendent of an institution shall, within ten
32 days after the commitment or entrance of a person to the
33 institution, cause a true copy of the person's entrance record
34 to be made and forwarded to the ~~administrator in control of~~
35 the institution director or the director's designee. When a

1 ~~patient or~~ resident leaves, or is discharged, or transferred
2 from, or dies in an institution, the superintendent or person
3 in charge shall within ten days after that date send the
4 information to the ~~office of the institution's administrator~~
5 director or the director's designee on forms which the
6 ~~administrator~~ director prescribes.

7 Sec. 372. Section 218.24, Code 2023, is amended to read as
8 follows:

9 **218.24 Questionable commitment.**

10 The superintendent ~~is required to~~ shall immediately
11 notify the ~~administrator in control of the superintendent's~~
12 ~~particular institution~~ director if there is any question as
13 to the propriety of the commitment or detention of any person
14 received at ~~such an~~ an institution, and ~~said administrator~~ the
15 director, upon ~~such~~ notification, shall inquire into the matter
16 presented, and take ~~such proper~~ proper action ~~as may be deemed proper~~
17 ~~in the premises~~.

18 Sec. 373. Section 218.26, Code 2023, is amended to read as
19 follows:

20 **218.26 Religious worship.**

21 Any ~~such~~ resident, during the time of the resident's
22 detention, shall be allowed, for at least one hour ~~on each~~
23 ~~Sunday~~ weekly and in times of extreme sickness, and at such
24 other suitable and reasonable times ~~as is~~ consistent with the
25 resident's religious belief and proper discipline in said
26 the institution, to receive spiritual advice, instruction,
27 and ministrations from any recognized member of the clergy of
28 the church or denomination which represents the resident's
29 religious belief.

30 Sec. 374. Section 218.27, Code 2023, is amended to read as
31 follows:

32 **218.27 Religious belief of minors.**

33 ~~In case such~~ If a resident is a minor and has formed no
34 choice, the minor's preference may, at any time, be expressed
35 by the minor with the approval of parents or guardian, if the

1 minor has ~~any such~~ a parent or guardian.

2 Sec. 375. Section 218.28, Code 2023, is amended to read as
3 follows:

4 **218.28 Investigation.**

5 ~~The administrator of the department of human services in~~
6 ~~control of a particular institution or the administrator's~~
7 ~~authorized officer or employee~~ director or the director's
8 designee shall visit, and minutely examine, at least once in
9 six months, and more often if necessary or required by law,
10 the institutions ~~under such administrator's control,~~ and the
11 financial condition and management ~~thereof~~ of the institutions.

12 Sec. 376. Section 218.29, Code 2023, is amended to read as
13 follows:

14 **218.29 Scope of investigation.**

15 ~~The administrator of the department of human services in~~
16 ~~control of a particular institution or the administrator's~~
17 ~~authorized officer or employee~~ director or the director's
18 designee shall, during such investigation and as far as
19 possible, see every resident of each institution, especially
20 those admitted since the director's or the director's
21 designee's preceding visit, and shall give such residents as
22 ~~may require it,~~ suitable opportunity to converse with ~~such~~
23 ~~administrator or authorized officer or employee~~ the director or
24 the director's designee apart from the officers and attendants.

25 Sec. 377. Section 218.30, Code 2023, is amended to read as
26 follows:

27 **218.30 Investigation of other institutions facilities.**

28 ~~The administrators to whom control of institutions has been~~
29 ~~assigned, or their authorized officers or employees,~~ director
30 may investigate or cause the investigation of charges of abuse,
31 neglect, or mismanagement on the part of an officer or employee
32 of a private ~~institution~~ facility which is subject to the
33 ~~administrator's particular~~ director's supervision or control.
34 ~~The administrator who has been assigned to have authority over~~
35 ~~the state mental health institutes, or the administrator's~~

1 ~~authorized officer or employee,~~ director shall also investigate
2 or cause the investigation of charges concerning county care
3 facilities in which persons with mental illness are served.

4 Sec. 378. Section 218.31, Code 2023, is amended to read as
5 follows:

6 **218.31 Witnesses.**

7 In aid of any investigation the ~~administrator shall have~~
8 ~~the power to~~ department may summon and compel the attendance
9 of witnesses; ~~to~~ examine the witnesses under oath, which the
10 ~~administrator shall have power to~~ director or the director's
11 designee may administer; ~~to~~ have access to all books, papers,
12 and property material to such investigation; and ~~to~~ order
13 the production of any other books or papers material to the
14 investigation. Witnesses other than those in the employ of the
15 state shall be entitled to the same fees as in civil cases in
16 the district court.

17 Sec. 379. Section 218.32, Code 2023, is amended to read as
18 follows:

19 **218.32 Contempt.**

20 Any person failing or refusing to obey the orders of the
21 ~~administrator~~ department issued under [section 218.31](#), or to
22 give or produce evidence when required, shall be reported by
23 the ~~administrator~~ department to the district court in the
24 county where the offense occurs, and shall be dealt with by the
25 court as for contempt of court.

26 Sec. 380. Section 218.33, Code 2023, is amended to read as
27 follows:

28 **218.33 Transcript of testimony.**

29 The ~~particular administrator involved~~ department shall cause
30 the testimony taken at such investigation to be transcribed and
31 filed in the ~~administrator's office at the seat of government~~
32 with the department within ten days after the ~~same~~ testimony
33 is taken, or as soon thereafter as practicable, and when ~~so~~
34 filed the ~~same~~ testimony shall be open for the inspection of
35 any person.

1 Sec. 381. Section 218.41, Code 2023, is amended to read as
2 follows:

3 **218.41 Custody.**

4 When a resident of an institution is ~~se~~ working outside the
5 institution proper, the resident ~~shall be deemed~~ is at all
6 times in the actual custody of the head superintendent of the
7 institution.

8 Sec. 382. Section 218.42, Code 2023, is amended to read as
9 follows:

10 **218.42 Wages of residents.**

11 If a resident performs services for the state at an
12 institution ~~listed in section 218.1~~, the administrator in
13 ~~control of the institution~~ department shall pay the resident
14 a wage in accordance with federal wage and hour requirements.
15 However, the wage amount shall not exceed the amount of the
16 prevailing wage paid in the state for a like service or its
17 equivalent.

18 Sec. 383. Section 218.43, Code 2023, is amended to read as
19 follows:

20 **218.43 Deduction to pay court costs.**

21 If wages are paid to a resident pursuant to section
22 218.42, the administrator ~~in control of an institution listed~~
23 ~~in section 218.1~~ department may deduct from the wages an
24 amount sufficient to pay all or a part of the costs taxed
25 to the resident by reason of the resident's commitment to
26 the institution. In such case the amount ~~se~~ deducted shall
27 be forwarded to the clerk of the district court or proper
28 official.

29 Sec. 384. Section 218.44, Code 2023, is amended to read as
30 follows:

31 **218.44 Wages paid to dependent — deposits.**

32 If wages are paid to a resident pursuant to [section 218.42](#),
33 the administrator ~~in control of an institution listed in~~
34 ~~section 218.1~~ department may pay all or any part of the wages
35 directly to any dependent of the resident. The administrator

1 department may also deposit the wages to the account of the
2 resident, or may ~~se~~ deposit part of the wages and allow the
3 resident a portion for the resident's own personal use, or
4 may pay to the county of commitment all or any part of the
5 resident's care, treatment, or subsistence while at ~~said~~ the
6 institution from any credit balance accruing to the account of
7 the resident.

8 Sec. 385. Section 218.45, Code 2023, is amended to read as
9 follows:

10 **218.45 Conferences.**

11 Quarterly conferences of the superintendents of the
12 institutions shall be held with the ~~administrator in control~~
13 ~~of the institutions~~ director at Des Moines or at institutions
14 under the ~~administrator's~~ director's jurisdiction, for the
15 consideration of all matters relative to the management of
16 the institutions. Full minutes of the conferences shall be
17 preserved in the records of the ~~administrator~~ department.
18 The ~~administrator in control~~ director may cause papers on
19 appropriate subjects to be prepared and ~~read~~ presented at the
20 conferences.

21 Sec. 386. Section 218.46, Code 2023, is amended to read as
22 follows:

23 **218.46 Scientific investigation.**

24 1. The ~~administrator who is in charge of an institution~~
25 director shall encourage the scientific investigation, on
26 the part of the superintendent and medical staff of the
27 institution, as to the most successful methods of institutional
28 management and ~~treating~~ treatment of the persons committed to
29 the institution. In addition, the ~~administrator~~ department
30 shall procure and furnish to the superintendent and medical
31 staff information relative to such management and treatment
32 and, ~~from time to time,~~ publish bulletins and reports of
33 scientific and clinical work done in that type of institution.

34 2. The ~~administrators of such state institutions are~~
35 ~~authorized to~~ department may provide services and facilities

1 for the scientific observation, rechecking, and treatment of
2 persons with mental illness within the state. Application by,
3 or on behalf of, any person for such services and facilities
4 shall be made to the ~~administrator in charge of the particular~~
5 ~~institution involved and shall be made~~ director on forms
6 furnished by ~~such administrator~~ the department. The time and
7 place of admission of any person to outpatient or clinical
8 services and facilities for scientific observation, rechecking,
9 and treatment and the use of such services and facilities for
10 the benefit of persons who have already been hospitalized
11 for psychiatric evaluation and appropriate treatment or
12 involuntarily hospitalized as seriously mentally ill shall
13 be in accordance with rules and regulations adopted by the
14 ~~administrator in control of the particular institution involved~~
15 department.

16 Sec. 387. Section 218.47, Code 2023, is amended to read as
17 follows:

18 **218.47 Monthly report.**

19 The superintendent ~~or business manager~~ of each institution
20 or the superintendent's designee shall, on the first day of
21 each month, account to the ~~administrator in control of the~~
22 ~~particular institution~~ director or the director's designee for
23 all state funds received during the preceding month, and, at
24 the same time, remit the accounting to the treasurer of state.

25 Sec. 388. Section 218.48, Code 2023, is amended to read as
26 follows:

27 **218.48 Annual reports.**

28 The superintendent ~~or business manager~~ of each institution
29 or the superintendent's designee shall make an annual report
30 to the ~~administrator in control of the particular institution~~
31 director and include in the report a detailed and accurate
32 inventory of the stock and supplies on hand, and their amount
33 and value, under the following headings:

- 34 1. Livestock.
- 35 2. Farm produce on hand.

- 1 3. Vehicles.
- 2 4. Agricultural implements.
- 3 5. Machinery.
- 4 6. Mechanical fixtures.
- 5 7. Real estate.
- 6 8. Furniture.
- 7 9. Bedding in residents' department.
- 8 10. State property in superintendent's department.
- 9 11. Clothing.
- 10 12. Dry goods.
- 11 13. Provisions and groceries.
- 12 14. Drugs and medicine.
- 13 15. Fuel.
- 14 16. Library.
- 15 17. All other state property under appropriate headings
- 16 to be determined by the ~~particular administrator involved~~
- 17 director.

18 Sec. 389. Section 218.49, Code 2023, is amended to read as
19 follows:

20 **218.49 Contingent fund.**

21 ~~The administrator in control of an institution~~ director
22 may permit the superintendent ~~or the business manager~~ of
23 each institution or the superintendent's designee to retain
24 a stated amount of funds under the superintendent's or
25 ~~business manager's~~ superintendent's designee's supervision
26 as a contingent fund for the payment of freight, postage,
27 commodities purchased on authority of the particular
28 superintendent ~~or business manager~~ involved on a cash basis,
29 salaries, and bills granting discount for cash.

30 Sec. 390. Section 218.50, Code 2023, is amended to read as
31 follows:

32 **218.50 Requisition for contingent fund.**

33 If necessary, the director ~~of the department of human~~
34 ~~services~~ shall make proper requisition upon the director of
35 the department of administrative services for a warrant on the

1 state treasurer to secure the ~~said~~ contingent fund for each
2 institution.

3 Sec. 391. Section 218.51, Code 2023, is amended to read as
4 follows:

5 **218.51 Monthly reports of contingent fund.**

6 A monthly report of the status of ~~such~~ the contingent fund
7 shall be submitted by the ~~proper officer of said~~ superintendent
8 of each institution or the superintendent's designee to
9 the ~~administrator in control of the institution involved~~
10 ~~and such~~ director or the director's designee in accordance
11 with applicable rules as such administrator may establish
12 established by the director.

13 Sec. 392. Section 218.52, Code 2023, is amended to read as
14 follows:

15 **218.52 Supplies — competition.**

16 The ~~administrator in control of a state institution~~
17 department shall, in the purchase of supplies, afford all
18 reasonable opportunity for competition, and shall give
19 preference to local dealers and Iowa producers when such can be
20 done without loss to the state.

21 Sec. 393. Section 218.55, Code 2023, is amended to read as
22 follows:

23 **218.55 Purchase from an institution.**

24 ~~An administrator~~ The department may purchase supplies of
25 any institution ~~under the administrator's control,~~ for use in
26 any other institution ~~under the administrator's control,~~ and
27 reasonable payment for the supplies shall be made as in the
28 case of other purchases.

29 Sec. 394. Section 218.56, Code 2023, is amended to read as
30 follows:

31 **218.56 Purchase of supplies — vendor warrants.**

32 1. The ~~administrators~~ department shall, ~~from time to time,~~
33 adopt and make of record rules and regulations governing the
34 purchase of all articles and supplies needed at the various
35 institutions ~~under their control~~ and the form and verification

1 of vouchers for such purchases.

2 2. The department ~~of human services~~ shall mail vendor
3 warrants for the department of corrections.

4 Sec. 395. Section 218.57, Code 2023, is amended to read as
5 follows:

6 **218.57 Combining appropriations.**

7 The director of the department of administrative services
8 may combine the balances carried in all specific appropriations
9 into a special account for each institution ~~under the control~~
10 ~~of a particular administrator~~, except that the support fund for
11 each institution shall be carried as a separate account.

12 Sec. 396. Section 218.58, Code 2023, is amended to read as
13 follows:

14 **218.58 Construction, repair, and improvement projects —**
15 **emergencies.**

16 The department shall work with the department of
17 administrative services to accomplish the following
18 responsibilities:

19 1. The department shall prepare and submit to the director
20 of the department of management, as provided in section
21 8.23, a multiyear construction program including estimates of
22 the expenditure requirements for the construction, repair,
23 or improvement of buildings, grounds, or equipment at the
24 institutions ~~listed in [section 218.1](#)~~.

25 2. The ~~director~~ department shall have plans and
26 specifications prepared by the department of administrative
27 services for authorized construction, repair, or improvement
28 projects costing over the competitive bid threshold in section
29 26.3, or as established in [section 314.1B](#). An appropriation
30 for a project shall not be expended until the department of
31 administrative services has adopted plans and specifications
32 and has completed a detailed estimate of the cost of the
33 project, prepared under the supervision of a licensed architect
34 or licensed professional engineer. Plans and specifications
35 shall not be adopted and a project shall not proceed if the

1 project would require an expenditure of money in excess of the
2 appropriation.

3 3. The department of administrative services shall comply
4 with the competitive bid procedures in [chapter 26](#) to let all
5 contracts under [chapter 8A, subchapter III](#), for authorized
6 construction, repair, or improvement of departmental buildings,
7 grounds, or equipment.

8 4. If the director ~~of the department of human services~~
9 and the director of the department of administrative services
10 determine that emergency repairs or improvements estimated
11 to cost more than the competitive bid threshold in section
12 26.3, or as established in [section 314.1B](#) are necessary to
13 assure the continued operation of a departmental institution,
14 the requirements of [subsections 2 and 3](#) for preparation
15 of plans and specifications and competitive procurement
16 procedures are waived. A determination of necessity for
17 waiver by the director ~~of the department of human services~~
18 and the director of the department of administrative services
19 shall be in writing and shall be entered in the project
20 record for emergency repairs or improvements. Emergency
21 repairs or improvements shall be accomplished using plans and
22 specifications and competitive quotation or bid procedures, as
23 applicable, to the greatest extent possible, considering the
24 necessity for rapid completion of the project. A waiver of
25 the requirements of [subsections 2 and 3](#) does not authorize an
26 expenditure in excess of an amount otherwise authorized for the
27 repair or improvement.

28 5. A claim for payment relating to a project shall be
29 itemized on a voucher form pursuant to [section 8A.514](#),
30 certified by the claimant and the architect or engineer
31 in charge, and audited and approved by the department of
32 administrative services. Upon approval by the department of
33 administrative services, the director of the department of
34 administrative services shall draw a warrant to be paid by the
35 treasurer of state from funds appropriated for the project.

1 A partial payment made before completion of the project does
2 not constitute final acceptance of the work or a waiver of any
3 defect in the work.

4 6. Subject to the prior approval of the ~~administrator~~
5 ~~in control of a departmental institution~~ director or the
6 director's designee, minor projects costing five thousand
7 dollars or less may be authorized and completed by the
8 ~~executive head~~ superintendent of the institution through the
9 use of day labor. ~~A contract is not required if a minor project~~
10 ~~is to be completed with the use of resident labor.~~

11 Sec. 397. Section 218.64, Code 2023, is amended to read as
12 follows:

13 **218.64 Investigation of death.**

14 ~~1. For the purposes of this section, unless the context~~
15 ~~otherwise requires, "institution" and "resident" mean the same~~
16 ~~as defined in section 218.13.~~

17 ~~2.~~ Upon the death of a resident of an institution,
18 the county medical examiner shall conduct a preliminary
19 investigation of the death as provided in [section 331.802](#). The
20 cost of the preliminary investigation shall be paid by the
21 department ~~of human services~~.

22 Sec. 398. Section 218.65, Code 2023, is amended to read as
23 follows:

24 **218.65 Property of deceased resident.**

25 ~~The superintendent or business manager of each institution~~
26 department shall, upon the death of any resident ~~or patient~~,
27 immediately take possession of all property of the deceased
28 left at the institution, and deliver the property to the duly
29 appointed and qualified representative of the deceased.

30 Sec. 399. Section 218.66, Code 2023, is amended to read as
31 follows:

32 **218.66 Property of small value.**

33 If administration ~~be~~ is not granted within one year from
34 the date of the death of the decedent, and the value of the
35 estate of the decedent is so small as to make the granting

1 of administration inadvisable, then delivery of the money
2 and other property left by the decedent may be made to the
3 surviving spouse and heirs of the decedent.

4 Sec. 400. Section 218.69, Code 2023, is amended to read as
5 follows:

6 **218.69 Permanent record.**

7 A complete permanent record of the money transmitted to the
8 treasurer of state under section 218.68, showing by whom and
9 with whom ~~it~~ the money was left, ~~its~~ the amount, the date of
10 the death of the owner, the owner's reputed place of residence
11 before the owner became a resident of the institution, the date
12 on which ~~it~~ the money was transmitted to the state treasurer,
13 and any other facts which may tend to identify the intestate
14 and explain the case, shall be kept by the ~~superintendent~~
15 ~~of the institution or business manager, as the case may be~~
16 department, and a transcript of the record shall be sent to,
17 and kept by, the treasurer of state.

18 Sec. 401. Section 218.70, Code 2023, is amended to read as
19 follows:

20 **218.70 Payment to party entitled.**

21 Moneys transmitted to the treasurer of state under section
22 218.68 shall be paid, at any time within ten years from the
23 death of the intestate, to any person who is shown to be
24 entitled ~~thereto~~ to the moneys. Payment shall be made from the
25 state treasury out of the support fund of such institution in
26 the manner provided for the payment of other claims from that
27 fund.

28 Sec. 402. Section 218.72, Code 2023, is amended to read as
29 follows:

30 **218.72 Temporary quarters in emergency.**

31 In case the buildings at any institution ~~under the control of~~
32 ~~an administrator~~ are destroyed or rendered unfit for habitation
33 by reason of fire, storms, or other like causes, to such an
34 extent that the residents cannot be housed and cared for, the
35 ~~administrator~~ director shall make temporary provision for the

1 housing and care of the residents at some other place in the
2 state. Like provision may be made in case any pestilence
3 breaks out among the residents. The reasonable cost of the
4 change, including transfer of residents, shall be paid from any
5 moneys in the state treasury not otherwise appropriated.

6 Sec. 403. Section 218.78, Code 2023, is amended to read as
7 follows:

8 **218.78 Institutional receipts deposited.**

9 1. All institutional receipts of the department ~~of human~~
10 ~~services~~, including funds received from client participation
11 at the state resource centers under [section 222.78](#) and at the
12 state mental health institutes under [section 230.20](#), shall be
13 deposited in the general fund except for reimbursements for
14 services provided to another institution or state agency, for
15 receipts deposited in the revolving fund under section
16 904.706, for deposits into the medical assistance fund under
17 section 249A.11, and for rentals charged to employees or
18 others for room, apartment, or house and meals, which shall be
19 available to the institutions.

20 2. If approved by the director ~~of human services~~, the
21 department may use appropriated funds for the granting of
22 educational leave.

23 Sec. 404. Section 218.83, Code 2023, is amended to read as
24 follows:

25 **218.83 Administrative improvement.**

26 The director ~~of human services and the administrators~~
27 ~~assigned to have authority over the institutions~~ shall
28 cooperate with any department or agency of the state government
29 in any manner, including the exchange of employees, calculated
30 to improve administration of the ~~affairs of the institutions~~.

31 Sec. 405. Section 218.84, Code 2023, is amended to read as
32 follows:

33 **218.84 Abstracting claims and keeping accounts.**

34 The director ~~of the department of human services or the~~
35 director's designee shall have sole charge of abstracting and

1 certifying claims for payment and the keeping of a central
2 system of accounts in institutions under the director's
3 control.

4 Sec. 406. Section 218.85, Code 2023, is amended to read as
5 follows:

6 **218.85 Uniform system of accounts.**

7 ~~The director of human services through the administrators in~~
8 ~~control of the institutions~~ department shall install in all the
9 institutions the most modern, complete, and uniform system of
10 accounts, records, and reports possible. The system shall be
11 prescribed by the director of the department of administrative
12 services as authorized in [section 8A.502, subsection 13](#), and,
13 among other matters, shall clearly show the detailed facts
14 relative to the handling and uses of all purchases.

15 Sec. 407. Section 218.86, Code 2023, is amended to read as
16 follows:

17 **218.86 Abstract of claims.**

18 Vouchers for expenditures other than salaries shall be
19 submitted to the director of the department of administrative
20 services, who shall prepare in triplicate an abstract of
21 claims submitted showing the name of the claimant and the
22 institutions and institutional fund on account of which the
23 payment is made. The claims and abstracts of claims shall be
24 returned to the ~~director of the department of human services~~
25 where the correctness of the abstracts shall be certified by
26 ~~the director~~. The original abstract shall be delivered to the
27 director of the department of administrative services, the
28 duplicate to be retained in the office of the director, of the
29 ~~department of human services~~ and the triplicate forwarded to
30 the proper institution to be retained as a record of claims
31 paid.

32 Sec. 408. Section 218.87, Code 2023, is amended to read as
33 follows:

34 **218.87 Warrants issued by director of the department of**
35 **administrative services.**

1 Upon such certificate the director of the department of
2 administrative services shall, if the institution named has
3 sufficient funds, issue the director's warrants upon the state
4 treasurer, for the amounts and to the claimants indicated
5 ~~thereon~~ on the warrants. The director of the department of
6 administrative services shall deliver the warrants ~~thus~~ issued
7 to the ~~director of human services~~ department, who will cause
8 ~~same~~ the warrants to be transmitted to the payees ~~thereof~~ of
9 the warrants.

10 Sec. 409. Section 218.88, Code 2023, is amended to read as
11 follows:

12 **218.88 Institutional payrolls.**

13 At the close of each pay period, the superintendent ~~or~~
14 ~~business manager~~ of each institution shall prepare and forward
15 to the director ~~of human services~~ or the director's designee a
16 semimonthly payroll which shall show the name of each officer
17 and employee, the semimonthly pay, time paid for, the amount of
18 pay, and any deductions. A substitute shall not be permitted
19 to receive compensation in the name of the employee for whom
20 the substitute is acting.

21 Sec. 410. Section 218.92, Code 2023, is amended to read as
22 follows:

23 **218.92 Patients Residents with dangerous mental disturbances.**

24 When a ~~patient in a state resource center for persons with~~
25 ~~an intellectual disability, a state mental health institute,~~
26 ~~or another~~ resident of an institution under the administration
27 ~~of the department of human services~~ has become so mentally
28 disturbed as to constitute a danger to self, to other ~~patients~~
29 residents or staff of the institution, or to the public,
30 and the institution cannot provide adequate security, the
31 ~~administrator in charge of the institution~~ director or the
32 director's designee, with the consent of the director of the
33 Iowa department of corrections, may order the ~~patient~~ resident
34 to be transferred to the Iowa medical and classification
35 center, if the superintendent of the institution from which

1 the ~~patient resident~~ is to be transferred, with the support
2 of a majority of the medical staff, recommends the transfer
3 in the interest of the ~~patient resident~~, other ~~patients~~
4 ~~residents~~, or the public. If the ~~patient resident~~ transferred
5 was hospitalized pursuant to **sections 229.6 through 229.15**,
6 the transfer shall be promptly reported to the court that
7 ordered the hospitalization of the ~~patient resident~~, as
8 required by **section 229.15, subsection 5**. The Iowa medical
9 and classification center has the same rights, duties, and
10 responsibilities with respect to the ~~patient resident~~ as the
11 institution from which the ~~patient resident~~ was transferred
12 had while ~~the patient was~~ hospitalized in the institution.
13 The cost of the transfer shall be paid from the funds of the
14 institution from which the transfer is made.

15 Sec. 411. Section 218.93, Code 2023, is amended to read as
16 follows:

17 **218.93 Consultants for ~~director or administrators~~ department.**

18 ~~The director of human services or the administrators in~~
19 ~~control of the institutions are authorized to department~~
20 may secure the services of consultants to furnish advice on
21 administrative, professional, or technical problems to the
22 ~~director or the administrators, their department employees,~~
23 ~~or employees of institutions under their jurisdiction or to~~
24 provide in-service training and instruction for the employees.
25 ~~The director and administrators are authorized to department~~
26 may pay the consultants at a rate to be determined by ~~them~~ the
27 department from funds under ~~their~~ the department's control
28 or from any institutional funding under ~~their~~ the director's
29 jurisdiction as ~~the director or administrator may determine.~~

30 Sec. 412. Section 218.94, Code 2023, is amended to read as
31 follows:

32 **218.94 Director may buy and sell real estate — options.**

33 1. ~~The director of the department of human services~~
34 ~~shall have full power to may secure options to purchase real~~
35 estate, to acquire and sell real estate, and to grant utility

1 easements, for the proper uses of ~~said~~ the institutions.
2 Real estate shall be acquired and sold and utility easements
3 granted, upon such terms and conditions as the director may
4 determine. Upon sale of the real estate, the proceeds shall
5 be deposited with the treasurer of state and credited to the
6 general fund of the state. There is ~~hereby~~ appropriated from
7 the general fund of the state a sum equal to the proceeds ~~so~~
8 deposited and credited to the general fund of the state to the
9 department ~~of human services~~, which may be used to purchase
10 other real estate or for capital improvements upon property
11 under the director's control.

12 2. The costs incident to securing of options, acquisition
13 and sale of real estate and granting of utility easements,
14 including but not limited to appraisals, invitations for
15 offers, abstracts, and other necessary costs, may be paid
16 from moneys appropriated for support and maintenance to the
17 institution at which ~~such~~ the real estate is located. Such
18 ~~fund~~ costs shall be reimbursed from the proceeds of the sale.

19 Sec. 413. Section 218.95, Code 2023, is amended to read as
20 follows:

21 **218.95 Synonymous terms.**

22 1. For purposes of construing the provisions of this and
23 the following subtitles of this title and chapters 904, 913,
24 and 914 relating to persons with mental illness and reconciling
25 these provisions with other former and present provisions of
26 statute, the following terms shall be considered synonymous:

27 a. "*Mentally ill*" and "*insane*", except that the
28 hospitalization or detention of any person for treatment
29 of mental illness shall not constitute a finding or create
30 a presumption that the individual is legally insane in the
31 absence of a finding of incompetence made pursuant to section
32 229.27.

33 b. "*Parole*" and "*convalescent leave*".

34 c. "*Resident*" and "*patient*".

35 d. "*Escape*" and "*depart without proper authorization*".

1 e. "Warrant" and "order of admission".

2 f. "Escapee" and "patient".

3 g. "Sane" and "in good mental health".

4 h. "Commitment" and "admission".

5 2. It is hereby declared to be the policy of the general
6 assembly that words which have come to have a degrading meaning
7 shall not be employed in institutional records having reference
8 to persons with various mental conditions and that in all
9 records pertaining to persons with various mental conditions
10 the less discriminatory of the foregoing synonyms shall be
11 employed.

12 Sec. 414. Section 218.96, Code 2023, is amended to read as
13 follows:

14 **218.96 Gifts, grants, and devises, and bequests.**

15 The director ~~of the department of human services is~~
16 ~~authorized to~~ may accept gifts, grants, devises, or bequests of
17 real or personal property from the federal government or any
18 source. The director may exercise such powers with reference
19 to the property ~~so~~ accepted as ~~may be~~ deemed essential to ~~its~~
20 the property's preservation and the purposes for which given,
21 granted, devised, or bequeathed.

22 Sec. 415. Section 218.98, Code 2023, is amended to read as
23 follows:

24 **218.98 Canteen maintained.**

25 ~~The administrators in control of the institutions may~~
26 ~~maintain a~~ A canteen may be maintained at any institution
27 ~~under their jurisdiction and control~~ for the sale to persons
28 residing in the institution of items including but not limited
29 to toilet articles, candy, tobacco products, notions, and other
30 sundries, and ~~may provide~~ the necessary facilities, equipment,
31 personnel, and merchandise for such sale may be provided. The
32 ~~administrators~~ department shall specify what commodities will
33 be sold in the canteen. The department may establish and
34 maintain a permanent operating fund for each canteen. The fund
35 shall consist of the receipts from the sale of commodities at

1 the canteen.

2 Sec. 416. Section 218.99, Code 2023, is amended to read as
3 follows:

4 **218.99 Counties to be notified of patients' personal**
5 **accounts.**

6 ~~The administrator in control of a state institution shall~~
7 ~~direct the business manager~~ superintendent of each institution
8 ~~under the administrator's jurisdiction which is mentioned~~
9 facility specified in section 331.424, subsection 1, paragraph
10 "a", subparagraphs (1) and (2), and for which services are paid
11 by the county of residence or a mental health and disability
12 services region, ~~to~~ shall quarterly inform the county of
13 residence of any ~~patient or resident~~ person committed or
14 admitted to the facility who has an amount in excess of two
15 hundred dollars on account in the ~~patients' person's~~ person's personal
16 deposit fund and the amount on deposit. The ~~administrators~~
17 ~~shall direct the business manager to~~ superintendent shall
18 further notify the county of residence at least fifteen days
19 before the release of funds in excess of two hundred dollars
20 or upon the death of the ~~patient or resident~~ person. If the
21 ~~patient or resident~~ person has no residency in this state or
22 the person's residency is unknown, notice shall be made to the
23 ~~director of human services and the administrator in control of~~
24 ~~the institution involved~~ department.

25 Sec. 417. Section 218.100, Code 2023, is amended to read as
26 follows:

27 **218.100 Central warehouse and supply depot.**

28 The department ~~of human services~~ shall establish a fund for
29 maintaining and operating a central warehouse as a supply depot
30 and distribution facility for surplus government products,
31 carload canned goods, paper products, other staples, and such
32 other items as determined by the department. The fund shall be
33 permanent and shall be composed of the receipts from the sales
34 of merchandise, recovery of handling, operating and delivery
35 charges of such merchandise, and from the funds contributed by

1 the institutions ~~new~~ in a contingent fund being used for this
2 purpose. All claims for purchases of merchandise, operating,
3 and salary expenses shall be subject to the provisions of
4 sections 218.86, 218.87, and 218.88.

5 Sec. 418. Section 221.2, Code 2023, is amended to read as
6 follows:

7 **221.2 ~~Administrator Compact administrator.~~**

8 ~~Pursuant to the compact, the administrator of the division~~
9 ~~of mental health and disability services~~ The director of
10 the department of health and human services shall ~~be the~~
11 designate a compact administrator. The compact administrator
12 may cooperate with all departments, agencies, and officers of
13 this state and its subdivisions in facilitating the proper
14 administration of the compact and of any supplementary
15 agreement entered into by this state under the compact.

16 Sec. 419. Section 221.4, Code 2023, is amended to read as
17 follows:

18 **221.4 Payments.**

19 ~~The compact administrator, subject to the approval of the~~
20 ~~director of the department of human services,~~ may make or
21 arrange for any payments necessary to discharge any financial
22 obligations imposed upon this state by the compact or by any
23 supplementary agreement entered into ~~thereunder~~ under the
24 compact.

25 Sec. 420. Section 222.1, subsection 2, Code 2023, is amended
26 to read as follows:

27 2. The Glenwood state resource center and the Woodward
28 state resource center are established and shall be maintained
29 as the state's regional resource centers for the purpose of
30 providing treatment, training, instruction, care, habilitation,
31 and support of persons with an intellectual disability or other
32 disabilities in this state, and providing facilities, services,
33 and other support to the communities located in the region
34 being served by a state resource center. In addition, the
35 state resource centers are encouraged to serve as a training

1 resource for community-based program staff, medical students,
2 and other participants in professional education programs. A
3 resource center may request the approval of the council ~~on~~
4 ~~human services~~ to change the name of the resource center for
5 use in communication with the public, in signage, and in other
6 forms of communication.

7 Sec. 421. Section 222.2, Code 2023, is amended to read as
8 follows:

9 **222.2 Definitions.**

10 When used in [this chapter](#), unless the context otherwise
11 requires:

12 ~~1. "Administrator" means the person assigned by the director~~
13 ~~of human services, in accordance with [section 218.1](#), to control~~
14 ~~the state resource centers.~~

15 ~~2.~~ 1. "Auditor" means the county auditor or the auditor's
16 designee.

17 2. "Council" means the council on health and human services.

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

20 4. "Director" means the director of health and human
21 services.

22 ~~4.~~ 5. "Intellectual disability" means the same as defined
23 in [section 4.1](#).

24 ~~5.~~ 6. "Mental health and disability services region" means
25 a mental health and disability services region formed in
26 accordance with [section 331.389](#).

27 ~~6.~~ 7. "Regional administrator" means the regional
28 administrator of a mental health and disability services
29 region, as defined in [section 331.388](#).

30 ~~7.~~ 8. "Special unit" means a special intellectual
31 disability unit established at a state mental health institute
32 pursuant to [sections 222.88 through 222.91](#).

33 ~~8.~~ 9. "State resource centers" or "resource centers" means
34 the Glenwood state resource center and the Woodward state
35 resource center.

1 ~~9.~~ 10. "*Superintendents*" means the superintendents of the
2 state resource centers.

3 Sec. 422. Section 222.3, Code 2023, is amended to read as
4 follows:

5 **222.3 Superintendents.**

6 The ~~administrator~~ director shall appoint a qualified
7 superintendent for each of the resource centers who shall
8 receive such salary as the ~~administrator~~ director shall
9 determine.

10 Sec. 423. Section 222.4, Code 2023, is amended to read as
11 follows:

12 **222.4 Duties of superintendents.**

13 The superintendents shall:

14 1. Perform all duties required by law and by the

15 ~~administrator~~ director not inconsistent with law.

16 2. Oversee and insure individual treatment and professional
17 care of each patient in the resource centers.

18 3. Maintain a full and complete record of the condition of
19 each patient in the resource centers.

20 4. Have custody, control, and management of all patients in
21 such manner as deemed best subject to the regulations of the
22 ~~administrator~~ department.

23 Sec. 424. Section 222.5, Code 2023, is amended to read as
24 follows:

25 **222.5 Preadmission diagnostic evaluation.**

26 ~~No~~ A person shall not be eligible for admission to a resource
27 center or a special unit until a preadmission diagnostic
28 evaluation has been made by a resource center or a special unit
29 which confirms or establishes the need for admission.

30 Sec. 425. Section 222.7, Code 2023, is amended to read as
31 follows:

32 **222.7 Transfers.**

33 The ~~administrator~~ department may transfer patients from one
34 state resource center to the other and may at any time transfer
35 patients from the resource centers to the hospitals for persons

1 with mental illness, or transfer patients in the resource
2 centers to a special unit or vice versa. The ~~administrator~~
3 department may also transfer patients from a hospital for
4 persons with mental illness to a resource center if consent is
5 given or obtained as follows:

6 1. In the case of a patient who entered the hospital for
7 persons with mental illness voluntarily, consent is given in
8 advance by the patient or, if the patient is a minor or is
9 incompetent, the person responsible for the patient.

10 2. In the case of a patient hospitalized pursuant to
11 sections 229.6 through 229.15, the consent of the court which
12 hospitalized the patient is obtained in advance, rather than
13 afterward as otherwise permitted by section 229.15, subsection
14 4.

15 Sec. 426. Section 222.8, Code 2023, is amended to read as
16 follows:

17 **222.8 Communications by patients.**

18 Persons admitted to the resource centers or a special
19 unit shall have all reasonable opportunity and facility for
20 communication with their friends. Such persons shall be
21 permitted to write and send letters, provided the letters
22 contain nothing of an offensive character. Letters written by
23 any patient to the ~~administrator~~ director or to any state or
24 county official shall be forwarded unopened.

25 Sec. 427. Section 222.10, Code 2023, is amended to read as
26 follows:

27 **222.10 Duty of peace officer.**

28 When any person with an intellectual disability departs
29 without proper authority from ~~an institution~~ a facility in
30 another state and is found in this state, any peace officer in
31 any county in which such patient is found may take and detain
32 the patient without warrant or order and shall report such
33 detention to the ~~administrator~~ department. The ~~administrator~~
34 department shall provide for the return of the patient to the
35 authorities in the state from which the unauthorized departure

1 was made. Pending return, such patient may be detained
2 temporarily at one of the institutions of this state governed
3 by the ~~administrator or by the administrator of the division of~~
4 ~~child and family services of the department of human services~~
5 department. The provisions of **this section** relating to the
6 ~~administrator~~ department shall also apply to the return of
7 other nonresident persons with an intellectual disability
8 having legal residency outside the state of Iowa.

9 Sec. 428. Section 222.11, Code 2023, is amended to read as
10 follows:

11 **222.11 Expense.**

12 All actual and necessary expenses incurred in the taking
13 into protective custody, restraint, and transportation of such
14 patients to the resource centers shall be paid on itemized
15 vouchers, sworn to by the claimants, and approved by the
16 superintendent and the ~~administrator~~ director from any moneys
17 in the state treasury not otherwise appropriated.

18 Sec. 429. Section 222.13, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. If the resource center does not have an appropriate
21 program for the treatment of an adult or minor person with an
22 intellectual disability applying under **this section** or section
23 222.13A, the regional administrator for the person's county of
24 residence or the department, as applicable, shall arrange for
25 the placement of the person in any public or private facility
26 within or without the state, approved by the director ~~of human~~
27 ~~services~~, which offers appropriate services for the person.
28 If the expenses of the placement are payable in whole or in
29 part by a county, the placement shall be made by the regional
30 administrator for the county.

31 Sec. 430. Section 222.13A, subsection 1, Code 2023, is
32 amended to read as follows:

33 1. If a minor is believed to be a person with an
34 intellectual disability, the minor's parent, guardian, or
35 custodian may apply to the department for admission of the

1 minor as a voluntary patient in a state resource center. If
2 the resource center does not have appropriate services for the
3 minor's treatment, the department may arrange for the admission
4 of the minor in a public or private facility within or without
5 the state, approved by the director ~~of human services~~, which
6 offers appropriate services for the minor's treatment.

7 Sec. 431. Section 222.60, subsection 1, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 All necessary and legal expenses for the cost of admission or
10 for the treatment, training, instruction, care, habilitation,
11 support, and transportation of persons with an intellectual
12 disability, as provided for in the applicable regional service
13 system management plan implemented pursuant to section 331.393
14 in a state resource center, or in a special unit, or any public
15 or private facility within or without the state, approved by
16 the director ~~of human services~~, shall be paid by either:

17 Sec. 432. Section 222.64, Code 2023, is amended to read as
18 follows:

19 **222.64 Foreign state or country or unknown residency.**

20 If the residency of the person is determined by a regional
21 administrator on behalf of a county or by the state to be in
22 a foreign state or country or is determined to be unknown,
23 the regional administrator or the state shall certify the
24 determination. The certification shall be accompanied by a
25 copy of the evidence supporting the determination. The care of
26 the person shall be as arranged by the regional administrator
27 or the state. Application for admission may be made pending
28 investigation by the ~~administrator~~ department.

29 Sec. 433. Section 222.65, Code 2023, is amended to read as
30 follows:

31 **222.65 Investigation.**

32 If an application is made for placement of a person in
33 a state resource center or special unit, the ~~department's~~
34 ~~administrator~~ department shall immediately investigate the
35 residency of the person and proceed as follows:

1 1. If the ~~administrator~~ department concurs with a certified
2 determination as to residency of the person in another state
3 or in a foreign country, or the person's residence is unknown
4 under [section 222.60](#), the ~~administrator~~ department shall cause
5 the person either to be transferred to a resource center or
6 a special unit or to be transferred to the place of foreign
7 residency.

8 2. If the ~~administrator~~ department disputes a certified
9 determination of residency, the ~~administrator~~ department shall
10 order the person transferred to a state resource center or a
11 special unit until the dispute is resolved.

12 3. If the ~~administrator~~ department disputes a certified
13 determination of residency, the ~~administrator~~ department shall
14 utilize the procedure provided in [section 331.394](#) to resolve
15 the dispute. A determination of the person's residency status
16 made pursuant to [section 331.394](#) is conclusive.

17 Sec. 434. Section 222.66, Code 2023, is amended to read as
18 follows:

19 **222.66 Transfers — no residency in state or residency**
20 **unknown — expenses.**

21 The transfer to a resource center or a special unit or to the
22 place of residency of a person with an intellectual disability
23 who has no residence in this state or whose residency is
24 unknown, shall be made in accordance with such directions as
25 shall be prescribed by the ~~administrator~~ director and when
26 practicable by employees of the state resource center or the
27 special unit. The actual and necessary expenses of such
28 transfers shall be paid by the department on itemized vouchers
29 sworn to by the claimants and approved by the ~~administrator~~
30 director and the approved amount is appropriated to the
31 department from any funds in the state treasury not otherwise
32 appropriated.

33 Sec. 435. Section 222.67, Code 2023, is amended to read as
34 follows:

35 **222.67 Charge on finding of residency.**

1 If a person has been received into a resource center or a
2 special unit as a patient whose residency is unknown and the
3 ~~administrator~~ director determines that the residency of the
4 patient was at the time of admission in a county of this state,
5 the ~~administrator~~ director shall certify the determination and
6 charge all legal costs and expenses pertaining to the admission
7 and support of the patient to the county of residence. The
8 certification shall be sent to the county of residence. The
9 certification shall be accompanied by a copy of the evidence
10 supporting the determination. If the person's residency status
11 has been determined in accordance with [section 331.394](#), the
12 legal costs and expenses shall be charged to the county in
13 accordance with that determination. The costs and expenses
14 shall be collected as provided by law in other cases.

15 Sec. 436. Section 222.69, Code 2023, is amended to read as
16 follows:

17 **222.69 Payment by state.**

18 The amount necessary to pay the necessary and legal expenses
19 of admission of a person to a resource center or a special unit
20 when the person's residence is outside this state or is unknown
21 is appropriated to the department from any moneys in the state
22 treasury not otherwise appropriated. Such payments shall be
23 made by the department on itemized vouchers executed by the
24 auditor of the county from which the expenses have been paid
25 and approved by the ~~administrator~~ director or the director's
26 designee.

27 Sec. 437. Section 222.73, subsection 5, Code 2023, is
28 amended to read as follows:

29 5. A superintendent of a resource center or special unit
30 may request that the director ~~of human services~~ enter into a
31 contract with a person for the resource center or special unit
32 to provide consultation or treatment services or for fulfilling
33 other purposes which are consistent with the purposes stated in
34 section 222.1. The contract provisions shall include charges
35 which reflect the actual cost of providing the services. Any

1 income from a contract authorized under [this subsection](#) may
2 be retained by the resource center or special unit to defray
3 the costs of providing the services or fulfilling the other
4 purposes. Except for a contract voluntarily entered into by a
5 county under [this subsection](#), the costs or income associated
6 with a contract authorized under [this subsection](#) shall not
7 be considered in computing charges and per diem costs in
8 accordance with the provisions of [subsections 1 through 4](#).

9 Sec. 438. Section 222.78, Code 2023, is amended to read as
10 follows:

11 **222.78 Parents and others liable for support.**

12 1. The father and mother of any patient admitted to a
13 resource center or to a special unit, as either an inpatient
14 or an outpatient, and any person, firm, or corporation bound
15 by contract made for support of the patient are liable for the
16 support of the patient. The patient and those legally bound
17 for the support of the patient shall be liable to the county or
18 state, as applicable, for all sums advanced in accordance with
19 the provisions of [sections 222.60](#) and [222.77](#).

20 2. The liability of any person, other than the patient,
21 who is legally bound for the support of a patient who is
22 under eighteen years of age in a resource center or a special
23 unit shall not exceed the average minimum cost of the care
24 of a ~~normally intelligent~~ minor without a an intellectual
25 disability of the same age and sex as the minor patient. The
26 ~~administrator~~ department shall establish the scale for this
27 purpose but the scale shall not exceed the standards for
28 personal allowances established ~~by the state division~~ under
29 the family investment program. The father or mother shall
30 incur liability only during any period when the father or
31 mother either individually or jointly receive a net income
32 from whatever source, commensurate with that upon which they
33 would be liable to make an income tax payment to this state.
34 The father or mother of a patient shall not be liable for the
35 support of the patient upon the patient attaining eighteen

1 years of age. Nothing in **this section** shall be construed to
2 prevent a relative or other person from voluntarily paying the
3 full actual cost as established by the ~~administrator~~ department
4 for caring for the patient with an intellectual disability.

5 Sec. 439. Section 222.84, Code 2023, is amended to read as
6 follows:

7 **222.84 Patients' personal deposit fund.**

8 There is ~~hereby~~ established at each resource center and
9 special unit a ~~fund which shall be known as the "patients'~~
10 ~~personal deposit fund"; provided that in.~~ In the case of
11 a special unit, the director may direct that the patients'
12 personal deposit fund be maintained and administered as a part
13 of the fund established, pursuant to sections 226.43 through
14 226.46, by the state mental health institute where the special
15 unit is located.

16 Sec. 440. Section 222.86, Code 2023, is amended to read as
17 follows:

18 **222.86 Payment for care from fund.**

19 If a patient is not receiving medical assistance under
20 chapter 249A and the amount in the account of any patient
21 in the patients' personal deposit fund exceeds two hundred
22 dollars, the ~~business manager of the resource center or special~~
23 ~~unit~~ department may apply any amount of the excess to reimburse
24 the county of residence or the state for liability incurred by
25 the county or the state for the payment of care, support, and
26 maintenance of the patient, when billed by the county or state,
27 as applicable.

28 Sec. 441. Section 222.87, Code 2023, is amended to read as
29 follows:

30 **222.87 Deposit in bank.**

31 The ~~business manager~~ department shall deposit the patients'
32 personal deposit fund in a commercial account of a bank of
33 reputable standing. When deposits in the commercial account
34 exceed average monthly withdrawals, the ~~business manager~~
35 department may deposit the excess at interest. The savings

1 account shall be in the name of the patients' personal deposit
2 fund and interest paid ~~thereon~~ on the account may be used for
3 recreational purposes for the patients at the resource center
4 or special unit.

5 Sec. 442. Section 222.88, Code 2023, is amended to read as
6 follows:

7 **222.88 Special intellectual disability unit.**

8 The director ~~of human services~~ may organize and establish a
9 special intellectual disability unit at an existing institution
10 which may provide:

11 1. Psychiatric and related services to children with an
12 intellectual disability and adults ~~who are also emotionally~~
13 ~~disturbed~~ with an emotional disturbance or ~~otherwise mentally~~
14 ~~ill~~ a mental illness.

15 2. Specific programs to meet the needs of such other special
16 categories of persons with an intellectual disability as may
17 be designated by the director.

18 3. Appropriate diagnostic evaluation services.

19 Sec. 443. Section 225.1, subsection 2, Code 2023, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. "*Respondent*" means the same as defined
22 in section 229.1.

23 Sec. 444. Section 225.5, Code 2023, is amended to read as
24 follows:

25 **225.5 Cooperation of hospitals.**

26 The medical director of the state psychiatric hospital
27 shall seek to bring about systematic cooperation between the
28 ~~several state hospitals for persons with mental illness~~ health
29 institutes and the state psychiatric hospital.

30 Sec. 445. Section 225.26, Code 2023, is amended to read as
31 follows:

32 **225.26 Private patients — disposition of funds.**

33 All moneys collected from private patients shall be used for
34 the support of the ~~said~~ state psychiatric hospital.

35 Sec. 446. Section 225.28, Code 2023, is amended to read as

1 follows:

2 **225.28 Appropriation.**

3 The state shall pay to the state psychiatric hospital, out of
4 any moneys in the state treasury not otherwise appropriated,
5 all expenses for the administration of the hospital, and for
6 the care, treatment, and maintenance of committed and voluntary
7 public patients ~~therein~~ in the state psychiatric hospital,
8 including ~~their~~ clothing and all other expenses of the hospital
9 for the public patients. The bills for the expenses shall be
10 rendered monthly in accordance with rules agreed upon by the
11 director of the department of administrative services and the
12 state board of regents.

13 Sec. 447. Section 225.33, Code 2023, is amended to read as
14 follows:

15 **225.33 Death of patient — disposal of body.**

16 ~~In the event that a~~ When a committed public patient or
17 a voluntary public patient or a committed private patient
18 ~~should die~~ dies while at the state psychiatric hospital or
19 at the university hospital, the state psychiatric hospital
20 shall have the body prepared for shipment in accordance with
21 the rules prescribed by the ~~state board of health~~ council on
22 health and human services for shipping such bodies; ~~and it~~
23 ~~shall be.~~ It is the duty of the state board of regents to make
24 arrangements for the embalming and such other preparation as
25 ~~may be~~ necessary to comply with the rules and for the purchase
26 of suitable caskets.

27 Sec. 448. Section 225.35, Code 2023, is amended to read as
28 follows:

29 **225.35 Expense collected.**

30 ~~In the event that the said~~ When a person is a committed
31 private patient, it ~~shall be~~ is the duty of the county
32 auditor of the proper county to proceed to collect all of such
33 expenses, in accordance with the provisions of [sections 225.23](#)
34 and [225.24](#).

35 Sec. 449. Section 225C.2, Code 2023, is amended to read as

1 follows:

2 **225C.2 Definitions.**

3 As used in **this chapter**:

4 ~~1. "Administrator" means the administrator of the division.~~

5 ~~2.~~ 1. "Child" or "children" means a person or persons under
6 eighteen years of age.

7 ~~3.~~ 2. "Children's behavioral health services" means services
8 for children with a serious emotional disturbance.

9 ~~4.~~ 3. "Children's behavioral health system" or "children's
10 system" means the behavioral health service system for children
11 implemented pursuant to **this subchapter**.

12 ~~5.~~ 4. "Commission" means the mental health and disability
13 services commission.

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

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

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

19 8. "Disability services" means services and other support
20 available to a person with mental illness, an intellectual
21 disability or other developmental disability, or brain injury.

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

24 ~~10.~~ 9. "Mental health and disability services region"
25 means a mental health and disability services region formed in
26 accordance with **section 331.389**.

27 ~~11.~~ 10. "Mental health and disability services regional
28 service system" means the mental health and disability service
29 system for a mental health and disability services region.

30 ~~12.~~ 11. "Regional administrator" means the same as defined
31 in **section 331.388**.

32 ~~13.~~ 12. "Serious emotional disturbance" means a diagnosable
33 mental, behavioral, or emotional disorder of sufficient
34 duration to meet diagnostic criteria specified within the most
35 current diagnostic and statistical manual of mental disorders

1 published by the American psychiatric association that results
2 in a functional impairment. *"Serious emotional disturbance"*
3 does not include substance use or developmental disorders
4 unless those disorders co-occur with such a diagnosable mental,
5 behavioral, or emotional disorder.

6 ~~14.~~ 13. *"State board"* means the children's behavioral
7 health system state board created in [section 225C.51](#).

8 Sec. 450. Section 225C.3, Code 2023, is amended to read as
9 follows:

10 ~~225C.3 Division of mental health and disability services~~
11 Department — state mental health authority.

12 1. The ~~division~~ department is designated the state mental
13 health authority as defined in 42 U.S.C. §201(m) (1976) for
14 the purpose of directing the benefits of the National Mental
15 Health Act, 42 U.S.C. §201 et seq. This designation does
16 not preclude the state board of regents from authorizing or
17 directing any institution under its jurisdiction to carry out
18 educational, prevention, and research activities in the areas
19 of mental health and intellectual disability. The ~~division~~
20 department may contract with the state board of regents or any
21 institution under the board's jurisdiction to perform any of
22 these functions.

23 2. The ~~division~~ department is designated the state
24 developmental disabilities agency for the purpose of directing
25 the benefits of the federal Developmental Disabilities
26 Assistance and Bill of Rights Act, 42 U.S.C. §15001 et seq.

27 ~~3. The division is administered by the administrator. The~~
28 ~~administrator of the division shall be qualified in the general~~
29 ~~field of mental health, intellectual disability, or other~~
30 ~~disability services, and preferably in more than one field.~~
31 ~~The administrator shall have at least five years of experience~~
32 ~~as an administrator in one or more of these fields.~~

33 Sec. 451. Section 225C.4, Code 2023, is amended to read as
34 follows:

35 ~~225C.4 Administrator's~~ Department duties.

1 1. To the extent funding is available, the ~~administrator~~
2 department shall perform the following duties:

3 a. Prepare and administer the comprehensive mental health
4 and disability services plan as provided in [section 225C.6B](#),
5 including state mental health and intellectual disability
6 plans for the provision of disability services within the
7 state and the state developmental disabilities plan. The
8 ~~administrator~~ department shall take into account any related
9 planning activities implemented by the ~~Iowa department of~~
10 ~~public health~~, the state board of regents or a body designated
11 by the board for that purpose, the department of management
12 or a body designated by the director of the department for
13 that purpose, the department of education, the department of
14 workforce development and any other appropriate governmental
15 body, in order to facilitate coordination of disability
16 services provided in this state. The state mental health and
17 intellectual disability plans shall be consistent with the
18 state health plan, and shall take into account mental health
19 and disability services regional service system management
20 plans.

21 b. Assist mental health and disability services region
22 governing boards and regional administrators in planning for
23 community-based disability services.

24 c. Assist the state board in planning for community-based
25 children's behavioral health services.

26 d. Emphasize the provision of evidence-based outpatient and
27 community support services by community mental health centers
28 and local intellectual disability providers as a preferable
29 alternative to acute inpatient services and services provided
30 in large institutional settings.

31 e. Encourage and facilitate coordination of mental health
32 and disability services with the objective of developing
33 and maintaining in the state a mental health and disability
34 service delivery system to provide services to all persons
35 in this state who need the services, regardless of the place

1 of residence or economic circumstances of those persons.
2 The ~~administrator~~ department shall work with the commission
3 and other state agencies, including but not limited to the
4 departments of corrections, and education, and ~~public health~~
5 ~~and~~ the state board of regents, to develop and implement a
6 strategic plan to expand access to qualified mental health
7 workers across the state.

8 *f.* Encourage and facilitate applied research and preventive
9 educational activities related to causes and appropriate
10 treatment for disabilities. The ~~administrator~~ department may
11 designate, or enter into agreements with, private or public
12 agencies to carry out this function.

13 *g.* Coordinate community-based services with those of the
14 state mental health institutes and state resource centers.

15 *h.* Administer state programs regarding the care, treatment,
16 and supervision of persons with mental illness or an
17 intellectual disability, except the programs administered by
18 the state board of regents.

19 *i.* Administer and distribute state appropriations in
20 connection with the mental health and disability services
21 regional service fund established by [section 225C.7A](#).

22 *j.* Act as compact administrator with power to effectuate the
23 purposes of interstate compacts on mental health.

24 *k.* Establish and maintain a data collection and management
25 information system oriented to the needs of patients,
26 providers, the department, and other programs or facilities in
27 accordance with [section 225C.6A](#). The system shall be used to
28 identify, collect, and analyze service outcome and performance
29 measures data in order to assess the effects of the services
30 on the persons utilizing the services. The ~~administrator~~
31 department shall annually submit to the commission information
32 collected by the department indicating the changes and trends
33 in the mental health and disability services system. The
34 ~~administrator~~ department shall make the outcome data available
35 to the public.

1 *l.* Encourage and facilitate coordination of children's
2 behavioral health services with the objective of developing
3 and maintaining in the state a children's behavioral health
4 system to provide behavioral health services to all children
5 in this state who need the services, regardless of the place
6 of residence or economic circumstances of those children.

7 The ~~administrator~~ department shall work with the state board
8 and other state agencies including but not limited to the
9 department of education ~~and the department of public health~~
10 to develop and implement a strategic plan to expand access to
11 qualified mental health workers across the state.

12 *m.* Establish and maintain a data collection and management
13 information system oriented to the needs of children utilizing
14 the children's behavioral health system, providers, the
15 department, and other programs or facilities in accordance
16 with [section 225C.6A](#). The system shall be used to identify,
17 collect, and analyze service outcome and performance measures
18 data in order to assess the effects of the services on the
19 children utilizing the services. The ~~administrator~~ department
20 shall annually submit to the state board information collected
21 by the department indicating the changes and trends in the
22 children's behavioral health system. The ~~administrator~~
23 department shall make the outcome data available to the public.

24 *n.* Prepare a ~~division~~ budget and reports of the ~~division's~~
25 department's activities.

26 *o.* Establish suitable agreements with other state
27 agencies to encourage appropriate care and to facilitate the
28 coordination of disability services.

29 *p.* Provide consultation and technical assistance to
30 patients' advocates appointed pursuant to [section 229.19](#),
31 in cooperation with the judicial branch and the certified
32 volunteer long-term care ombudsmen certified pursuant to
33 section 231.45.

34 *q.* Provide technical assistance to agencies and
35 organizations, to aid them in meeting standards which are

1 established, or with which compliance is required, under
2 statutes administered by the administrator department,
3 including but not limited to [chapters 227](#) and [230A](#).

4 *r.* Recommend to the commission minimum accreditation
5 standards for the maintenance and operation of community mental
6 health centers, services, and programs under [section 230A.110](#).
7 The ~~administrator's~~ department's review and evaluation of the
8 centers, services, and programs for compliance with the adopted
9 standards shall be as provided in [section 230A.111](#).

10 *s.* Recommend to the commission minimum standards for
11 supported community living services. The ~~administrator~~
12 department shall review and evaluate the services for
13 compliance with the adopted standards.

14 *t.* In cooperation with the department of inspections and
15 appeals, recommend minimum standards under [section 227.4](#) for
16 the care of and services to persons with mental illness or an
17 intellectual disability residing in county care facilities.
18 The ~~administrator~~ department shall also cooperate with the
19 department of inspections and appeals in recommending minimum
20 standards for care of and services provided to persons with
21 mental illness or an intellectual disability living in a
22 residential care facility regulated under [chapter 135C](#).

23 *u.* ~~In cooperation with the Iowa department of public health,~~
24 ~~recommend~~ Recommend minimum standards for the maintenance and
25 operation of public or private facilities offering disability
26 services, which are not subject to licensure by the department
27 or the department of inspections and appeals.

28 *v.* Provide technical assistance concerning disability
29 services and funding to mental health and disability services
30 region governing boards and regional administrators.

31 *w.* Coordinate with the mental health planning and advisory
32 council created pursuant to 42 U.S.C. §300x-3 to ensure the
33 council membership includes representation by a military
34 veteran who is knowledgeable concerning the behavioral and
35 mental health issues of veterans.

1 *x.* Enter into performance-based contracts with
2 regional administrators as described in [section 331.390](#).
3 A performance-based contract shall require a regional
4 administrator to fulfill the statutory and regulatory
5 requirements of the regional service system under [this chapter](#)
6 and [chapter 331](#). A failure to fulfill the requirements may be
7 addressed by remedies specified in the contract, including but
8 not limited to suspension of contract payments or cancellation
9 of the contract. The contract provisions may include but are
10 not limited to requirements for the regional service system
11 to attain outcomes within a specified range of acceptable
12 performance in any of the following categories:

13 (1) Access standards for the required core services.

14 (2) Penetration rates for serving the number of persons
15 expected to be served.

16 (3) Utilization rates for inpatient and residential
17 treatment.

18 (4) Readmission rates for inpatient and residential
19 treatment.

20 (5) Employment of the persons receiving services.

21 (6) Administrative costs.

22 (7) Data reporting.

23 (8) Timely and accurate claims processing.

24 (9) School attendance.

25 *y.* Provide information through the internet concerning
26 waiting lists for services implemented by mental health and
27 disability services regions.

28 2. The ~~administrator~~ department may:

29 *a.* Apply for, receive, and administer federal aids, grants,
30 and gifts for purposes relating to disability services or
31 programs.

32 *b.* Establish and supervise suitable standards of care,
33 treatment, and supervision for persons with disabilities in
34 all institutions under the control of the director ~~of human~~
35 ~~services~~.

1 c. Appoint professional consultants to furnish advice on
2 any matters pertaining to disability services. The consultants
3 shall be paid as provided by an appropriation of the general
4 assembly.

5 d. Administer a public housing unit ~~within a bureau of~~
6 ~~the division~~ program to apply for, receive, and administer
7 federal assistance, grants, and other public or private funds
8 for purposes related to providing housing in accordance with
9 section 225C.45.

10 Sec. 452. Section 225C.5, subsection 1, paragraph j, Code
11 2023, is amended to read as follows:

12 j. One member shall be an active board member of an agency
13 serving persons with a substance ~~abuse problem~~ use disorder
14 selected from nominees submitted by the Iowa behavioral health
15 association.

16 Sec. 453. Section 225C.6, Code 2023, is amended to read as
17 follows:

18 **225C.6 Duties of commission.**

19 1. To the extent funding is available, the commission shall
20 perform the following duties:

21 a. Advise the ~~administrator~~ department on the administration
22 of the overall state disability services system.

23 b. Pursuant to recommendations made for this purpose by
24 the ~~administrator~~ director, adopt necessary rules pursuant to
25 chapter 17A which relate to disability programs and services,
26 including but not limited to definitions of each disability
27 included within the term "*disability services*" as necessary for
28 purposes of state, county, and regional planning, programs, and
29 services.

30 c. Adopt standards for community mental health centers,
31 services, and programs as recommended under [section 230A.110](#).
32 The ~~administrator~~ department shall determine whether to grant,
33 deny, or revoke the accreditation of the centers, services, and
34 programs.

35 d. Adopt standards for the provision under the medical

1 assistance program of individual case management services.

2 e. Unless another governmental body sets standards for a
3 service available to persons with disabilities, adopt state
4 standards for that service. The commission shall review the
5 licensing standards used by the department ~~of human services~~
6 or department of inspections and appeals for those facilities
7 providing disability services.

8 f. Assure that proper reconsideration and appeal procedures
9 are available to persons aggrieved by decisions, actions, or
10 circumstances relating to accreditation.

11 g. Adopt necessary rules for awarding grants from the state
12 and federal government as well as other moneys that become
13 available to the ~~division~~ department for grant purposes.

14 h. Annually submit to the governor and the general assembly:

15 (1) A report concerning the activities of the commission.

16 (2) Recommendations formulated by the commission for
17 changes in law.

18 i. By January 1 of each odd-numbered year, submit to the
19 governor and the general assembly an evaluation of:

20 (1) The extent to which services to persons with
21 disabilities are actually available to persons in each county
22 and mental health and disability services region in the state
23 and the quality of those services.

24 (2) The effectiveness of the services being provided by
25 disability service providers in this state and by each of the
26 state mental health institutes established under [chapter 226](#)
27 and by each of the state resource centers established under
28 chapter 222.

29 j. Advise the ~~administrator~~ director, the council ~~on human~~
30 ~~services~~, the governor, and the general assembly on budgets and
31 appropriations concerning disability services.

32 k. Coordinate activities with the Iowa developmental
33 disabilities council and the mental health planning council,
34 created pursuant to federal law. The commission shall work
35 with other state agencies on coordinating, collaborating, and

1 communicating concerning activities involving persons with
2 disabilities.

3 1. Pursuant to a recommendation made by the ~~administrator~~
4 department, identify basic financial eligibility standards
5 for the disability services provided by a mental health and
6 disability services region. The initial standards shall be as
7 specified in chapter 331.

8 m. Identify disability services outcomes and indicators to
9 support the ability of eligible persons with a disability to
10 live, learn, work, and recreate in communities of the persons'
11 choice. The identification duty includes but is not limited to
12 responsibility for identifying, collecting, and analyzing data
13 as necessary to issue reports on outcomes and indicators at the
14 county, region, and state levels.

15 2. Notwithstanding section 217.3, ~~subsection 6~~, the
16 commission may adopt the rules authorized by subsection 1,
17 pursuant to chapter 17A, without prior review and approval of
18 those rules by the council ~~on human services~~.

19 3. If the executive branch creates a committee, task
20 force, council, or other advisory body to consider disability
21 services policy or program options involving children or adult
22 consumers, the commission is designated to receive and consider
23 any report, findings, recommendations, or other work product
24 issued by such body. The commission may address the report,
25 findings, recommendations, or other work product in fulfilling
26 the commission's functions and to advise the department,
27 council ~~on human services~~, governor, and general assembly
28 concerning disability services.

29 4. a. The department shall coordinate with the
30 department of inspections and appeals in the establishment of
31 facility-based and community-based, subacute mental health
32 services.

33 b. A person shall not provide community-based, subacute
34 mental health services unless the person has been accredited
35 to provide the services. The commission shall adopt standards

1 for subacute mental health services and for accreditation of
2 providers of community-based, subacute mental health services.

3 *c.* As used in [this subsection](#), “*subacute mental health*
4 *services*” means all of the following:

5 (1) A comprehensive set of wraparound services for persons
6 who have had or are at imminent risk of having acute or
7 crisis mental health symptoms that do not permit the persons
8 to remain in or threatens removal of the persons from their
9 home and community, but who have been determined by a mental
10 health professional and a licensed health care professional,
11 subject to the professional’s scope of practice, not to need
12 inpatient acute hospital services. For the purposes of this
13 subparagraph, “*mental health professional*” means the same as
14 defined in [section 228.1](#) and “*licensed health care professional*”
15 means a person licensed under [chapter 148](#) to practice medicine
16 and surgery or osteopathic medicine and surgery, an advanced
17 registered nurse practitioner licensed under [chapter 152](#) or
18 152E, or a physician assistant licensed to practice under the
19 supervision of a physician as authorized in [chapters 147](#) and
20 148C.

21 (2) Intensive, recovery-oriented treatment and monitoring
22 of the person with direct or remote access to a psychiatrist or
23 advanced registered nurse practitioner.

24 (3) An outcome-focused, interdisciplinary approach designed
25 to return the person to living successfully in the community.

26 (4) Services that may be provided in a wide array of
27 settings ranging from the person’s home to a facility providing
28 subacute mental health services.

29 (5) Services that are time limited to not more than ten
30 days or another time period determined in accordance with rules
31 adopted for this purpose.

32 *d.* Subacute mental health services and the standards for
33 the services shall be established in a manner that allows for
34 accessing federal Medicaid funding.

35 Sec. 454. Section 225C.6B, Code 2023, is amended to read as

1 follows:

2 **225C.6B Mental health and disability services system —**
3 **legislative intent — comprehensive plan — state and regional**
4 **service systems.**

5 1. *Intent.*

6 *a.* The general assembly intends for the state to implement
7 a comprehensive, continuous, and integrated state mental
8 health and disability services plan in accordance with
9 the requirements of [sections 225C.4](#) and [225C.6](#) and other
10 provisions of [this chapter](#), by increasing the department's
11 responsibilities in the development, funding, oversight, and
12 ongoing leadership of mental health and disability services in
13 this state.

14 *b.* In order to further the purposes listed in [section 225C.1](#)
15 and in other provisions of [this chapter](#), the general assembly
16 intends that efforts focus on the goal of making available a
17 comprehensive array of high-quality, evidence-based consumer
18 and family-centered mental health and disability services and
19 other support in the least restrictive, community-based setting
20 appropriate for a consumer.

21 *c.* In addition, it is the intent of the general assembly
22 to promote policies and practices that achieve for consumers
23 the earliest possible detection of mental health problems and
24 the need for disability services and for early intervention;
25 to stress that all health care programs address mental health
26 disorders with the same urgency as physical health disorders;
27 to promote the policies of all public programs that serve
28 adults and children with mental disorders or with a need
29 for disability services, including but not limited to child
30 welfare, Medicaid, education, housing, criminal and juvenile
31 justice, substance ~~abuse~~ use disorder treatment, and employment
32 services; to consider the special mental health and disability
33 services needs of adults and children; and to promote recovery
34 and resiliency as expected outcomes for all consumers.

35 2. *Comprehensive plan.* The ~~division~~ department shall

1 develop a comprehensive written five-year state mental health
2 and disability services plan with annual updates and readopt
3 the plan every five years. The plan shall describe the key
4 components of the state's mental health and disability services
5 system, including the services that are community-based, state
6 institution-based, or regional or state-based. The five-year
7 plan and each update shall be submitted annually to the
8 commission on or before October 30 for review and approval.

9 3. *State and regional disability service systems.* The
10 publicly financed disability services for persons with mental
11 illness, intellectual disability or other developmental
12 disability, or brain injury in this state shall be provided by
13 the department and the counties operating together as regions.
14 The financial and administrative responsibility for such
15 services is as follows:

16 a. Disability services for children and adults that are
17 covered under the medical assistance program pursuant to
18 chapter 249A are the responsibility of the state.

19 b. Adult mental health and intellectual disability services
20 that are not covered under the medical assistance program are
21 the responsibility of the county-based regional service system.

22 c. Children's behavioral health services provided to
23 eligible children that are not covered under the medical
24 assistance program or other third-party payor are the
25 responsibility of the county-based regional service system.

26 Sec. 455. Section 225C.6C, Code 2023, is amended to read as
27 follows:

28 **225C.6C Regional service system — regulatory requirements.**

29 1. The ~~departments~~ department and the department of
30 inspections, and appeals, human services, and public health and
31 licensing shall comply with the requirements of **this section** in
32 their efforts to improve the regulatory requirements applied
33 to the mental health and disability services regional service
34 system administration and service providers.

35 2. The ~~three~~ departments shall work together to establish

1 a process to streamline accreditation, certification, and
2 licensing standards applied to the regional service system
3 administration and service providers.

4 3. The departments ~~of human services and inspections and~~
5 ~~appeals~~ shall jointly review the standards and inspection
6 process applicable to residential care facilities.

7 4. The ~~three~~ departments shall do all of the following in
8 developing regulatory requirements applicable to the regional
9 service system administration and service providers:

10 a. Consider the costs to regional administrators and
11 providers in the development of quality monitoring efforts.

12 b. Implement the use of uniform, streamlined, and statewide
13 cost reporting standards and tools by the regional service
14 system and the department ~~of human services~~.

15 c. Make quality monitoring information, including services,
16 quality, and location information, easily available and
17 understandable to all citizens.

18 d. Establish standards that are clearly understood and are
19 accompanied by interpretive guidelines to support understanding
20 by those responsible for applying the standards.

21 e. Develop a partnership with providers in order to
22 improve the quality of services and develop mechanisms for the
23 provision of technical assistance.

24 f. Develop consistent data collection efforts based on
25 statewide standards and make information available to all
26 providers. The efforts under this paragraph shall be made with
27 representatives of the Iowa state association of counties.

28 g. Evaluate existing provider qualification and monitoring
29 efforts to identify duplication and gaps, and align the efforts
30 with valued outcomes.

31 h. Streamline and enhance existing standards.

32 i. Consider allowing providers to seek accreditation from
33 a national accrediting body in lieu of state accreditation or
34 certification.

35 Sec. 456. Section 225C.7A, subsection 7, Code 2023, is

1 amended to read as follows:

2 7. a. For the fiscal year beginning July 1, 2021, each
3 mental health and disability services region for which the
4 amount certified during the fiscal year under section 331.391,
5 subsection 4, paragraph "b", exceeds forty percent of the actual
6 expenditures of the region for the fiscal year preceding the
7 fiscal year in progress, the remaining quarterly payments of
8 the region's regional service payment shall be reduced by
9 an amount equal to the amount by which the region's amount
10 certified under [section 331.391, subsection 4, paragraph "b"](#),
11 exceeds forty percent of the actual expenditures of the region
12 for the fiscal year preceding the fiscal year in progress, but
13 the amount of the reduction shall not exceed the total amount
14 of the region's regional service payment for the fiscal year.
15 If the region's remaining quarterly payments are insufficient
16 to effectuate the required reductions under this paragraph, the
17 region is required to pay to the department ~~of human services~~
18 any amount for which the reduction in quarterly payments could
19 not be made. The amount of reductions to quarterly payments
20 and amounts paid to the department under this paragraph shall
21 be transferred and credited to the region incentive fund under
22 subsection 8.

23 b. For the fiscal year beginning July 1, 2022, each mental
24 health and disability services region for which the amount
25 certified during the fiscal year under section 331.391,
26 subsection 4, paragraph "b", exceeds twenty percent of the
27 actual expenditures of the region for the fiscal year preceding
28 the fiscal year in progress, the remaining quarterly payments
29 of the region's regional service payment shall be reduced by
30 an amount equal to the amount by which the region's amount
31 certified under [section 331.391, subsection 4, paragraph "b"](#),
32 exceeds twenty percent of the actual expenditures of the region
33 for the fiscal year preceding the fiscal year in progress, but
34 the amount of the reduction shall not exceed the total amount
35 of the region's regional service payment for the fiscal year.

1 If the region's remaining quarterly payments are insufficient
2 to effectuate the required reductions under this paragraph, the
3 region is required to pay to the department ~~of human services~~
4 any amount for which the reduction in quarterly payments could
5 not be made. The amount of reductions to quarterly payments
6 and amounts paid to the department under this paragraph shall
7 be transferred and credited to the region incentive fund under
8 subsection 8.

9 *c.* For the fiscal year beginning July 1, 2023, and each
10 succeeding fiscal year, each mental health and disability
11 services region for which the amount certified during the
12 fiscal year under [section 331.391, subsection 4](#), paragraph "b",
13 exceeds five percent of the actual expenditures of the region
14 for the fiscal year preceding the fiscal year in progress, the
15 remaining quarterly payments of the region's regional service
16 payment shall be reduced by an amount equal to the amount by
17 which the region's amount certified under [section 331.391,](#)
18 [subsection 4, paragraph "b"](#), exceeds five percent of the actual
19 expenditures of the region for the fiscal year preceding the
20 fiscal year in progress, but the amount of the reduction
21 shall not exceed the total amount of the region's regional
22 service payment for the fiscal year. If the region's remaining
23 quarterly payments are insufficient to effectuate the required
24 reductions under this paragraph, the region is required to
25 pay to the department ~~of human services~~ any amount for which
26 the reduction in quarterly payments could not be made. The
27 amount of reductions to quarterly payments and amounts paid to
28 the department under this paragraph shall be transferred and
29 credited to the region incentive fund under [subsection 8](#).

30 Sec. 457. Section 225C.13, Code 2023, is amended to read as
31 follows:

32 **225C.13 Authority to establish and lease facilities.**

33 1. ~~The administrator assigned, in accordance with section~~
34 ~~218.1, to control the state mental health institutes and the~~
35 ~~state resource centers~~ department may enter into agreements

1 under which a facility or portion of a facility administered by
2 the ~~administrator~~ department under section 218.1 is leased to a
3 department or a division of state government, a county or group
4 of counties, a mental health and disability services region, or
5 a private nonprofit corporation organized under **chapter 504**. A
6 lease executed under **this section** shall require that the lessee
7 use the leased premises to deliver either disability services
8 or other services normally delivered by the lessee.

9 2. The ~~division administrator~~ director may work with the
10 ~~appropriate administrator of the~~ department's institutions to
11 establish mental health and intellectual disability services
12 for all institutions under the control of the director ~~of human~~
13 ~~services~~ and to establish an autism unit, following mutual
14 planning and consultation with the medical director of the
15 state psychiatric hospital, at an institution or a facility
16 administered by the department to provide psychiatric and
17 related services and other specific programs to meet the needs
18 of ~~autistic~~ persons with autism, and to furnish appropriate
19 diagnostic evaluation services.

20 Sec. 458. Section 225C.19, Code 2023, is amended to read as
21 follows:

22 **225C.19 Emergency mental health crisis services system.**

23 1. For the purposes of **this section**:

24 a. "*Emergency mental health crisis services provider*" means
25 a provider accredited or approved by the department to provide
26 emergency mental health crisis services.

27 b. "*Emergency mental health crisis services system*" or
28 "*services system*" means a coordinated array of crisis services
29 for providing a response to assist an individual adult or child
30 who is experiencing a mental health crisis or who is in a
31 situation that is reasonably likely to cause the individual to
32 have a mental health crisis unless assistance is provided.

33 2. a. The ~~division~~ department shall implement an emergency
34 mental health crisis services system in consultation with
35 counties, and community mental health centers and other mental

1 health and social service providers, in accordance with this
2 section.

3 *b.* The purpose of the services system is to provide a
4 statewide array of time-limited intervention services to reduce
5 escalation of crisis situations, relieve the immediate distress
6 of individuals experiencing a crisis situation, reduce the risk
7 of individuals in a crisis situation doing harm to themselves
8 or others, and promote timely access to appropriate services
9 for those who require ongoing mental health services.

10 *c.* The services system shall be available twenty-four hours
11 per day, seven days per week to any individual who is in or is
12 determined by others to be in a crisis situation, regardless of
13 whether the individual has been diagnosed with a mental illness
14 or a co-occurring mental illness and substance ~~abuse~~ use
15 disorder. The system shall address all ages, income levels,
16 and health coverage statuses.

17 *d.* The goals of an intervention offered by a provider
18 under the services system shall include but are not limited to
19 symptom reduction, stabilization of the individual receiving
20 the intervention, and restoration of the individual to a
21 previous level of functioning.

22 *e.* The elements of the services system shall be specified in
23 administrative rules adopted by the commission.

24 3. The services system elements shall include but are not
25 limited to all of the following:

26 *a.* Standards for accrediting or approving emergency mental
27 health crisis services providers. Such providers may include
28 but are not limited to a community mental health center
29 designated under [chapter 230A](#), a unit of the department or
30 other state agency, a county, a mental health and disability
31 services region, or any other public or private provider who
32 meets the accreditation or approval standards for an emergency
33 mental health crisis services provider.

34 *b.* Identification by the ~~division~~ department of geographic
35 regions, groupings of mental health and disability services

1 regions, ~~service areas~~, or other means of distributing and
2 organizing the emergency mental health crisis services system
3 to ensure statewide availability of the services.

4 c. Coordination of emergency mental health crisis services
5 with all of the following:

6 (1) The district and juvenile courts.

7 (2) Law enforcement.

8 (3) Judicial district departments of correctional services.

9 (4) Mental health and disability services regions.

10 (5) Other mental health, substance ~~abuse~~ use disorder, and
11 co-occurring mental illness and substance ~~abuse~~ use disorder
12 services available through the state and counties to serve both
13 children and adults.

14 d. Identification of basic services to be provided through
15 each accredited or approved emergency mental health crisis
16 services provider which may include but are not limited to
17 face-to-face crisis intervention, stabilization, support,
18 counseling, preadmission screening for individuals who may
19 require psychiatric hospitalization, transportation, and
20 follow-up services.

21 e. Identification of operational requirements for emergency
22 mental health crisis services provider accreditation or
23 approval which may include providing a telephone hotline,
24 mobile crisis staff, collaboration protocols, follow-up with
25 community services, information systems, and competency-based
26 training.

27 4. The ~~division~~ department shall initially implement
28 the program through a competitive block grant process.
29 The implementation shall be limited to the extent of the
30 appropriations provided for the program.

31 Sec. 459. Section 225C.19A, Code 2023, is amended to read
32 as follows:

33 **225C.19A Crisis stabilization programs.**

34 The department shall accredit, certify, or apply standards
35 of review to authorize the operation of crisis stabilization

1 programs, including crisis stabilization programs operating
 2 in a psychiatric medical institution for children pursuant
 3 to [chapter 135H](#) that provide children with mental health,
 4 substance ~~abuse~~ use disorder, and co-occurring mental health
 5 and substance ~~abuse~~ use disorder services. In authorizing the
 6 operation of a crisis stabilization program, the department
 7 shall apply the relevant requirements for an emergency mental
 8 health crisis services provider and system under section
 9 225C.19. A program authorized to operate under [this section](#) is
 10 not required to be licensed under [chapter 135B](#), [135C](#), [135G](#), or
 11 [135H](#), or certified under [chapter 231C](#). The commission shall
 12 adopt rules to implement [this section](#). The department shall
 13 accept accreditation of a crisis stabilization program by a
 14 national accrediting organization in lieu of applying the rules
 15 adopted in accordance with [this section](#) to the program.

16 Sec. 460. Section 225C.20, Code 2023, is amended to read as
 17 follows:

18 **225C.20 Responsibilities of mental health and disability**
 19 **services regions for individual case management services.**

20 Individual case management services funded under the medical
 21 assistance program shall be provided by the department except
 22 when a county or a consortium of counties contracts with the
 23 department to provide the services. A regional administrator
 24 may contract for one or more counties of the region to be
 25 the provider at any time and the department shall agree to
 26 the contract so long as the contract meets the standards for
 27 case management adopted by the department. The regional
 28 administrator may subcontract for the provision of case
 29 management services so long as the subcontract meets the same
 30 standards. A regional administrator may change the provider
 31 of individual case management services at any time. If the
 32 current or proposed contract is with the department, the
 33 regional administrator shall provide written notification of
 34 a change at least ninety days before the date the change will
 35 take effect.

1 Sec. 461. Section 225C.21, Code 2023, is amended to read as
2 follows:

3 **225C.21 Supported community living services.**

4 1. As used in [this section](#), “*supported community living*
5 *services*” means services provided in a noninstitutional
6 setting to adult persons with mental illness, an intellectual
7 disability, or developmental disabilities to meet the persons’
8 daily living needs.

9 2. The commission shall adopt rules pursuant to [chapter 17A](#)
10 establishing minimum standards for supported community living
11 services. The ~~administrator~~ department shall determine whether
12 to grant, deny, or revoke approval for any supported community
13 living service.

14 3. Approved supported community living services may receive
15 funding from the state, federal and state social services block
16 grant funds, and other appropriate funding sources, consistent
17 with state legislation and federal regulations. The funding
18 may be provided on a per diem, per hour, or grant basis, as
19 appropriate.

20 Sec. 462. Section 225C.23, Code 2023, is amended to read as
21 follows:

22 **225C.23 Brain injury recognized as disability.**

23 1. ~~The department of human services, the Iowa department of~~
24 ~~public health, the department of education and its divisions~~
25 division of special education and of the department of
26 education, the division of vocational rehabilitation services
27 of the department of workforce development, the department of
28 ~~human rights and its division for persons with disabilities,~~
29 the department for the blind, and all other state agencies
30 which serve persons with brain injuries, shall recognize brain
31 injury as a distinct disability and shall identify those
32 persons with brain injuries among the persons served by the
33 state agency.

34 2. For the purposes of [this section](#), “*brain injury*” means
35 the same as defined in [section 135.22](#).

1 Sec. 463. Section 225C.29, Code 2023, is amended to read as
2 follows:

3 **225C.29 Compliance.**

4 Except for a violation of section 225C.28B, subsection
5 2, the sole remedy for violation of a rule adopted by the
6 commission to implement sections 225C.25, 225C.26, 225C.28A,
7 and 225C.28B shall be by a proceeding for compliance initiated
8 by request to the ~~division~~ department pursuant to chapter
9 17A. Any decision of the ~~division~~ department shall be in
10 accordance with due process of law and is subject to appeal to
11 the Iowa district court pursuant to sections 17A.19 and 17A.20
12 by any aggrieved party. Either the ~~division~~ department or a
13 party in interest may apply to the Iowa district court for an
14 order to enforce the decision of the ~~division~~ department. Any
15 rules adopted by the commission to implement sections 225C.25,
16 225C.26, 225C.28A, and 225C.28B do not create any right,
17 entitlement, property, or liberty right or interest, or private
18 cause of action for damages against the state or a political
19 subdivision of the state or for which the state or a political
20 subdivision of the state would be responsible. Any violation
21 of section 225C.28B, subsection 2, shall solely be subject to
22 the enforcement by the commissioner of insurance and penalties
23 granted by chapter 507B for a violation of section 507B.4,
24 subsection 3, paragraph "g".

25 Sec. 464. Section 225C.35, Code 2023, is amended to read as
26 follows:

27 **225C.35 Definitions.**

28 For purposes of this subchapter, unless the context
29 otherwise requires:

30 ~~1. "Department" means the department of human services.~~

31 ~~2.~~ 1. "Family" means a family member and the parent or
32 legal guardian of the family member.

33 ~~3.~~ 2. "Family member" means a person less than eighteen
34 years of age who by educational determination has a moderate,
35 severe, or profound educational disability or special

1 health care needs or who otherwise meets the definition
2 of developmental disability in the federal Developmental
3 Disabilities Assistance and Bill of Rights Act, as codified
4 in 42 U.S.C. §15002. The department shall adopt rules
5 establishing procedures for determining whether a child has a
6 developmental disability.

7 ~~4.~~ 3. "Legal guardian" means a person appointed by a court
8 to exercise powers over a family member.

9 ~~5.~~ 4. "Medical assistance" means ~~payment of all or part of~~
10 ~~the care authorized to be provided pursuant to chapter 249A the~~
11 same as defined in section 249A.2.

12 ~~6.~~ 5. "Parent" means a biological or adoptive parent.

13 ~~7.~~ 6. "Supplemental security income" means financial
14 assistance provided to individuals pursuant to Tit. XVI of the
15 federal Social Security Act, 42 U.S.C. §1381 - 1383c.

16 Sec. 465. Section 225C.37, subsection 1, paragraph d, Code
17 2023, is amended to read as follows:

18 *d.* A statement that if the child receives medical
19 assistance, then the family support subsidy shall only be used
20 for the cost of a service which is not covered by medical
21 assistance. The family may receive ~~welfare~~ public assistance
22 for which the family is eligible.

23 Sec. 466. Section 225C.45, Code 2023, is amended to read as
24 follows:

25 **225C.45 Public housing unit program.**

26 1. The ~~administrator~~ department may establish a public
27 housing unit ~~within a bureau of the division~~ program to apply
28 for, receive, and administer federal assistance, grants, and
29 other public or private funds for purposes related to providing
30 housing.

31 2. In implementing the public housing unit program, the
32 ~~division~~ department may do all of the following:

33 *a.* Prepare, implement, and operate housing projects
34 and provide for the construction, improvement, extension,
35 alteration, or repair of a housing project under the ~~division's~~

1 department's jurisdiction.

2 *b.* Develop and implement studies, conduct analyses, and
3 engage in research concerning housing and housing needs. The
4 information obtained from these activities shall be made
5 available to the public and to the building, housing, and
6 supply industries.

7 *c.* Cooperate with the Iowa finance authority, and
8 participate in any of the authority's programs.—Use, and use
9 any funds obtained pursuant to subsection 1 to participate in
10 the authority's programs. The ~~division~~ department shall comply
11 with rules adopted by the authority as the rules apply to the
12 housing activities of the ~~division~~ department.

13 3. In accepting contributions, grants, or other financial
14 assistance from the federal government relating to a housing
15 activity of the ~~division~~ department, including construction,
16 operation, or maintenance, or in managing a housing project or
17 undertaking constructed or owned by the federal government, the
18 ~~division~~ department may do any of the following:

19 *a.* Comply with federally required conditions or enter into
20 contracts or agreements as ~~may be~~ necessary, convenient, or
21 desirable.

22 *b.* Take any other action necessary or desirable in order
23 to secure the financial aid or cooperation of the federal
24 government.

25 *c.* Include in a contract with the federal government for
26 financial assistance any provision which the federal government
27 may require as a condition of the assistance that is consistent
28 with the provisions of this section.

29 4. The ~~division~~ department shall not proceed with a housing
30 project pursuant to this section, unless both of the following
31 conditions are met:

32 *a.* A study for a report which includes recommendations
33 concerning the housing available within a community is publicly
34 issued by the ~~division~~ department. The study shall be included
35 in the ~~division's~~ department's recommendations for a housing

1 project.

2 *b.* The ~~division's~~ department's recommendations are approved
3 by a majority of the city council or board of supervisors
4 with jurisdiction over the geographic area affected by the
5 recommendations.

6 5. Property acquired or held pursuant to [this section](#)
7 is public property used for essential public purposes and is
8 declared to be exempt from any tax or special assessment of the
9 state or any state public body as defined in [section 403A.2](#).
10 In lieu of taxes on the property, the ~~division~~ department may
11 agree to make payments to the state or a state public body,
12 including but not limited to the ~~division~~ department, as the
13 ~~division~~ department finds necessary to maintain the purpose of
14 providing low-cost housing in accordance with [this section](#).

15 6. Any property owned or held by the ~~division~~ department
16 pursuant to [this section](#) is exempt from levy and sale by
17 execution. An execution or other judicial process shall not be
18 issued against the property and a judgment against the ~~division~~
19 department shall not be a lien or charge against the property.
20 However, the provisions of [this subsection](#) shall not apply to
21 or limit the right of the federal government to pursue any
22 remedies available under [this section](#). The provisions of this
23 subsection shall also not apply to or limit the right of an
24 obligee to take either of the following actions:

25 *a.* Foreclose or otherwise enforce a mortgage or other
26 security executed or issued pursuant to [this section](#).

27 *b.* Pursue remedies for the enforcement of a pledge or lien
28 on rents, fees, or revenues.

29 7. In any contract with the federal government to provide
30 annual payments to the ~~division~~ department, the ~~division~~
31 department may obligate itself to convey to the federal
32 government possession of or title to the housing project
33 in the event of a substantial default as defined in the
34 contract and with respect to the covenant or conditions to
35 which the ~~division~~ department is subject. The obligation

1 shall be specifically enforceable and shall not constitute a
2 mortgage. The contract may also provide that in the event of
3 a conveyance, the federal government may complete, operate,
4 manage, lease, convey, or otherwise deal with the housing
5 project and funds in accordance with the terms of the contract.
6 However, the contract shall require that, as soon as is
7 practicable after the federal government is satisfied that all
8 defaults with respect to the housing project are cured and the
9 housing project will be operated in accordance with the terms
10 of the contract, the federal government shall reconvey the
11 housing project to the ~~division~~ department.

12 8. The ~~division~~ department shall not undertake a housing
13 project pursuant to [this section](#) until a public hearing has
14 been held. At the hearing, the ~~division~~ department shall
15 notify the public of the proposed project's name, location,
16 number of living units proposed, and approximate cost. Notice
17 of the public hearing shall be published at least once in a
18 newspaper of general circulation at least fifteen days prior to
19 the date set for the hearing.

20 Sec. 467. Section 225C.47, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. A comprehensive family support program is created in the
23 ~~department of human services~~ to provide a statewide system of
24 services and support to eligible families. The program shall
25 be implemented in a manner which enables a family member of
26 an individual with a disability to identify the services and
27 support needed to enable the individual to reside with the
28 individual's family, to function more independently, and to
29 increase the individual's integration into the community.

30 Sec. 468. Section 225C.49, Code 2023, is amended to read as
31 follows:

32 **225C.49 Departmental duties concerning services to**
33 **individuals with a disability.**

34 1. The department shall provide coordination of the
35 programs administered by the department which serve individuals

1 with a disability and the individuals' families, including but
2 not limited to the following juvenile justice and child welfare
3 services: family-centered services described under section
4 232.102, decategorization of child welfare funding provided
5 for under [section 232.188](#), and foster care services paid under
6 section 234.35, subsection 3. The department shall regularly
7 review administrative rules associated with such programs
8 and make recommendations to the council ~~on human services~~,
9 governor, and general assembly for revisions to remove barriers
10 to the programs for individuals with a disability and the
11 individuals' families including the following:

12 a. Eligibility prerequisites which require declaring the
13 individual at risk of abuse, neglect, or out-of-home placement.

14 b. Time limits on services which restrict addressing ongoing
15 needs of individuals with a disability and their families.

16 2. The department shall coordinate the department's
17 programs and funding utilized by individuals with a disability
18 and their families with other state and local programs and
19 funding directed to individuals with a disability and their
20 families.

21 3. In implementing the provisions of [this section](#), the
22 department shall do all of the following:

23 a. Compile information concerning services and other support
24 available to individuals with a disability and their families.
25 Make the information available to individuals with a disability
26 and their families and department staff.

27 b. Utilize internal training resources or contract for
28 additional training of staff concerning the information
29 under paragraph "a" and training of families and individuals
30 as necessary to implement the family support subsidy and
31 comprehensive family support programs under [this chapter](#).

32 4. The department shall designate one individual whose sole
33 duties are to provide central coordination of the programs
34 under [sections 225C.36](#) and [225C.47](#) and to oversee development
35 and implementation of the programs.

1 Sec. 469. Section 225C.51, Code 2023, is amended to read as
2 follows:

3 **225C.51 Children's behavioral health system state board.**

4 1. A children's behavioral health system state board
5 is created as the state body to provide guidance on the
6 implementation and management of a children's behavioral health
7 system for the provision of services to children with a serious
8 emotional disturbance. State board members shall be appointed
9 on the basis of interest and experience in the fields of
10 children's behavioral health to ensure adequate representation
11 from persons with life experiences and from persons
12 knowledgeable about children's behavioral health services. The
13 department shall provide support to the state board, and the
14 board may utilize staff support and other assistance provided
15 to the state board by other persons. The state board shall
16 meet at least four times per year. The membership of the state
17 board shall consist of the following persons:

18 a. The director of the department of health and human
19 services or the director's designee.

20 b. The director of the department of education or the
21 director's designee.

22 ~~c. The director of the department of public health or the~~
23 ~~director's designee.~~

24 ~~d.~~ c. The director of workforce development or the
25 director's designee.

26 ~~e.~~ d. A member of the mental health and disability services
27 commission.

28 ~~f.~~ e. Members appointed by the governor who are active
29 members of each of the indicated groups:

30 (1) One member shall be selected from nominees submitted by
31 the state court administrator.

32 (2) One member shall be selected from nominees submitted by
33 the early childhood Iowa office program in the department ~~of~~
34 ~~management~~.

35 (3) One member shall be a board member or an employee of a

1 provider of mental health services to children.

2 (4) One member shall be a board member or an employee of a
3 provider of child welfare services.

4 (5) One member shall be an administrator of an area
5 education agency.

6 (6) One member shall be an educator, counselor, or
7 administrator of a school district.

8 (7) One member shall be a representative of an established
9 advocacy organization whose mission or purpose it is, in part,
10 to further goals related to children's mental health.

11 (8) One member shall be a parent or guardian of a child
12 currently utilizing or who has utilized behavioral health
13 services.

14 (9) One member shall be a sheriff.

15 (10) One member shall be a pediatrician.

16 (11) One member shall be a representative from a health care
17 system.

18 (12) One member shall be a chief executive officer of a
19 mental health and disability services region.

20 ~~g.~~ f. In addition to the voting members, the membership
21 shall include four members of the general assembly with one
22 member designated by each of the following: the majority
23 leader of the senate, the minority leader of the senate, the
24 speaker of the house of representatives, and the minority
25 leader of the house of representatives. A legislative member
26 serves for a term as provided in [section 69.16B](#) in a nonvoting,
27 ex officio capacity and is not eligible for per diem and
28 expenses as provided in [section 2.10](#).

29 2. Members appointed by the governor shall serve four-year
30 staggered terms and are subject to confirmation by the senate.
31 The four-year terms shall begin and end as provided in section
32 69.19. Vacancies on the state board shall be filled as
33 provided in [section 2.32](#). A member shall not be appointed for
34 more than two consecutive four-year terms.

35 3. ~~The director of the department of human services and the~~

1 director of the department of education, or their designees,
2 shall serve as co-chairpersons of the state board. Board
3 members shall not be entitled to a per diem as specified in
4 section 7E.6 and shall not be entitled to actual and necessary
5 expenses incurred while engaged in their official duties.

6 Sec. 470. Section 225C.52, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. Advise the ~~administrator~~ director on the administration
9 of the children's behavioral health system.

10 Sec. 471. Section 225D.1, subsection 6, Code 2023, is
11 amended to read as follows:

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

14 Sec. 472. Section 226.1, Code 2023, is amended to read as
15 follows:

16 **226.1 Official designation — definitions.**

17 1. The state hospitals for persons with mental illness shall
18 be designated as follows:

19 a. Mental Health Institute, Independence, Iowa.

20 b. Mental Health Institute, Cherokee, Iowa.

21 2. a. The purpose of the mental health institutes is to
22 operate as regional resource centers providing one or more of
23 the following:

24 (1) Treatment, training, care, habilitation, and support of
25 persons with mental illness or a substance ~~abuse~~ problem use
26 disorder.

27 (2) Facilities, services, and other support to the
28 communities located in the region being served by a mental
29 health institute so as to maximize the usefulness of the mental
30 health institutes while minimizing overall costs.

31 (3) A unit for the civil commitment of sexually violent
32 predators committed to the custody of the director ~~of human~~
33 ~~services~~ pursuant to [chapter 229A](#).

34 b. In addition, the mental health institutes are encouraged
35 to act as a training resource for community-based program

1 staff, medical students, and other participants in professional
2 education programs.

3 3. A mental health institute may request the approval of the
4 council ~~on human services~~ to change the name of the institution
5 for use in communication with the public, in signage, and in
6 other forms of communication.

7 4. For the purposes of [this chapter](#), unless the context
8 otherwise requires:

9 ~~a. "Administrator" means the person assigned by the~~
10 ~~director of human services to control the state mental health~~
11 ~~institutes. "Council" means the council on health and human~~
12 ~~services.~~

13 ~~b. "Department" means the department of health and human~~
14 ~~services.~~

15 ~~c. "Director" means the director of health and human~~
16 ~~services.~~

17 ~~e. d. "Mental health and disability services region" means~~
18 ~~a mental health and disability services region formed in~~
19 ~~accordance with [section 331.389](#).~~

20 ~~e. "Mental health institute" or "state mental health~~
21 ~~institute" means a state hospital for persons with mental~~
22 ~~illness as designated in this chapter.~~

23 ~~d. f. "Regional administrator" means the regional~~
24 ~~administrator of a mental health and disability services~~
25 ~~region, same as defined in [section 331.388](#).~~

26 Sec. 473. Section 226.4, Code 2023, is amended to read as
27 follows:

28 **226.4 Salary of superintendent.**

29 The salary of the superintendent of each ~~hospital~~ mental
30 health institute shall be determined by the ~~administrator~~
31 director.

32 Sec. 474. Section 226.5, Code 2023, is amended to read as
33 follows:

34 **226.5 Superintendent as witness.**

35 The superintendents and assistant physicians of ~~said~~

1 ~~hospitals~~ the mental health institutes, when called as
2 witnesses in any court, shall be paid the same mileage which
3 other witnesses are paid and in addition ~~thereto~~ shall be paid
4 a fee of twenty-five dollars per day, ~~said~~ the fee to revert to
5 the support fund of the ~~hospital~~ mental health institute the
6 superintendent or assistant physician serves.

7 Sec. 475. Section 226.6, Code 2023, is amended to read as
8 follows:

9 **226.6 Duties of superintendent.**

10 The superintendent shall:

11 1. Have the control of the medical, mental, moral, and
12 dietetic treatment of the patients in the superintendent's
13 custody subject to the approval of the ~~administrator~~ director.

14 2. Require all subordinate officers and employees to
15 perform their respective duties.

16 3. Have an official seal with the name of the ~~hospital~~
17 mental health institute and the word "Iowa" ~~thereon and on~~
18 the seal. The superintendent may affix the same seal to all
19 notices, orders of discharge, or other papers required to be
20 given by the superintendent.

21 4. Keep proper books in which shall be entered all moneys
22 and supplies received on account of any patient and a detailed
23 account of the disposition of ~~the same~~ all moneys and supplies.

24 Sec. 476. Section 226.7, subsection 1, paragraph a,
25 unnumbered paragraph 1, Code 2023, is amended to read as
26 follows:

27 Preference in the reception of patients into ~~said hospitals~~
28 the mental health institutes shall be exercised in the
29 following order:

30 Sec. 477. Section 226.8, subsection 1, paragraph b, Code
31 2023, is amended to read as follows:

32 *b.* If determined appropriate for the person at the
33 sole discretion of the director ~~of human services, the~~
34 ~~administrator~~, or the director's ~~or administrator's~~ designee.

35 Sec. 478. Section 226.9, Code 2023, is amended to read as

1 follows:

2 **226.9 Custody of patient.**

3 The superintendent, upon the receipt of a duly executed
4 order of admission of a patient into ~~the hospital for persons~~
5 ~~with mental illness~~ a state mental health institute, pursuant
6 to section 229.13, shall take ~~such~~ the patient into custody and
7 restrain the patient as provided by law and the rules of the
8 ~~administrator~~ department, without liability on the part of such
9 superintendent and all other officers of the ~~hospital~~ mental
10 health institute to prosecution of any kind ~~on account thereof~~,
11 but no person shall be detained in the ~~hospital~~ mental health
12 institute who is found by the superintendent to be in good
13 mental health.

14 Sec. 479. Section 226.10, Code 2023, is amended to read as
15 follows:

16 **226.10 Equal treatment.**

17 The patients of the state mental health institutes,
18 according to their different conditions of mind and body, and
19 their respective needs, shall be provided for and treated
20 with equal care. If in addition to mental illness a patient
21 has a co-occurring intellectual disability, brain injury, or
22 substance ~~abuse~~ use disorder, the care provided shall also
23 address the co-occurring needs.

24 Sec. 480. Section 226.11, Code 2023, is amended to read as
25 follows:

26 **226.11 Special care permitted.**

27 Patients may have such special care as ~~may be~~ agreed upon
28 with the superintendent, if the friends or relatives of the
29 patient will pay the expense ~~thereof~~ of the special care.
30 Charges for such special care and attendance shall be paid
31 quarterly in advance.

32 Sec. 481. Section 226.12, Code 2023, is amended to read as
33 follows:

34 **226.12 Monthly reports.**

35 The ~~administrator~~ director shall assure that the

1 superintendent of each institute provides monthly reports
2 concerning the programmatic, environmental, and fiscal
3 condition of the mental health institute. The ~~administrator~~
4 director or the ~~administrator's~~ director's designee shall
5 periodically visit each institute to validate the information.

6 Sec. 482. Section 226.13, Code 2023, is amended to read as
7 follows:

8 **226.13 Patients allowed to write.**

9 The name and address of the ~~administrator~~ director shall
10 be ~~kept~~ posted in every ward in each ~~hospital~~ mental health
11 institute. Every patient shall be allowed to write once a week
12 what the patient pleases to ~~said administrator~~ the director
13 and to any other person. The superintendent may send letters
14 addressed to other parties to the ~~administrator~~ director for
15 inspection before forwarding them to the individual addressed.

16 Sec. 483. Section 226.14, Code 2023, is amended to read as
17 follows:

18 **226.14 Writing material.**

19 Every patient shall be furnished by the superintendent or
20 party having charge of ~~such person~~ the patient, at least once
21 ~~in~~ each week, with suitable materials for writing, enclosing,
22 sealing, and mailing letters, if the patient requests and uses
23 the ~~same~~ materials.

24 Sec. 484. Section 226.15, Code 2023, is amended to read as
25 follows:

26 **226.15 Letters to ~~administrator~~ director.**

27 The superintendent or other officer in charge of a patient
28 shall, without reading the ~~same~~ letters, receive all letters
29 addressed to the ~~administrator~~ director, if so requested, and
30 shall properly mail the ~~same~~ letters, and deliver to such
31 patient all letters or other writings addressed to the patient.
32 Letters written to the ~~person so confined~~ patient may be
33 examined by the superintendent, and if, in the superintendent's
34 opinion, the delivery of such letters would be injurious to the
35 ~~person so confined~~ patient, the superintendent shall return the

1 letters to the writer with the superintendent's reasons for not
2 delivering ~~them~~ the letters.

3 Sec. 485. Section 226.16, Code 2023, is amended to read as
4 follows:

5 **226.16 Unauthorized departure and retaking.**

6 ~~It shall be the duty of the~~ The superintendent and ~~of~~ all
7 other officers and employees of any ~~of said hospitals~~ mental
8 health institute, in case of the unauthorized departure of
9 any involuntarily hospitalized patient, ~~to~~ shall exercise
10 all due diligence to take into protective custody and return
11 ~~said~~ the patient to the ~~hospital~~ mental health institute.

12 A notification by the superintendent of such unauthorized
13 departure to any peace officer of the state or to any private
14 person shall be sufficient authority to such officer or person
15 to take and return ~~such~~ the patient to the ~~hospital~~ mental
16 health institute.

17 Sec. 486. Section 226.17, Code 2023, is amended to read as
18 follows:

19 **226.17 Expense attending retaking.**

20 All actual and necessary expenses incurred in the taking
21 into protective custody, restraint, and return to the ~~hospital~~
22 mental health institute of the patient shall be paid on
23 itemized vouchers, sworn to by the claimants and approved by
24 the ~~business manager and the administrator~~ director or the
25 director's designee, from any moneys in the state treasury not
26 otherwise appropriated.

27 Sec. 487. Section 226.18, Code 2023, is amended to read as
28 follows:

29 **226.18 Investigation as to mental health.**

30 The ~~administrator~~ director may investigate the mental
31 condition of any patient and shall discharge any person, if, in
32 the ~~administrator's~~ director's opinion, ~~such~~ the person is not
33 mentally ill, or can be cared for after ~~such~~ discharge without
34 danger to others, and with benefit to the patient; ~~but in.~~ In
35 determining whether ~~such~~ the patient shall be discharged, the

1 recommendation of the superintendent shall be secured. If the
2 ~~administrator~~ director orders the discharge of an involuntarily
3 hospitalized patient, the discharge shall be by the procedure
4 prescribed in [section 229.16](#). The power to investigate the
5 mental condition of a patient is merely permissive, and does
6 not repeal or alter any statute respecting the discharge or
7 commitment of patients of the ~~state hospitals~~ mental health
8 institutes.

9 Sec. 488. Section 226.22, Code 2023, is amended to read as
10 follows:

11 **226.22 Clothing furnished.**

12 Upon ~~such~~ discharge, ~~the business manager~~ department shall
13 furnish ~~such~~ the person discharged, unless otherwise supplied,
14 with suitable clothing and a sum of money not exceeding twenty
15 dollars, which shall be charged with the other expenses of ~~such~~
16 the patient in the hospital mental health institute.

17 Sec. 489. Section 226.23, Code 2023, is amended to read as
18 follows:

19 **226.23 Convalescent leave of patients.**

20 Upon the recommendation of the superintendent and in
21 accordance with [section 229.15, subsection 5](#), in the case of
22 an involuntary patient, the ~~administrator~~ director may place
23 the patient on convalescent leave ~~said patient~~ for a period not
24 to exceed one year, under ~~such~~ conditions ~~as are~~ prescribed by
25 ~~said administrator~~ the director.

26 Sec. 490. Section 226.26, Code 2023, is amended to read as
27 follows:

28 **226.26 Dangerous patients.**

29 The ~~administrator~~ director, on the recommendation of the
30 superintendent, and on the application of the relatives or
31 friends of a patient who is not cured and who cannot be safely
32 allowed to go at liberty, may release the patient when fully
33 satisfied that the relatives or friends will provide and
34 maintain all necessary supervision, care, and restraint over
35 the patient. If the patient being released was involuntarily

1 hospitalized, the consent of the district court which ordered
2 the patient's hospitalization placement shall be obtained in
3 advance in substantially the manner prescribed by section
4 229.14.

5 Sec. 491. Section 226.27, Code 2023, is amended to read as
6 follows:

7 **226.27 Patient accused or acquitted of crime or awaiting**
8 **judgment.**

9 If a patient was committed to a ~~state hospital~~ mental health
10 institute for evaluation or treatment under chapter 812 or the
11 rules of criminal procedure, further proceedings shall be had
12 under chapter 812 or the applicable rule when the evaluation
13 has been completed or the patient has regained mental capacity,
14 as the case may be.

15 Sec. 492. Section 226.30, Code 2023, is amended to read as
16 follows:

17 **226.30 Transfer of dangerous patients.**

18 When a patient of any ~~hospital for persons with mental~~
19 ~~illness~~ health institute becomes incorrigible and unmanageable
20 to such an extent that the patient is dangerous to the safety
21 of others in the ~~hospital~~ institute, the ~~administrator~~
22 director, with the consent of the director of the Iowa
23 department of corrections, may apply in writing to the district
24 court or to any judge ~~thereof~~ of the district court, of
25 the county in which the ~~hospital~~ institute is situated, for
26 an order to transfer the patient to the Iowa medical and
27 classification center and if the order is granted the patient
28 shall be ~~se~~ transferred. The county attorney of the county
29 shall appear in support of the application on behalf of the
30 ~~administrator~~ director.

31 Sec. 493. Section 226.32, Code 2023, is amended to read as
32 follows:

33 **226.32 Overcrowded conditions.**

34 The ~~administrator~~ director shall order the discharge or
35 removal from the ~~hospital~~ mental health institute of incurable

1 and harmless patients whenever it is necessary to make room
2 for recent cases. If a patient who is to be ~~se~~ discharged
3 entered the ~~hospital~~ mental health institute voluntarily, the
4 ~~administrator~~ director shall notify the regional administrator
5 for the county interested at least ten days in advance of the
6 day of actual discharge.

7 Sec. 494. Section 226.33, Code 2023, is amended to read as
8 follows:

9 **226.33 Notice to court.**

10 When a patient who was hospitalized involuntarily and who
11 has not fully recovered is discharged from the ~~hospital~~ mental
12 health institute by the ~~administrator~~ director under section
13 226.32, notice of the order shall at once be sent to the court
14 which ordered the patient's hospitalization, in the manner
15 prescribed by [section 229.14](#).

16 Sec. 495. Section 226.40, Code 2023, is amended to read as
17 follows:

18 **226.40 Emergency patients.**

19 In case of emergency disaster, with the infliction of
20 numerous casualties among the civilian population, the mental
21 health institutes ~~are authorized to~~ may accept sick and wounded
22 persons without commitment or any other formalities.

23 Sec. 496. Section 226.41, Code 2023, is amended to read as
24 follows:

25 **226.41 Charge permitted.**

26 ~~The hospital is authorized to make a~~ mental health institute
27 may charge for patients admitted under [section 226.40](#), in the
28 manner provided by law and subject to the changes provided in
29 section 226.42.

30 Sec. 497. Section 226.42, Code 2023, is amended to read as
31 follows:

32 **226.42 Emergency powers of superintendents.**

33 In case the mental health institutes lose contact with
34 the ~~statehouse~~ seat of government, due to enemy action or
35 otherwise, the superintendents of the institutes ~~are hereby~~

1 ~~delegated the following powers and duties~~ may do any of the
2 following:

3 1. ~~May collect~~ Collect moneys due the state treasury from
4 the counties and from responsible persons or other relatives,
5 these funds to be collected monthly, instead of quarterly, and
6 to be deposited for use in operating the institutes.

7 2. ~~The superintendent shall have the power to requisition~~
8 Requisition supplies, such as food, fuel, drugs and medical
9 equipment, from any source available, in the name of the state,
10 ~~with the power to~~ and enter into contracts binding the state
11 for payment at an indefinite future time.

12 3. ~~The superintendent shall be authorized to employ~~ Employ
13 personnel in all categories and for whatever remuneration the
14 superintendent deems necessary, without regard to existing
15 laws, rules, or regulations, in order to permit the institute
16 to continue its ~~old~~ existing functions, ~~as well as~~ and meet its
17 additional responsibilities.

18 Sec. 498. Section 226.43, Code 2023, is amended to read as
19 follows:

20 **226.43 Fund created.**

21 There is ~~hereby~~ established at each ~~hospital~~ mental health
22 institute a fund known as the "patients' personal deposit
23 fund".

24 Sec. 499. Section 226.44, Code 2023, is amended to read as
25 follows:

26 **226.44 Deposits.**

27 Any funds, including social security benefits, coming into
28 the possession of the superintendent or any employee of the
29 ~~hospital~~ mental health institute belonging to any patient in
30 that ~~hospital~~ mental health institute, shall be deposited in
31 the name of that patient in the patients' personal deposit
32 fund, except that if a guardian of the property of that patient
33 has been appointed, the guardian shall have the right to demand
34 and receive such funds. Funds belonging to a patient deposited
35 in the patients' personal deposit fund may be used for the

1 purchase of personal incidentals, desires and comforts for the
2 patient.

3 Sec. 500. Section 226.45, Code 2023, is amended to read as
4 follows:

5 **226.45 Reimbursement to county or state.**

6 If a patient is not receiving medical assistance under
7 chapter 249A and the amount in the account of any patient
8 in the patients' personal deposit fund exceeds two hundred
9 dollars, the ~~business manager of the hospital~~ mental health
10 institute may apply any of the excess to reimburse the county
11 of residence or the state when the patient is a resident in
12 another state or in a foreign country, or when the patient's
13 residence is unknown, for liability incurred by the county or
14 the state for the payment of care, support, and maintenance of
15 the patient, when billed by the county of residence or by the
16 ~~administrator when the patient is a resident in another state~~
17 ~~or in a foreign country, or when the patient's residence is~~
18 ~~unknown~~ department.

19 Sec. 501. Section 226.46, Code 2023, is amended to read as
20 follows:

21 **226.46 Deposit of fund.**

22 The ~~business manager~~ department shall deposit the patients'
23 personal deposit fund in a commercial account of a bank of
24 reputable standing. When deposits in the commercial account
25 exceed average monthly withdrawals, the ~~business manager~~
26 department may deposit the excess at interest. The savings
27 account shall be in the name of the patients' personal deposit
28 fund and interest paid ~~thereon~~ on the account may be used for
29 recreational purposes at the ~~hospital~~ mental health institute.

30 Sec. 502. Section 227.1, Code 2023, is amended to read as
31 follows:

32 **227.1 Definitions — supervision.**

33 1. For the purposes of **this chapter**, unless the context
34 otherwise requires:

35 a. ~~"Administrator" means the person assigned by the director~~

1 ~~of human services in the appropriate division of the department~~
2 ~~to administer mental health and disability services.~~ "County
3 care facility" means a county care facility operated under
4 chapter 347B.

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

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

9 d. "Facility" includes a county care facility and a private
10 or county facility, including a hospital, for persons with
11 mental illness or an intellectual disability.

12 ~~e.~~ e. "Mental health and disability services region" means
13 a mental health and disability services region formed in
14 accordance with [section 331.389](#).

15 f. "Patient" means a person receiving care in a facility or
16 a state mental health institute.

17 ~~d.~~ g. "Regional administrator" means the regional
18 ~~administrator of a mental health and disability services~~
19 ~~region,~~ same as defined in [section 331.388](#).

20 h. "Resident" means a person cared for in a county care
21 facility.

22 2. The regulatory requirements for county and private
23 ~~institutions~~ facilities where persons with mental illness or
24 an intellectual disability are admitted, committed, or placed
25 shall be administered by the ~~administrator~~ department.

26 Sec. 503. Section 227.2, Code 2023, is amended to read as
27 follows:

28 **227.2 Inspection.**

29 1. The director of inspections, and appeals, and licensing
30 shall make, or cause to be made, at least one licensure
31 inspection each year of every county care facility. Either
32 ~~the administrator of the division~~ director or the director of
33 the department of inspections, and appeals, and licensing, in
34 cooperation with each other, upon receipt of a complaint or for
35 good cause, may make, or cause to be made, a review of a county

1 care facility or of any other private or county ~~institution~~
 2 facility where persons with mental illness or an intellectual
 3 disability are admitted or reside. A licensure inspection
 4 or a review shall be made by a competent and disinterested
 5 person who is acquainted with and interested in the care of
 6 persons with mental illness and persons with an intellectual
 7 disability. The objective of a licensure inspection or a
 8 review shall be an evaluation of the programming and treatment
 9 provided by the facility. After each licensure inspection of
 10 a county care facility, the person who made the inspection
 11 shall consult with the regional administrator for the county
 12 in which the facility is located on plans and practices that
 13 will improve the care given patients residents. The person
 14 shall also make recommendations to the ~~administrator of the~~
 15 ~~division and the director of public health~~ for coordinating
 16 and improving the relationships between the administrators of
 17 county care facilities, ~~the administrator of the division,~~
 18 ~~the director of public health,~~ the superintendents of state
 19 mental health institutes and resource centers, community
 20 mental health centers, mental health and disability services
 21 regions, and other cooperating agencies, to cause improved
 22 and more satisfactory care of patients. A written report of
 23 each licensure inspection of a county care facility under this
 24 section shall be filed by the person with the ~~administrator of~~
 25 ~~the division and the director of public health~~ department and
 26 shall include:

27 *a.* The capacity of the ~~institution~~ facility for the care of
 28 residents.

29 *b.* The number, sex, ages, and primary diagnoses of the
 30 residents.

31 *c.* The care of residents, their food, clothing, treatment
 32 plan, employment, and opportunity for recreational activities
 33 and for productive work intended primarily as therapeutic
 34 activity.

35 *d.* The number, job classification, sex, duties, and salaries

1 of all employees.

2 e. The cost to the state or county of maintaining residents
3 in a county care facility.

4 f. The recommendations given to and received from the
5 regional administrator on methods and practices that will
6 improve the conditions under which the county care facility is
7 operated.

8 g. Any failure to comply with standards adopted under
9 section 227.4 for care of persons with mental illness and
10 persons with an intellectual disability in county care
11 facilities, which is not covered in information submitted
12 pursuant to paragraphs "a" through "f", and any other matters
13 which the director of ~~public health, in consultation with the~~
14 ~~administrator of the division,~~ may require.

15 2. A copy of the written report prescribed by [subsection 1](#)
16 shall be furnished to the county board of supervisors, to the
17 regional administrator for the county, to the administrator
18 of the county care facility inspected and to its certified
19 volunteer long-term care ombudsman, and to the department ~~on~~
20 ~~aging~~.

21 3. The department of inspections, and appeals, and
22 licensing shall inform the ~~administrator of the division~~
23 department of an action by the department of inspections,
24 appeals, and licensing to suspend, revoke, or deny renewal of a
25 license issued by the department of inspections, and appeals,
26 and licensing to a county care facility, and the reasons for
27 the action.

28 4. In addition to the licensure inspections required or
29 authorized by [this section](#), the ~~administrator of the division~~
30 department shall cause to be made an evaluation of each person
31 cared for in a county care facility at least once each year by
32 one or more qualified mental health, intellectual disability,
33 or medical professionals, whichever is appropriate.

34 a. It is the responsibility of the state to secure the
35 annual evaluation for each person who is on convalescent leave

1 or who has not been discharged from a state mental health
2 institute. It is the responsibility of the county to secure
3 the annual evaluation for all other persons with mental illness
4 in the county care facility.

5 *b.* It is the responsibility of the state to secure the
6 annual evaluation for each person who is on leave and has
7 not been discharged from a state resource center. It is the
8 responsibility of the county to secure the annual evaluation
9 for all other persons with an intellectual disability in the
10 county care facility.

11 *c.* It is the responsibility of the county to secure an
12 annual evaluation of each resident of a county care facility to
13 whom neither paragraph "a" nor paragraph "b" is applicable.

14 5. The evaluations required by [subsection 4](#) shall include
15 an examination of each person which shall reveal the person's
16 condition of mental and physical health and the likelihood
17 of improvement or discharge and other recommendations
18 concerning the care of those persons as the evaluator deems
19 pertinent. One copy of the evaluation shall be filed with the
20 ~~administrator of the division~~ department and one copy shall be
21 filed with the administrator of the county care facility.

22 Sec. 504. Section 227.3, Code 2023, is amended to read as
23 follows:

24 **227.3 ~~Residents to have hearing~~ Resident and patient input.**

25 The inspector conducting any licensure inspection or review
26 under [section 227.2](#) shall give each resident or patient an
27 opportunity to converse with the inspector out of the hearing
28 of any officer or employee of the institution facility, and
29 shall fully investigate all complaints and report the result in
30 writing to the ~~administrator of the division~~ department. The
31 ~~administrator~~ department before acting on the report adversely
32 to the institution facility, shall give the persons in charge a
33 copy of the report and an opportunity to be heard.

34 Sec. 505. Section 227.4, Code 2023, is amended to read as
35 follows:

1 **227.4 Standards for care of persons with mental illness or an**
2 **intellectual disability in county care facilities.**

3 The ~~administrator~~ department, in cooperation with the
4 department of inspections and appeals, shall recommend
5 and the mental health and disability services commission
6 created in [section 225C.5](#) shall adopt, or amend and adopt,
7 standards for the care of and services to persons with
8 mental illness or an intellectual disability residing in
9 county care facilities. The standards shall be enforced by
10 the department of inspections and appeals as a part of the
11 licensure inspection conducted pursuant to [chapter 135C](#). The
12 objective of the standards is to ensure that persons with
13 mental illness or an intellectual disability who are residents
14 of county care facilities are not only adequately fed, clothed,
15 and housed, but are also offered reasonable opportunities for
16 productive work and recreational activities suited to their
17 physical and mental abilities and offering both a constructive
18 outlet for their energies and, if possible, therapeutic
19 benefit. When recommending standards under [this section](#), the
20 ~~administrator~~ department shall designate an advisory committee
21 representing administrators of county care facilities, regional
22 administrators, mental health and disability services region
23 governing boards, and county care facility certified volunteer
24 long-term care ombudsmen to assist in the establishment of
25 standards.

26 Sec. 506. Section 227.6, Code 2023, is amended to read as
27 follows:

28 **227.6 Removal of residents or patients.**

29 If a county care facility fails to comply with rules and
30 standards adopted under [this chapter](#), the ~~administrator~~
31 department may remove all persons with mental illness and
32 all persons with an intellectual disability cared for in
33 the county care facility at public expense, to the proper
34 state mental health institute or resource center, or to
35 some private or county ~~institution or hospital~~ facility for

1 the care of persons with mental illness or an intellectual
2 disability that has complied with the rules prescribed by
3 the ~~administrator~~ department. Residents being transferred
4 to a state mental health institute or resource center shall
5 be accompanied by an attendant or attendants sent from the
6 institute or resource center. If a resident is transferred
7 under this section, at least one attendant shall be of the
8 same sex. If the ~~administrator~~ department finds that the
9 needs of ~~residents~~ patients with mental illness and ~~residents~~
10 patients with an intellectual disability of any other county
11 or private ~~institution~~ facility are not being adequately met,
12 those ~~residents~~ patients may be removed from that ~~institution~~
13 facility upon order of the ~~administrator~~ department.

14 Sec. 507. Section 227.7, Code 2023, is amended to read as
15 follows:

16 **227.7 Cost — collection from county.**

17 The cost of such removal, including all expenses of ~~said~~
18 the attendant, shall be certified by the superintendent of the
19 ~~hospital~~ facility receiving the patient, to the director of
20 the department of administrative services, who shall draw a
21 warrant upon the treasurer of state for ~~said sum~~ the amount,
22 which shall be credited to the support fund of ~~said hospital~~
23 the facility and charged against the general revenues of the
24 state and collected by the director of the department of
25 administrative services from the county which sent ~~said the~~
26 patient to ~~said institution~~ the facility.

27 Sec. 508. Section 227.8, Code 2023, is amended to read as
28 follows:

29 **227.8 Notification to guardians.**

30 The ~~administrator~~ department shall notify the guardian,
31 or one or more of the relatives, of patients kept at private
32 expense, of all violations of ~~said the~~ rules by ~~said the~~
33 private or county ~~institutions~~ facilities, and of the action of
34 the ~~administrator~~ department as to all other patients.

35 Sec. 509. Section 227.9, Code 2023, is amended to read as

1 follows:

2 **227.9 Investigating mental health.**

3 ~~Should~~ When the administrator believe department determines
4 that any person in any such county or private ~~institution~~
5 facility is in good mental health, or illegally restrained
6 of liberty, the ~~administrator~~ department shall institute and
7 prosecute proceedings in the name of the state, before the
8 proper officer, board, or court, for the discharge of ~~such the~~
9 person.

10 Sec. 510. Section 227.10, Code 2023, is amended to read as
11 follows:

12 **227.10 Transfers from county or private institutions**
13 **facilities.**

14 Patients who have been admitted at public expense to any
15 ~~institution~~ facility to which **this chapter** is applicable may
16 be involuntarily transferred to the proper state ~~hospital for~~
17 ~~persons with mental illness~~ health institute in the manner
18 prescribed by **sections 229.6 through 229.13**. The application
19 required by **section 229.6** may be filed by the ~~administrator~~
20 ~~of the division~~ director or the ~~administrator's~~ director's
21 designee, or by the administrator of the ~~institution~~ facility
22 where the patient is ~~then~~ being maintained or treated.
23 If the patient was admitted to that ~~institution~~ facility
24 involuntarily, the ~~administrator of the division~~ department
25 may arrange and complete the transfer, and shall report it
26 as required of a chief medical officer under section 229.15,
27 subsection 5. The transfer shall be made at the mental health
28 and disability services region's expense, and the expense
29 recovered, as provided in **section 227.7**. However, transfer
30 under **this section** of a patient whose expenses are payable
31 in whole or in part by the mental health and disability
32 services region is subject to an authorization for the transfer
33 through the regional administrator for the patient's county of
34 residence.

35 Sec. 511. Section 227.11, Code 2023, is amended to read as

1 follows:

2 **227.11 Transfers from state ~~hospitals~~ mental health**
 3 **institutes.**

4 A regional administrator for the county chargeable with
 5 the expense of a patient in a state ~~hospital for persons with~~
 6 ~~mental illness~~ health institute shall transfer the patient
 7 to a county or private ~~institution~~ facility for persons with
 8 mental illness that is in compliance with the applicable
 9 rules when the ~~administrator of the division~~ director or the
 10 ~~administrator's~~ director's designee orders the transfer on a
 11 finding that the patient is suffering from a serious mental
 12 illness and will receive equal benefit by being ~~so~~ transferred.
 13 A mental health and disability services region shall transfer
 14 to a county care facility any patient in a state ~~hospital for~~
 15 ~~persons with mental illness~~ health institute upon request
 16 of the superintendent of the state ~~hospital~~ mental health
 17 institute in which the patient is confined pursuant to the
 18 superintendent's authority under [section 229.15, subsection 5](#),
 19 and approval by the regional administrator for the county of
 20 the patient's residence. In no case shall a patient be ~~thus~~
 21 transferred except upon compliance with [section 229.14A](#) or
 22 without the written consent of a relative, friend, or guardian
 23 if such relative, friend, or guardian pays the expense of
 24 the care of such patient in a state ~~hospital~~ mental health
 25 institute. Patients transferred to a public or private
 26 facility under [this section](#) may subsequently be placed on
 27 convalescent or limited leave or transferred to a different
 28 facility for continued full-time custody, care, and treatment
 29 when, in the opinion of the attending physician or the chief
 30 medical officer of the ~~hospital~~ facility from which the patient
 31 was ~~so~~ transferred, the best interest of the patient would be
 32 served by ~~such~~ the leave or transfer. For any patient who is
 33 involuntarily committed, any transfer made under [this section](#)
 34 is subject to the placement hearing requirements of section
 35 229.14A.

1 Sec. 512. Section 227.12, Code 2023, is amended to read as
2 follows:

3 **227.12 Difference of opinion.**

4 When a difference of opinion exists between the
5 ~~administrator of the division~~ director and the authorities in
6 charge of any private or county ~~hospital~~ facility in regard to
7 the transfer of a patient as provided in sections 227.10 and
8 227.11, the matter shall be submitted to the district court
9 of the county in which ~~such hospital~~ the facility is situated
10 and shall be summarily tried as an equitable action, and the
11 judgment of the district court shall be final.

12 Sec. 513. Section 227.13, Code 2023, is amended to read as
13 follows:

14 **227.13 Discharge of transferred patient.**

15 Patients transferred from a state ~~hospital~~ mental health
16 institute to ~~such~~ county or private ~~institutions~~ facilities
17 shall not be discharged, when not cured, without the consent of
18 the ~~administrator of the division~~ director.

19 Sec. 514. Section 227.14, Code 2023, is amended to read as
20 follows:

21 **227.14 Caring for persons with mental illness from other**
22 **counties.**

23 The regional administrator for a county that does not have
24 proper facilities for caring for persons with mental illness
25 may, with the consent of the ~~administrator of the division~~
26 department, provide for such care at the expense of the mental
27 health and disability services region in any convenient and
28 proper county or private ~~institution~~ facility for persons with
29 mental illness which is willing to receive the persons.

30 Sec. 515. Section 227.15, Code 2023, is amended to read as
31 follows:

32 **227.15 Authority to involuntarily confine in ~~hospital~~.**

33 No A person shall not be involuntarily confined and
34 restrained in any private ~~institution or hospital~~ or county
35 ~~hospital~~ facility or other general hospital with a psychiatric

1 ward for the care or treatment of persons with mental illness,
2 except by the procedure prescribed in sections 229.6 through
3 229.15.

4 Sec. 516. Section 229.1, Code 2023, is amended to read as
5 follows:

6 **229.1 Definitions.**

7 As used in [this chapter](#), unless the context clearly requires
8 otherwise:

9 ~~1. "Administrator" means the administrator of the department~~
10 ~~of human services assigned, in accordance with section~~
11 ~~218.1, to control the state mental health institutes, or that~~
12 ~~administrator's designee.~~

13 ~~2.~~ 1. "Advocate" means a mental health advocate.

14 ~~3.~~ 2. "Auditor" means the county auditor or the auditor's
15 designee.

16 ~~4.~~ 3. "Chemotherapy" means treatment of an individual by
17 use of a drug or substance which cannot legally be delivered
18 or administered to the ultimate user without a physician's
19 prescription or medical order.

20 ~~5.~~ 4. "Chief medical officer" means the medical director in
21 charge of a public or private hospital, or that individual's
22 physician-designee. [This chapter](#) does not negate the authority
23 otherwise reposed by law in the respective superintendents
24 of each of the state ~~hospitals for persons with mental~~
25 ~~illness~~ health institutes, established by [chapter 226](#), to
26 make decisions regarding the appropriateness of admissions or
27 discharges of patients of that ~~hospital~~, state mental health
28 institute; however, it is the intent of [this chapter](#) that if
29 the superintendent is not a licensed physician the decisions by
30 the superintendent shall be corroborated by the chief medical
31 officer of the ~~hospital~~ mental health institute.

32 ~~6.~~ 5. "Clerk" means the clerk of the district court.

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

35 7. "Director" means the director of health and human

1 services.

2 ~~7.~~ 8. "*Hospital*" means either a public hospital or a
3 private hospital.

4 ~~8.~~ 9. "*Licensed physician*" means an individual licensed
5 under the provisions of [chapter 148](#) to practice medicine and
6 surgery or osteopathic medicine and surgery.

7 ~~9.~~ 10. "*Magistrate*" means the same as defined in section
8 801.4, ~~subsection 10.~~

9 ~~10.~~ 11. "*Mental health and disability services region*"
10 means a mental health and disability services region formed in
11 accordance with [section 331.389](#).

12 ~~11.~~ 12. "*Mental health professional*" means the same as
13 defined in [section 228.1](#).

14 ~~12.~~ 13. "*Mental illness*" means every type of mental
15 disease or mental disorder, except that it does not refer to
16 an intellectual disability as defined in [section 4.1](#), or to
17 insanity, diminished responsibility, or mental incompetency as
18 the terms are defined and used in the Iowa criminal code or in
19 the rules of criminal procedure, Iowa court rules.

20 ~~13.~~ 14. "*Patient*" means a person who has been hospitalized
21 or ordered hospitalized to receive treatment pursuant to
22 section 229.14.

23 ~~14.~~ 15. "*Private hospital*" means any hospital or
24 ~~institution~~ facility not directly supported by public funds, or
25 a part thereof of such hospital or facility, which is equipped
26 and staffed to provide inpatient care to persons with mental
27 illness.

28 ~~15.~~ 16. "*Psychiatric advanced registered nurse practitioner*"
29 means an individual currently licensed as a registered nurse
30 under [chapter 152](#) or [152E](#) who holds a national certification in
31 psychiatric mental health care and who is licensed by the board
32 of nursing as an advanced registered nurse practitioner.

33 ~~16.~~ 17. "*Public hospital*" means any of the following:

34 a. A state mental health institute established by chapter
35 ~~226, or.~~

1 **b.** The state psychiatric hospital established by chapter
2 225;~~or.~~

3 **c.** Any other publicly supported hospital or ~~institution~~
4 facility, or part of such hospital or ~~institution~~ facility,
5 which is equipped and staffed to provide inpatient care to
6 persons with mental illness, except the Iowa medical and
7 classification center established by **chapter 904**.

8 ~~17.~~ 18. "*Region*" means a mental health and disability
9 services region formed in accordance with **section 331.389**.

10 ~~18.~~ 19. "*Regional administrator*" means the ~~regional~~
11 ~~administrator of a mental health and disability services~~
12 ~~region~~, same as defined in **section 331.388**.

13 ~~19.~~ 20. "*Respondent*" means any person against whom an
14 application has been filed under **section 229.6**, but who has not
15 been finally ordered committed for full-time custody, care, and
16 treatment in a hospital.

17 ~~20.~~ 21. "*Serious emotional injury*" is an injury which does
18 not necessarily exhibit any physical characteristics, but which
19 can be recognized and diagnosed by a licensed physician or
20 other mental health professional and which can be causally
21 connected with the act or omission of a person who is, or is
22 alleged to be, mentally ill.

23 ~~21.~~ 22. "*Seriously mentally impaired*" or "*serious mental*
24 *impairment*" describes the condition of a person with mental
25 illness and because of that illness lacks sufficient judgment
26 to make responsible decisions with respect to the person's
27 hospitalization or treatment, and who because of that illness
28 meets any of the following criteria:

29 **a.** Is likely to physically injure the person's self or
30 others if allowed to remain at liberty without treatment.

31 **b.** Is likely to inflict serious emotional injury on
32 members of the person's family or others who lack reasonable
33 opportunity to avoid contact with the person with mental
34 illness if the person with mental illness is allowed to remain
35 at liberty without treatment.

1 c. Is unable to satisfy the person's needs for nourishment,
2 clothing, essential medical care, or shelter so that it is
3 likely that the person will suffer physical injury, physical
4 debilitation, or death.

5 d. Has a history of lack of compliance with treatment and
6 any of the following ~~apply~~ applies:

7 (1) Lack of compliance has been a significant factor in the
8 need for emergency hospitalization.

9 (2) Lack of compliance has resulted in one or more acts
10 causing serious physical injury to the person's self or others
11 or an attempt to physically injure the person's self or others.

12 Sec. 517. Section 229.2, subsection 1, paragraph b,
13 subparagraphs (1) and (2), Code 2023, are amended to read as
14 follows:

15 (1) Upon receipt of an application for voluntary admission
16 of a minor, the chief medical officer shall provide separate
17 prescreening interviews and consultations with the parent,
18 guardian, or custodian and the minor to assess the family
19 environment and the appropriateness of the application for
20 admission.

21 (2) During the interview and consultation the chief medical
22 officer shall inform the minor orally and in writing that the
23 minor has a right to object to the admission. If the chief
24 medical officer of the hospital to which application is made
25 determines that the admission is appropriate but the minor
26 objects to the admission, the parent, guardian, or custodian
27 must petition the juvenile court for approval of the admission
28 before the minor is actually admitted.

29 Sec. 518. Section 229.4, Code 2023, is amended to read as
30 follows:

31 **229.4 Right to release on application.**

32 A voluntary patient who requests release or whose release
33 is requested, in writing, by the patient's legal guardian,
34 parent, spouse, or adult next of kin shall be released from the
35 hospital ~~forthwith, except that~~ in accordance with all of the

1 following, as applicable:

2 1. If the patient was admitted on the patient's own
3 application and the request for release is made by some other
4 person, release may be conditioned upon the agreement of the
5 patient.

6 2. If the patient is a minor who was admitted on the
7 application of the patient's parent, guardian, or custodian
8 pursuant to [section 229.2, subsection 1](#), the patient's release
9 prior to becoming eighteen years of age may be conditioned upon
10 the consent of the parent, guardian, or custodian, or upon the
11 approval of the juvenile court if the admission was approved by
12 the juvenile court; ~~and.~~

13 3. If the chief medical officer of the hospital, not later
14 than the end of the next secular day on which the office of
15 the clerk of the district court for the county in which the
16 hospital is located is open and which follows the submission
17 of the written request for release of the patient, files with
18 that clerk a certification that in the chief medical officer's
19 opinion the patient is seriously mentally impaired, the release
20 may be postponed for the period of time the court determines
21 is necessary to permit commencement of judicial procedure
22 for involuntary hospitalization. That period of time may
23 not exceed five days, exclusive of days on which the clerk's
24 office is not open unless the period of time is extended by
25 order of a district court judge for good cause shown. Until
26 disposition of the application for involuntary hospitalization
27 of the patient is determined, if ~~one~~ an application is timely
28 filed, the chief medical officer may detain the patient in
29 the hospital and may provide treatment which is necessary
30 to preserve the patient's life, or to appropriately control
31 behavior by the patient which is likely to result in physical
32 injury to the patient or to others if allowed to continue, but
33 may not otherwise provide treatment to the patient without the
34 patient's consent.

35 Sec. 519. Section 229.6, subsection 1, Code 2023, is amended

1 to read as follows:

2 1. Proceedings for the involuntary hospitalization of an
3 individual pursuant to [this chapter](#) or for the involuntary
4 commitment or treatment of a person with a ~~substance-related~~
5 substance use disorder to a facility pursuant to chapter
6 125 may be commenced by any interested person by filing a
7 verified application with the clerk of the district court of
8 the county where the respondent is presently located, or which
9 is the respondent's place of residence. The clerk, or the
10 clerk's designee, shall assist the applicant in completing the
11 application.

12 Sec. 520. Section 229.6, subsection 2, paragraph a,
13 subparagraph (1), Code 2023, is amended to read as follows:

14 (1) A ~~substance-related~~ substance use disorder as defined
15 in [section 125.2](#).

16 Sec. 521. Section 229.8, Code 2023, is amended to read as
17 follows:

18 **229.8 Procedure after application is filed.**

19 As soon as practicable after the filing of an application
20 pursuant to [section 229.6](#), the court shall do all of the
21 following:

22 1. Determine whether the respondent has an attorney
23 who is able and willing to represent the respondent in the
24 hospitalization proceeding, and if not, whether the respondent
25 is financially able to employ an attorney and capable of
26 meaningfully assisting in selecting one. In accordance with
27 those determinations, the court shall if necessary allow the
28 respondent to select, or shall assign to the respondent, an
29 attorney. If the respondent is financially unable to pay an
30 attorney, the attorney shall be compensated by the mental
31 health and disability services region at an hourly rate to be
32 established by the regional administrator for the county in
33 which the proceeding is held in substantially the same manner
34 as provided in [section 815.7](#).

35 2. Cause copies of the application and supporting

1 documentation to be sent to the county attorney or the county
2 attorney's attorney-designate for review.

3 3. Issue a written order which shall provide for all of the
4 following:

5 a. If not previously done, set a time and place for a
6 hospitalization hearing, which shall be at the earliest
7 practicable time not less than forty-eight hours after notice
8 to the respondent, unless the respondent waives such minimum
9 prior notice requirement; ~~and~~.

10 b. Order an examination of the respondent, prior to
11 the hearing, by one or more licensed physicians or mental
12 health professionals who shall submit a written report on the
13 examination to the court as required by [section 229.10](#).

14 Sec. 522. Section 229.11, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. If the applicant requests that the respondent be taken
17 into immediate custody and the judge, upon reviewing the
18 application and accompanying documentation, finds probable
19 cause to believe that the respondent has a serious mental
20 impairment and is likely to injure the respondent or other
21 persons if allowed to remain at liberty, the judge may enter
22 a written order directing that the respondent be taken into
23 immediate custody by the sheriff or the sheriff's deputy
24 and be detained until the hospitalization hearing. The
25 hospitalization hearing shall be held no more than five days
26 after the date of the order, except that if the fifth day after
27 the date of the order is a Saturday, Sunday, or a holiday, the
28 hearing may be held on the next succeeding business day. If
29 the expenses of a respondent are payable in whole or in part by
30 a mental health and disability services region, for a placement
31 in accordance with paragraph "a", the judge shall give notice of
32 the placement to the regional administrator for the county in
33 which the court is located, and for a placement in accordance
34 with paragraph "b" or "c", the judge shall order the placement
35 in a hospital or facility designated through the regional

1 administrator. The judge may order the respondent detained for
2 the period of time until the hearing is held, and no longer,
3 in accordance with paragraph "a", if possible, and if not then
4 in accordance with paragraph "b", or, only if neither of these
5 alternatives is available, in accordance with paragraph "c".

6 Detention may be in any of the following:

7 a. In the custody of a relative, friend, or other suitable
8 person who is willing to accept responsibility for supervision
9 of the respondent, and the respondent may be placed under
10 such reasonable restrictions as the judge may order including
11 but not limited to restrictions on or a prohibition of any
12 expenditure, encumbrance, or disposition of the respondent's
13 funds or property; ~~or.~~

14 b. In a suitable hospital the chief medical officer of
15 which shall be informed of the reasons why immediate custody
16 has been ordered and may provide treatment which is necessary
17 to preserve the respondent's life, or to appropriately control
18 behavior by the respondent which is likely to result in
19 physical injury to the respondent or to others if allowed
20 to continue, but may not otherwise provide treatment to the
21 respondent without the respondent's consent; ~~or.~~

22 c. In the nearest facility in the community which is
23 licensed to care for persons with mental illness or substance
24 ~~abuse~~ use disorder, provided that detention in a jail or other
25 facility intended for confinement of those accused or convicted
26 of crime shall not be ordered.

27 Sec. 523. Section 229.13, subsection 1, paragraph b, Code
28 2023, is amended to read as follows:

29 b. The court shall order any other respondent placed under
30 the care of an appropriate hospital or facility licensed to
31 care for persons with mental illness or substance ~~abuse~~ use
32 disorder on an inpatient or outpatient basis.

33 Sec. 524. Section 229.15, subsections 4 and 5, Code 2023,
34 are amended to read as follows:

35 4. When a patient has been placed in an alternative facility

1 other than a hospital pursuant to a report issued under section
 2 229.14, subsection 1, paragraph "d", a report on the patient's
 3 condition and prognosis shall be made to the court which placed
 4 the patient, at least once every six months, unless the court
 5 authorizes annual reports. If an evaluation of the patient is
 6 performed pursuant to [section 227.2, subsection 4](#), a copy of
 7 the evaluation report shall be submitted to the court within
 8 fifteen days of the evaluation's completion. The court may
 9 in its discretion waive the requirement of an additional
 10 report between the annual evaluations. If the ~~administrator~~
 11 department exercises the authority to remove residents or
 12 patients from a county care facility or other county or private
 13 ~~institution facility~~ under [section 227.6](#), the ~~administrator~~
 14 department shall promptly notify each court which placed in
 15 that facility any resident ~~so~~ or patient removed.

16 5. a. When in the opinion of the chief medical officer the
 17 best interest of a patient would be served by a convalescent
 18 or limited leave, the chief medical officer may authorize the
 19 leave and, if authorized, shall promptly report the leave to
 20 the court. When in the opinion of the chief medical officer
 21 the best interest of a patient would be served by a transfer
 22 to a different hospital for continued full-time custody, care,
 23 and treatment, the chief medical officer shall promptly send
 24 a report to the court. The court shall act upon the report in
 25 accordance with [section 229.14A](#).

26 b. [This subsection](#) shall not be construed to add to or
 27 restrict the authority otherwise provided by law for transfer
 28 of patients or residents among various state institutions
 29 administered by the department ~~of human services~~. If a patient
 30 is transferred under [this subsection](#), the treatment provider to
 31 whom the patient is transferred shall be provided with copies
 32 of relevant court orders by the former treatment provider.

33 Sec. 525. Section 229.19, subsection 1, paragraphs a and e,
 34 Code 2023, are amended to read as follows:

35 a. In each county the board of supervisors shall appoint

1 an individual who has demonstrated by prior activities an
2 informed concern for the welfare and rehabilitation of persons
3 with mental illness, and who is not an officer or employee
4 of the department of ~~human services~~, an officer or employee
5 of a region, an officer or employee of a county performing
6 duties for a region, or an officer or employee of any agency
7 or facility providing care or treatment to persons with mental
8 illness, to act as an advocate representing the interests of
9 patients involuntarily hospitalized by the court, in any matter
10 relating to the patients' hospitalization or treatment under
11 section 229.14 or [229.15](#).

12 e. An advocate may also be assigned pursuant to [this section](#)
13 for an individual who has been diagnosed with a co-occurring
14 mental illness and ~~substance-related~~ substance use disorder.

15 Sec. 526. Section 229.21, Code 2023, is amended to read as
16 follows:

17 **229.21 Judicial hospitalization referee — appeals to**
18 **district court.**

19 1. The chief judge of each judicial district may appoint
20 at least one judicial hospitalization referee for each county
21 within the district. The judicial hospitalization referee
22 shall be an attorney, licensed to practice law in this state,
23 who shall be chosen with consideration to any training,
24 experience, interest, or combination of those factors, which
25 are pertinent to the duties of the office. The referee
26 shall hold office at the pleasure of the chief judge of the
27 judicial district and receive compensation at a rate fixed by
28 the supreme court. If the referee expects to be absent for
29 any significant length of time, the referee shall inform the
30 chief judge who may appoint a temporary substitute judicial
31 hospitalization referee having the qualifications set forth in
32 this subsection.

33 2. When an application for involuntary hospitalization
34 under [section 229.6](#) or for involuntary commitment or treatment
35 of persons with ~~substance-related disorders~~ a substance

1 use disorder under [section 125.75](#) is filed with the clerk
 2 of the district court in any county for which a judicial
 3 hospitalization referee has been appointed, and no district
 4 judge, district associate judge, or magistrate who is admitted
 5 to the practice of law in this state is accessible, the clerk
 6 shall immediately notify the referee in the manner required by
 7 section 229.7 or [section 125.77](#). The referee shall discharge
 8 all of the duties imposed upon the court by sections 229.7
 9 through 229.19, [this section](#), and section [229.22](#) or sections
 10 125.75 through 125.94 in the proceeding so initiated. Subject
 11 to the provisions of [subsection 4](#), orders issued by a referee,
 12 in discharge of duties imposed under [this section](#), shall have
 13 the same force and effect as if ordered by a district judge.
 14 However, any commitment to a facility regulated and operated
 15 under [chapter 135C](#) shall be in accordance with [section 135C.23](#).

16 3. *a.* Any respondent with respect to whom the magistrate
 17 or judicial hospitalization referee has found the contention
 18 that the respondent is seriously mentally impaired or a person
 19 with a ~~substance-related~~ substance use disorder sustained by
 20 clear and convincing evidence presented at a hearing held
 21 under [section 229.12](#) or [section 125.82](#), may appeal from the
 22 magistrate's or referee's finding to a judge of the district
 23 court by giving the clerk notice in writing, within ten days
 24 after the magistrate's or referee's finding is made, that an
 25 appeal is taken. The appeal may be signed by the respondent or
 26 by the respondent's next friend, guardian, or attorney.

27 *b.* An order of a magistrate or judicial hospitalization
 28 referee with a finding that the respondent is seriously
 29 mentally impaired or a person with a ~~substance-related~~
 30 substance use disorder shall include the following notice,
 31 located conspicuously on the face of the order:

32 NOTE: The respondent may appeal from this order to a judge of
 33 the district court by giving written notice of the appeal to
 34 the clerk of the district court within ten days after the date
 35 of this order. The appeal may be signed by the respondent or

1 by the respondent's next friend, guardian, or attorney. For a
2 more complete description of the respondent's appeal rights,
3 consult [section 229.21](#) of the Code of Iowa or an attorney.

4 *c.* When appealed, the matter shall stand for trial de novo.
5 Upon appeal, the court shall schedule a hospitalization or
6 commitment hearing before a district judge at the earliest
7 practicable time.

8 *d.* Any respondent with respect to whom the magistrate or
9 judicial hospitalization referee has held a placement hearing
10 and has entered a placement order may appeal the order to a
11 judge of the district court. The request for appeal must be
12 given to the clerk in writing within ten days of the entry of
13 the magistrate's or referee's order. The request for appeal
14 shall be signed by the respondent, or the respondent's next
15 friend, guardian, or attorney.

16 4. If the appellant is in custody under the jurisdiction
17 of the district court at the time of service of the notice of
18 appeal, the appellant shall be discharged from custody unless
19 an order that the appellant be taken into immediate custody has
20 previously been issued under [section 229.11](#) or [section 125.81](#),
21 in which case the appellant shall be detained as provided in
22 that section until the hospitalization or commitment hearing
23 before the district judge. If the appellant is in the custody
24 of a hospital or facility at the time of service of the notice
25 of appeal, the appellant shall be discharged from custody
26 pending disposition of the appeal unless the chief medical
27 officer, not later than the end of the next secular day on
28 which the office of the clerk is open and which follows service
29 of the notice of appeal, files with the clerk a certification
30 that in the chief medical officer's opinion the appellant is
31 seriously mentally ill or a person with a ~~substance-related~~
32 substance use disorder. In that case, the appellant shall
33 remain in custody of the hospital or facility until the
34 hospitalization or commitment hearing before the district
35 court.

1 5. The hospitalization or commitment hearing before the
2 district judge shall be held, and the judge's finding shall
3 be made and an appropriate order entered, as prescribed by
4 sections 229.12 and 229.13 or sections 125.82 and 125.83.
5 If the judge orders the appellant hospitalized or committed
6 for a complete psychiatric or substance ~~abuse~~ use disorder
7 evaluation, jurisdiction of the matter shall revert to the
8 judicial hospitalization referee.

9 Sec. 527. Section 229.23, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. In addition to protection of the person's constitutional
12 rights, enjoyment of other legal, medical, religious, social,
13 political, personal and working rights and privileges which
14 the person would enjoy if the person were not so hospitalized
15 or detained, so far as is possible consistent with effective
16 treatment of that person and of the other patients of the
17 hospital. If the patient's rights are restricted, the
18 physician's or mental health professional's direction to
19 that effect shall be noted on the patient's record. The
20 ~~department of human services~~ shall, in accordance with chapter
21 17A establish rules setting forth the specific rights and
22 privileges to which persons ~~so~~ hospitalized or detained are
23 entitled under this section, and the exceptions provided by
24 section 17A.2, subsection 11, paragraphs "a" and "k", shall not
25 be applicable to the rules ~~so~~ established. The patient or the
26 patient's next of kin or friend shall be advised of these rules
27 and be provided a written copy upon the patient's admission to
28 or arrival at the hospital.

29 Sec. 528. Section 229.24, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. All papers and records pertaining to any involuntary
32 hospitalization or application pursuant to section 229.6 of any
33 person under this chapter, whether part of the permanent record
34 of the court or of a file in the ~~department of human services~~,
35 are subject to inspection only upon an order of the court for

1 good cause shown.

2 Sec. 529. Section 229.26, Code 2023, is amended to read as
3 follows:

4 **229.26 Exclusive procedure for involuntary hospitalization.**

5 Sections 229.6 through 229.19 constitute the exclusive
6 procedure for involuntary hospitalization of persons by reason
7 of serious mental impairment in this state, except that this
8 chapter does not negate the provisions of [section 904.503](#)
9 relating to transfer of prisoners with mental illness to state
10 ~~hospitals for persons with mental illness~~ health institutes and
11 does not apply to commitments of persons under [chapter 812](#) or
12 the rules of criminal procedure, Iowa court rules, or negate
13 the provisions of [section 232.51](#) relating to disposition of
14 children with mental illness.

15 Sec. 530. Section 229.27, subsection 3, Code 2023, is
16 amended to read as follows:

17 3. A hearing limited to the question of the person's
18 competence and conducted in substantially the manner prescribed
19 in [sections 633.552, 633.556, 633.558, and 633.560](#) shall be
20 held when any of the following circumstances applies:

21 a. The court is petitioned or proposes upon its own motion
22 to find incompetent by reason of mental illness a person whose
23 involuntary hospitalization has been ordered under section
24 229.13 or [229.14](#), and who contends that the person is not
25 incompetent; ~~or~~.

26 b. A person previously found incompetent by reason of mental
27 illness under [subsection 2](#) petitions the court for a finding
28 that the person is no longer incompetent and, after notice to
29 the applicant who initiated the petition for hospitalization
30 of the person and to any other party as directed by the court,
31 an objection is filed with the court. The court may order a
32 hearing on its own motion before acting on a petition filed
33 under this paragraph. A petition by a person for a finding
34 that the person is no longer incompetent may be filed at any
35 time without regard to whether the person is at that time

1 hospitalized for treatment of mental illness.

2 Sec. 531. Section 229.41, Code 2023, is amended to read as
3 follows:

4 **229.41 Voluntary admission — state mental health institute.**

5 Persons making application pursuant to section 229.2 on
6 their own behalf or on behalf of another person who is under
7 eighteen years of age, if the person whose admission is sought
8 is received for observation and treatment on the application,
9 shall be required to pay the costs of hospitalization at rates
10 established by the ~~administrator~~ department. The costs may
11 be collected weekly in advance and shall be payable ~~at~~ to the
12 ~~business office of the hospital~~ state mental health institute.
13 The collections shall be remitted to the department ~~of human~~
14 ~~services~~ monthly to be credited to the general fund of the
15 state.

16 Sec. 532. Section 229.42, Code 2023, is amended to read as
17 follows:

18 **229.42 Costs paid by county — state mental health institute.**

19 1. If a person wishing to make application for voluntary
20 admission to a state mental ~~hospital~~ ~~established by chapter 226~~
21 health institute is unable to pay the costs of hospitalization
22 or those responsible for the person are unable to pay the
23 costs, application for authorization of voluntary admission
24 must be made through a regional administrator before
25 application for admission is made to the ~~hospital~~ state mental
26 health institute. The person's county of residence shall
27 be determined through the regional administrator and if the
28 admission is approved through the regional administrator, the
29 person's admission to a state mental health ~~hospital~~ institute
30 shall be authorized as a voluntary case. The authorization
31 shall be issued on forms provided by the department ~~of human~~
32 ~~services'~~ ~~administrator~~. The costs of the hospitalization
33 shall be paid by the county of residence through the regional
34 administrator to the department ~~of human services~~ and credited
35 to the general fund of the state, provided that the state

1 mental health ~~hospital~~ institute rendering the services has
2 certified to the county auditor of the county of residence and
3 the regional administrator the amount chargeable to the mental
4 health and disability services region and has sent a duplicate
5 statement of the charges to the department ~~of human services~~.
6 A mental health and disability services region shall not be
7 billed for the cost of a patient unless the patient's admission
8 is authorized through the regional administrator. The state
9 mental health institute and the regional administrator shall
10 work together to locate appropriate alternative placements
11 and services, and to educate patients and family members of
12 patients regarding such alternatives.

13 2. All the provisions of chapter 230 shall apply to ~~such~~ the
14 voluntary patients ~~so far as is~~ to the extent applicable.

15 3. The provisions of this section and of section 229.41
16 shall apply to all voluntary inpatients or outpatients
17 receiving mental health services either away from or at the
18 ~~institution~~ state mental health institute.

19 4. If a county fails to pay the billed charges within
20 forty-five days from the date the county auditor received the
21 certification statement from the superintendent, the department
22 ~~of human services~~ shall charge the delinquent county the
23 penalty of one percent per month on and after forty-five days
24 from the date the county received the certification statement
25 until paid. The penalties received shall be credited to the
26 general fund of the state.

27 Sec. 533. Section 229.43, Code 2023, is amended to read as
28 follows:

29 **229.43 Nonresident patients — state mental health**
30 **institutes.**

31 The ~~administrator~~ department may place patients of state
32 mental health institutes who are nonresidents on convalescent
33 leave to a private sponsor or in a health care facility
34 licensed under chapter 135C, when in the opinion of the
35 ~~administrator~~ director the placement is in the best interests

1 of the patient and the state of Iowa. If the patient was
2 involuntarily hospitalized, the district court which ordered
3 hospitalization of the patient ~~must~~ shall be informed when the
4 patient is placed on convalescent leave, as required by section
5 229.15, subsection 5.

6 Sec. 534. Section 229.45, unnumbered paragraph 1, Code
7 2023, is amended to read as follows:

8 The department ~~of human services~~, in consultation with
9 the office of attorney general, shall develop a summary of
10 the procedures involved in an involuntary commitment and
11 information concerning the participation of an applicant in the
12 proceedings. The summary shall be provided by the department,
13 at the department's expense, to the clerks of the district
14 court who shall make the summary available to all applicants
15 prior to the filing of a verified application, or to any other
16 person upon request, and who shall attach a copy of the summary
17 to the notice of hearing which is served upon the respondent
18 under [section 125.77](#) or [229.7](#). The summary may include, but is
19 not limited to, the following:

20 Sec. 535. Section 229A.2, Code 2023, is amended to read as
21 follows:

22 **229A.2 Definitions.**

23 As used in [this chapter](#):

24 1. "*Agency with jurisdiction*" means an agency which has
25 custody of or releases a person serving a sentence or term
26 of confinement or is otherwise in confinement based upon a
27 lawful order or authority, and includes but is not limited to
28 the department of corrections, the department of health and
29 human services, a judicial district department of correctional
30 services, and the Iowa board of parole.

31 2. "*Appropriate secure facility*" means a state facility that
32 is designed to confine but not necessarily to treat a sexually
33 violent predator.

34 3. "*Convicted*" means found guilty of, pleads guilty
35 to, or is sentenced or adjudicated delinquent for an act

1 which is an indictable offense in this state or in another
 2 jurisdiction including in a federal, military, tribal, or
 3 foreign court, including but not limited to a juvenile who has
 4 been adjudicated delinquent, whether or not the juvenile court
 5 records have been sealed under [section 232.150](#), and a person
 6 who has received a deferred sentence or a deferred judgment
 7 or has been acquitted by reason of insanity. "Convicted"
 8 includes the conviction of a juvenile prosecuted as an adult.
 9 "Convicted" also includes a conviction for an attempt or
 10 conspiracy to commit an offense. "Convicted" does not mean a
 11 plea, sentence, adjudication, deferred sentence, or deferred
 12 judgment which has been reversed or otherwise set aside.

13 4. "Department" means the department of health and human
 14 services.

15 5. "Director" means the director of health and human
 16 services.

17 ~~4.~~ 6. "Discharge" means an unconditional discharge from the
 18 sexually violent predator program. A person released from a
 19 secure facility into a transitional release program or released
 20 with supervision is not considered to be discharged.

21 ~~5.~~ 7. "Likely to engage in predatory acts of sexual
 22 violence" means that the person more likely than not will
 23 engage in acts of a sexually violent nature. If a person is
 24 not confined at the time that a petition is filed, a person is
 25 "likely to engage in predatory acts of sexual violence" only if
 26 the person commits a recent overt act.

27 ~~6.~~ 8. "Mental abnormality" means a congenital or acquired
 28 condition affecting the emotional or volitional capacity of a
 29 person and predisposing that person to commit sexually violent
 30 offenses to a degree which would constitute a menace to the
 31 health and safety of others.

32 ~~7.~~ 9. "Predatory" means acts directed toward a person with
 33 whom a relationship has been established or promoted for the
 34 primary purpose of victimization.

35 ~~8.~~ 10. "Presently confined" means incarceration or

1 detention in a correctional facility, a rehabilitation camp,
2 a residential facility, a county jail, a halfway house, or
3 any other comparable facility, including but not limited to
4 placement at such a facility as a condition of probation,
5 parole, or special sentence following conviction for a sexually
6 violent offense.

7 ~~9.~~ 11. "*Recent overt act*" means any act that has either
8 caused harm of a sexually violent nature or creates a
9 reasonable apprehension of such harm.

10 ~~10.~~ 12. "*Safekeeper*" means a person who is confined in an
11 appropriate secure facility pursuant to [this chapter](#) but who is
12 not subject to an order of commitment pursuant to [this chapter](#).

13 ~~11.~~ 13. "*Sexually motivated*" means that one of the
14 purposes for commission of a crime is the purpose of sexual
15 gratification of the perpetrator of the crime.

16 ~~12.~~ 14. "*Sexually violent offense*" means:

17 *a.* A violation of any provision of [chapter 709](#).

18 *b.* A violation of any of the following if the offense
19 involves sexual abuse, attempted sexual abuse, or intent to
20 commit sexual abuse:

21 (1) Murder as defined in [section 707.1](#).

22 (2) Kidnapping as defined in [section 710.1](#).

23 (3) Burglary as defined in [section 713.1](#).

24 (4) Child endangerment under [section 726.6, subsection 1,](#)
25 paragraph "e".

26 *c.* Sexual exploitation of a minor in violation of section
27 728.12.

28 *d.* Pandering involving a minor in violation of section
29 725.3, subsection 2.

30 *e.* An offense involving an attempt or conspiracy to commit
31 any offense referred to in [this subsection](#).

32 *f.* An offense under prior law of this state or an offense
33 committed in another jurisdiction which would constitute an
34 equivalent offense under paragraphs "a" through "e".

35 *g.* Any act which, either at the time of sentencing for the

1 offense or subsequently during civil commitment proceedings
2 pursuant to [this chapter](#), has been determined beyond a
3 reasonable doubt to have been sexually motivated.

4 ~~13.~~ 15. "*Sexually violent predator*" means a person who has
5 been convicted of or charged with a sexually violent offense
6 and who suffers from a mental abnormality which makes the
7 person likely to engage in predatory acts constituting sexually
8 violent offenses, if not confined in a secure facility.

9 ~~14.~~ 16. "*Transitional release*" means a conditional release
10 from a secure facility operated by the department of ~~human~~
11 ~~services~~ with the conditions of such release set by the court
12 or the department of ~~human services~~.

13 Sec. 536. Section 229A.5C, subsections 3 and 4, Code 2023,
14 are amended to read as follows:

15 3. A person who is subject to an order of civil commitment
16 under [this chapter](#) shall not be released from jail or paroled
17 or released to a facility or program located outside the
18 county jail or correctional institution other than to a secure
19 facility operated by the department of ~~human services~~.

20 4. A person who committed a public offense while in a
21 transitional release program or on release with supervision may
22 be returned to a secure facility operated by the department of ~~of~~
23 ~~human services~~ upon completion of any term of confinement that
24 resulted from the commission of the public offense.

25 Sec. 537. Section 229A.6A, subsection 1, paragraph b, Code
26 2023, is amended to read as follows:

27 *b.* To a medical facility for medical treatment, if necessary
28 medical treatment is not available at the facility where the
29 person is confined. A transport order is not required to
30 transport the person for medical treatment. However, the
31 person is not entitled to choose the medical facility where
32 treatment is to be obtained or the medical personnel to provide
33 the treatment. Transportation of a committed person shall be
34 provided by the sheriff of the county in which the person is
35 confined if requested by the department of ~~of human services~~.

1 Sec. 538. Section 229A.7, subsection 5, paragraph b, Code
2 2023, is amended to read as follows:

3 *b.* If the court or jury determines that the respondent is a
4 sexually violent predator, the respondent shall be committed
5 to the custody of the director ~~of the department of human~~
6 ~~services~~ for control, care, and treatment until such time as
7 the person's mental abnormality has so changed that the person
8 is safe to be placed in a transitional release program or
9 discharged. The determination may be appealed.

10 Sec. 539. Section 229A.7, subsection 7, Code 2023, is
11 amended to read as follows:

12 7. The control, care, and treatment of a person determined
13 to be a sexually violent predator shall be provided at a
14 facility operated by the department ~~of human services~~. At all
15 times prior to placement in a transitional release program
16 or release with supervision, persons committed for control,
17 care, and treatment by the department ~~of human services~~
18 pursuant to [this chapter](#) shall be kept in a secure facility
19 and those patients shall be segregated at all times from any
20 other patient under the supervision of the department ~~of human~~
21 ~~services~~. A person committed pursuant to [this chapter](#) to
22 the custody of the department ~~of human services~~ may be kept
23 in a facility or building separate from any other patient
24 under the supervision of the department ~~of human services~~.
25 The department ~~of human services~~ may enter into a chapter
26 28E agreement with the department of corrections or other
27 appropriate agency in this state or another state for the
28 confinement of patients who have been determined to be sexually
29 violent predators. Patients who are in the custody of the
30 director of the department of corrections pursuant to a chapter
31 28E agreement and who have not been placed in a transitional
32 release program or released with supervision shall be housed
33 and managed separately from criminal offenders in the custody
34 of the director of the department of corrections, and except
35 for occasional instances of supervised incidental contact,

1 shall be segregated from those offenders.

2 Sec. 540. Section 229A.8, subsection 4, Code 2023, is
3 amended to read as follows:

4 4. Nothing contained in [this chapter](#) shall prohibit the
5 person from otherwise petitioning the court for discharge or
6 placement in a transitional release program at the annual
7 review. The ~~director of human services~~ department shall
8 provide the committed person with an annual written notice
9 of the person's right to petition the court for discharge
10 or placement in a transitional release program without
11 authorization from the director. The notice shall contain a
12 waiver of rights. The ~~director~~ department shall forward the
13 notice and waiver form to the court with the annual report.

14 Sec. 541. Section 229A.8, subsection 5, paragraphs f and g,
15 Code 2023, are amended to read as follows:

16 *f.* If at the time for the annual review the committed
17 person has filed a petition for discharge or placement in
18 a transitional release program with authorization from the
19 director ~~of human services~~, the court shall set a final hearing
20 within ninety days of the authorization by the director, and
21 no annual review shall be held.

22 *g.* If the committed person has not filed a petition, or
23 has filed a petition for discharge or for placement in a
24 transitional release program without authorization from the
25 director ~~of human services~~, the court shall first conduct the
26 annual review as provided in [this subsection](#).

27 Sec. 542. Section 229A.8, subsection 6, paragraph e, Code
28 2023, is amended to read as follows:

29 *e.* If the director ~~of human services~~ has authorized the
30 committed person to petition for discharge or for placement
31 in a transitional release program and the case is before a
32 jury, testimony by a victim of a prior sexually violent offense
33 committed by the person is not admissible. If the director has
34 not authorized the petition or the case is before the court,
35 testimony by a victim of a sexually violent offense committed

1 by the person may be admitted.

2 Sec. 543. Section 229A.8A, subsections 1, 6, and 7, Code
3 2023, are amended to read as follows:

4 1. The department ~~of human services is authorized to~~ may
5 establish a transitional release program and provide control,
6 care, and treatment, and supervision of committed persons
7 placed in such a program.

8 6. The department ~~of human services~~ shall be responsible
9 for establishing and implementing the rules and directives
10 regarding the location of the transitional release program,
11 staffing needs, restrictions on confinement and the movement of
12 committed persons, and for assessing the progress of committed
13 persons in the program. The court may also impose conditions
14 on a committed person placed in the program.

15 7. The department ~~of human services~~ may contract with
16 other government or private agencies, including the department
17 of corrections, to implement and administer the transitional
18 release program.

19 Sec. 544. Section 229A.8B, subsections 2 and 3, Code 2023,
20 are amended to read as follows:

21 2. If a committed person absconds from a transitional
22 release program in violation of the rules or directives, a
23 presumption arises that the person poses a risk to public
24 safety. The department ~~of human services~~, in cooperation with
25 local law enforcement agencies, may make a public announcement
26 about the absconder. The public announcement may include
27 a description of the committed person, that the person is
28 in transitional release from the sexually violent predator
29 program, and any other information important to public safety.

30 3. Upon the return of the committed person to a secure
31 facility, the director ~~of human services~~ or the director's
32 designee shall notify the court that issued the ex parte order
33 that the absconder has been returned to a secure facility,
34 and the court shall set a hearing to determine if a violation
35 occurred. If a court order was not issued, the director or

1 the director's designee shall contact the nearest district
2 court with jurisdiction to set a hearing to determine whether a
3 violation of the rules or directives occurred. The court shall
4 schedule a hearing after receiving notice that the committed
5 person has been returned from the transitional release program
6 to a secure facility.

7 Sec. 545. Section 229A.9A, subsections 2, 3, and 8, Code
8 2023, are amended to read as follows:

9 2. If release with supervision is ordered, the department
10 ~~of human services~~ shall prepare within sixty days of the order
11 of the court a release plan addressing the person's needs for
12 counseling, medication, community support services, residential
13 services, vocational services, ~~alcohol or other drug abuse~~
14 substance use disorder treatment, sex offender treatment, or
15 any other treatment or supervision necessary.

16 3. The court shall set a hearing on the release plan
17 prepared by the department ~~of human services~~ before the
18 committed person is released from a secure facility or a
19 transitional release program.

20 8. The court shall retain jurisdiction over the committed
21 person who has been released with supervision until the person
22 is discharged from the program. The department ~~of human~~
23 ~~services~~ or a judicial district department of correctional
24 services shall not be held liable for any acts committed
25 by a committed person who has been ordered released with
26 supervision.

27 Sec. 546. Section 229A.9B, subsections 2, 3, and 5, Code
28 2023, are amended to read as follows:

29 2. If a committed person has absconded in violation of the
30 conditions of the person's release plan, a presumption arises
31 that the person poses a risk to public safety. The department
32 ~~of human services~~ or contracting agency, in cooperation with
33 local law enforcement agencies, may make a public announcement
34 about the absconder. The public announcement may include a
35 description of the committed person, that the committed person

1 is on release with supervision from the sexually violent
2 predator program, and any other information pertinent to public
3 safety.

4 3. Upon the return of the committed person to a secure
5 facility, the director of ~~human services~~ or the director's
6 designee shall notify the court that issued the ex parte
7 order that the committed person has been returned to a secure
8 facility, and the court shall set hearing to determine if a
9 violation occurred. If a court order was not issued, the
10 director or the director's designee shall contact the nearest
11 district court with jurisdiction to set a hearing to determine
12 whether a violation of the conditions of the release plan
13 occurred. The court shall schedule a hearing after receiving
14 notice that the committed person has been returned to a secure
15 facility.

16 5. If the court determines a violation occurred, the court
17 shall receive release recommendations from the department of
18 ~~human services~~ and either order that the committed person
19 be returned to release with supervision or placed in a
20 transitional release program, or be confined in a secure
21 facility. The court may impose further conditions upon the
22 committed person if returned to release with supervision or
23 placed in the transitional release program. If the court
24 determines no violation occurred, the committed person shall be
25 returned to release with supervision.

26 Sec. 547. Section 229A.10, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. If the director of ~~human services~~ determines that the
29 person's mental abnormality has so changed that the person is
30 not likely to engage in predatory acts that constitute sexually
31 violent offenses if discharged, the director shall authorize
32 the person to petition the court for discharge. The petition
33 shall be served upon the court and the attorney general. The
34 court, upon receipt of the petition for discharge, shall order
35 a hearing within thirty days. The attorney general shall

1 represent the state, and shall have the right to have the
2 petitioner examined by an expert or professional person of
3 the attorney general's choice. The hearing shall be before
4 a jury if demanded by either the petitioner or the attorney
5 general. If the attorney general objects to the petition for
6 discharge, the burden of proof shall be upon the attorney
7 general to show beyond a reasonable doubt that the petitioner's
8 mental abnormality or personality disorder remains such that
9 the petitioner is likely to engage in predatory acts that
10 constitute sexually violent offenses if discharged.

11 Sec. 548. Section 229A.11, Code 2023, is amended to read as
12 follows:

13 **229A.11 Subsequent discharge or transitional release**
14 **petitions — limitations.**

15 Nothing in **this chapter** shall prohibit a person from filing
16 a petition for discharge or placement in a transitional release
17 program, pursuant to **this chapter**. However, if a person has
18 previously filed a petition for discharge or for placement
19 in a transitional release program without the authorization
20 of the director ~~of human services~~, and the court determines
21 either upon review of the petition or following a hearing that
22 the petition was frivolous or that the petitioner's condition
23 had not so changed that the person was not likely to engage
24 in predatory acts constituting sexually violent offenses
25 if discharged, or was not suitable for placement in the
26 transitional release program, then the court shall summarily
27 deny the subsequent petition unless the petition contains facts
28 upon which a court could find the condition of the petitioner
29 had so changed that a hearing was warranted. Upon receipt of a
30 first or subsequent petition from a committed person without
31 the director's authorization, the court shall endeavor whenever
32 possible to review the petition and determine if the petition
33 is based upon frivolous grounds. If the court determines that
34 a petition is frivolous, the court shall dismiss the petition
35 without a hearing.

1 Sec. 549. Section 229A.12, Code 2023, is amended to read as
2 follows:

3 **229A.12 Director ~~of human services~~ — responsibility for**
4 **costs — reimbursement.**

5 The director ~~of human services~~ shall be responsible for
6 all costs relating to the evaluation, treatment, and services
7 provided to a person that are incurred after the person is
8 committed to the director's custody after the court or jury
9 determines that the respondent is a sexually violent predator
10 and pursuant to commitment under any provision of [this chapter](#).
11 If placement in a transitional release program or supervision
12 is ordered, the director shall also be responsible for all
13 costs related to the transitional release program or to the
14 supervision and treatment of any person. Reimbursement may
15 be obtained by the director from the patient and any person
16 legally liable or bound by contract for the support of the
17 patient for the cost of confinement or of care and treatment
18 provided. To the extent allowed by the United States social
19 security administration, any benefit payments received by the
20 person pursuant to the federal Social Security Act shall be
21 used for the costs incurred. As used in [this section](#), "*any*
22 *person legally liable*" does not include a political subdivision.

23 Sec. 550. Section 229A.15B, Code 2023, is amended to read
24 as follows:

25 **229A.15B Rulemaking authority.**

26 The department ~~of human services~~ shall adopt rules pursuant
27 to [chapter 17A](#) necessary to administer [this chapter](#).

28 Sec. 551. Section 230.1, Code 2023, is amended to read as
29 follows:

30 **230.1 Definitions.**

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

33 1. ~~"Administrator" means the administrator of the department~~
34 ~~of human services assigned, in accordance with section~~
35 ~~218.1, to control the state mental health institutes, or that~~

1 ~~administrator's designee.~~

2 2. 1. "Book", "list", "record", or "schedule" kept by a
3 county auditor, assessor, treasurer, recorder, sheriff, or
4 other county officer means the county system as defined in
5 section 445.1.

6 3. 2. "Department" means the department of health and human
7 services.

8 3. "Director" means the director of health and human
9 services.

10 4. "Region" means a mental health and disability services
11 region formed in accordance with [section 331.389](#).

12 5. "Regional administrator" means the same as defined in
13 section 331.388.

14 6. "State mental health institute" or "mental health
15 institute" means a mental health institute designated in section
16 226.1.

17 Sec. 552. Section 230.1A, Code 2023, is amended to read as
18 follows:

19 **230.1A Liability of county and state.**

20 1. The necessary and legal costs and expenses attending
21 for the taking into custody, care, investigation, admission,
22 commitment, and support of a person with mental illness
23 admitted or committed to a state ~~hospital~~ mental health
24 institute shall be paid by the regional administrator on behalf
25 of the person's county of residence or by the state as follows:

26 a. If the person is eighteen years of age or older, as
27 follows:

28 (1) The costs attributed to mental illness shall be paid by
29 the regional administrator on behalf of the person's county of
30 residence.

31 (2) The costs attributed to a ~~substance-related~~ substance
32 use disorder shall be paid by the person's county of residence.

33 (3) The costs attributable to a dual diagnosis of mental
34 illness and a ~~substance-related~~ substance use disorder may be
35 ~~split~~ divided as provided in section 226.9C.

1 *b.* By the state if such person has no residence in this
2 state, if the person's residence is unknown, or if the person
3 is under eighteen years of age.

4 2. The county of residence of any person with mental
5 illness who is a patient of any state ~~institution~~ mental health
6 institute shall be the person's county of residence existing at
7 the time of admission to the ~~institution~~ institute.

8 3. A region or county of residence is not liable for
9 costs and expenses associated with a person with mental
10 illness unless the costs and expenses are for services and
11 other support authorized for the person through the regional
12 administrator for the county.

13 Sec. 553. Section 230.5, Code 2023, is amended to read as
14 follows:

15 **230.5 Nonresidents.**

16 If a person's residence is determined in accordance with
17 section 230.2 or [230.3](#) to be in a foreign state or country,
18 or is unknown, the court or the regional administrator of the
19 person's county of residence shall immediately certify the
20 determination to the ~~department's administrator~~ department.
21 The certification shall be accompanied by a copy of the
22 evidence supporting the determination. A court order issued
23 pursuant to [section 229.13](#) shall direct that the patient be
24 hospitalized at the appropriate state ~~hospital for persons with~~
25 ~~mental illness~~ health institute.

26 Sec. 554. Section 230.6, Code 2023, is amended to read as
27 follows:

28 **230.6 Investigation by ~~administrator~~ department.**

29 The ~~administrator~~ department shall immediately investigate
30 the residency of a patient and proceed as follows:

31 1. If the ~~administrator~~ department concurs with a certified
32 determination of residency concerning the patient, the
33 ~~administrator~~ department shall cause the patient either to
34 be transferred to a state ~~hospital for persons with~~ mental
35 ~~illness~~ health institute at the expense of the state, or to be

1 transferred, with approval of the court as required by chapter
2 229, to the place of foreign residence.

3 2. If the ~~administrator~~ department disputes a certified
4 legal residency determination, the ~~administrator~~ department
5 shall order the patient to be maintained at a state ~~hospital~~
6 ~~for persons with mental illness~~ health institute at the expense
7 of the state until the dispute is resolved.

8 3. If the ~~administrator~~ department disputes a residency
9 determination, the ~~administrator~~ department shall utilize the
10 procedure provided in [section 331.394](#) to resolve the dispute.
11 A determination of the person's residency status made pursuant
12 to [section 331.394](#) is conclusive.

13 Sec. 555. Section 230.7, Code 2023, is amended to read as
14 follows:

15 **230.7 Transfer of nonresidents.**

16 Upon determining that a patient in a state ~~hospital~~ mental
17 health institute who has been involuntarily hospitalized under
18 chapter 229 or admitted voluntarily at public expense was
19 not a resident of this state at the time of the involuntary
20 hospitalization or admission, the ~~administrator~~ director or
21 director's designee may cause ~~that~~ the patient to be conveyed
22 to the patient's place of residence. However, a transfer
23 under [this section](#) may be made only if the patient's condition
24 ~~so~~ permits and other reasons do not render the transfer
25 inadvisable. If the patient was involuntarily hospitalized,
26 prior approval of the transfer ~~must~~ shall be obtained from the
27 court which ordered the patient hospitalized.

28 Sec. 556. Section 230.8, Code 2023, is amended to read as
29 follows:

30 **230.8 Transfers of persons with mental illness — expenses.**

31 The transfer to any state ~~hospitals~~ mental health institute
32 or to the places of their residence of persons with mental
33 illness who have no residence in this state or whose residence
34 is unknown, shall be made according to the directions of the
35 ~~administrator~~ department, and when practicable by employees

1 of the state ~~hospitals~~ mental health institutes. The actual
2 and necessary expenses of such transfers shall be paid by the
3 department on itemized vouchers sworn to by the claimants and
4 approved by the ~~administrator~~ director.

5 Sec. 557. Section 230.9, Code 2023, is amended to read as
6 follows:

7 **230.9 Subsequent discovery of residence.**

8 If, after a person has been received by a state ~~hospital~~ for
9 ~~persons with mental illness~~ health institute whose residence is
10 supposed to be outside this state, the ~~administrator~~ department
11 determines that the residence of the person was, at the time
12 of admission or commitment, in a county of this state, the
13 ~~administrator~~ department shall certify the determination
14 and charge all legal costs and expenses pertaining to the
15 admission or commitment and support of the person to the
16 regional administrator of the person's county of residence.
17 The certification shall be sent to the regional administrator
18 of the person's county of residence. The certification
19 shall be accompanied by a copy of the evidence supporting the
20 determination. The costs and expenses shall be collected as
21 provided by law in other cases. If the person's residency
22 status has been determined in accordance with [section 331.394](#),
23 the legal costs and expenses shall be charged in accordance
24 with that determination.

25 Sec. 558. Section 230.10, Code 2023, is amended to read as
26 follows:

27 **230.10 Payment of costs.**

28 All legal costs and expenses attending for the taking into
29 custody, care, investigation, and admission or commitment of
30 a person to a state ~~hospital~~ for persons with mental illness
31 health institute under a finding that the person has residency
32 in another county of this state shall be charged against the
33 regional administrator of the person's county of residence.

34 Sec. 559. Section 230.11, Code 2023, is amended to read as
35 follows:

1 **230.11 Recovery of costs from state.**

2 Costs and expenses ~~attending~~ for the taking into custody,
3 care, and investigation of a person who has been admitted
4 or committed to a state ~~hospital~~ mental health institute,
5 United States department of veterans affairs hospital, or
6 other agency of the United States government, for persons with
7 mental illness and who has no residence in this state or whose
8 residence is unknown, including cost of commitment, if any,
9 shall be paid as approved by the ~~administrator~~ department. The
10 amount of the costs and expenses approved by the ~~administrator~~
11 department is appropriated to the department from any moneys in
12 the state treasury not otherwise appropriated. Payment shall
13 be made by the department on itemized vouchers executed by the
14 regional administrator of the person's county which has paid
15 them, and approved by the ~~administrator~~ department.

16 Sec. 560. Section 230.12, Code 2023, is amended to read as
17 follows:

18 **230.12 Residency disputes.**

19 If a dispute arises between different counties or between
20 the ~~administrator~~ department and a regional administrator for a
21 county as to the residence of a person admitted or committed
22 to a state ~~hospital for persons with mental illness~~ health
23 institute, the dispute shall be resolved as provided in section
24 331.394.

25 Sec. 561. Section 230.15, Code 2023, is amended to read as
26 follows:

27 **230.15 Personal liability.**

28 1. A person with mental illness and a person legally liable
29 for the person's support remain liable for the support of
30 the person with mental illness as provided in [this section](#).
31 Persons legally liable for the support of a person with mental
32 illness include the spouse of the person, and any person
33 bound by contract for support of the person. The regional
34 administrator of the person's county of residence, subject to
35 the direction of the region's governing board, shall enforce

1 the obligation created in [this section](#) as to all sums advanced
 2 by the regional administrator. The liability to the regional
 3 administrator incurred by a person with mental illness or a
 4 person legally liable for the person's support under this
 5 section is limited to an amount equal to one hundred percent
 6 of the cost of care and treatment of the person with mental
 7 illness at a state mental health institute for one hundred
 8 twenty days of hospitalization. This limit of liability may
 9 be reached by payment of the cost of care and treatment of the
 10 person with mental illness subsequent to a single admission
 11 or multiple admissions to a state mental health institute
 12 or, if the person is not discharged as cured, subsequent to
 13 a single transfer or multiple transfers to a county care
 14 facility pursuant to [section 227.11](#). After reaching this
 15 limit of liability, a person with mental illness or a person
 16 legally liable for the person's support is liable to the
 17 regional administrator for the care and treatment of the person
 18 with mental illness at a state mental health institute or,
 19 if transferred but not discharged as cured, at a county care
 20 facility in an amount not in excess of the average minimum
 21 cost of the maintenance of an individual who is physically and
 22 mentally healthy residing in the individual's own home, which
 23 standard shall be established and may ~~from time to time~~ be
 24 revised by the department of ~~human services~~. A lien imposed
 25 by [section 230.25](#) shall not exceed the amount of the liability
 26 which may be incurred under [this section](#) on account of a person
 27 with mental illness.

28 2. A person with a ~~substance-related~~ substance use
 29 disorder is legally liable for the total amount of the cost of
 30 providing care, maintenance, and treatment for the person with
 31 a ~~substance-related~~ substance use disorder while a voluntary
 32 or committed patient. When a portion of the cost is paid
 33 by a county, the person with a ~~substance-related~~ substance
 34 use disorder is legally liable to the county for the amount
 35 paid. The person with a ~~substance-related~~ substance use

1 disorder shall assign any claim for reimbursement under any
2 contract of indemnity, by insurance or otherwise, providing
3 for the person's care, maintenance, and treatment in a state
4 ~~hospital~~ mental health institute to the state. Any payments
5 received by the state from or on behalf of a person with a
6 ~~substance-related~~ substance use disorder shall be in part
7 credited to the county in proportion to the share of the costs
8 paid by the county.

9 3. Nothing in this section shall be construed to prevent
10 a relative or other person from voluntarily paying the full
11 actual cost or any portion of the care and treatment of any
12 person with mental illness or a ~~substance-related~~ substance use
13 disorder as established by the department of ~~human services~~.

14 Sec. 562. Section 230.18, Code 2023, is amended to read as
15 follows:

16 **230.18 Expense in county or private ~~hospitals~~ facility.**

17 The estates of persons with mental illness who may be
18 treated or confined in any county ~~hospital or home~~, or in any
19 private ~~hospital or sanatorium~~ facility, and the estates of
20 persons legally bound for their support, shall be liable to the
21 regional administrator of the person's county of residence for
22 the reasonable cost of such support.

23 Sec. 563. Section 230.19, Code 2023, is amended to read as
24 follows:

25 **230.19 Nonresidents liable to state — presumption.**

26 The estates of all nonresident patients provided for and
27 treated in state ~~hospitals for persons with mental illness~~
28 health institutes in this state, and all persons legally bound
29 for the support of such patients, shall be liable to the
30 state for the reasonable value of the care, maintenance, and
31 treatment of such patients while in such ~~hospitals~~ institutes.
32 The certificate of the superintendent of the state ~~hospital~~
33 mental health institute in which any nonresident is or has been
34 a patient, showing the amounts drawn from the state treasury or
35 due ~~therefrom~~ as provided by law on account of such nonresident

1 patient, shall be presumptive evidence of the reasonable value
2 of the care, maintenance, and treatment furnished such patient.

3 Sec. 564. Section 230.20, subsection 1, paragraph a,
4 subparagraph (1), Code 2023, is amended to read as follows:

5 (1) The costs of food, lodging, and other maintenance
6 provided to persons not patients of the ~~hospital~~ state mental
7 health institute.

8 Sec. 565. Section 230.20, subsection 7, Code 2023, is
9 amended to read as follows:

10 7. A superintendent of a mental health institute may request
11 that the director ~~of human services~~ enter into a contract
12 with a person for the mental health institute to provide
13 consultation or treatment services or for fulfilling other
14 purposes which are consistent with the purposes stated in
15 section 226.1. The contract provisions shall include charges
16 which reflect the actual cost of providing the services or
17 fulfilling the other purposes. Any income from a contract
18 authorized under **this subsection** may be retained by the
19 mental health institute to defray the costs of providing the
20 services. Except for a contract voluntarily entered into by a
21 county under **this subsection**, the costs or income associated
22 with a contract authorized under **this subsection** shall not
23 be considered in computing charges and per diem costs in
24 accordance with the provisions of **subsections 1 through 6**.

25 Sec. 566. Section 230.26, Code 2023, is amended to read as
26 follows:

27 **230.26 Regional administrator to keep record.**

28 The regional administrator shall keep an accurate account
29 of the cost of the maintenance of any patient kept in any
30 ~~institution~~ facility as provided for in **this chapter** and keep
31 an index of the names of the persons admitted or committed from
32 each county in the region. The name of the spouse of the person
33 admitted or committed shall also be indexed in the same manner
34 as the names of the persons admitted or committed are indexed.
35 The book shall be designated as an account book or index, and

1 shall have no reference in any place to a lien.

2 Sec. 567. Section 230.31, Code 2023, is amended to read as
3 follows:

4 **230.31 Departers from other states.**

5 If a person with mental illness departs without proper
6 authority from ~~an institution~~ a facility in another state and
7 is found in this state, a peace officer in the county in which
8 the patient is found may take and detain the patient without
9 order and shall report the detention to the ~~administrator~~
10 department who shall provide for the return of the patient
11 to the authorities of the state where the unauthorized leave
12 was made. Pending such return, the patient may be detained
13 temporarily at one of the institutions of this state under the
14 control of the ~~administrator or any other administrator of the~~
15 ~~department of human services~~. Expenses incurred under this
16 section shall be paid in the same manner as is provided for
17 transfers in [section 230.8](#).

18 Sec. 568. Section 230.32, Code 2023, is amended to read as
19 follows:

20 **230.32 Support of nonresident patients on leave.**

21 The cost of support of patients without residence in this
22 state, who are placed on convalescent leave or removed from
23 a state mental health institute to any health care facility
24 licensed under [chapter 135C](#) for rehabilitation purposes,
25 shall be paid from the ~~hospital~~ state mental health institute
26 support fund and shall be charged on abstract in the same
27 manner as state inpatients, until such time as the patient
28 becomes self-supporting or qualifies for support under existing
29 statutes.

30 Sec. 569. Section 230.33, Code 2023, is amended to read as
31 follows:

32 **230.33 Reciprocal agreements.**

33 1. The ~~administrator~~ department may enter into agreements
34 with other states, through their duly constituted authorities,
35 to effect the reciprocal return of persons with mental illness

1 and persons with an intellectual disability to the contracting
2 states, and to effect the reciprocal supervision of persons on
3 convalescent leave.

4 2. However, in the case of a proposed transfer of a person
5 with mental illness or an intellectual disability from this
6 state, final action shall not be taken without the approval of
7 the district court of the county of admission or commitment.

8 Sec. 570. Section 230A.101, Code 2023, is amended to read
9 as follows:

10 **230A.101 Services system roles.**

11 1. The role of the department ~~of human services, through~~
12 ~~the division of the department designated~~ as the state
13 mental health authority with responsibility for state policy
14 concerning mental health and disability services, is to develop
15 and maintain policies for the mental health and disability
16 services system. The policies shall address the service needs
17 of individuals of all ages with disabilities in this state,
18 regardless of the individuals' places of residence or economic
19 circumstances, and shall be consistent with the requirements of
20 chapter 225C and other applicable law.

21 2. The role of community mental health centers in the
22 mental health and disability services system is to provide
23 an organized set of services in order to adequately meet the
24 mental health needs of this state's citizens based on organized
25 catchment areas.

26 Sec. 571. Section 230A.102, Code 2023, is amended to read
27 as follows:

28 **230A.102 Definitions.**

29 As used in [this chapter](#), unless the context otherwise
30 requires:

31 1. ~~"Administrator", "commission"~~ "Commission", ~~"department"~~,
32 ~~"director"~~, and ~~"disability services"~~, and ~~"division"~~ mean the
33 same as defined in [section 225C.2](#).

34 2. "Catchment area" means a community mental health center
35 catchment area identified in accordance with [this chapter](#).

1 3. "Community mental health center" or "center" means a
2 community mental health center designated in accordance with
3 this chapter.

4 Sec. 572. Section 230A.103, Code 2023, is amended to read
5 as follows:

6 **230A.103 Designation of community mental health centers.**

7 1. The ~~division~~ department, subject to agreement by any
8 community mental health center that would provide services
9 for the catchment area and approval by the commission,
10 shall designate at least one community mental health center
11 under **this chapter** for addressing the mental health needs of
12 the county or counties comprising the catchment area. The
13 designation process shall provide for the input of potential
14 service providers regarding designation of the initial
15 catchment area or a change in the designation.

16 2. The ~~division~~ department shall utilize objective criteria
17 for designating a community mental health center to serve a
18 catchment area and for withdrawing such designation. The
19 commission shall adopt rules outlining the criteria. The
20 criteria shall include but are not limited to provisions for
21 meeting all of the following requirements:

22 a. An appropriate means shall be used for determining which
23 prospective designee is best able to serve all ages of the
24 targeted population within the catchment area with minimal or
25 no service denials.

26 b. An effective means shall be used for determining the
27 relative ability of a prospective designee to appropriately
28 provide mental health services and other support to consumers
29 residing within a catchment area as well as consumers residing
30 outside the catchment area. The criteria shall address the
31 duty for a prospective designee to arrange placements outside
32 the catchment area when such placements best meet consumer
33 needs and to provide services within the catchment area to
34 consumers who reside outside the catchment area when the
35 services are necessary and appropriate.

1 3. The board of directors for a designated community mental
2 health center shall enter into an agreement with the ~~division~~
3 department. The terms of the agreement shall include but are
4 not limited to all of the following:

5 a. The period of time the agreement will be in force.

6 b. The services and other support the center will offer or
7 provide for the residents of the catchment area.

8 c. The standards to be followed by the center in determining
9 whether and to what extent the persons seeking services from
10 the center shall be considered to be able to pay the costs of
11 the services.

12 d. The policies regarding availability of the services
13 offered by the center to the residents of the catchment area as
14 well as consumers residing outside the catchment area.

15 e. The requirements for preparation and submission to the
16 ~~division~~ department of annual audits, cost reports, program
17 reports, performance measures, and other financial and service
18 accountability information.

19 4. **This section** does not limit the authority of the board or
20 the boards of supervisors of any county or group of counties to
21 continue to expend money to support operation of a center.

22 Sec. 573. Section 230A.104, Code 2023, is amended to read
23 as follows:

24 **230A.104 Catchment areas.**

25 1. The ~~division~~ department shall collaborate with affected
26 counties in identifying community mental health center
27 catchment areas in accordance with **this section**.

28 2. a. Unless the ~~division~~ department has determined that
29 exceptional circumstances exist, a catchment area shall be
30 served by one community mental health center. The purpose of
31 this general limitation is to clearly designate the center
32 responsible and accountable for providing core mental health
33 services to the target population in the catchment area and to
34 protect the financial viability of the centers comprising the
35 mental health services system in the state.

1 *b.* A formal review process shall be used in determining
2 whether exceptional circumstances exist that justify
3 designating more than one center to serve a catchment area.
4 The criteria for the review process shall include but are not
5 limited to a means of determining whether the catchment area
6 can support more than one center.

7 *c.* Criteria shall be provided that would allow the
8 designation of more than one center for all or a portion of a
9 catchment area if designation or approval for more than one
10 center was provided by the ~~division~~ department as of October 1,
11 2010. The criteria shall require a determination that all such
12 centers would be financially viable if designation is provided
13 for all.

14 Sec. 574. Section 230A.105, subsection 1, paragraph e, Code
15 2023, is amended to read as follows:

16 *e.* Individuals described in paragraph “a”, “b”, “c”, or “d”
17 who have a co-occurring disorder, including but not limited
18 to substance ~~abuse~~ use disorder, intellectual disability,
19 a developmental disability, brain injury, autism spectrum
20 disorder, or another disability or special health care need.

21 Sec. 575. Section 230A.108, Code 2023, is amended to read
22 as follows:

23 **230A.108 Administrative, diagnostic, and demographic**
24 **information.**

25 Release of administrative and diagnostic information, as
26 defined in [section 228.1](#), and demographic information necessary
27 for aggregated reporting to meet the data requirements
28 established by the ~~division~~ department, relating to an
29 individual who receives services from a community mental health
30 center, may be made a condition of support of that center by
31 the ~~division~~ department.

32 Sec. 576. Section 230A.110, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

34 1. The ~~division~~ department shall recommend and the
35 commission shall adopt standards for designated community

1 mental health centers and comprehensive community mental health
2 programs, with the overall objective of ensuring that each
3 center and each affiliate providing services under contract
4 with a center furnishes high-quality mental health services
5 within a framework of accountability to the community it
6 serves. The standards adopted shall conform with federal
7 standards applicable to community mental health centers
8 and shall be in substantial conformity with the applicable
9 behavioral health standards adopted by the joint commission,
10 formerly known as the joint commission on accreditation
11 of health care organizations, or other recognized national
12 standards for evaluation of psychiatric facilities unless in
13 the judgment of the ~~division~~ department, with approval of the
14 commission, there are sound reasons for departing from the
15 standards.

16 2. When recommending standards under [this section](#), the
17 ~~division~~ department shall designate an advisory committee
18 representing boards of directors and professional staff
19 of designated community mental health centers to assist in
20 the formulation or revision of standards. The membership
21 of the advisory committee shall include representatives of
22 professional and nonprofessional staff and other appropriate
23 individuals.

24 Sec. 577. Section 230A.110, subsection 3, paragraph c, Code
25 2023, is amended to read as follows:

26 *c.* Arrange for the financial condition and transactions
27 of the community mental health center to be audited once
28 each year by the auditor of state. However, in lieu of an
29 audit by the auditor of state, the local governing body of a
30 community mental health center organized under [this chapter](#)
31 may contract with or employ certified public accountants
32 to conduct the audit, pursuant to the applicable terms and
33 conditions prescribed by [sections 11.6](#) and [11.19](#) and audit
34 format prescribed by the auditor of state. Copies of each
35 audit shall be furnished by the auditor or accountant to the

1 ~~administrator of the division of mental health and disability~~
2 services department.

3 Sec. 578. Section 230A.111, Code 2023, is amended to read
4 as follows:

5 **230A.111 Review and evaluation.**

6 1. The review and evaluation of designated centers shall
7 be performed through a formal accreditation review process as
8 recommended by the ~~division~~ department and approved by the
9 commission. The accreditation process shall include all of the
10 following:

11 a. Specific time intervals for full accreditation reviews
12 based upon levels of accreditation.

13 b. Use of random or complaint-specific, on-site limited
14 accreditation reviews in the interim between full accreditation
15 reviews, as a quality review approach. The results of such
16 reviews shall be presented to the commission.

17 c. Use of center accreditation self-assessment tools to
18 gather data regarding quality of care and outcomes, whether
19 used during full or limited reviews or at other times.

20 2. The accreditation process shall include but is not
21 limited to addressing all of the following:

22 a. Measures to address centers that do not meet standards,
23 including authority to revoke accreditation.

24 b. Measures to address noncompliant centers that do not
25 develop a corrective action plan or fail to implement steps
26 included in a corrective action plan accepted by the ~~division~~
27 department.

28 c. Measures to appropriately recognize centers that
29 successfully complete a corrective action plan.

30 d. Criteria to determine when a center's accreditation
31 should be denied, revoked, suspended, or made provisional.

32 Sec. 579. Section 231.4, subsection 1, paragraphs e and f,
33 Code 2023, are amended to read as follows:

34 e. "Department" means the department ~~on aging~~ of health and
35 human services.

1 *f.* "*Director*" means the director of ~~the department on aging~~
2 health and human services.

3 Sec. 580. Section 231.21, Code 2023, is amended to read as
4 follows:

5 **231.21 ~~Department on aging~~ Administration of chapter —**
6 **department of health and human services.**

7 ~~An Iowa~~ The department on aging is established which of
8 health and human services shall administer **this chapter**
9 under the policy direction of the commission on aging. ~~The~~
10 ~~department on aging shall be administered by a director.~~

11 Sec. 581. Section 231.23, Code 2023, is amended to read as
12 follows:

13 **231.23 ~~Department on aging~~ — duties and authority.**

14 The ~~department on aging~~ director shall:

15 1. Develop and administer a state plan on aging.

16 2. Assist the commission in the review and approval of area
17 plans.

18 3. Pursuant to commission policy, coordinate state
19 activities related to the purposes of **this chapter** and all
20 other chapters under the department's jurisdiction.

21 4. Advocate for older individuals by reviewing and
22 commenting upon all state plans, budgets, laws, rules,
23 regulations, and policies which affect older individuals and
24 by providing technical assistance to any agency, organization,
25 association, or individual representing the needs of older
26 individuals.

27 5. Assist the commission in dividing the state into distinct
28 planning and service areas.

29 6. Assist the commission in designating for each area a
30 public or private nonprofit agency or organization as the area
31 agency on aging for that area.

32 7. Pursuant to commission policy, take into account the
33 views of older Iowans.

34 8. Assist the commission in adopting a method for the
35 distribution of funds available from the federal Act and state

1 appropriations and allocations.

2 9. Assist the commission in assuring that preference will
3 be given to providing services to older individuals with the
4 greatest economic or social needs, with particular attention to
5 low-income minority older individuals, older individuals with
6 limited English proficiency, and older individuals residing in
7 rural areas.

8 10. Assist the commission in developing, adopting, and
9 enforcing administrative rules, by issuing necessary forms and
10 procedures.

11 11. Apply for, receive, and administer grants, devises,
12 donations, gifts, or bequests of real or personal property from
13 any source to conduct projects consistent with the purposes of
14 the department. Notwithstanding [section 8.33](#), moneys received
15 by the department pursuant to [this section](#) are not subject to
16 reversion to the general fund of the state.

17 12. Administer state authorized programs.

18 13. Establish a procedure for an area agency on aging to
19 use in selection of members of the agency's board of directors.
20 The selection procedure shall be incorporated into the bylaws
21 of the board of directors.

22 Sec. 582. Section 231.23A, unnumbered paragraph 1, Code
23 2023, is amended to read as follows:

24 The department ~~on-aging~~ shall provide or administer, but is
25 not limited to providing or administering, all of the following
26 programs and services:

27 Sec. 583. Section 231.31, Code 2023, is amended to read as
28 follows:

29 **231.31 State plan on aging.**

30 The department ~~on-aging~~ shall develop, and submit to the
31 commission on aging for approval, a multiyear state plan on
32 aging. The state plan on aging shall meet all applicable
33 federal requirements.

34 Sec. 584. Section 231.32, subsection 2, paragraph d, Code
35 2023, is amended to read as follows:

1 *d.* Any public or nonprofit private agency in a planning
2 and service area or any separate organizational unit within
3 such agency which is under the supervision or direction for
4 this purpose of the department ~~on aging~~ and which can and will
5 engage only in the planning or provision of a broad range of
6 long-term living and community support services or nutrition
7 services within the planning and service area.

8 Sec. 585. Section 231.42, subsection 4, paragraph a, Code
9 2023, is amended to read as follows:

10 *a.* If abuse, neglect, or exploitation of a resident or
11 tenant is suspected, the state or a local long-term care
12 ombudsman shall, with the permission of the resident or tenant
13 as applicable under federal law, make an immediate referral
14 to the department of inspections and appeals, the department
15 of health and human services, ~~the department on aging~~, or the
16 appropriate law enforcement agency, as applicable.

17 Sec. 586. Section 231.58, Code 2023, is amended to read as
18 follows:

19 **231.58 Long-term living coordination.**

20 The director may convene meetings, as necessary, of the
21 director and the ~~directors of human services, public health,~~
22 and director of inspections and appeals, to assist in the
23 coordination of policy, service delivery, and long-range
24 planning relating to the long-term living system and older
25 Iowans in the state. The group may consult with individuals,
26 institutions and entities with expertise in the area of the
27 long-term living system and older Iowans, as necessary, to
28 facilitate the group's efforts.

29 Sec. 587. Section 231C.5, subsection 2, paragraph b,
30 subparagraph (2), subparagraph division (c), Code 2023, is
31 amended to read as follows:

32 (c) Contact information for the department of health and
33 human services and the senior health insurance information
34 program to assist tenants in accessing third-party payment
35 sources.

1 Sec. 588. Section 231C.5A, Code 2023, is amended to read as
2 follows:

3 **231C.5A Assessment of tenants — program eligibility.**

4 An assisted living program receiving reimbursement through
5 the medical assistance program under [chapter 249A](#) shall
6 assist the department of veterans affairs in identifying, upon
7 admission of a tenant, the tenant's eligibility for benefits
8 through the United States department of veterans affairs. The
9 assisted living program shall also assist the commission of
10 veterans affairs in determining such eligibility for tenants
11 residing in the program on July 1, 2009. The department of
12 inspections and appeals, in cooperation with the department of
13 health and human services, shall adopt rules to administer this
14 section, including a provision that ensures that if a tenant is
15 eligible for benefits through the United States department of
16 veterans affairs or other third-party payor, the payor of last
17 resort for reimbursement to the assisted living program is the
18 medical assistance program. The rules shall also require the
19 assisted living program to request information from a tenant or
20 tenant's personal representative regarding the tenant's veteran
21 status and to report to the department of veterans affairs
22 only the names of tenants identified as potential veterans
23 along with the names of their spouses and any dependents.
24 Information reported by the assisted living program shall be
25 verified by the department of veterans affairs.

26 Sec. 589. Section 231E.3, subsections 5 and 6, Code 2023,
27 are amended to read as follows:

28 5. "*Department*" means the department ~~on aging established in~~
29 [section 231.21](#) of health and human services.

30 6. "*Director*" means the director of ~~the department on aging~~
31 health and human services.

32 Sec. 590. Section 231E.4, subsection 3, paragraph e, Code
33 2023, is amended to read as follows:

34 e. Work with the ~~department of human services, the~~
35 ~~Iowa department of public health, the Iowa developmental~~

1 disabilities council, and other agencies to establish
2 a referral system for the provision of guardianship,
3 conservatorship, and representative payee services.

4 Sec. 591. Section 232.2, subsections 14 and 18, Code 2023,
5 are amended to read as follows:

6 14. "Department" means the department of health and human
7 services and includes the local, and county, ~~and service area~~
8 officers of the department.

9 18. "Director" means the director of ~~the department of~~
10 health and human services or ~~that person's~~ the director's
11 designee.

12 Sec. 592. Section 232.11, subsections 3, 4, and 5, Code
13 2023, are amended to read as follows:

14 3. If the child is not represented by counsel as required
15 under [subsection 1](#), counsel shall be provided as follows:

16 a. If the court determines, after giving the child's parent,
17 guardian, or custodian an opportunity to be heard, that such
18 person has the ability in whole or in part to pay for the
19 employment of counsel, it shall either order that person to
20 retain an attorney to represent the child or shall appoint
21 counsel for the child and order the parent, guardian, or
22 custodian to pay for that counsel as provided in [subsection 5](#).

23 b. If the court determines that the parent, guardian,
24 or custodian cannot pay any part of the expenses of counsel
25 to represent the child, it shall appoint counsel, who shall
26 be reimbursed according to [section 232.141, subsection 2](#),
27 paragraph "b".

28 c. The court may appoint counsel to represent the child
29 and reserve the determination of payment until the parent,
30 guardian, or custodian has an opportunity to be heard.

31 4. If the child is represented by counsel and the court
32 determines that there is a conflict of interest between the
33 child and the child's parent, guardian, or custodian and that
34 the retained counsel could not properly represent the child as
35 a result of the conflict, the court shall appoint other counsel

1 to represent the child and order the parent, guardian, or
2 custodian to pay for such counsel as provided in subsection 5.

3 5. If the court determines, after an inquiry which includes
4 notice and reasonable opportunity to be heard that the parent,
5 guardian, or custodian has the ability to pay in whole or
6 in part for the attorney appointed for the child, the court
7 may order that person to pay such sums as the court finds
8 appropriate in the manner and to whom the court directs. If
9 the person so ordered fails to comply with the order without
10 good reason, the court shall enter judgment against the person.

11 Sec. 593. Section 232.21, subsection 2, paragraph a,
12 subparagraph (3), Code 2023, is amended to read as follows:

13 (3) An institution or other facility operated by the
14 department of ~~human services~~, or one which is licensed or
15 otherwise authorized by law to receive and provide care for the
16 child.

17 Sec. 594. Section 232.22, subsection 5, paragraph b, Code
18 2023, is amended to read as follows:

19 b. The court determines that an acceptable alternative
20 placement does not exist pursuant to criteria developed by the
21 department of ~~human services~~.

22 Sec. 595. Section 232.28, subsections 3, 4, and 5, Code
23 2023, are amended to read as follows:

24 3. In the course of a preliminary inquiry, the intake
25 officer may:

26 a. Interview the complainant, victim, or witnesses of the
27 alleged delinquent act.

28 b. Check existing records of the court, law enforcement
29 agencies, public records of other agencies, and child abuse
30 records as provided in section 235A.15, subsection 2, paragraph
31 "e".

32 c. Hold conferences with the child and the child's parent or
33 parents, guardian, or custodian for the purpose of interviewing
34 them and discussing the disposition of the complaint in
35 accordance with the requirements set forth in subsection 8.

1 *d.* Examine any physical evidence pertinent to the complaint.

2 *e.* Interview such persons as are necessary to determine
3 whether the filing of a petition would be in the best interests
4 of the child and the community as provided in section 232.35,
5 subsections 2 and 3.

6 4. Any additional inquiries may be made only with the
7 consent of the child and the child's parent or parents,
8 guardian, or custodian.

9 5. Participation of the child and the child's parent or
10 parents, guardian, or custodian in a conference with an intake
11 officer shall be voluntary, and they shall have the right to
12 refuse to participate in such conference. At such conference
13 the child shall have the right to the assistance of counsel in
14 accordance with [section 232.11](#) and the right to remain silent
15 when questioned by the intake officer.

16 Sec. 596. Section 232.29, subsection 1, paragraphs b, d, and
17 g, Code 2023, are amended to read as follows:

18 *b.* The intake officer shall advise the child and the child's
19 parent, guardian, or custodian that they have the right to
20 refuse an informal adjustment of the complaint and demand the
21 filing of a petition and a formal adjudication.

22 *d.* The terms of such agreement shall be clearly stated in
23 writing and signed by all parties to the agreement and a copy
24 of this agreement shall be given to the child; the counsel for
25 the child; the parent, guardian, or custodian; and the intake
26 officer, who shall retain the copy in the case file.

27 *g.* The child and the child's parent, guardian, or custodian
28 shall have the right to terminate such agreement at any
29 time and to request the filing of a petition and a formal
30 adjudication.

31 Sec. 597. Section 232.38, Code 2023, is amended to read as
32 follows:

33 **232.38 Presence of parents at hearings.**

34 1. Any hearings or proceedings under [this subchapter](#)
35 subsequent to the filing of a petition shall not take place

1 without the presence of one or both of the child's parents,
2 guardian, or custodian except that a hearing or proceeding may
3 take place without such presence if the parent, guardian, or
4 custodian fails to appear after reasonable notification, or if
5 the court finds that a reasonably diligent effort has been made
6 to notify the child's parent, guardian, or custodian, and the
7 effort was unavailing.

8 2. In any such hearings or proceedings the court may
9 temporarily excuse the presence of the parent, guardian, or
10 custodian when the court deems it in the best interests of the
11 child. Counsel for the parent, guardian, or custodian shall
12 have the right to participate in a hearing or proceeding during
13 the absence of the parent, guardian, or custodian.

14 Sec. 598. Section 232.43, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. The county attorney and the child's counsel may mutually
17 consider a plea agreement which contemplates entry of a plea
18 admitting the allegations of the petition in the expectation
19 that other charges will be dismissed or not filed or that a
20 specific disposition will be recommended by the county attorney
21 and granted by the court. Any plea discussion shall be open to
22 the child and the child's parent, guardian, or custodian.

23 Sec. 599. Section 232.44, subsection 5, paragraph b,
24 subparagraph (1), Code 2023, is amended to read as follows:

25 (1) Place the child in the custody of a parent, guardian,
26 or custodian under that person's supervision, or under the
27 supervision of an organization which agrees to supervise the
28 child.

29 Sec. 600. Section 232.44, subsection 7, Code 2023, is
30 amended to read as follows:

31 7. If a child held in shelter care or detention by court
32 order has not been released after a detention hearing or has
33 not appeared at an adjudicatory hearing before the expiration
34 of the order of detention, an additional hearing shall
35 automatically be scheduled for the next court day following the

1 expiration of the order. The child, the child's counsel, the
2 child's guardian ad litem, and the child's parent, guardian,
3 or custodian shall be notified of this hearing not less than
4 twenty-four hours before the hearing is scheduled to take
5 place. The hearing required by **this subsection** may be held by
6 telephone conference call.

7 Sec. 601. Section 232.46, subsection 1, paragraph b, Code
8 2023, is amended to read as follows:

9 b. A child's need for shelter placement or for inpatient
10 mental health or substance ~~abuse~~ use disorder treatment does
11 not preclude entry or continued execution of a consent decree.

12 Sec. 602. Section 232.46, subsection 3, Code 2023, is
13 amended to read as follows:

14 3. A consent decree shall not be entered unless the child
15 and the child's parent, guardian, or custodian is informed
16 of the consequences of the decree by the court and the court
17 determines that the child has voluntarily and intelligently
18 agreed to the terms and conditions of the decree. If the
19 county attorney objects to the entry of a consent decree,
20 the court shall proceed to determine the appropriateness of
21 entering a consent decree after consideration of any objections
22 or reasons for entering such a decree.

23 Sec. 603. Section 232.52, subsection 2, paragraph d,
24 subparagraph (3), Code 2023, is amended to read as follows:

25 (3) The department of ~~human services~~ for purposes of
26 foster care and prescribing the type of placement which will
27 serve the best interests of the child and the means by which
28 the placement shall be monitored by the court. The court
29 shall consider ordering placement in family foster care as an
30 alternative to group foster care.

31 Sec. 604. Section 232.52, subsection 2, paragraph e,
32 unnumbered paragraph 1, Code 2023, is amended to read as
33 follows:

34 An order transferring the custody of the child, subject to
35 the continuing jurisdiction and custody of the court for the

1 purposes of [section 232.54](#), to the director ~~of the department~~
2 ~~of human services~~ for purposes of placement in the state
3 training school or other facility, provided that the child is
4 at least twelve years of age and the court finds the placement
5 to be in the best interests of the child or necessary for the
6 protection of the public, and that the child has been found to
7 have committed an act which is a forcible felony, as defined
8 in [section 702.11](#), or a felony violation of [section 124.401](#)
9 or [chapter 707](#), or the court finds any three of the following
10 conditions exist:

11 Sec. 605. Section 232.52, subsections 6, 8, and 9, Code
12 2023, are amended to read as follows:

13 6. If the court orders the transfer of custody of the
14 child to the department ~~of human services~~ or other agency
15 for placement, the department or agency responsible for the
16 placement of the child shall submit a case permanency plan to
17 the court and shall make every effort to return the child to
18 the child's home as quickly as possible.

19 8. If the court orders the transfer of the custody of the
20 child to the department ~~of human services~~ or to another agency
21 for placement in group foster care, the department or agency
22 shall make every reasonable effort to place the child in the
23 least restrictive, most family-like, and most appropriate
24 setting available and in close proximity to the parents' home,
25 consistent with the child's best interests and special needs,
26 and shall consider the placement's proximity to the school in
27 which the child is enrolled at the time of placement.

28 9. If a child has previously been adjudicated as a child
29 in need of assistance, and a social worker or other caseworker
30 from the department ~~of human services~~ has been assigned to work
31 on the child's case, the court may order the department ~~of~~
32 ~~human services~~ to assign the same social worker or caseworker
33 to work on any matters related to the child arising under this
34 subchapter.

35 Sec. 606. Section 232.52, subsection 10, paragraph a,

1 unnumbered paragraph 1, Code 2023, is amended to read as
2 follows:

3 Upon receipt of an application from the director ~~of the~~
4 ~~department of human services~~, the court shall enter an order
5 to temporarily transfer a child who has been placed in the
6 state training school pursuant to [subsection 2](#), paragraph "e",
7 to a facility which has been designated to be an alternative
8 placement site for the state training school, provided the
9 court finds that all of the following conditions exist:

10 Sec. 607. Section 232.68, subsection 4, Code 2023, is
11 amended to read as follows:

12 4. "*Department*" means the state department of health and
13 human services and includes the local, and county, ~~and service~~
14 area offices of the department.

15 Sec. 608. Section 232.69, subsection 1, paragraph b,
16 subparagraphs (6) and (7), Code 2023, are amended to read as
17 follows:

18 (6) An employee or operator of a substance ~~abuse~~ use
19 disorder program or facility licensed under [chapter 125](#).

20 (7) An employee of a department ~~of human services~~
21 institution listed in [section 218.1](#).

22 Sec. 609. Section 232.70, subsections 3, 5, and 6, Code
23 2023, are amended to read as follows:

24 3. The oral report shall be made by telephone or otherwise
25 to the department ~~of human services~~. If the person making the
26 report has reason to believe that immediate protection for the
27 child is advisable, that person shall also make an oral report
28 to an appropriate law enforcement agency.

29 5. The oral and written reports shall contain the following
30 information, or as much ~~thereof~~ of the following information as
31 the person making the report is able to furnish:

32 a. The names and home address of the child and the child's
33 parents or other persons believed to be responsible for the
34 child's care~~+~~.

35 b. The child's present whereabouts if not the same as the

1 parent's or other person's home address~~†~~.

2 c. The child's age~~†~~.

3 d. The nature and extent of the child's injuries, including
4 any evidence of previous injuries~~†~~.

5 e. The name, age and condition of other children in the same
6 home~~†~~.

7 f. Any other information which the person making the report
8 believes might be helpful in establishing the cause of the
9 injury to the child, the identity of the person or persons
10 responsible for the injury, or in providing assistance to the
11 child~~†~~ and.

12 g. The name and address of the person making the report.

13 6. A report made by a permissive reporter, as defined in
14 section 232.69, subsection 2, shall be regarded as a report
15 pursuant to [this chapter](#) whether or not the report contains
16 all of the information required by [this section](#) and may be
17 made to the department ~~of human services~~, county attorney, or
18 law enforcement agency. If the report is made to any agency
19 other than the department ~~of human services~~, such agency shall
20 promptly refer the report to the department ~~of human services~~.

21 Sec. 610. Section 232.72, subsections 1 and 2, Code 2023,
22 are amended to read as follows:

23 1. For the purposes of [this subchapter](#), the terms
24 "*department of health and human services*", "*department*", or
25 "*county attorney*" ordinarily refer to the ~~service area or local~~
26 office of the department ~~of human services~~ or of the county
27 attorney's office serving the county in which the child's home
28 is located.

29 2. If the person making a report of child abuse pursuant to
30 this chapter does not know where the child's home is located,
31 ~~or if the child's home is not located in the service area where~~
32 ~~the health practitioner examines, attends, or treats the child,~~
33 the report may be made to the department or to the local office
34 serving the county where the person making the report resides
35 or the county where the health practitioner examines, attends,

1 or treats the child. These agencies shall promptly proceed as
2 provided in [section 232.71B](#), unless the matter is transferred
3 as provided in [this section](#).

4 Sec. 611. Section 232.75, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. A person who reports or causes to be reported to the
7 department ~~of human services~~ false information regarding an
8 alleged act of child abuse, knowing that the information
9 is false or that the act did not occur, commits a simple
10 misdemeanor.

11 Sec. 612. Section 232.78, subsection 4, Code 2023, is
12 amended to read as follows:

13 4. The juvenile court may enter an order authorizing
14 a physician or physician assistant or hospital to provide
15 emergency medical or surgical procedures before the filing of
16 a petition under [this chapter](#) provided all of the following
17 conditions are met:

18 a. Such procedures are necessary to safeguard the life and
19 health of the child; ~~and~~.

20 b. There is not enough time to file a petition under this
21 chapter and hold a hearing as provided in [section 232.95](#).

22 Sec. 613. Section 232.79, subsection 4, paragraphs a and b,
23 Code 2023, are amended to read as follows:

24 a. When the court is informed that there has been an
25 emergency removal or keeping of a child without a court order,
26 the court shall direct the department ~~of human services~~ or
27 the juvenile probation department to make every reasonable
28 effort to communicate immediately with the child's parent or
29 parents or other person legally responsible for the child's
30 care. Upon locating the child's parent or parents or other
31 person legally responsible for the child's care, the department
32 ~~of human services~~ or the juvenile probation department shall,
33 in accordance with court-established procedures, immediately
34 orally inform the court. After orally informing the court,
35 the department ~~of human services~~ or the juvenile probation

1 department shall provide to the court written documentation of
2 the oral information.

3 **b.** The court shall authorize the department ~~of human~~
4 ~~services~~ or the juvenile probation department to cause a
5 child thus removed or kept to be returned if it concludes
6 there is not an imminent risk to the child's life and health
7 in so doing. If the department ~~of human services~~ or the
8 juvenile probation department receives information which could
9 affect the court's decision regarding the child's return,
10 the department ~~of human services~~ or the juvenile probation
11 department, in accordance with court established procedures,
12 shall immediately orally provide the information to the
13 court. After orally providing the information to the court,
14 the department ~~of human services~~ or the juvenile probation
15 department shall provide to the court written documentation
16 of the oral information. If the child is not returned,
17 the department ~~of human services~~ or the juvenile probation
18 department shall ~~forthwith~~ cause a petition to be filed within
19 three days after the removal.

20 Sec. 614. Section 232.81, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Upon receipt of a complaint, the court may request the
23 department ~~of human services~~, juvenile probation office, or
24 other authorized agency or individual to conduct a preliminary
25 investigation of the complaint to determine if further action
26 should be taken.

27 Sec. 615. Section 232.82, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. If an order is entered under [subsection 1](#) and a petition
30 has not yet been filed under [this chapter](#), the petition shall
31 be filed under [section 232.87](#) by the county attorney, the
32 department ~~of human services~~, or a juvenile court officer
33 within three days of the entering of the order.

34 Sec. 616. Section 232.87, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. A petition may be filed by the department of ~~human~~
2 ~~services~~, juvenile court officer, or county attorney.

3 Sec. 617. Section 232.89, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. The court shall determine, after giving the parent,
6 guardian, or custodian an opportunity to be heard, whether
7 the person has the ability to pay in whole or in part for
8 counsel appointed for the child. If the court determines
9 that the person possesses sufficient financial ability,
10 the court shall then consult with the department of ~~human~~
11 ~~services~~, the juvenile probation office, or other authorized
12 agency or individual regarding the likelihood of impairment
13 of the relationship between the child and the child's parent,
14 guardian, or custodian as a result of ordering the parent,
15 guardian, or custodian to pay for the child's counsel. If
16 impairment is deemed unlikely, the court shall order that
17 person to pay an amount the court finds appropriate in the
18 manner and to whom the court directs. If the person fails to
19 comply with the order without good reason, the court shall
20 enter judgment against the person. If impairment is deemed
21 likely or if the court determines that the parent, guardian,
22 or custodian cannot pay any part of the expenses of counsel
23 appointed to represent the child, counsel shall be reimbursed
24 pursuant to [section 232.141, subsection 2](#), paragraph "b".

25 Sec. 618. Section 232.96, subsections 4 and 6, Code 2023,
26 are amended to read as follows:

27 4. A report made to the department of ~~human services~~
28 pursuant to [chapter 235A](#) shall be admissible in evidence,
29 but such a report shall not alone be sufficient to support a
30 finding that the child is a child in need of assistance unless
31 the attorneys for the child and the parents consent to such a
32 finding.

33 6. A report, study, record, or other writing or an
34 audiotape or videotape recording made by the department of
35 ~~human services~~, a juvenile court officer, a peace officer, a

1 child protection center, or a hospital relating to a child in a
2 proceeding under [this subchapter](#) is admissible notwithstanding
3 any objection to hearsay statements contained in it provided
4 it is relevant and material and provided its probative value
5 substantially outweighs the danger of unfair prejudice to the
6 child's parent, guardian, or custodian. The circumstances of
7 the making of the report, study, record or other writing or an
8 audiotape or videotape recording, including the maker's lack of
9 personal knowledge, may be proved to affect its weight.

10 Sec. 619. Section 232.97, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. The court shall not make a disposition of the petition
13 until five working days after a social report has been
14 submitted to the court and counsel for the child and has been
15 considered by the court. The court may waive the five-day
16 requirement upon agreement by all the parties. The court may
17 direct either the juvenile court officer or the department
18 ~~of human services~~ or any other agency licensed by the state
19 to conduct a social investigation and to prepare a social
20 report which may include any evidence provided by an individual
21 providing foster care for the child. A report prepared shall
22 include any founded reports of child abuse.

23 Sec. 620. Section 232.98, subsection 2, Code 2023, is
24 amended to read as follows:

25 2. Following an adjudication that a child is a child in need
26 of assistance, the court may after a hearing order the physical
27 or mental examination of the parent, guardian, or custodian if
28 that person's ability to care for the child is at issue.

29 Sec. 621. Section 232.100, Code 2023, is amended to read as
30 follows:

31 **232.100 Suspended judgment.**

32 After the dispositional hearing the court may enter an
33 order suspending judgment and continuing the proceedings
34 subject to terms and conditions imposed to assure the proper
35 care and protection of the child. Such terms and conditions

1 may include the supervision of the child and of the parent,
2 guardian, or custodian by the department ~~of human services~~,
3 juvenile court office, or other appropriate agency designated
4 by the court. The maximum duration of any term or condition of
5 a suspended judgment shall be twelve months unless the court
6 finds at a hearing held during the last month of that period
7 that exceptional circumstances require an extension of the term
8 or condition for an additional six months.

9 Sec. 622. Section 232.101, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. After the dispositional hearing, the court may enter an
12 order permitting the child's parent, guardian, or custodian
13 at the time of the filing of the petition to retain custody
14 of the child subject to terms and conditions which the court
15 prescribes to assure the proper care and protection of the
16 child. Such terms and conditions may include supervision
17 of the child and the parent, guardian, or custodian by the
18 department ~~of human services~~, juvenile court office, or other
19 appropriate agency which the court designates. Such terms
20 and conditions may also include the provision or acceptance
21 by the parent, guardian, or custodian of special treatment or
22 care which the child needs for the child's physical or mental
23 health. If the parent, guardian, or custodian fails to provide
24 the treatment or care, the court may order the department
25 ~~of human services~~ or some other appropriate state agency to
26 provide such care or treatment.

27 Sec. 623. Section 232.102, subsections 4 and 6, Code 2023,
28 are amended to read as follows:

29 4. a. Whenever possible the court should permit the
30 child to remain at home with the child's parent, guardian, or
31 custodian. Custody of the child should not be transferred
32 unless the court finds there is clear and convincing evidence
33 that of any of the following:

34 (1) The child cannot be protected from physical abuse
35 without transfer of custody, ~~or~~.

1 (2) The child cannot be protected from some harm which would
2 justify the adjudication of the child as a child in need of
3 assistance and an adequate placement is available.

4 b. In order to transfer custody of the child under
5 this subsection, the court must make a determination that
6 continuation of the child in the child's home would be contrary
7 to the welfare of the child, and shall identify the reasonable
8 efforts that have been made. The court's determination
9 regarding continuation of the child in the child's home,
10 and regarding reasonable efforts, including those made to
11 prevent removal and those made to finalize any permanency
12 plan in effect, as well as any determination by the court
13 that reasonable efforts are not required, must be made on
14 a case-by-case basis. The grounds for each determination
15 must be explicitly documented and stated in the court order.
16 However, preserving the safety of the child is the paramount
17 consideration. If imminent danger to the child's life or
18 health exists at the time of the court's consideration, the
19 determinations otherwise required under this paragraph shall
20 not be a prerequisite for an order for removal of the child.
21 If the court transfers custody of the child, unless the
22 court waives the requirement for making reasonable efforts or
23 otherwise makes a determination that reasonable efforts are not
24 required, reasonable efforts shall be made to make it possible
25 for the child to safely return to the family's home.

26 6. In any order transferring custody to the department
27 or an agency, or in orders pursuant to a custody order, the
28 court shall specify the nature and category of disposition
29 which will serve the best interests of the child, and shall
30 prescribe the means by which the placement shall be monitored
31 by the court. If the court orders the transfer of the custody
32 of the child to the department of ~~human services~~ or other
33 agency for placement, the department or agency shall submit
34 a case permanency plan to the court and shall make every
35 reasonable effort to return the child to the child's home as

1 quickly as possible consistent with the best interests of the
 2 child. When the child is not returned to the child's home and
 3 if the child has been previously placed in a licensed foster
 4 care facility, the department or agency shall consider placing
 5 the child in the same licensed foster care facility. If the
 6 court orders the transfer of custody to a parent who does not
 7 have physical care of the child, other relative, or other
 8 suitable person, the court may direct the department or other
 9 agency to provide services to the child's parent, guardian,
 10 or custodian in order to enable them to resume custody of the
 11 child. If the court orders the transfer of custody to the
 12 department ~~of human services~~ or to another agency for placement
 13 in group foster care, the department or agency shall make every
 14 reasonable effort to place the child in the least restrictive,
 15 most family-like, and most appropriate setting available, and
 16 in close proximity to the parents' home, consistent with the
 17 child's best interests and special needs, and shall consider
 18 the placement's proximity to the school in which the child is
 19 enrolled at the time of placement.

20 Sec. 624. Section 232.103A, subsections 3 and 5, Code 2023,
 21 are amended to read as follows:

22 3. The juvenile court shall designate the petitioner and
 23 respondent for the purposes of the bridge order. A bridge
 24 order shall only address matters of custody, physical care, and
 25 visitation. All other matters, including child support, shall
 26 be filed by separate petition or by action of ~~the~~ child support
 27 ~~recovery unit~~ services, and shall be subject to existing
 28 applicable statutory provisions.

29 5. The district court shall take judicial notice of the
 30 juvenile file in any hearing related to the case. Records
 31 contained in the district court case file that were copied or
 32 transferred from the juvenile court file concerning the case
 33 shall be subject to [section 232.147](#) and other confidentiality
 34 provisions of [this chapter](#) for cases not involving juvenile
 35 delinquency, and shall be disclosed, upon request, to ~~the~~ child

1 support ~~recovery unit~~ services without a court order.

2 Sec. 625. Section 232.111, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. A child's guardian, guardian ad litem, or custodian,
5 the department ~~of human services~~, a juvenile court officer, or
6 the county attorney may file a petition for termination of the
7 parent-child relationship and parental rights with respect to a
8 child.

9 Sec. 626. Section 232.116, subsection 1, paragraph 1, Code
10 2023, is amended to read as follows:

11 1. The court finds that all of the following have occurred:

12 (1) The child has been adjudicated a child in need of
13 assistance pursuant to [section 232.96](#) and custody has been
14 transferred from the child's parents for placement pursuant to
15 section 232.102.

16 (2) The parent has a severe ~~substance-related~~ substance use
17 disorder as described by either of the following:

18 (a) The severe ~~substance-related~~ substance use disorder
19 meets the definition for that term as defined in the most
20 current edition of the diagnostic and statistical manual
21 prepared by the American psychiatric association, and the
22 parent presents a danger to self or others as evidenced by
23 prior acts.

24 (b) The disorder is evidenced by continued and repeated use
25 through the case, the parent's refusal to obtain a substance
26 ~~abuse~~ use disorder evaluation or treatment after given the
27 opportunity to do so, and the parent presents a danger to self
28 or others as evidenced by prior acts.

29 (3) There is clear and convincing evidence that the parent's
30 prognosis indicates that the child will not be able to be
31 returned to the custody of the parent within a reasonable
32 period of time considering the child's age and need for a
33 permanent home.

34 Sec. 627. Section 232.142, Code 2023, is amended to read as
35 follows:

1 **232.142 Maintenance and cost of juvenile homes — fund.**

2 1. County boards of supervisors which singly or in
3 conjunction with one or more other counties provide and
4 maintain juvenile detention and juvenile shelter care homes are
5 subject to [this section](#).

6 2. For the purpose of providing and maintaining a county
7 or multicounty home, the board of supervisors of any county
8 may issue general county purpose bonds in accordance with
9 sections 331.441 through 331.449. Expenses for providing and
10 maintaining a multicounty home shall be paid by the counties
11 participating in a manner to be determined by the boards of
12 supervisors.

13 3. A county or multicounty juvenile detention home approved
14 pursuant to [this section](#) shall receive financial aid from the
15 state in a manner approved by the director, ~~the director of the~~
16 ~~department of human rights, or a designee of the director of~~
17 ~~the department of human rights~~. Aid paid by the state shall
18 be at least ten percent and not more than fifty percent of the
19 total cost of the establishment, improvements, operation, and
20 maintenance of the home. ~~This subsection is repealed July 1,~~
21 ~~2023.~~

22 4. ~~The director, the director of the department of human~~
23 ~~rights, or a designee of the director of the department of~~
24 ~~human rights~~ shall adopt minimal rules and standards for the
25 establishment, maintenance, and operation of such homes as
26 shall be necessary to effect the purposes of [this chapter](#). The
27 rules shall apply the requirements of [section 237.8](#), concerning
28 employment and evaluation of persons with direct responsibility
29 for a child or with access to a child when the child is
30 alone and persons residing in a child foster care facility,
31 to persons employed by, residing in, or volunteering for a
32 home approved under [this section](#). The director shall, upon
33 request, give guidance and consultation in the establishment
34 and administration of the homes and programs for the homes.
35 ~~This subsection is repealed July 1, 2023.~~

1 5. The director, ~~the director of the department of human~~
2 ~~rights, or a designee of the director of the department of~~
3 ~~human rights~~ shall approve annually all such homes established
4 and maintained under the provisions of [this chapter](#). A home
5 shall not be approved unless it complies with minimal rules and
6 standards adopted by the director and has been inspected by the
7 department of inspections and appeals. The statewide number
8 of beds in the homes approved by the director shall not exceed
9 two hundred seventy-two beds beginning July 1, 2017. ~~This~~
10 ~~subsection is repealed July 1, 2023.~~

11 6. A juvenile detention home fund is created in the
12 state treasury under the authority of the department ~~or the~~
13 ~~department of human rights as the department and the department~~
14 ~~of human rights agree~~. The fund shall consist of moneys
15 deposited in the fund pursuant to [section 602.8108](#). The moneys
16 in the fund shall be used for the costs of the establishment,
17 improvement, operation, and maintenance of county or
18 multicounty juvenile detention homes in accordance with annual
19 appropriations made by the general assembly from the fund for
20 these purposes. ~~This subsection is repealed July 1, 2023.~~

21 Sec. 628. Section 232.147, subsection 2, paragraphs c, e,
22 and j, Code 2023, are amended to read as follows:

23 c. The child's parent, guardian, or custodian, court
24 appointed special advocate, and guardian ad litem, and
25 the members of the child advocacy board created in section
26 237.16 or a local citizen foster care review board created in
27 accordance with [section 237.19](#) who are assigning or reviewing
28 the child's case.

29 e. An agency, individual, association, facility, or
30 institution responsible for the care, treatment, or supervision
31 of the child pursuant to a court order or voluntary placement
32 agreement with the department ~~of human services~~, juvenile
33 officer, or intake officer.

34 j. The department ~~of human services~~.

35 Sec. 629. Section 232.147, subsection 3, paragraphs c, e,

1 and h, Code 2023, are amended to read as follows:

2 *c.* The child's parent, guardian, or custodian, court
3 appointed special advocate, guardian ad litem, and the members
4 of the child advocacy board created in [section 237.16](#) or a
5 local citizen foster care review board created in accordance
6 with [section 237.19](#) who are assigning or reviewing the child's
7 case.

8 *e.* An agency, individual, association, facility, or
9 institution responsible for the care, treatment, or supervision
10 of the child pursuant to a court order or voluntary placement
11 agreement with the department of ~~human services~~, juvenile court
12 officer, or intake officer.

13 *h.* The department of ~~human services~~.

14 Sec. 630. Section 232.147, subsection 4, paragraphs c, f,
15 and j, Code 2023, are amended to read as follows:

16 *c.* The child's parent, guardian, or custodian, court
17 appointed special advocate, guardian ad litem, and the members
18 of the child advocacy board created in [section 237.16](#) or a
19 local citizen foster care review board created in accordance
20 with [section 237.19](#) who are assigning or reviewing the child's
21 case.

22 *f.* An agency, individual, association, facility, or
23 institution responsible for the care, treatment, or supervision
24 of the child pursuant to a court order or voluntary placement
25 agreement with the department of ~~human services~~, juvenile court
26 officer, or intake officer.

27 *j.* The department of ~~human services~~.

28 Sec. 631. Section 232.147, subsection 7, Code 2023, is
29 amended to read as follows:

30 7. Official juvenile court records enumerated in section
31 232.2, subsection 43, paragraph "e", relating to paternity,
32 support, or the termination of parental rights, shall be
33 disclosed, upon request, to the child support ~~recovery unit~~
34 services without court order.

35 Sec. 632. Section 232.149, subsection 5, paragraph h, Code

1 2023, is amended to read as follows:

2 *h.* The department ~~of human services~~.

3 Sec. 633. Section 232.149A, subsection 3, paragraphs c and
4 e, Code 2023, are amended to read as follows:

5 *c.* The child's parent, guardian, or custodian, court
6 appointed special advocate, and guardian ad litem, and
7 the members of the child advocacy board created in section
8 237.16 or a local citizen foster care review board created in
9 accordance with [section 237.19](#) who are assigning or reviewing
10 the child's case.

11 *e.* An agency, association, facility, or institution which
12 has custody of the child, or is legally responsible for the
13 care, treatment, or supervision of the child, including but not
14 limited to the department ~~of human services~~.

15 Sec. 634. Section 232.158A, subsection 1, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:

17 Notwithstanding any provision of the interstate compact
18 on the placement of children under [section 232.158](#) to the
19 contrary, the department ~~of human services~~ shall permit the
20 legal risk placement of a child under the interstate compact on
21 the placement of children if the prospective adoptive parent
22 provides a legal risk statement, in writing, acknowledging all
23 of the following:

24 Sec. 635. Section 232.158A, subsection 1, paragraph d, Code
25 2023, is amended to read as follows:

26 *d.* That the prospective adoptive parent assumes full legal,
27 financial, and other risks associated with the legal risk
28 placement and that the prospective adoptive parent agrees
29 to hold the department ~~of human services~~ harmless for any
30 disruption or failure of the placement.

31 Sec. 636. Section 232.160, Code 2023, is amended to read as
32 follows:

33 **232.160 Department of health and human services as public**
34 **authority.**

35 The "*appropriate public authorities*" as used in article III

1 of the interstate compact on the placement of children under
2 section 232.158 shall, with reference to this state, mean the
3 state department of health and human services and ~~said the~~
4 department shall receive and act with reference to notices
5 required by article III of that interstate compact.

6 Sec. 637. Section 232.161, Code 2023, is amended to read as
7 follows:

8 **232.161 Department as authority in receiving state.**

9 As used in paragraph "a" of article V of the interstate
10 compact on the placement of children under [section 232.158](#),
11 the phrase "*appropriate authority in the receiving state*" with
12 reference to this state ~~shall mean~~ means the state department
13 of health and human services.

14 Sec. 638. Section 232.162, Code 2023, is amended to read as
15 follows:

16 **232.162 Authority to enter agreements.**

17 The officers and agencies of this state and its subdivisions
18 having authority to place children may enter into agreements
19 with appropriate officers or agencies of or in other party
20 states pursuant to paragraph "b" of article V of the interstate
21 compact on the placement of children under [section 232.158](#).
22 Any such agreement which contains a financial commitment or
23 imposes a financial obligation on this state or a subdivision
24 or agency of this state shall not be binding unless it has the
25 approval in writing of the ~~administrator of child and family~~
26 ~~services~~ director or the director's designee in the case of the
27 state and the county general assistance director in the case
28 of a subdivision of the state.

29 Sec. 639. Section 232.168, Code 2023, is amended to read as
30 follows:

31 **232.168 Attorney general to enforce.**

32 The attorney general may, on the attorney general's own
33 initiative, institute any criminal and civil actions and
34 proceedings under [this subchapter](#), at whatever stage of
35 placement necessary, to enforce the interstate compact on

1 the placement of children, including, but not limited to,
2 seeking enforcement of the provisions of the compact through
3 the courts of a party state. The department ~~of human services~~
4 shall cooperate with the attorney general and shall refer any
5 placement or proposed placement to the attorney general which
6 may require enforcement measures.

7 Sec. 640. Section 232.171, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. *Article IV — Return of runaways.*

10 a. (1) That the parent, guardian, or person or agency
11 entitled to legal custody of a juvenile who has not been
12 adjudged delinquent but who has run away without the consent
13 of such parent, guardian, or person or agency may petition
14 the appropriate court in the demanding state for the issuance
15 of a requisition for the juvenile's return. The petition
16 shall state the name and age of the juvenile, the name of the
17 petitioner and the basis of entitlement to the juvenile's
18 custody, the circumstances of the juvenile's running away,
19 the juvenile's location if known at the time application
20 is made, and such other facts as may tend to show that the
21 juvenile who has run away is endangering the juvenile's own
22 welfare or the welfare of others and is not an emancipated
23 minor. The petition shall be verified by affidavit, shall
24 be executed in duplicate, and shall be accompanied by two
25 certified copies of the document or documents on which the
26 petitioner's entitlement to the juvenile's custody is based,
27 such as birth certificates, letters of guardianship, or custody
28 decrees. Such further affidavits and other documents as may
29 be deemed proper may be submitted with such petition. The
30 judge of the court to which this application is made may hold a
31 hearing thereon to determine whether for the purposes of this
32 compact the petitioner is entitled to the legal custody of the
33 juvenile, whether or not it appears that the juvenile has in
34 fact run away without consent, whether or not the juvenile is
35 an emancipated minor, and whether or not it is in the best

1 interest of the juvenile to compel the juvenile's return to
2 the state. If the judge determines, either with or without a
3 hearing, that the juvenile should be returned, the judge shall
4 present to the appropriate court or to the executive authority
5 of the state where the juvenile is alleged to be located a
6 written requisition for the return of such juvenile. Such
7 requisition shall set forth the name and age of the juvenile,
8 the determination of the court that the juvenile has run away
9 without the consent of a parent, guardian, or person or agency
10 entitled to the juvenile's legal custody, and that it is in
11 the best interest and for the protection of such juvenile that
12 the juvenile be returned. In the event that a proceeding for
13 the adjudication of the juvenile as a delinquent, neglected or
14 dependent juvenile is pending in the court at the time when
15 such juvenile runs away, the court may issue a requisition for
16 the return of such juvenile upon its own motion, regardless
17 of the consent of the parent, guardian, or person or agency
18 entitled to legal custody, reciting therein the nature and
19 circumstances of the pending proceeding. The requisition shall
20 in every case be executed in duplicate and shall be signed by
21 the judge. One copy of the requisition shall be filed with the
22 compact administrator of the demanding state, there to remain
23 on file subject to the provisions of law governing records
24 of such court. Upon the receipt of a requisition demanding
25 the return of a juvenile who has run away, the court or the
26 executive authority to whom the requisition is addressed shall
27 issue an order to any peace officer or other appropriate person
28 directing the officer or person to take into custody and detain
29 such juvenile. Such detention order must substantially recite
30 the facts necessary to the validity of its issuance hereunder.
31 No juvenile detained upon such order shall be delivered over
32 to the officer whom the court demanding the juvenile shall
33 have appointed to receive the juvenile, unless the juvenile
34 shall first be taken forthwith before a judge of a court in the
35 state, who shall inform the juvenile of the demand made for

1 the juvenile's return, and who may appoint counsel or guardian
2 ad litem for the juvenile. If the judge of such court shall
3 find that the requisition is in order, the judge shall deliver
4 such juvenile over to the officer whom the court demanding the
5 juvenile shall have appointed to receive the juvenile. The
6 judge, however, may fix a reasonable time to be allowed for the
7 purpose of testing the legality of the proceeding.

8 (2) Upon reasonable information that a person is a juvenile
9 who has run away from another state party to this compact
10 without the consent of a parent, guardian, or person or agency
11 entitled to the juvenile's legal custody, such juvenile may be
12 taken into custody without a requisition and brought forthwith
13 before a judge of the appropriate court who may appoint counsel
14 or guardian ad litem for such juvenile and who shall determine
15 after a hearing whether sufficient cause exists to hold the
16 person, subject to the order of the court, for the person's own
17 protection and welfare, for such a time not exceeding ninety
18 days as will enable the person's return to another state party
19 to this compact pursuant to a requisition for the person's
20 return from a court of that state. If, at the time when a
21 state seeks the return of a juvenile who has run away, there is
22 pending in the state wherein the juvenile is found any criminal
23 charge, or any proceeding to have the juvenile adjudicated a
24 delinquent juvenile for an act committed in such state, or
25 if the juvenile is suspected of having committed within such
26 state a criminal offense or an act of juvenile delinquency,
27 the juvenile shall not be returned without the consent of
28 such state until discharged from prosecution or other form of
29 proceeding, imprisonment, detention or supervision for such
30 offense or juvenile delinquency. The duly accredited officers
31 of any state party to this compact, upon the establishment
32 of their authority and the identity of the juvenile being
33 returned, shall be permitted to transport such juvenile through
34 any and all states party to this compact, without interference.
35 Upon the juvenile's return to the state from which the juvenile

1 ran away, the juvenile shall be subject to such further
2 proceedings as may be appropriate under the laws of that state.

3 **b.** That the state to which a juvenile is returned under this
4 article shall be responsible for payment of the transportation
5 costs of such return.

6 **c.** That "*juvenile*" as used in this article means any person
7 who is a minor under the law of the state of residence of the
8 parent, guardian, or person or agency entitled to the legal
9 custody of such minor.

10 Sec. 641. Section 232.171, subsection 7, paragraph a, Code
11 2023, is amended to read as follows:

12 **a.** That the duly constituted judicial and administrative
13 authorities of a state party to this compact, herein called
14 "*sending state*", may permit any delinquent juvenile within
15 such state, placed on probation or parole, to reside in any
16 other state party to this compact, herein called "*receiving*
17 *state*", while on probation or parole, and the receiving
18 state shall accept such delinquent juvenile, if the parent,
19 guardian, or person entitled to the legal custody of such
20 delinquent juvenile is residing or undertakes to reside
21 within the receiving state. Before granting such permission,
22 opportunity shall be given to the receiving state to make such
23 investigations as it deems necessary. The authorities of the
24 sending state shall send to the authorities of the receiving
25 state copies of pertinent court orders, social case studies
26 and all other available information which may be of value to
27 and assist the receiving state in supervising a probationer
28 or parolee under this compact. A receiving state, in its
29 discretion, may agree to accept supervision of a probationer or
30 parolee in cases where the parent, guardian, or person entitled
31 to the legal custody of the delinquent juvenile is not a
32 resident of the receiving state, and if so accepted the sending
33 state may transfer supervision accordingly.

34 Sec. 642. Section 232.171, subsection 10, paragraph f, Code
35 2023, is amended to read as follows:

1 *f.* Provide that the consent of the parent, guardian, or
2 person or agency entitled to the legal custody of ~~said~~ the
3 delinquent juvenile shall be secured prior to the juvenile
4 being sent to another state; and

5 Sec. 643. Section 232.188, Code 2023, is amended to read as
6 follows:

7 **232.188 Decategorization of child welfare and juvenile**
8 **justice funding initiative.**

9 1. *Definitions.* For the purposes of **this section**, unless
10 the context otherwise requires:

11 *a.* "*Decategorization governance board*" or "*governance*
12 *board*" means the group that enters into and implements a
13 decategorization project agreement.

14 *b.* "*Decategorization project*" means the county or counties
15 that have entered into a decategorization agreement to
16 implement the decategorization initiative in the county or
17 multicounty area covered by the agreement.

18 *c.* "*Decategorization services funding pool*" or "*funding pool*"
19 means the funding designated for a decategorization project
20 from all sources.

21 2. *Purpose.* The decategorization of the child welfare and
22 juvenile justice funding initiative is intended to establish
23 a system of delivering human services based upon client needs
24 to replace a system based upon a multitude of categorical
25 programs and funding sources, each with different service
26 definitions and eligibility requirements. The purposes of
27 the decategorization initiative include but are not limited
28 to redirecting child welfare and juvenile justice funding
29 to services which are more preventive, family-centered,
30 and community-based in order to reduce use of restrictive
31 approaches which rely upon institutional, out-of-home, and
32 out-of-community services.

33 3. *Implementation.*

34 *a.* Implementation of the initiative shall be through
35 creation of decategorization projects. A project shall consist

1 of either a single county or a group of counties interested
2 in jointly implementing the initiative. Representatives of
3 the department, juvenile court services, and county government
4 shall develop a project agreement to implement the initiative
5 within a project.

6 *b.* The initiative shall include community planning
7 activities in the area covered by a project. As part of
8 the community planning activities, the department shall
9 partner with other community stakeholders to develop service
10 alternatives that provide less restrictive levels of care for
11 children and families receiving services from the child welfare
12 and juvenile justice systems within the project area.

13 *c.* The decategorization initiative shall not be implemented
14 in a manner that limits the legal rights of children and
15 families to receive services.

16 4. *Governance board.*

17 *a.* In partnership with an interested county or group of
18 counties which has demonstrated the commitment and involvement
19 of the affected county department, or departments, of human
20 services, the juvenile justice system within the project
21 area, and board, or boards, of supervisors in order to form
22 a decategorization project, the department shall develop
23 a process for combining specific state and state-federal
24 funding categories into a decategorization services funding
25 pool for that project. A decategorization project shall be
26 implemented by a decategorization governance board. The
27 decategorization governance board shall develop specific,
28 quantifiable short-term and long-term plans for enhancing the
29 family-centered and community-based services and reducing
30 reliance upon out-of-community care in the project area.

31 *b.* The department shall work with the decategorization
32 governance boards to best coordinate planning activities and
33 most effectively target funding resources. ~~A departmental~~
34 ~~service area manager~~ The department shall work with the
35 decategorization governance boards ~~in that service area~~ to

1 support board planning and service development activities and
2 to promote the most effective alignment of resources.

3 c. A decategorization governance board shall coordinate
4 the project's planning and budgeting activities with the
5 ~~departmental service area manager~~ department's designee for the
6 county or counties comprising the project area and the early
7 childhood Iowa area board or boards for the early childhood
8 Iowa area or areas within which the decategorization project
9 is located.

10 5. *Funding pool.*

11 a. The governance board for a decategorization project has
12 authority over the project's decategorization services funding
13 pool and shall manage the pool to provide more flexible,
14 individualized, family-centered, preventive, community-based,
15 comprehensive, and coordinated service systems for children and
16 families served in that project area. A funding pool shall
17 also be used for child welfare and juvenile justice systems
18 enhancements.

19 b. Notwithstanding [section 8.33](#), moneys designated for a
20 project's decategorization services funding pool that remain
21 unencumbered or unobligated at the close of the fiscal year
22 shall not revert but shall remain available for expenditure as
23 directed by the project's governance board for child welfare
24 and juvenile justice systems enhancements and other purposes
25 of the project for the next three succeeding fiscal years.
26 Such moneys shall be known as "*carryover funding*". Moneys may
27 be made available to a funding pool from one or more of the
28 following sources:

29 (1) Funds designated for the initiative in a state
30 appropriation.

31 (2) Child welfare and juvenile justice services funds
32 designated for the initiative by ~~a departmental service area~~
33 ~~manager~~ the department.

34 (3) Juvenile justice program funds designated for the
35 initiative by a chief juvenile court officer.

1 (4) Carryover funding.

2 (5) Any other source designating moneys for the funding
3 pool.

4 *c.* The services and activities funded from a project's
5 funding pool may vary depending upon the strategies selected
6 by the project's governance board and shall be detailed in an
7 annual child welfare and juvenile justice decategorization
8 services plan developed by the governance board. A
9 decategorization governance board shall involve community
10 representatives and county organizations in the development of
11 the plan for that project's funding pool. In addition, the
12 governance board shall coordinate efforts through communication
13 with the ~~appropriate departmental service area manager~~
14 department regarding budget planning and decategorization
15 service decisions.

16 *d.* A decategorization governance board is responsible for
17 ensuring that decategorization services expenditures from that
18 project's funding pool do not exceed the amount of funding
19 available. If necessary, the governance board shall reduce
20 expenditures or discontinue specific services as necessary to
21 manage within the funding pool resources available for a fiscal
22 year.

23 *e.* The annual child welfare and juvenile justice
24 decategorization services plan developed for use of the funding
25 pool by a decategorization governance board shall be submitted
26 to the department ~~administrator of child welfare services~~
27 and the early childhood Iowa state board. In addition, the
28 decategorization governance board shall submit an annual
29 progress report to the department ~~administrator~~ and the early
30 childhood Iowa state board which summarizes the progress made
31 toward attaining the objectives contained in the plan. The
32 progress report shall serve as an opportunity for information
33 sharing and feedback.

34 6. *Departmental role.* A The departmental ~~service area's~~
35 share of the child welfare appropriation that is not allocated

1 by law for the decategorization initiative shall be managed
2 by and is under the authority of the ~~service area manager~~
3 department. ~~A service area manager~~ The department is
4 responsible for meeting the child welfare service needs ~~in the~~
5 ~~counties comprising the service area~~ with the available funding
6 resources.

7 Sec. 644. Section 232.189, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 Based upon a model reasonable efforts family court
10 initiative, the director ~~of human services~~ and the chief
11 justice of the supreme court or their designees shall jointly
12 establish and implement a statewide protocol for reasonable
13 efforts, as defined in [section 232.102](#). In addition, the
14 director and the chief justice shall design and implement
15 a system for judicial and departmental reasonable efforts
16 education for deployment throughout the state. The system for
17 reasonable efforts education shall be developed in a manner
18 which addresses the particular needs of rural areas and shall
19 include but is not limited to all of the following topics:

20 Sec. 645. Section 232B.3, Code 2023, is amended by adding
21 the following new subsections:

22 NEW SUBSECTION. 3A. "*Department*" means the department of
23 health and human services.

24 NEW SUBSECTION. 3B. "*Director*" means the director of health
25 and human services.

26 Sec. 646. Section 232B.9, subsections 8 and 9, Code 2023,
27 are amended to read as follows:

28 8. A record of each foster care placement, emergency
29 removal, preadoptive placement, or adoptive placement of an
30 Indian child, under the laws of this state, shall be maintained
31 in perpetuity by the department ~~of human services~~ in accordance
32 with [section 232B.13](#). The record shall document the active
33 efforts to comply with the applicable order of preference
34 specified in [this section](#).

35 9. The state of Iowa recognizes the authority of Indian

1 tribes to license foster homes and to license agencies to
2 receive children for control, care, and maintenance outside
3 of the children's own homes, or to place, receive, arrange
4 the placement of, or assist in the placement of children for
5 foster care or adoption. The department of ~~human services~~ and
6 child-placing agencies licensed under [chapter 238](#) may place
7 children in foster homes and facilities licensed by an Indian
8 tribe.

9 Sec. 647. Section 232B.11, subsections 1 and 2, Code 2023,
10 are amended to read as follows:

11 1. The director of ~~human services~~ or the director's designee
12 shall make a good faith effort to enter into agreements
13 with Indian tribes regarding jurisdiction over child custody
14 proceedings and the care and custody of Indian children whose
15 tribes have land within Iowa, including but not limited to
16 the Sac and Fox tribe, the Omaha tribe, the Ponca tribe, and
17 the Winnebago tribe, and whose tribes have an Indian child
18 who resides in the state of Iowa. An agreement shall seek to
19 promote the continued existence and integrity of the Indian
20 tribe as a political entity and the vital interest of Indian
21 children in securing and maintaining a political, cultural,
22 and social relationship with their tribes. An agreement
23 shall assure that tribal services and Indian organizations
24 or agencies are used to the greatest extent practicable in
25 planning and implementing any action pursuant to the agreement
26 concerning the care and custody of Indian children. If tribal
27 services are not available, an agreement shall assure that
28 community services and resources developed specifically for
29 Indian families will be used.

30 2. If an agreement entered into between the tribe and the
31 department of ~~human services~~ pertaining to the funding of
32 foster care placements for Indian children conflicts with any
33 federal or state law, the state in a timely, good faith manner
34 shall agree to amend the agreement in a way that prevents any
35 interruption of services to eligible Indian children.

1 Sec. 648. Section 232B.12, Code 2023, is amended to read as
2 follows:

3 **232B.12 Payment of foster care expenses.**

4 1. If the department ~~of human services~~ has legal custody
5 of an Indian child and that child is placed in foster care
6 according to the placement preferences under [section 232B.9](#)
7 the state shall pay, subject to any applicable federal funding
8 limitations and requirements, the cost of the foster care in
9 the manner and to the same extent the state pays for foster
10 care of non-Indian children, including the administrative and
11 training costs associated with the placement. In addition,
12 the state shall pay the other costs related to the foster care
13 placement of an Indian child as may be provided for in an
14 agreement entered into between a tribe and the state.

15 2. The department ~~of human services~~ may, subject to any
16 applicable federal funding limitations and requirements and
17 within funds appropriated for foster care services, purchase
18 care for Indian children who are in the custody of a federally
19 recognized Indian tribe or tribally licensed child-placing
20 agency pursuant to parental consent, tribal court order, or
21 state court order; and the purchase of the care is subject to
22 the same eligibility standards and rates of support applicable
23 to other children for whom the department purchases care.

24 Sec. 649. Section 232B.13, subsections 1, 3, 4, and 5, Code
25 2023, are amended to read as follows:

26 1. The department ~~of human services~~ shall establish an
27 automated database where a permanent record shall be maintained
28 of every involuntary or voluntary foster care, preadoptive
29 placement, or adoptive placement of an Indian child that is
30 ordered by a court of this state and in which the department
31 was involved. The automated record shall document the active
32 efforts made to comply with the order of placement preference
33 specified in [section 232B.9](#). An Indian child's placement
34 record shall be maintained in perpetuity by the department
35 ~~of human services~~ and shall include but is not limited to

1 the name, birthdate, and gender of the Indian child, and the
2 location of the local department office that maintains the
3 original file and documents containing the information listed
4 in [subsection 2](#).

5 3. If a court orders the foster care, preadoptive placement,
6 or adoptive placement of an Indian child, the court and any
7 state-licensed child-placing agency involved in the placement
8 shall provide the department ~~of human services~~ with the records
9 described in [subsections 1 and 2](#).

10 4. A record maintained pursuant to [this section](#) by the
11 department ~~of human services~~, a county department of human
12 services, state-licensed child-placing agency, private
13 attorney, or medical facility shall be made available within
14 seven days of a request for the record by the Indian child's
15 tribe or the secretary of the interior.

16 5. Upon the request of an Indian individual who is eighteen
17 years of age or older, or upon the request of an Indian
18 child's parent, Indian custodian, attorney, guardian ad litem,
19 guardian, legal custodian, or caseworker of the Indian child,
20 the department ~~of human services~~, a county department of
21 human services, state-licensed child-placing agency, private
22 attorney, or medical facility shall provide access to the
23 records pertaining to the Indian individual or child maintained
24 pursuant to [this section](#). The records shall also be made
25 available upon the request of the descendants of the Indian
26 individual or child. A record shall be made available within
27 seven days of a request for the record by any person authorized
28 by [this subsection](#) to make the request.

29 Sec. 650. Section 232B.14, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. The department ~~of human services~~, in consultation
32 with Indian tribes, shall establish standards and procedures
33 for the department's review of cases subject to [this chapter](#)
34 and methods for monitoring the department's compliance with
35 provisions of the federal Indian Child Welfare Act and this

1 chapter. These standards and procedures and the monitoring
2 methods shall be integrated into the department's structure
3 and plan for the federal government's child and family service
4 review process and any program improvement plan resulting from
5 that process.

6 Sec. 651. Section 232C.2, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. Prior to an emancipation hearing held pursuant to
9 section 232C.1, the court, on its own motion, may stay the
10 proceedings, and refer the parties to mediation or request
11 that the department of health and human services investigate
12 any allegations of child abuse or neglect contained in the
13 petition, and order that a written report be prepared and filed
14 by the department.

15 Sec. 652. Section 232C.4, subsection 6, Code 2023, is
16 amended to read as follows:

17 6. A parent who is absolved of child support obligations
18 pursuant to an emancipation order shall notify the child
19 support ~~recovery unit~~ services of the department of health and
20 human services of the emancipation.

21 Sec. 653. Section 232D.204, subsection 4, Code 2023, is
22 amended to read as follows:

23 4. A proceeding under [this section](#) shall not create a new
24 eligibility category for the department of health and human
25 services protective services.

26 Sec. 654. Section 232D.307, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. The judicial branch in conjunction with the department
29 of public safety, the department of health and human services,
30 and the state chief information officer shall establish
31 procedures for electronic access to the single contact
32 repository necessary to conduct background checks requested
33 under [subsection 1](#).

34 Sec. 655. Section 233.2, subsection 2, paragraphs c and d,
35 Code 2023, are amended to read as follows:

1 c. If the physical custody of the newborn infant is
2 relinquished at an institutional health facility, the state
3 shall reimburse the institutional health facility for the
4 institutional health facility's actual expenses in providing
5 care to the newborn infant and in performing acts necessary to
6 protect the physical health or safety of the newborn infant.
7 The reimbursement shall be paid from moneys appropriated for
8 this purpose to the department of health and human services.

9 d. If the name of the parent is unknown to the institutional
10 health facility, the individual on duty or other person
11 designated by the institutional health facility at which
12 physical custody of the newborn infant was relinquished shall
13 submit the certificate of birth report as required pursuant to
14 section 144.14. If the name of the parent is disclosed to the
15 institutional health facility, the facility shall submit the
16 certificate of birth report as required pursuant to section
17 144.13. The department of ~~public~~ health and human services
18 shall not file the certificate of birth with the county of
19 birth and shall otherwise maintain the confidentiality of the
20 birth certificate in accordance with [section 144.43](#).

21 Sec. 656. Section 233.2, subsection 3, Code 2023, is amended
22 to read as follows:

23 3. As soon as possible after the individual on duty or first
24 responder assumes physical custody of a newborn infant released
25 under [subsection 1](#), the individual or first responder shall
26 notify the department of health and human services and the
27 department shall take the actions necessary to assume the care,
28 control, and custody of the newborn infant. The department
29 shall immediately notify the juvenile court and the county
30 attorney of the department's action and the circumstances
31 surrounding the action and request an ex parte order from the
32 juvenile court ordering, in accordance with the requirements of
33 section 232.78, the department to take custody of the newborn
34 infant. Upon receiving the order, the department shall take
35 custody of the newborn infant. Within twenty-four hours of

1 taking custody of the newborn infant, the department shall
2 notify the juvenile court and the county attorney in writing
3 of the department's action and the circumstances surrounding
4 the action.

5 Sec. 657. Section 233.6, unnumbered paragraph 1, Code 2023,
6 is amended to read as follows:

7 The department of health and human services, in consultation
8 with the ~~Iowa department of public health and the department of~~
9 justice, shall develop and distribute the following:

10 Sec. 658. Section 233A.1, Code 2023, is amended to read as
11 follows:

12 **233A.1 State training school — Eldora.**

13 1. Effective January 1, 1992, a diagnosis and evaluation
14 center and other units are established at the state training
15 school to provide court-committed male juvenile delinquents a
16 program which focuses upon appropriate developmental skills,
17 treatment, placements, and rehabilitation.

18 2. The diagnosis and evaluation center which is used to
19 identify appropriate treatment and placement alternatives for
20 juveniles and any other units for juvenile delinquents which
21 are located at Eldora shall be known as the "*state training*
22 *school*".

23 3. For the purposes of this chapter "*director*":

24 a. "*Department*" means the department of health and human
25 services.

26 b. "*Director*" means the director of health and human
27 services and "*superintendent*".

28 c. "*State training school*" means the diagnosis and
29 evaluation center which is used to identify appropriate
30 treatment and placement alternatives for juveniles and any
31 other units for juvenile delinquents which are located at
32 Eldora.

33 d. "*Superintendent*" means the administrator in charge of the
34 ~~diagnosis and evaluation center for juvenile delinquents and~~
35 ~~other units at the state training school.~~

1 ~~3.~~ 4. The number of children present at any one time at
2 the state training school shall not exceed the population
3 guidelines established under [1990 Iowa Acts, ch. 1239, §21](#), as
4 adjusted for subsequent changes in the capacity at the training
5 school.

6 Sec. 659. Section 233A.3, Code 2023, is amended to read as
7 follows:

8 **233A.3 Salary.**

9 The salary of the superintendent of the state training
10 school shall be determined by the ~~administrator~~ director.

11 Sec. 660. Section 233A.6, Code 2023, is amended to read as
12 follows:

13 **233A.6 Visits.**

14 Members of the executive council, the attorney general,
15 the lieutenant governor, members of the general assembly,
16 judges of the supreme and district court and court of appeals,
17 magistrates, county attorneys, and persons ordained or
18 designated as regular leaders of a religious community ~~are~~
19 ~~authorized to~~ may visit the state training school at reasonable
20 times. No other person shall be granted admission except by
21 permission of the superintendent.

22 Sec. 661. Section 233A.7, Code 2023, is amended to read as
23 follows:

24 **233A.7 Placing in families.**

25 All children committed to and received in the state training
26 school may be placed by the department under foster care
27 arrangements, with any persons or in families of good standing
28 and character where ~~they~~ the children will be properly cared
29 for and educated. The cost of foster care provided under these
30 arrangements shall be paid as provided in [section 234.35](#).

31 Sec. 662. Section 233A.8, Code 2023, is amended to read as
32 follows:

33 **233A.8 Articles of agreement.**

34 ~~Such children shall be so~~ A child placed in foster care as
35 provided in section 233A.7 shall be placed under articles of

1 agreement, approved by the ~~administrator~~ director and signed
2 by the person or persons ~~taking them~~ providing foster care and
3 by the superintendent. ~~Said~~ The articles of agreement shall
4 provide for the custody, care, education, maintenance, and
5 earnings of ~~said children~~ the child for a time ~~to be fixed~~
6 specified in ~~said~~ the articles, which shall not extend beyond
7 the time ~~when the persons bound shall attain~~ the child attains
8 ~~age of~~ eighteen years of age.

9 Sec. 663. Section 233A.9, Code 2023, is amended to read as
10 follows:

11 **233A.9 Resuming custody of child.**

12 ~~In case~~ If a child ~~so placed be~~ in foster care as provided
13 in section 233A.7 is not given the care, education, treatment,
14 and maintenance required by ~~such~~ the articles of agreement, the
15 ~~administrator~~ director may ~~cause the child to be taken from~~
16 ~~the person with whom placed and returned~~ return the child to
17 the institution state training school, or may replace place
18 the child in a different foster care placement, or release, or
19 finally discharge the child ~~as may seem best~~.

20 Sec. 664. Section 233A.10, Code 2023, is amended to read as
21 follows:

22 **233A.10 Unlawful interference.**

23 It shall be unlawful for any parent or other person not
24 a party to ~~such~~ the placing of a child in foster care to
25 interfere in any manner or assume or exercise any control over
26 ~~such~~ the child or the child's earnings. ~~Said~~ The child's
27 earnings shall be used, held, or otherwise applied for the
28 exclusive benefit of ~~such~~ the child, in accordance with section
29 234.37.

30 Sec. 665. Section 233A.11, Code 2023, is amended to read as
31 follows:

32 **233A.11 County attorney to appear for child.**

33 In case legal proceedings are necessary to enforce any
34 right conferred on any child by sections 233A.7 through
35 233A.10, the county attorney of the county in which such

1 proceedings should be instituted shall, on the request of the
2 superintendent, ~~approved by~~ subject to the approval of the
3 ~~administrator~~ director, institute and carry ~~on, in the name of~~
4 ~~the superintendent,~~ out the proceedings ~~in~~ on behalf of the
5 superintendent.

6 Sec. 666. Section 233A.12, Code 2023, is amended to read as
7 follows:

8 **233A.12 Discharge or parole.**

9 The ~~administrator~~ director may at any time after one year's
10 service order the discharge or parole of any inmate as a reward
11 for good conduct, and may, in exceptional cases, discharge or
12 parole inmates without regard to the length of their service
13 or conduct, when satisfied that the reasons ~~therefor~~ for the
14 discharge or parole are urgent and sufficient. If paroled upon
15 satisfactory evidence of reformation, the order may remain in
16 effect or terminate under ~~such rules as the administrator may~~
17 prescribe prescribed by the director.

18 Sec. 667. Section 233A.13, Code 2023, is amended to read as
19 follows:

20 **233A.13 ~~Binding out or discharge~~ Discharge.**

21 The ~~binding out or the~~ discharge of an inmate as reformed, or
22 having arrived at ~~the age of~~ eighteen years of age, shall be a
23 complete release from all penalties incurred by the conviction
24 for the offense upon which the child was committed to the
25 school.

26 Sec. 668. Section 233A.14, Code 2023, is amended to read as
27 follows:

28 **233A.14 Transfers to other institutions.**

29 The ~~administrator~~ director may transfer minor wards of
30 the state to the state training school ~~minor wards of the~~
31 ~~state~~ from any institution under the ~~administrator's~~ charge
32 director's control, but ~~no~~ a person shall ~~not~~ not be ~~so~~ transferred
33 ~~who is mentally ill or has~~ a mental illness or an intellectual
34 disability. Any child in the state training school ~~who is~~
35 ~~mentally ill~~ has a mental illness or has an intellectual

1 disability may be transferred by the ~~administrator~~ director to
2 the proper state institution.

3 Sec. 669. Section 233A.15, Code 2023, is amended to read as
4 follows:

5 **233A.15 Transfers to work in parks.**

6 1. The ~~administrator~~ director may ~~detail~~ assign children,
7 ~~classed as~~ from the state training school deemed trustworthy,
8 ~~from the state training school,~~ to perform services for the
9 department of natural resources within the state parks, state
10 game and forest areas, and other lands under the jurisdiction
11 of the department of natural resources. The department of
12 natural resources shall provide permanent housing and work
13 guidance supervision, but the care and custody of the children
14 ~~so detailed~~ assigned shall remain under ~~employees of the~~
15 ~~division of child and family services of~~ with the department of
16 ~~human services.~~ All such programs shall have as their primary
17 purpose and shall provide for inculcation or the activation of
18 attitudes, skills, and habit patterns which will be conducive
19 to the habilitation of the ~~youths~~ children involved.

20 2. The ~~administrator is hereby authorized to~~ director
21 may use state-owned mobile housing equipment and facilities
22 in performing services at temporary locations in the areas
23 described in [subsection 1](#).

24 Sec. 670. Section 234.1, Code 2023, is amended to read as
25 follows:

26 **234.1 Definitions.**

27 As used in [this chapter](#), unless the context otherwise
28 requires:

29 ~~1. "Administrator" means the administrator of the division.~~

30 ~~2.~~ 1. "Child" means either a person less than eighteen
31 years of age or a person eighteen, nineteen, or twenty years of
32 age who meets all of the following conditions:

33 a. The person was placed by court order issued pursuant
34 to [chapter 232](#) in foster care or in an institution listed in
35 section 218.1 and either of the following situations apply to

1 the person:

2 (1) After reaching eighteen years of age, the person
3 has remained continuously and voluntarily under the care
4 of an individual, as defined in [section 237.1](#), licensed to
5 provide foster care pursuant to [chapter 237](#) or in a supervised
6 apartment living arrangement, in this state.

7 (2) The person aged out of foster care after reaching
8 eighteen years of age and subsequently voluntarily applied for
9 placement with an individual, as defined in [section 237.1](#),
10 licensed to provide foster care pursuant to [chapter 237](#) or for
11 placement in a supervised apartment living arrangement, in this
12 state.

13 *b.* The person has demonstrated a willingness to participate
14 in case planning and to complete the responsibilities
15 prescribed in the person's case permanency plan.

16 *c.* The department has made an application for the person
17 for adult services upon a determination that it is likely the
18 person will need or be eligible for services or other support
19 from the adult services system.

20 ~~3. "Division" or "state division" means that division of the~~
21 ~~department of human services to which the director has assigned~~
22 ~~responsibility for income and service programs.~~

23 ~~4. "Food assistance program" means the benefits provided~~
24 ~~through the United States department of agriculture program~~
25 ~~administered by the department of human services in accordance~~
26 ~~with [7 C.F.R. pts. 270 - 283](#).~~

27 2. "Council" means the council on health and human services.

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

30 4. "Director" means the director of health and human
31 services.

32 5. "Food programs" means the ~~food stamp~~ supplemental
33 nutrition assistance program and donated foods programs
34 authorized by federal law under the United States department
35 of agriculture.

1 6. "Supplemental nutrition assistance program" or "SNAP"
2 means benefits provided by the federal program administered
3 through 7 C.F.R. pts. 270 - 280, as amended.

4 Sec. 671. Section 234.4, Code 2023, is amended to read as
5 follows:

6 **234.4 Education of children in departmental programs.**

7 If the department ~~of human services~~ has custody or has other
8 responsibility for a child based upon the child's involvement
9 in a departmental program involving foster care, preadoption or
10 adoption, or subsidized guardianship placement and the child
11 is subject to the compulsory attendance law under [chapter 299](#),
12 the department shall fulfill the responsibilities outlined in
13 section 299.1 and other responsibilities under federal and
14 state law regarding the child's school attendance. As part
15 of fulfilling the responsibilities described in [this section](#),
16 if the department has custody or other responsibility for
17 placement and care of a child and the child transfers to a
18 different school during or immediately preceding the period of
19 custody or other responsibility, within the first six weeks of
20 the transfer date the department shall assess the student's
21 degree of success in adjusting to the different school.

22 Sec. 672. Section 234.6, Code 2023, is amended to read as
23 follows:

24 **234.6 Powers and duties of the ~~administrator~~ director.**

25 1. The ~~administrator shall be vested with the authority~~
26 ~~to~~ director shall administer the family investment program,
27 state supplementary assistance, food programs, child welfare,
28 and emergency relief, family and adult service programs, and
29 any other form of public welfare assistance and institutions
30 that are placed under the ~~administrator's~~ director's
31 administration. The ~~administrator~~ director shall perform
32 duties, ~~shall~~ formulate and adopt rules as ~~may be~~ necessary,
33 and ~~shall~~ outline policies, dictate procedure, and delegate
34 ~~such~~ powers as ~~may be~~ necessary for competent and efficient
35 administration. Subject to restrictions that may be imposed

1 by the ~~director of human services and the council on human~~
 2 ~~services~~, the ~~administrator~~ director may abolish, alter,
 3 consolidate, or establish ~~subdivisions~~ subunits and ~~may~~ abolish
 4 or change ~~offices previously created~~ existing subunits. The
 5 ~~administrator~~ director may employ necessary personnel and
 6 ~~fix~~ determine their compensation; may allocate or reallocate
 7 functions and duties among ~~any subdivisions now existing or~~
 8 ~~later established~~ subunits; and may adopt rules relating to the
 9 employment of personnel and the allocation of their functions
 10 and duties among the various ~~subdivisions~~ subunits as required
 11 for competent and efficient administration ~~may require~~. The
 12 ~~administrator~~ director shall do all of the following:

13 a. Cooperate with the social security administration created
 14 by the Social Security Act and codified at 42 U.S.C. §901,
 15 or other agency of the federal government for public welfare
 16 assistance, in such reasonable manner as may be necessary to
 17 qualify for federal aid, including the making of such reports
 18 in such form and containing such information as the social
 19 security administration, from time to time, may require,
 20 and to comply with such regulations as such social security
 21 administration, from time to time, may find necessary to assure
 22 the correctness and verification of such reports.

23 b. Furnish information to acquaint the public generally
 24 with the operation of the federal Acts under the director's
 25 ~~jurisdiction of the administrator~~.

26 c. With the approval of the ~~director of human services~~,
 27 the governor, the director of the department of management,
 28 and the director of the department of administrative services,
 29 ~~set up~~ establish an administrative fund from the funds under
 30 the ~~administrator's~~ director's control and management an
 31 ~~administrative fund~~ and from the administrative fund pay the
 32 expenses of operating the ~~division~~ department's duties under
 33 this chapter.

34 d. Notwithstanding any provisions to the contrary in chapter
 35 239B relating to the consideration of income and resources

1 of claimants for assistance, ~~the administrator, and~~ with the
2 consent and approval of the ~~director of human services and~~
3 ~~the council on human services, shall make such~~ adopt rules as
4 ~~may be~~ necessary to qualify for federal aid in the assistance
5 programs administered by the ~~administrator~~ director.

6 ~~e. Have authority to use~~ Use funds available to the
7 department, subject to any limitations placed on the use
8 ~~thereof~~ of the funds by the legislation appropriating the
9 funds, to provide to or purchase, for eligible families and
10 individuals ~~eligible therefor~~, services including but not
11 limited to the following:

12 (1) Child care for children or adult day services, in
13 facilities which are licensed or are approved as meeting
14 standards for licensure.

15 (2) Foster care, including foster family care, group homes,
16 and institutions.

17 (3) Family-centered services, as defined in section
18 232.102A, subsection 1, paragraph "b".

19 (4) Family planning.

20 (5) Protective services.

21 (6) Services or support provided to a child with an
22 intellectual disability or other developmental disability or
23 to the child's family.

24 (7) Transportation services.

25 (8) Any services, not otherwise enumerated in this
26 paragraph "e", authorized by or pursuant to the United States
27 Social Security Act of 1934, as amended.

28 ~~f. Administer the food programs authorized by federal law,~~
29 and recommend rules necessary in the administration of those
30 programs ~~to the director~~ for adoption pursuant to [chapter 17A](#).

31 ~~g. Provide consulting and technical services to the director~~
32 of the department of education, or the director's designee,
33 upon request, relating to prekindergarten, kindergarten, and
34 before and after school programming and facilities.

35 ~~h. Recommend rules for their adoption by the council on~~

1 ~~human services~~ for before and after school child care programs,
2 conducted within and by or contracted for by school districts,
3 that are appropriate for the ages of the children who receive
4 services under the programs.

5 2. The department ~~of human services shall have the power~~
6 ~~and authority to~~ may use the funds available ~~to it~~, to purchase
7 services of all kinds from public or private agencies to
8 provide for the needs of children, including but not limited to
9 psychiatric services, supervision, specialized group, foster
10 homes, and institutional care.

11 3. In determining the reimbursement rate for services
12 purchased by the department ~~of human services~~ from a person
13 or agency, the department shall not include private moneys
14 contributed to the person or agency unless the moneys are
15 contributed for services provided to a specific individual.

16 Sec. 673. Section 234.7, Code 2023, is amended to read as
17 follows:

18 **234.7 Department duties.**

19 1. The department ~~of human services~~ shall comply with the
20 provision associated with child foster care licensees under
21 chapter 237 that requires that a child's foster parent be
22 included in, and be provided timely notice of, planning and
23 review activities associated with the child, including but not
24 limited to permanency planning and placement review meetings,
25 which shall include discussion of the child's rehabilitative
26 treatment needs.

27 2. a. The department ~~of human services~~ shall submit a
28 waiver request to the United States department of health and
29 human services as necessary to provide coverage under the
30 medical assistance program for children who are described by
31 both of the following:

32 (1) The child needs behavioral health care services and
33 qualifies for the care level provided by a psychiatric medical
34 institution for children licensed under [chapter 135H](#).

35 (2) The child is in need of treatment to cure or alleviate

1 serious mental illness or disorder, or emotional damage
2 as evidenced by severe anxiety, depression, withdrawal, or
3 untoward aggressive behavior toward self or others and whose
4 parent, guardian, or custodian is unable to provide such
5 treatment.

6 *b.* The waiver request shall provide for appropriately
7 addressing the needs of children described in paragraph "a" by
8 implementing any of the following options: using a wraparound
9 services approach, renegotiating the medical assistance program
10 contract provisions for behavioral health services, or applying
11 another approach for appropriately meeting the children's
12 needs.

13 *c.* If federal approval of the waiver request is not
14 received, the department shall submit options to the governor
15 and general assembly to meet the needs of such children through
16 a state-funded program.

17 Sec. 674. Section 234.8, Code 2023, is amended to read as
18 follows:

19 **234.8 Fees for child welfare services.**

20 The department ~~of human services~~ may charge a fee for
21 child welfare services to a person liable for the cost of the
22 services. The fee shall not exceed the reasonable cost of the
23 services. The fee shall be based upon the person's ability
24 to pay and consideration of the fee's impact upon the liable
25 person's family and the goals identified in the case permanency
26 plan. The department may assess the liable person for the fee
27 and the means of recovery shall include a setoff against an
28 amount owed by a state agency to the person assessed pursuant
29 to [section 8A.504](#). In addition the department may establish
30 an administrative process to recover the assessment through
31 automatic income withholding. The department shall adopt
32 rules pursuant to [chapter 17A](#) to implement the provisions of
33 this section. [This section](#) does not apply to court-ordered
34 services provided to juveniles which are a charge upon the
35 state pursuant to [section 232.141](#) and services for which the

1 department has established a support obligation pursuant to
2 section 234.39.

3 Sec. 675. Section 234.12, Code 2023, is amended to read as
4 follows:

5 **234.12 Department to provide food programs.**

6 1. The department ~~of human services is authorized to~~
7 may enter into ~~such~~ agreements with agencies of the federal
8 government as ~~are necessary in order to~~ make available to the
9 people of this state any federal food programs which may, under
10 federal laws and regulations, be implemented in this state.
11 Each ~~such~~ program shall be implemented in every county in the
12 state, or in each county where implementation is permitted by
13 federal laws and regulations.

14 2. The provisions of the federal Personal Responsibility
15 and Work Opportunity Reconciliation Act of 1996, Pub. L.
16 No. 104-193, §115, shall not apply to an applicant for or
17 recipient of ~~food stamp~~ supplemental nutrition assistance
18 program benefits in this state. However, the department ~~of~~
19 ~~human services~~ may apply contingent eligibility requirements as
20 provided under state law and allowed under federal law.

21 3. Upon request by the department ~~of human services~~,
22 the department of inspections and appeals shall conduct
23 investigations into possible fraudulent practices, as described
24 in [section 234.13](#), relating to food programs administered by
25 the department ~~of human services~~.

26 Sec. 676. Section 234.12A, Code 2023, is amended to read as
27 follows:

28 **234.12A Electronic benefits transfer program.**

29 1. The department ~~of human services~~ shall maintain an
30 electronic benefits transfer program utilizing electronic funds
31 transfer systems for the ~~food~~ supplemental nutrition assistance
32 program. The electronic benefits transfer program implemented
33 under [this section](#) shall not require a retailer to make cash
34 disbursements or to provide, purchase, or upgrade electronic
35 funds transfer system equipment as a condition of participation

1 in the program.

2 2. A point-of-sale terminal which is used only for purchases
3 from a retailer by electronic benefits transfer utilizing
4 electronic funds transfer systems is not a satellite terminal
5 as defined in [section 527.2](#).

6 3. For the purposes of [this section](#), "retailer" means
7 a business authorized by the United States department of
8 agriculture to accept ~~food~~ supplemental nutrition assistance
9 program benefits.

10 Sec. 677. Section 234.13, Code 2023, is amended to read as
11 follows:

12 **234.13 Fraudulent practices relating to food programs.**

13 For the purposes of [this section](#), unless the context
14 otherwise requires, "*benefit transfer instrument*" means a
15 ~~food stamp~~ supplemental nutrition assistance program coupon,
16 authorization-to-purchase card, or electronic benefits transfer
17 card. A person commits a fraudulent practice if that person
18 does any of the following:

19 1. With intent to gain financial assistance to which that
20 person is not entitled, knowingly makes or causes to be made a
21 false statement or representation or knowingly fails to report
22 to an employee of the department of ~~human services~~ any change
23 in income, resources or other circumstances affecting that
24 person's entitlement to such financial assistance.

25 2. As a beneficiary of the food programs, transfers any
26 ~~food stamp~~ supplemental nutrition assistance program benefit
27 transfer instrument to any other individual with intent that
28 the benefit transfer instrument be used for the benefit of
29 someone other than persons within the beneficiary's ~~food~~
30 ~~stamp~~ supplemental nutrition assistance program household as
31 certified by the department of ~~human services~~.

32 3. Knowingly acquires, uses or attempts to use any ~~food~~
33 ~~stamp~~ supplemental nutrition assistance program benefit
34 transfer instrument which was not issued for the benefit of
35 that person's ~~food stamp~~ supplemental nutrition assistance

1 program household by the department ~~of human services~~, or by an
2 agency administering food programs in another state.

3 4. Acquires, alters, transfers, or redeems a ~~food stamp~~
4 supplemental nutrition assistance benefit transfer instrument
5 or possesses a benefit transfer instrument, knowing that the
6 benefit transfer instrument has been received, transferred,
7 or used in violation of [this section](#) or the provisions of the
8 federal ~~food stamp~~ supplemental nutrition assistance program
9 under 7 U.S.C. ch. 51 or the federal regulations issued
10 pursuant to that chapter.

11 Sec. 678. Section 234.14, Code 2023, is amended to read as
12 follows:

13 **234.14 Federal grants.**

14 The state treasurer ~~is hereby authorized to~~ may receive such
15 federal funds ~~as may be~~ made available for carrying out any of
16 the activities and functions of the ~~state division~~ department
17 under this chapter, and all such funds are ~~hereby~~ appropriated
18 for expenditure upon authorization of the ~~administrator~~
19 director.

20 Sec. 679. Section 234.21, Code 2023, is amended to read as
21 follows:

22 **234.21 Services to be offered.**

23 The ~~state division~~ department may offer, provide to,
24 or purchase family planning and birth control services ~~to~~
25 for every ~~person who is an~~ eligible applicant or recipient
26 of ~~service~~ services or any financial assistance from the
27 department ~~of human services~~, or who is receiving federal
28 supplementary security income as defined in [section 249.1](#).

29 Sec. 680. Section 234.22, Code 2023, is amended to read as
30 follows:

31 **234.22 Extent of services.**

32 ~~Such~~ The family planning and birth control services
33 may include ~~interview~~ interviews with trained personnel;
34 distribution of literature; referral to a licensed physician
35 or physician assistant for consultation, examination, tests,

1 medical treatment, and ~~prescription~~ prescriptions; and, to
2 the extent so prescribed, the distribution of rhythm charts,
3 drugs, medical preparations, contraceptive devices, and similar
4 products.

5 Sec. 681. Section 234.23, Code 2023, is amended to read as
6 follows:

7 **234.23 Charge for services.**

8 In making provision for and offering such services, the
9 ~~state division~~ department may charge those persons to whom
10 family planning and birth control services are rendered a fee
11 sufficient to reimburse the ~~state division~~ department all or
12 any portion of the costs of the services rendered.

13 Sec. 682. Section 234.35, Code 2023, is amended to read as
14 follows:

15 **234.35 When state to pay foster care costs.**

16 1. The department ~~of human services~~ is responsible for
17 paying the cost of foster care for a child, according to rates
18 established pursuant to [section 234.38](#), under any of the
19 following circumstances:

20 *a.* When a court has committed the child to the director ~~of~~
21 ~~human services~~ or the director's designee.

22 *b.* When a court has transferred legal custody of the child
23 to the department ~~of human services~~.

24 *c.* When the department has agreed to provide foster care
25 services for the child for a period of not more than ninety
26 days on the basis of a signed placement agreement between the
27 department and the child's parent or guardian.

28 *d.* When the child has been placed in emergency care for
29 a period of not more than thirty days upon approval of the
30 director or the director's designee.

31 *e.* When a court has entered an order transferring the legal
32 custody of the child to a foster care placement pursuant to
33 [section 232.46](#), [section 232.52, subsection 2](#), paragraph "d", or
34 [section 232.102, subsection 1](#). However, payment shall not be
35 made for a group foster care placement unless the group foster

1 care meets requirements as established by the department by
2 rule.

3 *f.* When the department has agreed to provide foster care
4 services for a child who is eighteen years of age or older
5 on the basis of a signed placement agreement between the
6 department and the child or the person acting on behalf of the
7 child.

8 *g.* When the department has agreed to provide foster care
9 services for the child on the basis of a signed placement
10 agreement initiated before July 1, 1992, between the department
11 and the child's parent or guardian.

12 *h.* When the child is placed in shelter care pursuant to
13 section 232.20, subsection 1, or [section 232.21](#).

14 2. Except as provided under [section 234.38](#) for direct
15 payment of foster parents, payment for foster care costs shall
16 be limited to foster care providers with whom the department
17 has a contract in force.

18 3. Payment for foster care services provided to a child
19 who is eighteen years of age or older shall be limited to the
20 following:

21 *a.* Family foster care or supervised apartment living
22 arrangements.

23 *b.* For a child who is at imminent risk of becoming homeless
24 or failing to graduate from high school or to obtain a general
25 education development diploma, if the services are in the
26 child's best interest, funding is available for the services,
27 and an appropriate alternative service is unavailable.

28 Sec. 683. Section 234.37, Code 2023, is amended to read as
29 follows:

30 **234.37 Department may establish accounts for certain**
31 **children.**

32 The department ~~of human services is authorized to~~ may
33 establish an account in the name of any child committed to
34 the director ~~of human services~~ or the director's designee, or
35 whose legal custody has been transferred to the department, or

1 who is voluntarily placed in foster care pursuant to section
2 234.35. Any money which the child receives from the United
3 States government or any private source shall be placed in the
4 child's account, unless a guardian of the child's property has
5 been appointed and demands the money, in which case it shall
6 be paid to the guardian. The account shall be maintained by
7 the department as trustee for the child in an interest-bearing
8 account at a reputable bank or savings association, except
9 that if the child is residing at an institution administered
10 by the department a limited amount of the child's funds may be
11 maintained in a separate account, which need not be interest
12 bearing, in the child's name at the institution. Any money
13 held in an account in the child's name or in trust for the
14 child under [this section](#) may be used, at the discretion of the
15 department and subject to restrictions lawfully imposed by the
16 United States government or other source from which the child
17 receives the funds, for the purchase of personal incidentals,
18 desires and comforts of the child. All of the money held for
19 a child by the department under [this section](#) and not used
20 in the child's behalf as authorized by law shall be promptly
21 paid to the child or the child's parent or legal guardian upon
22 termination of the commitment of the child to the director or
23 the director's designee, or upon transfer or cessation of legal
24 custody of the child by the department.

25 Sec. 684. Section 234.38, Code 2023, is amended to read as
26 follows:

27 **234.38 Foster care reimbursement rates.**

28 The department of ~~human services~~ shall make reimbursement
29 payments directly to foster parents for services provided to
30 children pursuant to [section 234.6, subsection 1](#), paragraph
31 "e", subparagraph (2), or [section 234.35](#). In any fiscal
32 year, the reimbursement rate shall be based upon sixty-five
33 percent of the United States department of agriculture
34 estimate of the cost to raise a child in the calendar year
35 immediately preceding the fiscal year. The department may pay

1 an additional stipend for a child with special needs.

2 Sec. 685. Section 234.39, Code 2023, is amended to read as
3 follows:

4 **234.39 Responsibility for cost of services.**

5 1. It is the intent of [this chapter](#) that an individual
6 receiving foster care services and the individual's parents or
7 guardians shall have primary responsibility for paying the cost
8 of the care and services. The support obligation established
9 and adopted under [this section](#) shall be consistent with the
10 limitations on legal liability established under sections
11 222.78 and [230.15](#), and by any other statute limiting legal
12 responsibility for support which may be imposed on a person for
13 the cost of care and services provided by the department. The
14 department shall notify an individual's parents or guardians,
15 at the time of the placement of an individual in foster care,
16 of the responsibility for paying the cost of care and services.
17 Support obligations shall be established as follows:

18 a. For an individual to whom section 234.35, subsection
19 1, is applicable, a dispositional order of the juvenile court
20 requiring the provision of foster care, or an administrative
21 order entered pursuant to [chapter 252C](#), or any order
22 establishing paternity and support for a child in foster care,
23 shall establish, after notice and a reasonable opportunity to
24 be heard is provided to a parent or guardian, the amount of
25 the parent's or guardian's support obligation for the cost
26 of foster care provided by the department. The amount of
27 the parent's or guardian's support obligation and the amount
28 of support debt accrued and accruing shall be established in
29 accordance with the child support guidelines prescribed under
30 section 598.21B. However, the court, or the department of
31 ~~human services~~ in establishing support by administrative order,
32 may deviate from the prescribed obligation after considering
33 a recommendation by the department for expenses related to
34 goals and objectives of a case permanency plan as defined
35 under [section 237.15](#), and upon written findings of fact which

1 specify the reason for deviation and the prescribed guidelines
 2 amount. Any order for support shall direct the payment of the
 3 support obligation to the collection services center for the
 4 use of the department's foster care ~~recovery unit~~ services.
 5 The order shall be filed with the clerk of the district court
 6 in which the responsible parent or guardian resides and has
 7 the same force and effect as a judgment when entered in the
 8 judgment docket and lien index. The collection services center
 9 shall disburse the payments pursuant to the order and record
 10 the disbursements. If payments are not made as ordered, the
 11 child support ~~recovery unit~~ services may certify a default to
 12 the court and the court may, on its own motion, proceed under
 13 section 598.22 or [598.23](#) or the child support ~~recovery unit~~
 14 services may enforce the judgment as allowed by law. An order
 15 entered under this paragraph may be modified only in accordance
 16 with the guidelines prescribed under [section 598.21C](#), or under
 17 chapter 252H.

18 *b.* For an individual who is served by the department of
 19 ~~human services~~ under [section 234.35](#), and is not subject to
 20 a dispositional order of the juvenile court requiring the
 21 provision of foster care, the department shall determine the
 22 obligation of the individual's parent or guardian pursuant
 23 to [chapter 252C](#) and in accordance with the child support
 24 guidelines prescribed under [section 598.21B](#). However, the
 25 department may adjust the prescribed obligation for expenses
 26 related to goals and objectives of a case permanency plan
 27 as defined under [section 237.15](#). An obligation determined
 28 under this paragraph may be modified only in accordance with
 29 conditions under [section 598.21C](#), or under [chapter 252H](#).

30 2. A person entitled to periodic support payments pursuant
 31 to an order or judgment entered in any action for support,
 32 who also is or has a child receiving foster care services, is
 33 deemed to have assigned to the department current and accruing
 34 support payments attributable to the child effective as of the
 35 date the child enters foster care placement, to the extent

1 of expenditure of foster care funds. The department shall
 2 notify the clerk of the district court when a child entitled
 3 to support payments is receiving foster care services pursuant
 4 to [chapter 234](#). Upon notification by the department that a
 5 child entitled to periodic support payments is receiving foster
 6 care services, the clerk of the district court shall make a
 7 notation of the automatic assignment in the judgment docket and
 8 lien index. The notation constitutes constructive notice of
 9 assignment. The clerk of court shall furnish the department
 10 with copies of all orders and decrees awarding support when
 11 the child is receiving foster care services. At the time the
 12 child ceases to receive foster care services, the assignment
 13 of support shall be automatically terminated. Unpaid support
 14 accrued under the assignment of support rights during the time
 15 that the child was in foster care remains due to the department
 16 up to the amount of unreimbursed foster care funds expended.
 17 The department shall notify the clerk of court of the automatic
 18 termination of the assignment. Unless otherwise specified in
 19 the support order, an equal and proportionate share of any
 20 child support awarded shall be presumed to be payable on behalf
 21 of each child subject to the order or judgment for purposes of
 22 an assignment under [this section](#).

23 3. The support debt for the costs of services, for which
 24 a support obligation is established pursuant to [this section](#),
 25 which accrues prior to the establishment of the support debt,
 26 shall be collected, at a maximum, in the amount which is the
 27 amount of accrued support debt for the three months preceding
 28 the earlier of the following:

29 a. The provision by ~~the child support recovery unit~~ services
 30 of the initial notice to the parent or guardian of the amount
 31 of the support obligation.

32 b. The date that the written request for a court hearing
 33 is received by ~~the child support recovery unit~~ services as
 34 provided in [section 252C.3](#) or [252F.3](#).

35 4. If the department makes a subsidized guardianship

1 payment for a child, the payment shall be considered a foster
2 care payment for purposes of child support recovery services.
3 All provisions of this and other sections, and of rules and
4 orders adopted or entered pursuant to those sections, including
5 for the establishment of a paternity or support order, for
6 the amount of a support obligation, for the modification or
7 adjustment of a support obligation, for the assignment of
8 support, and for enforcement shall apply as if the child
9 were receiving foster care services, or were in foster care
10 placement, or as if foster care funds were being expended for
11 the child. **This subsection** shall apply regardless of the date
12 of placement in foster care or subsidized guardianship or the
13 date of entry of an order, and foster care and subsidized
14 guardianship shall be considered the same for purposes of child
15 support recovery services.

16 Sec. 686. Section 234.40, Code 2023, is amended to read as
17 follows:

18 **234.40 Corporal punishment.**

19 The department ~~of human services~~ shall adopt rules
20 prohibiting corporal punishment of foster children by foster
21 parents licensed by the department. The rules shall allow
22 foster parents to use reasonable physical force to restrain a
23 foster child in order to prevent injury to the foster child,
24 injury to others, the destruction of property, or extremely
25 disruptive behavior. For the purposes of **this section**,
26 "*corporal punishment*" means the intentional physical punishment
27 of a foster child. A foster parent's physical contact with
28 the body of a foster child shall not be considered corporal
29 punishment if the contact is reasonable and necessary under the
30 circumstances and is not designed or intended to cause pain or
31 if the foster parent uses reasonable force, as defined under
32 section 704.1.

33 Sec. 687. Section 234.41, Code 2023, is amended to read as
34 follows:

35 **234.41 Tort actions.**

1 A foster parent licensed by the department ~~of human services~~
2 stands in the same relationship to the foster parent's minor
3 foster child, for purposes of tort actions by or on behalf of
4 the foster child against the foster parent, as a biological
5 parent to the biological parent's minor child who resides at
6 home. **This section** does not apply to a foster parent whose
7 malicious, willful and wanton conduct causes injury or damage
8 to a foster child or exposes the foster child to a danger
9 caused by violation of a statute or the rules of the department
10 ~~of human services~~.

11 Sec. 688. Section 234.45, Code 2023, is amended to read as
12 follows:

13 **234.45 Iowa marriage initiative grant fund.**

14 1. An Iowa marriage initiative grant fund is established
15 in the state treasury under the authority of the department
16 ~~of human services~~. The grant fund shall consist of moneys
17 appropriated to the fund and notwithstanding **section 8.33** such
18 moneys shall not revert to the fund from which appropriated
19 at the close of the fiscal year but shall remain in the Iowa
20 marriage initiative grant fund. Moneys credited to the fund
21 shall be used as directed in appropriations made by the general
22 assembly for funding of services to support marriage and to
23 encourage the formation and maintenance of two-parent families
24 that are secure and nurturing.

25 2. It is the intent of the general assembly to credit to the
26 Iowa marriage initiative grant fund, federal moneys provided
27 to the state for the express purpose of supporting marriage or
28 two-parent families.

29 Sec. 689. Section 234.46, subsection 2, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 The ~~division~~ department shall establish a preparation for
32 adult living program directed to young adults. The purpose
33 of the program is to assist persons who are leaving foster
34 care and other court-ordered services at age eighteen or
35 older in making the transition to self-sufficiency. The

1 department shall adopt rules necessary for administration of
2 the program, including but not limited to eligibility criteria
3 for young adult participation and the services and other
4 support available under the program. The rules shall provide
5 for participation of each person who meets the definition of
6 young adult on the same basis, regardless of whether federal
7 financial participation is provided. The services and other
8 support available under the program may include but are not
9 limited to any of the following:

10 Sec. 690. Section 234.47, Code 2023, is amended to read as
11 follows:

12 **234.47 State child care assistance and adoption subsidy**
13 **programs — expenditure projections.**

14 The department ~~of human services~~, the department of
15 management, and the legislative services agency shall utilize
16 a joint process to arrive at consensus projections for
17 expenditures for the state child care assistance program under
18 section 237A.13 and adoption subsidy and other assistance
19 provided under [section 600.17](#).

20 Sec. 691. Section 235.1, Code 2023, is amended to read as
21 follows:

22 **235.1 Definitions.**

23 As used in [this chapter](#), unless the context otherwise
24 requires:

25 ~~1. "Administrator" means the same as defined in section~~
26 ~~234.1.~~

27 ~~2.~~ 1. "Child" means the same as defined in [section 234.1](#).

28 ~~3.~~ 2. "Child welfare services" means social welfare
29 services for the protection and care of children who are
30 homeless, dependent or neglected, or in danger of becoming
31 delinquent, or who have a mental illness or an intellectual
32 disability or other developmental disability, including, when
33 necessary, care and maintenance in a foster care facility.
34 Child welfare services are designed to serve a child in the
35 child's home whenever possible. If not possible, and the child

1 is placed outside the child's home, the placement should be in
2 the least restrictive setting available and in close proximity
3 to the child's home.

4 ~~4. "State division" means the same as defined in section~~
5 ~~234.1.~~

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

8 4. "Director" means the director of health and human
9 services.

10 Sec. 692. Section 235.2, Code 2023, is amended to read as
11 follows:

12 **235.2 Powers and duties of ~~state division~~ department.**

13 The ~~state division~~ department, in addition to all other
14 powers and duties given ~~it~~ the department by law, shall:

15 1. Administer and enforce the provisions of **this chapter**.

16 2. Join and cooperate with the government of the United
17 States through its appropriate agency or instrumentality or
18 with any other officer or agency of the federal government in
19 planning, establishing, extending and strengthening public and
20 private child welfare services within the state.

21 3. ~~Make such investigations~~ Investigate and ~~to~~ obtain ~~such~~
22 information ~~as will~~ to permit the ~~administrator~~ director to
23 determine the need for public child welfare services within the
24 state and within the ~~several~~ county departments ~~thereof~~.

25 4. Apply for and receive any funds which are or may be
26 allotted to the state by the United States or any agency
27 ~~thereof~~ of the United States for the purpose of developing
28 child welfare services.

29 5. Make ~~such~~ reports and budget estimates to the governor
30 and to the general assembly as are required by law or ~~such~~ as
31 are necessary and proper to obtain the appropriation of state
32 funds for child welfare services within the state and for all
33 the purposes of **this chapter**.

34 6. Cooperate with the ~~several~~ county departments within the
35 state, and all county boards of supervisors and other public

1 or private agencies charged with the protection and care of
2 children, in the development of child welfare services.

3 7. Aid in the enforcement of all laws of the state for the
4 protection and care of children.

5 8. Cooperate with the juvenile courts of the state and with
6 ~~the other administrators and divisions of the~~ subunits within
7 the department of human services regarding the management and
8 control of state institutions and the inmates ~~thereof~~ of the
9 institutions.

10 Sec. 693. Section 235.3, Code 2023, is amended to read as
11 follows:

12 **235.3 Powers and duties of ~~administrator~~ director.**

13 The ~~administrator~~ director shall:

14 1. Plan and supervise all public child welfare services and
15 activities within the state as provided by **this chapter**.

16 2. Make ~~such~~ reports and obtain and furnish ~~such~~ information
17 ~~from time to time as may be~~ necessary to permit cooperation by
18 the ~~state division~~ director with the United States children's
19 bureau, the social security administration, or any other
20 federal agency which is ~~now or may hereafter~~ be charged with
21 any duty regarding child care or child welfare services.

22 3. Adopt rules as necessary or advisable for the supervision
23 of the private child-caring agencies or their officers which
24 the ~~administrator~~ department is empowered to license and
25 supervise.

26 4. Supervise private institutions for the care of
27 dependent, neglected, and delinquent children, and make reports
28 regarding the institutions.

29 5. Designate and approve the private and county
30 institutions within the state to which neglected, dependent,
31 and delinquent children may be legally committed ~~and to have~~
32 ~~supervision of,~~ supervise the care of children committed
33 ~~thereto~~ to these institutions, and have the right ~~of visitation~~
34 to visit and ~~inspection of said~~ inspect these institutions at
35 all times.

1 6. Receive and keep on file annual reports from all
2 institutions to which children subject to the jurisdiction
3 of the juvenile court are committed, compile statistics
4 regarding juvenile delinquency, make reports regarding
5 juvenile delinquency, and study prevention and cure of juvenile
6 delinquency.

7 7. Require and receive from the clerks of the courts of
8 record within the state duplicates of the findings of the
9 courts upon petitions for adoption, and keep records and
10 compile statistics regarding adoptions.

11 8. License private child-placing agencies, make reports
12 regarding ~~them~~ the agencies, and revoke ~~such~~ licenses.

13 9. Make ~~such~~ rules and regulations as ~~may be~~ necessary
14 for the distribution and use of funds appropriated for child
15 welfare services.

16 Sec. 694. Section 235.4, Code 2023, is amended to read as
17 follows:

18 **235.4 Licenses.**

19 Licenses issued to private boarding homes for children and
20 private child-placing agencies by the ~~administrator~~ department
21 shall remain in effect for the period for which issued, unless
22 sooner revoked according to law. Thereafter ~~each of such~~ the
23 agencies shall apply to the ~~administrator~~ department for a new
24 license, and shall submit to ~~such~~ rules regarding licensing as
25 ~~the administrator prescribes~~ prescribed by the department.

26 Sec. 695. Section 235.7, Code 2023, is amended to read as
27 follows:

28 **235.7 Transition committees.**

29 1. *Committees established.* The department ~~of human services~~
30 shall establish and maintain local transition committees to
31 address the transition needs of ~~these~~ children receiving child
32 welfare services who are age sixteen or older and have a case
33 permanency plan as defined in [section 232.2](#). The department
34 shall adopt rules establishing criteria for transition
35 committee membership, operating policies, and basic functions.

1 The rules shall provide flexibility for a committee to adopt
2 protocols and other procedures appropriate for the geographic
3 area addressed by the committee.

4 2. *Membership.* The department may authorize the governance
5 boards of decategorization of child welfare and juvenile
6 justice funding projects established under [section 232.188](#) to
7 appoint the transition committee membership and may utilize
8 the boundaries of decategorization projects to establish
9 the service areas for transition committees. The committee
10 membership may include but is not limited to department of
11 ~~human services~~ staff involved with foster care, child welfare,
12 and adult services, juvenile court services staff, staff
13 involved with county general assistance or emergency relief
14 under [chapter 251](#) or [252](#), or a regional administrator of the
15 county mental health and disability services region, as defined
16 in [section 331.388](#), in the area, school district and area
17 education agency staff involved with special education, and a
18 child's court appointed special advocate, guardian ad litem,
19 service providers, and other persons knowledgeable about the
20 child.

21 3. *Duties.* A transition committee shall review and approve
22 the written plan of services required for the child's case
23 permanency plan in accordance with [section 232.2, subsection 4](#),
24 paragraph "g", which, based upon an assessment of the child's
25 needs, would assist the child in preparing for the transition
26 from foster care to adulthood. In addition, a transition
27 committee shall identify and act to address any gaps existing
28 in the services or other support available to meet the child
29 and adult needs of individuals for whom service plans are
30 approved.

31 Sec. 696. Section 235A.1, Code 2023, is amended to read as
32 follows:

33 **235A.1 Child abuse prevention program.**

34 1. *a.* A program for the prevention of child abuse is
35 established within the state department of health and human

1 services. Any moneys appropriated by the general assembly for
2 child abuse prevention shall be used by the department of ~~human~~
3 ~~services~~ solely for the purposes of child abuse prevention and
4 shall not be expended for treatment or other service delivery
5 programs regularly maintained by the department. Moneys
6 appropriated for child abuse prevention shall be used by the
7 department through contract with an agency or organization
8 which shall administer the funds with maximum use of voluntary
9 administrative services for the following:

10 (1) Matching federal funds to purchase services relating to
11 community-based programs for the prevention of child abuse and
12 neglect.

13 (2) Funding the establishment or expansion of
14 community-based prevention projects or educational programs for
15 the prevention of child abuse and neglect.

16 (3) ~~To study and evaluate~~ Studying and evaluating
17 community-based prevention projects and educational programs
18 for the problems of families and children.

19 *b.* Funds for the programs or projects shall be applied
20 for and received by a community-based volunteer coalition or
21 council.

22 2. The director of health and human services may accept
23 grants, gifts, and bequests from any source for the purposes
24 designated in subsection 1. The director shall remit funds ~~so~~
25 received to the treasurer of state who shall deposit ~~them~~ the
26 funds in the general fund of the state for the use of the child
27 abuse prevention program.

28 Sec. 697. Section 235A.2, Code 2023, is amended to read as
29 follows:

30 **235A.2 Child abuse prevention program fund.**

31 1. A child abuse prevention program fund is created in
32 the state treasury under the control of the department of
33 health and human services. The fund is composed of moneys
34 appropriated or available to and obtained or accepted by the
35 treasurer of state for deposit in the fund. The fund shall

1 include moneys transferred to the fund pursuant to an income
2 tax checkoff provided in [chapter 422, subchapter II](#), if
3 applicable. All interest earned on moneys in the fund shall
4 be credited to and remain in the fund. [Section 8.33](#) does not
5 apply to moneys in the fund.

6 2. Moneys in the fund that are authorized by the department
7 for expenditure are appropriated, and shall be used, for the
8 purposes described in [section 235A.1](#) of preventing child abuse
9 and neglect.

10 Sec. 698. NEW SECTION. **235A.3 Child abuse prevention**
11 **program advisory committee.**

12 The council on health and human services shall establish a
13 child abuse prevention program advisory committee to support
14 the child abuse prevention program implemented in accordance
15 with section 235A.1. The duties of the advisory committee
16 shall include all of the following:

17 1. Advise the director of health and human services
18 regarding expenditures of funds received for the child abuse
19 prevention program.

20 2. Review the implementation and effectiveness of
21 legislation and administrative rules concerning the child abuse
22 prevention program.

23 3. Recommend changes in legislation and administrative
24 rules to the general assembly and the appropriate department
25 officials.

26 4. Require reports from state agencies and other entities as
27 necessary to perform its duties.

28 5. Receive and review complaints from the public concerning
29 the operation and management of the child abuse prevention
30 program.

31 6. Approve grant proposals.

32 Sec. 699. Section 235A.13, Code 2023, is amended to read as
33 follows:

34 **235A.13 Definitions.**

35 The definitions in section 232.68 are applicable to this

1 subchapter unless the context otherwise requires. As used
2 in chapter 232, subchapter III, part 2, and this subchapter,
3 unless the context otherwise requires:

4 1. "*Assessment data*" means any of the following information
5 pertaining to the department's evaluation of a family:

6 a. Identification of the strengths and needs of the child,
7 and of the child's parent, home, and family.

8 b. Identification of services available from the department
9 and informal and formal services and other support available in
10 the community to meet identified strengths and needs.

11 2. "*Child abuse information*" means any or all of the
12 following data maintained by the department in a manual or
13 automated data storage system and individually identified:

14 a. Report data.

15 b. Assessment data.

16 c. Disposition data.

17 3. "*Confidentiality*" means the withholding of information
18 from any manner of communication, public or private.

19 4. "*Department*" means the department of health and human
20 services.

21 5. "*Director*" means the director of health and human
22 services.

23 6. "*Disposition data*" means information pertaining to
24 an opinion or decision as to the occurrence of child abuse,
25 including:

26 a. Any intermediate or ultimate opinion or decision reached
27 by assessment personnel.

28 b. Any opinion or decision reached in the course of judicial
29 proceedings.

30 c. The present status of any case.

31 ~~6.~~ 7. "*Expungement*" means the process of destroying child
32 abuse information.

33 ~~7.~~ 8. "*Individually identified*" means any report,
34 assessment, or disposition data which names the person or
35 persons responsible or believed responsible for the child

1 abuse.

2 ~~8.~~ 9. "*Multidisciplinary team*" means a group of individuals
3 who possess knowledge and skills related to the diagnosis,
4 assessment, and disposition of child abuse cases and who are
5 professionals practicing in the disciplines of medicine,
6 nursing, public health, substance ~~abuse~~ use disorder, domestic
7 violence, mental health, social work, child development,
8 education, law, juvenile probation, or law enforcement, or a
9 group established pursuant to [section 235B.1, subsection 1.](#)

10 ~~9.~~ 10. "*Near fatality*" means an injury to a child that,
11 as certified by a physician or physician assistant, placed the
12 child in serious or critical condition.

13 ~~10.~~ 11. "*Report data*" means any of the following
14 information pertaining to an assessment of an allegation of
15 child abuse in which the department has determined the alleged
16 child abuse meets the definition of child abuse:

17 *a.* The name and address of the child and the child's parents
18 or other persons responsible for the child's care.

19 *b.* The age of the child.

20 *c.* The nature and extent of the injury, including evidence
21 of any previous injury.

22 *d.* Additional information as to the nature, extent, and
23 cause of the injury, and the identity of the person or persons
24 alleged to be responsible for the injury.

25 *e.* The names and conditions of other children in the child's
26 home.

27 *f.* A recording made of an interview conducted under chapter
28 232 in association with a child abuse assessment.

29 *g.* Any other information believed to be helpful in
30 establishing the information in paragraph "*d*".

31 ~~11.~~ 12. "*Sealing*" means the process of removing child abuse
32 information from authorized access as provided by [this chapter](#).

33 Sec. 700. Section 235A.14, Code 2023, is amended to read as
34 follows:

35 **235A.14 Creation and maintenance of a central registry.**

1 1. There is created within the ~~state~~ department of
2 ~~human services~~ a central registry for certain child abuse
3 information. The department shall organize and staff the
4 registry and adopt rules for its operation.

5 2. The registry shall collect, maintain and disseminate
6 child abuse information as provided for by [this chapter](#).

7 3. The department shall maintain a toll-free telephone
8 line, which shall be available on a ~~twenty-four-hour-a-day~~
9 twenty-four-hour-a-day, seven-day-a-week seven-day-a-week
10 basis and which the department of ~~human services~~ and all other
11 persons may use to report cases of suspected child abuse
12 and that all persons authorized by [this chapter](#) may use for
13 obtaining child abuse information.

14 4. An oral report of suspected child abuse initially made to
15 the central registry shall be immediately transmitted by the
16 department to the appropriate county department of ~~social~~ human
17 services or law enforcement agency, or both.

18 5. The registry, upon receipt of a report of suspected
19 child abuse, shall search the records of the registry, and
20 if the records of the registry reveal any previous report of
21 child abuse involving the same child or any other child in
22 the same family, or if the records reveal any other pertinent
23 information with respect to the same child or any other child
24 in the same family, the appropriate office of the department of
25 ~~human services~~ or law enforcement agency shall be immediately
26 notified of that fact.

27 6. The central registry shall include report data and
28 disposition data which is subject to placement in the central
29 registry under [section 232.71D](#). The central registry shall not
30 include assessment data.

31 Sec. 701. Section 235A.15, subsection 2, paragraph b,
32 subparagraphs (2) and (4), Code 2023, are amended to read as
33 follows:

34 (2) To an employee or agent of the department of ~~human~~
35 ~~services~~ responsible for the assessment of a child abuse

1 report.

2 (4) To a multidisciplinary team, or to parties to an
3 interagency agreement entered into pursuant to [section 280.25](#),
4 if the department of ~~human services~~ approves the composition of
5 the multidisciplinary team or the relevant provisions of the
6 interagency agreement and determines that access to the team
7 or to the parties to the interagency agreement is necessary
8 to assist the department in the diagnosis, assessment, and
9 disposition of a child abuse case.

10 Sec. 702. Section 235A.15, subsection 2, paragraph c,
11 subparagraph (8), Code 2023, is amended to read as follows:

12 (8) To an administrator of an agency certified by the
13 department of ~~human services~~ to provide services under a
14 medical assistance home and community-based services waiver,
15 if the data concerns a person employed by or being considered
16 by the agency for employment.

17 Sec. 703. Section 235A.15, subsection 2, paragraph e,
18 subparagraphs (6), (8), and (12), Code 2023, are amended to
19 read as follows:

20 (6) To the attorney for the department of ~~human services~~ who
21 is responsible for representing the department.

22 (8) To an employee or agent of the department of ~~human~~
23 ~~services~~ regarding a person who is providing child care if the
24 person is not registered or licensed to operate a child care
25 facility.

26 (12) To the department of ~~human services~~ for a record check
27 relating to employment or residence pursuant to [section 218.13](#).

28 Sec. 704. Section 235A.15, subsection 7, Code 2023, is
29 amended to read as follows:

30 7. If the director of ~~human services~~ receives a written
31 request for information regarding a specific case of child
32 abuse involving a fatality or near fatality to a child from the
33 majority or minority leader of the senate or the speaker or the
34 minority leader of the house of representatives, the director
35 or the director's designee shall arrange for a confidential

1 meeting with the requestor or the requestor's designee. In the
2 confidential meeting the director or the director's designee
3 shall share all pertinent information concerning the case,
4 including but not limited to child abuse information. Any
5 written document distributed by the director or the director's
6 designee at the confidential meeting shall not be removed
7 from the meeting and a participant in the meeting shall be
8 subject to the restriction on redissemination of confidential
9 information applicable to a person under section 235A.17,
10 subsection 3, for confidential information disclosed to the
11 participant at the meeting. A participant in the meeting
12 may issue a report to the governor or make general public
13 statements concerning the department's handling of the case of
14 child abuse.

15 Sec. 705. Section 235A.15, subsection 9, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:

17 If, apart from a request made pursuant to subsection 7
18 or 8, the department receives from a member of the public a
19 request for information relating to a case of founded child
20 abuse involving a fatality or near fatality to a child, the
21 response to the request shall be made in accordance with this
22 subsection and [subsections 10 and 11](#). If the request is
23 received before or during performance of an assessment of the
24 case in accordance with [section 232.71B](#), the director ~~of human~~
25 ~~services~~ or the director's designee shall initially disclose
26 whether or not the assessment will be or is being performed.
27 Otherwise, within five business days of receiving the request
28 or completing the assessment, whichever is later, the director
29 ~~of human services~~ or the director's designee shall consult
30 with the county attorney responsible for prosecution of any
31 alleged perpetrator of the fatality or near fatality and shall
32 disclose information, including but not limited to child abuse
33 information, relating to the case, except for the following:

34 Sec. 706. Section 235A.15, subsection 10, unnumbered
35 paragraph 1, Code 2023, is amended to read as follows:

1 The information released by the director ~~of human services~~
2 or the director's designee pursuant to a request made under
3 subsection 9 relating to a case of founded child abuse
4 involving a fatality or near fatality to a child shall include
5 all of the following, unless such information is excepted from
6 disclosure under [subsection 9](#):

7 Sec. 707. Section 235A.15, subsection 11, paragraph b, Code
8 2023, is amended to read as follows:

9 *b.* If release of social services information in addition to
10 that released under [subsection 10](#), paragraph "c", is believed
11 to be in the public's interest and right to know, the director
12 ~~of human services~~ or the director's designee may apply to
13 the court under [section 235A.24](#) requesting a review of the
14 information proposed for release and an order authorizing
15 release of the information. A release of information that
16 would otherwise be confidential under [section 217.30](#) concerning
17 social services provided to the child or the child's family
18 shall not include information concerning financial or medical
19 assistance provided to the child or the child's family.

20 Sec. 708. Section 235A.15, subsection 12, Code 2023, is
21 amended to read as follows:

22 12. If an individual who is the subject of a child abuse
23 report listed in [subsection 2](#), paragraph "a", or another party
24 involved in an assessment under [section 232.71B](#) releases
25 in a public forum or to the media information concerning a
26 case of child abuse including but not limited to child abuse
27 information which would otherwise be confidential, the director
28 ~~of human services~~, or the director's designee, may respond
29 with relevant information concerning the case of child abuse
30 that was the subject of the release. Prior to releasing the
31 response, the director or the director's designee shall consult
32 with the child's parent or guardian, or the child's guardian ad
33 litem, and apply to the court under [section 235A.24](#) requesting
34 a review of the information proposed for release and an order
35 authorizing release of the information.

1 Sec. 709. Section 235A.16, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. **Subsections 1 and 2** do not apply to child abuse
4 information that is disseminated to an employee of the
5 department ~~of human services~~, to a juvenile court, or to the
6 attorney representing the department as authorized by section
7 235A.15.

8 Sec. 710. Section 235A.17, subsection 2, Code 2023, is
9 amended to read as follows:

10 2. The department ~~of human services~~ may notify orally the
11 mandatory reporter in an individual child abuse case of the
12 results of the case assessment and of the confidentiality
13 provisions of **sections 235A.15 and 235A.21**. The department
14 shall subsequently transmit a written notice to the mandatory
15 reporter of the results and confidentiality provisions. If
16 the report data and disposition data have been placed in the
17 registry as founded child abuse pursuant to **section 232.71D**, a
18 copy of the written notice shall be transmitted to the registry
19 and shall be maintained by the registry as provided in section
20 235A.18. Otherwise, a copy of the written notice shall be
21 retained by the department with the case file.

22 Sec. 711. Section 235A.17, subsection 3, paragraph b,
23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) Department ~~of human services~~ information described in
25 section 217.30, subsection 2.

26 Sec. 712. Section 235A.18, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. The department ~~of human services~~ shall adopt rules
29 establishing the period of time child abuse information which
30 is not maintained in the central registry is retained by the
31 department.

32 Sec. 713. Section 235A.22, Code 2023, is amended to read as
33 follows:

34 **235A.22 Education program.**

35 The department ~~of human services~~ shall require an

1 educational program for employees of the department with access
2 to child abuse information on the proper use and control of
3 child abuse information.

4 Sec. 714. Section 235A.23, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. The department ~~of human services~~ may compile statistics,
7 conduct research, and issue reports on child abuse, provided
8 identifying details of the subject of child abuse reports are
9 deleted from any report issued.

10 Sec. 715. Section 235A.24, subsection 1, paragraph b, Code
11 2023, is amended to read as follows:

12 b. The director ~~of human services~~ or the director's
13 designee may apply, if the conditions under section 235A.15,
14 subsection 11 or 12, are met, to the court requesting a
15 review of confidential information proposed for release and an
16 order authorizing the release of information. A release of
17 information that would otherwise be confidential under section
18 217.30 concerning social services provided to the child or
19 the child's family shall not include information concerning
20 financial or medical assistance provided to the child or the
21 child's family.

22 Sec. 716. Section 235B.1, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. a. The establishment of a dependent adult protective
25 advisory council. The advisory council shall do all of the
26 following:

27 (1) Advise the director ~~of human services, the director~~
28 ~~of the department on aging,~~ the director of inspections and
29 appeals, and the director of ~~public health,~~ ~~the director of~~ the
30 department of corrections, ~~and the director of human rights~~
31 regarding dependent adult abuse.

32 (2) Evaluate state law and rules and make recommendations
33 to the general assembly and to executive branch departments
34 regarding laws and rules concerning dependent adults.

35 (3) Receive and review recommendations and complaints from

1 the public, health care facilities, and health care programs
2 concerning the dependent adult abuse services program.

3 **b.** (1) The advisory council shall consist of twelve
4 members. Eight members shall be appointed by and serve at
5 the pleasure of the governor. Four of the members appointed
6 shall be appointed on the basis of knowledge and skill related
7 to expertise in the area of dependent adult abuse including
8 professionals practicing in the disciplines of medicine, public
9 health, mental health, long-term care, social work, law,
10 and law enforcement. Two of the members appointed shall be
11 members of the general public with an interest in the area of
12 dependent adult abuse and two of the members appointed shall
13 be members of the Iowa caregivers association. In addition,
14 the membership of the council shall include the director or the
15 director's designee of the department ~~of human services, the~~
16 ~~department on aging, the Iowa department of public health,~~ and
17 the department of inspections and appeals.

18 (2) The members of the advisory council shall be appointed
19 to terms of four years beginning May 1. Appointments shall
20 comply with [sections 69.16](#) and [69.16A](#). Vacancies shall be
21 filled in the same manner as the original appointment.

22 (3) Members shall receive actual expenses incurred while
23 serving in their official capacity.

24 (4) The advisory council shall select a chairperson,
25 annually, from its membership.

26 Sec. 717. Section 235B.2, Code 2023, is amended to read as
27 follows:

28 **235B.2 Definitions.**

29 As used in [this chapter](#), unless the context otherwise
30 requires:

31 1. "*Caretaker*" means a related or nonrelated person who
32 has the responsibility for the protection, care, or custody of
33 a dependent adult as a result of assuming the responsibility
34 voluntarily, by contract, through employment, or by order of
35 the court.

1 2. “*Court*” means the district court.

2 3. “*Department*” means the department of health and human
3 services.

4 4. “*Dependent adult*” means a person eighteen years of age or
5 older who is unable to protect the person’s own interests or
6 unable to adequately perform or obtain services necessary to
7 meet essential human needs, as a result of a physical or mental
8 condition which requires assistance from another, or as defined
9 by departmental rule.

10 5. *a.* “*Dependent adult abuse*” means:

11 (1) Any of the following as a result of the willful or
12 negligent acts or omissions of a caretaker:

13 (a) Physical injury to, or injury which is at a variance
14 with the history given of the injury, or unreasonable
15 confinement, unreasonable punishment, or assault of a dependent
16 adult.

17 (b) The commission of a sexual offense under [chapter 709](#) or
18 section 726.2 with or against a dependent adult.

19 (c) Exploitation of a dependent adult which means the act
20 or process of taking unfair advantage of a dependent adult
21 or the adult’s physical or financial resources, without the
22 informed consent of the dependent adult, including theft, by
23 the use of undue influence, harassment, duress, deception,
24 false representation, or false pretenses.

25 (d) The deprivation of the minimum food, shelter, clothing,
26 supervision, physical or mental health care, or other care
27 necessary to maintain a dependent adult’s life or health.

28 (2) The deprivation of the minimum food, shelter, clothing,
29 supervision, physical or mental health care, and other care
30 necessary to maintain a dependent adult’s life or health as a
31 result of the acts or omissions of the dependent adult.

32 (3) (a) Sexual exploitation of a dependent adult by a
33 caretaker.

34 (b) “*Sexual exploitation*” means any consensual or
35 nonconsensual sexual conduct with a dependent adult which

1 includes but is not limited to kissing; touching of the clothed
2 or unclothed inner thigh, breast, groin, buttock, anus, pubes,
3 or genitals; or a sex act, as defined in [section 702.17](#).

4 "*Sexual exploitation*" includes the transmission, display, taking
5 of electronic images of the unclothed breast, groin, buttock,
6 anus, pubes, or genitals of a dependent adult by a caretaker
7 for a purpose not related to treatment or diagnosis or as
8 part of an ongoing assessment, evaluation, or investigation.
9 Sexual exploitation does not include touching which is part
10 of a necessary examination, treatment, or care by a caretaker
11 acting within the scope of the practice or employment of the
12 caretaker; the exchange of a brief touch or hug between the
13 dependent adult and a caretaker for the purpose of reassurance,
14 comfort, or casual friendship; or touching between spouses.

15 (4) (a) Personal degradation of a dependent adult by a
16 caretaker.

17 (b) (i) "*Personal degradation*" means a willful act or
18 statement by a caretaker intended to shame, degrade, humiliate,
19 or otherwise harm the personal dignity of a dependent adult, or
20 where the caretaker knew or reasonably should have known the
21 act or statement would cause shame, degradation, humiliation,
22 or harm to the personal dignity of a reasonable person.

23 "*Personal degradation*" includes the taking, transmission,
24 or display of an electronic image of a dependent adult by a
25 caretaker, where the caretaker's actions constitute a willful
26 act or statement intended to shame, degrade, humiliate, or
27 otherwise harm the personal dignity of the dependent adult, or
28 where the caretaker knew or reasonably should have known the
29 act would cause shame, degradation, humiliation, or harm to the
30 personal dignity of a reasonable person.

31 (ii) "*Personal degradation*" does not include any of the
32 following:

33 (A) The taking, transmission, or display of an electronic
34 image of a dependent adult for the purpose of reporting
35 dependent adult abuse to law enforcement, the department,

1 or any other regulatory agency that oversees caretakers or
2 enforces abuse or neglect provisions, or for the purpose of
3 treatment or diagnosis or as part of an ongoing investigation.

4 (B) The taking, transmission, or display of an electronic
5 image by a caretaker who takes, transmits, or displays the
6 electronic image in accordance with the confidentiality policy
7 and release of information or consent policies of a contractor,
8 employer, or facility or program not covered under section
9 235E.1, subsection 5, paragraph "a", subparagraph (3).

10 (C) A statement by a caretaker who is the spouse of a
11 dependent adult that is not intended to shame, degrade,
12 humiliate, or otherwise harm the personal dignity of the
13 dependent adult spouse.

14 *b. "Dependent adult abuse"* does not include any of the
15 following:

16 (1) Circumstances in which the dependent adult declines
17 medical treatment if the dependent adult holds a belief or is
18 an adherent of a religion whose tenets and practices call for
19 reliance on spiritual means in place of reliance on medical
20 treatment.

21 (2) Circumstances in which the dependent adult's caretaker,
22 acting in accordance with the dependent adult's stated or
23 implied consent, declines medical treatment if the dependent
24 adult holds a belief or is an adherent of a religion whose
25 tenets and practices call for reliance on spiritual means in
26 place of reliance on medical treatment.

27 (3) The withholding or withdrawing of health care from
28 a dependent adult who is terminally ill in the opinion of a
29 licensed physician, when the withholding or withdrawing of
30 health care is done at the request of the dependent adult or at
31 the request of the dependent adult's next of kin, attorney in
32 fact, or guardian pursuant to the applicable procedures under
33 chapter 125, 144A, 144B, 222, 229, or 633.

34 6. "Director" means the director of health and human
35 services.

1 7. *“Emergency shelter services”* means and includes, but is
2 not limited to, secure crisis shelters or housing for victims
3 of dependent adult abuse.

4 ~~7.~~ 8. *“Family or household member”* means a spouse, a person
5 cohabiting with the dependent adult, a parent, or a person
6 related to the dependent adult by consanguinity or affinity,
7 but does not include children of the dependent adult who are
8 less than eighteen years of age.

9 ~~8.~~ 9. *“Immediate danger to health or safety”* means a
10 situation in which death or severe bodily injury could
11 reasonably be expected to occur without intervention.

12 ~~9.~~ 10. *“Individual employed as an outreach person”* means a
13 natural person who, in the course of employment, makes regular
14 contacts with dependent adults regarding available community
15 resources.

16 ~~10.~~ 11. *“Legal holiday”* means a legal public holiday as
17 defined in [section 1C.1](#).

18 ~~11.~~ 12. *“Person”* means person as defined in [section 4.1](#).

19 ~~12.~~ 13. *“Recklessly”* means that a person acts or fails to
20 act with respect to a material element of a public offense,
21 when the person is aware of and consciously disregards a
22 substantial and unjustifiable risk that the material element
23 exists or will result from the act or omission. The risk must
24 be of such a nature and degree that disregard of the risk
25 constitutes a gross deviation from the standard conduct that a
26 reasonable person would observe in the situation.

27 ~~13.~~ 14. *“Serious injury”* means the same as defined in
28 section 702.18.

29 ~~14.~~ 15. *“Support services”* includes but is not limited
30 to community-based services including area agency on aging
31 assistance, mental health services, fiscal management, home
32 health services, housing-related services, counseling services,
33 transportation services, adult day services, respite services,
34 legal services, and advocacy services.

35 Sec. 718. Section 235B.3, Code 2023, is amended to read as

1 follows:

2 **235B.3 Dependent adult abuse reports.**

3 1. *a.* (1) The department shall receive dependent adult
4 abuse reports and shall collect, maintain, and disseminate the
5 reports by establishing a central registry for dependent adult
6 abuse information. The department shall evaluate the reports
7 expeditiously.

8 (2) However, the department of inspections and appeals
9 is solely responsible for the evaluation and disposition of
10 dependent adult abuse cases within facilities and programs
11 pursuant to [chapter 235E](#) and shall inform the department of
12 ~~human services~~ of such evaluations and dispositions pursuant
13 to [section 235E.2](#).

14 (3) If, in the course of an assessment or evaluation
15 of a report of dependent adult abuse, the department of
16 ~~human services~~ or the department of inspections and appeals
17 determines the case involves wages, workplace safety, or other
18 labor and employment matters under the jurisdiction of the
19 division of labor services of the department of workforce
20 development, the relevant portions of the case shall be
21 referred to the division.

22 (4) If, in the course of an assessment or evaluation
23 of a report of dependent adult abuse, the department of
24 ~~human services~~ or the department of inspections and appeals
25 determines that the case involves discrimination under the
26 jurisdiction of the civil rights commission, the relevant
27 portions of the case shall be referred to the commission.

28 *b.* Reports of dependent adult abuse which is the result
29 of the acts or omissions of the dependent adult shall be
30 collected and maintained in the files of the dependent adult
31 as assessments only and shall not be included in the central
32 registry.

33 *c.* A report of dependent adult abuse that meets the
34 definition of dependent adult abuse under section 235B.2,
35 subsection 5, paragraph "a", subparagraph (1), subparagraph

1 division (a) or (d), or [section 235B.2, subsection 5](#), paragraph
2 "a", subparagraph (4), which the department determines is
3 minor, isolated, and unlikely to reoccur shall be collected
4 and maintained by the department as an assessment only for
5 a five-year period and shall not be included in the central
6 registry and shall not be considered to be founded dependent
7 adult abuse. However, a subsequent report of dependent adult
8 abuse that meets the definition of dependent adult abuse under
9 [section 235B.2, subsection 5, paragraph "a", subparagraph](#)
10 [\(1\), subparagraph division \(a\) or \(d\), or section 235B.2,](#)
11 [subsection 5, paragraph "a", subparagraph \(4\),](#) that occurs
12 within the five-year period and that is committed by the
13 caretaker responsible for the act or omission which was the
14 subject of the previous report of dependent adult abuse which
15 the department determined was minor, isolated, and unlikely to
16 reoccur shall not be considered minor, isolated, and unlikely
17 to reoccur.

18 2. A person who, in the course of employment, examines,
19 attends, counsels, or treats a dependent adult and reasonably
20 believes the dependent adult has suffered abuse, shall report
21 the suspected dependent adult abuse to the department. Persons
22 required to report include all of the following:

23 a. A member of the staff of a community mental health
24 center.

25 b. A peace officer.

26 c. An in-home homemaker-home health aide.

27 d. An individual employed as an outreach person.

28 e. A health practitioner, as defined in [section 232.68](#).

29 f. A member of the staff or an employee of a supported
30 community living service, sheltered workshop, or work activity
31 center.

32 g. A social worker.

33 h. A certified psychologist.

34 i. A massage therapist licensed pursuant to [chapter 152C](#).

35 3. a. If a staff member or employee is required to report

1 pursuant to [this section](#), the person shall immediately notify
2 the department and shall also immediately notify the person in
3 charge or the person's designated agent.

4 *b.* The employer or supervisor of a person who is required to
5 or may make a report pursuant to [this section](#) shall not apply a
6 policy, work rule, or other requirement that interferes with
7 the person making a report of dependent adult abuse or that
8 results in the failure of another person to make the report.

9 4. An employee of a financial institution may report
10 suspected financial exploitation of a dependent adult to the
11 department.

12 5. Any other person who believes that a dependent adult has
13 suffered abuse may report the suspected abuse to the department
14 ~~of human services~~.

15 6. Following the reporting of suspected dependent adult
16 abuse, the department ~~of human services~~ or an agency approved
17 by the department shall complete an assessment of necessary
18 services and shall make appropriate referrals for receipt of
19 these services. The assessment shall include interviews with
20 the dependent adult, and, if appropriate, with the alleged
21 perpetrator of the dependent adult abuse and with any person
22 believed to have knowledge of the circumstances of the case.
23 The department may provide necessary protective services and
24 may establish a sliding fee schedule for those persons able to
25 pay a portion of the protective services.

26 7. Upon a showing of probable cause that a dependent
27 adult has been abused, a court may authorize a person, also
28 authorized by the department, to make an evaluation, to enter
29 the residence of, and to examine the dependent adult. Upon
30 a showing of probable cause that a dependent adult has been
31 financially exploited, a court may authorize a person, also
32 authorized by the department, to make an evaluation, and to
33 gain access to the financial records of the dependent adult.

34 8. If the department determines that disclosure is
35 necessary for the protection of a dependent adult, the

1 department may disclose to a subject of a dependent adult abuse
2 report referred to in [section 235B.6, subsection 2](#), paragraph
3 "a", that an individual is listed in the child or dependent
4 adult abuse registry or is required to register with the sex
5 offender registry in accordance with [chapter 692A](#).

6 9. If, in the course of assessment, evaluation, or
7 investigation of a report of dependent adult abuse, the
8 department determines that disclosure is necessary for the
9 protection of a dependent adult's resources, the department
10 may disclose the initiation and status of the dependent
11 adult abuse evaluation to the dependent adult's bank, savings
12 association, credit union, broker-dealer as defined in section
13 502.102, subsection 4, investment advisor as defined in section
14 502.102, subsection 15, financial advisor, or other financial
15 institution, or the administrator as defined in section
16 502.102, subsection 1.

17 10. The department shall inform the appropriate county
18 attorneys of any reports of dependent adult abuse. The
19 department may request information from any person believed
20 to have knowledge of a case of dependent adult abuse. The
21 person, including but not limited to a county attorney, a law
22 enforcement agency, a multidisciplinary team, a social services
23 agency in the state, or any person who is required pursuant
24 to [subsection 2](#) to report dependent adult abuse, whether or
25 not the person made the specific dependent adult abuse report,
26 shall cooperate and assist in the evaluation upon the request
27 of the department. If the department's assessment reveals
28 that dependent adult abuse exists which might constitute a
29 criminal offense, a report shall be made to the appropriate
30 law enforcement agency. County attorneys and appropriate law
31 enforcement agencies shall also take any other lawful action
32 necessary or advisable for the protection of the dependent
33 adult.

34 a. If, upon completion of the evaluation or upon referral
35 from the department of inspections and appeals, the department

1 determines that the best interests of the dependent adult
2 require court action, the department shall initiate action for
3 the appointment of a guardian or conservator or for admission
4 or commitment to an appropriate institution or facility
5 pursuant to the applicable procedures under [chapter 125, 222,](#)
6 [229, or 633,](#) or shall pursue other remedies provided by law.
7 The appropriate county attorney shall assist the department in
8 the preparation of the necessary papers to initiate the action
9 and shall appear and represent the department at all district
10 court proceedings.

11 *b.* The department shall assist the court during all stages
12 of court proceedings involving a suspected case of dependent
13 adult abuse.

14 *c.* In every case involving abuse which is substantiated
15 by the department and which results in a judicial proceeding
16 on behalf of the dependent adult, legal counsel shall be
17 appointed by the court to represent the dependent adult in
18 the proceedings. The court may also appoint a guardian ad
19 litem to represent the dependent adult if necessary to protect
20 the dependent adult's best interests. The same attorney may
21 be appointed to serve both as legal counsel and as guardian
22 ad litem. Before legal counsel or a guardian ad litem is
23 appointed pursuant to [this section,](#) the court shall require
24 the dependent adult and any person legally responsible for
25 the support of the dependent adult to complete under oath
26 a detailed financial statement. If, on the basis of that
27 financial statement, the court deems that the dependent adult
28 or the legally responsible person is able to bear all or a
29 portion of the cost of the legal counsel or guardian ad litem,
30 the court shall so order. In cases where the dependent adult
31 or the legally responsible person is unable to bear the cost
32 of the legal counsel or guardian ad litem, the expense shall
33 be paid by the county.

34 11. A person participating in good faith in reporting or
35 cooperating with or assisting the department in evaluating a

1 case of dependent adult abuse has immunity from liability,
2 civil or criminal, which might otherwise be incurred or
3 imposed based upon the act of making the report or giving the
4 assistance. The person has the same immunity with respect to
5 participating in good faith in a judicial proceeding resulting
6 from the report or cooperation or assistance or relating to the
7 subject matter of the report, cooperation, or assistance.

8 12. It shall be unlawful for any person or employer
9 to discharge, suspend, or otherwise discipline a person
10 required to report or voluntarily reporting an instance of
11 suspected dependent adult abuse pursuant to subsection 2 or
12 5, or cooperating with, or assisting the department ~~of human~~
13 ~~services~~ in evaluating a case of dependent adult abuse, or
14 participating in judicial proceedings relating to the reporting
15 or cooperation or assistance based solely upon the person's
16 reporting or assistance relative to the instance of dependent
17 adult abuse. A person or employer found in violation of this
18 subsection is guilty of a simple misdemeanor.

19 13. A person required by [this section](#) to report a suspected
20 case of dependent adult abuse who knowingly and willfully fails
21 to do so commits a simple misdemeanor. A person required by
22 this section to report a suspected case of dependent adult
23 abuse who knowingly fails to do so or who knowingly, in
24 violation of [subsection 3](#), interferes with the making of such a
25 report or applies a requirement that results in such a failure
26 is civilly liable for the damages proximately caused by the
27 failure.

28 14. The department of inspections and appeals shall adopt
29 rules which require facilities or programs to separate an
30 alleged dependent adult abuser from a victim following an
31 allegation of perpetration of abuse and prior to the completion
32 of an investigation of the allegation.

33 Sec. 719. Section 235B.5, Code 2023, is amended to read as
34 follows:

35 **235B.5 Creation and maintenance of a central registry.**

1 1. There is created within the department a central registry
2 for dependent adult abuse information. The department shall
3 organize and staff the registry and adopt rules for its
4 operation.

5 2. The registry shall collect, maintain, and disseminate
6 dependent adult abuse information as provided in [this chapter](#).

7 3. The department shall maintain a toll-free telephone
8 line, which shall be available on a twenty-four-hour-a-day,
9 seven-day-a-week basis and which the department and all other
10 persons may use to report cases of suspected dependent adult
11 abuse and that all persons authorized by [this chapter](#) may use
12 for obtaining dependent adult abuse information.

13 4. An oral report of suspected dependent adult abuse
14 initially made to the central registry shall be immediately
15 transmitted by the department to the appropriate county
16 department of human services or law enforcement agency, or
17 both.

18 5. An oral report of suspected dependent adult abuse
19 initially made to the central registry regarding a facility or
20 program as defined in [section 235E.1](#) shall be transmitted by
21 the department to the department of inspections and appeals on
22 the first working day following the submitting of the report.

23 6. The registry, upon receipt of a report of suspected
24 dependent adult abuse, shall search the records of the
25 registry, and if the records of the registry reveal any
26 previous report of dependent adult abuse involving the same
27 adult or if the records reveal any other pertinent information
28 with respect to the same adult, the ~~appropriate office of the~~
29 ~~department of human services~~ or the appropriate law enforcement
30 agency shall be immediately notified of that fact.

31 7. The central registry shall include but not be limited to
32 report data, investigation data, and disposition data.

33 Sec. 720. Section 235B.6, Code 2023, is amended to read as
34 follows:

35 **235B.6 Authorized access.**

1 1. Notwithstanding **chapter 22**, the confidentiality of all
2 dependent adult abuse information shall be maintained, except
3 as specifically provided by **subsections 2 and 3**.

4 2. Access to dependent adult abuse information other than
5 unfounded dependent adult abuse information is authorized only
6 to the following persons:

7 a. A subject of a report including all of the following:

8 (1) To an adult named in a report as a victim of abuse or to
9 the adult's attorney or guardian ad litem.

10 (2) To a guardian or legal custodian, or that person's
11 attorney, of an adult named in a report as a victim of abuse.

12 (3) To the person or the attorney for the person named in a
13 report as having abused an adult.

14 b. A person involved in an investigation of dependent adult
15 abuse including all of the following:

16 (1) A health practitioner or mental health professional
17 who is examining, attending, or treating an adult whom such
18 practitioner or professional believes or has reason to believe
19 has been the victim of abuse or to a health practitioner or
20 mental health professional whose consultation with respect to
21 an adult believed to have been the victim of abuse is requested
22 by the department.

23 (2) An employee or agent of the department responsible for
24 the investigation of a dependent adult abuse report or for the
25 purpose of performing record checks as required under section
26 135C.33.

27 (3) A representative of the department involved in the
28 certification or accreditation of an agency or program
29 providing care or services to a dependent adult believed to
30 have been a victim of abuse.

31 (4) A law enforcement officer responsible for assisting in
32 an investigation of a dependent adult abuse allegation.

33 (5) A multidisciplinary team, if the department ~~of human~~
34 ~~services~~ approves the composition of the multidisciplinary team
35 and determines that access to the team is necessary to assist

1 the department in the investigation, diagnosis, assessment, and
2 disposition of a case of dependent adult abuse.

3 (6) The mandatory reporter who reported the dependent adult
4 abuse in an individual case.

5 (7) Each board specified under [chapter 147](#) and the Iowa
6 department of ~~public health~~ for the purpose of licensure,
7 certification or registration, disciplinary investigation, or
8 the renewal of licensure, certification or registration, or
9 disciplinary proceedings of health care professionals.

10 c. A person providing care to an adult including all of the
11 following:

12 (1) A licensing authority for a facility, including a
13 facility or program defined in [section 235E.1](#), providing care
14 to an adult named in a report.

15 (2) A person authorized as responsible for the care or
16 supervision of an adult named in a report as a victim of abuse
17 or a person named in a report as having abused an adult if
18 the court or registry deems access to dependent adult abuse
19 information by such person to be necessary.

20 (3) An employee or agent of the department responsible
21 for registering or licensing or approving the registration or
22 licensing of a person, or to an individual providing care to an
23 adult and regulated by the department.

24 (4) The legally authorized protection and advocacy agency
25 recognized pursuant to [section 135C.2](#) if a person identified in
26 the information as a victim or a perpetrator of abuse resided
27 in or receives services from a facility, including a facility
28 or program defined in [section 235E.1](#), or agency because the
29 person is diagnosed as having a developmental disability or a
30 mental illness.

31 (5) To an administrator of an agency certified by the
32 department of ~~human services~~ to provide services under a
33 medical assistance home and community-based services waiver,
34 if the information concerns a person employed by or being
35 considered by the agency for employment.

1 (6) To the administrator of an agency providing mental
2 health, intellectual disability, or developmental disability
3 services under a regional service system management plan
4 implemented in accordance with [section 331.393](#), if the
5 information concerns a person employed by or being considered
6 by the agency for employment.

7 (7) To an administrator of a hospital licensed under chapter
8 135B if the data concerns a person employed or being considered
9 for employment by the hospital.

10 (8) An employee of an agency requested by the department
11 to provide case management or other services to the dependent
12 adult.

13 *d.* Relating to judicial and administrative proceedings,
14 persons including all of the following:

15 (1) A court upon a finding that information is necessary
16 for the resolution of an issue arising in any phase of a case
17 involving dependent adult abuse.

18 (2) A court or agency hearing an appeal for correction
19 of dependent adult abuse information as provided in section
20 235B.10.

21 (3) An expert witness or a witness who testifies at any
22 stage of an appeal necessary for correction of dependent adult
23 abuse information as provided in [section 235B.10](#).

24 (4) A court or administrative agency making a determination
25 regarding an unemployment compensation claim pursuant to
26 section 96.6.

27 (5) To a juvenile court involved in an adjudication or
28 disposition of a child that is the subject of a guardianship
29 proceeding under [chapter 232D](#).

30 (6) To a district court upon a finding that data is
31 necessary for the resolution of an issue arising in any phase
32 of a case involving proceedings for a child guardianship under
33 chapter 232D.

34 *e.* Other persons including all of the following:

35 (1) A person conducting bona fide research on dependent

1 adult abuse, but without information identifying individuals
2 named in a dependent adult abuse report, unless having that
3 information open to review is essential to the research or
4 evaluation and the authorized registry officials give prior
5 written approval and the adult, the adult's guardian or
6 guardian ad litem, and the person named in a report as having
7 abused an adult give permission to release the information.

8 (2) Registry or department personnel when necessary to the
9 performance of their official duties or a person or agency
10 under contract with the department to carry out official duties
11 and functions of the registry.

12 (3) The department of justice for the sole purpose of the
13 filing of a claim for reparation pursuant to [sections 915.21](#)
14 and [915.84](#).

15 (4) A legally constituted adult protection agency of
16 another state which is investigating or treating an adult named
17 in a report as having been abused.

18 (5) The office of the attorney general.

19 (6) A health care facility administrator or the
20 administrator's designee, following the appeals process, for
21 the purpose of hiring staff or continued employment of staff.

22 (7) To the administrator of an agency providing care to a
23 dependent adult in another state, for the purpose of performing
24 an employment background check.

25 (8) To the superintendent, or the superintendent's
26 designee, of a school district or to the authorities in charge
27 of an accredited nonpublic school for purposes of a volunteer
28 or employment record check.

29 (9) The department of inspections and appeals for purposes
30 of record checks of applicants for employment with the
31 department of inspections and appeals.

32 (10) The state or a local long-term care ombudsman if the
33 victim resides in or the alleged perpetrator is an employee of
34 a long-term care facility as defined in [section 231.4](#).

35 (11) The state office or local office of public guardian as

1 defined in [section 231E.3](#), if the information relates to the
2 provision of legal services for a client served by the state or
3 local office of public guardian.

4 (12) A nursing program that is approved by the state board
5 of nursing under [section 152.5](#), if the information relates to a
6 record check performed pursuant to [section 152.5A](#).

7 (13) To the board of educational examiners created under
8 chapter 272 for purposes of determining whether a license,
9 certificate, or authorization should be issued, denied, or
10 revoked.

11 (14) The department ~~on-aging~~ for the purposes of conducting
12 background checks of applicants for employment with the
13 department ~~on-aging~~.

14 (15) To the Iowa veterans home for purposes of record checks
15 of potential volunteers and volunteers in the Iowa veterans
16 home.

17 (16) To the administrator of a certified nurse aide program,
18 if the data relates to a record check of a student of the
19 program performed pursuant to [section 135C.33](#).

20 (17) To the administrator of a juvenile detention or shelter
21 care home, if the data relates to a record check of an existing
22 or prospective employee, resident, or volunteer for or in the
23 home.

24 (18) To the employer or prospective employer of a school bus
25 driver for purposes of an employment record check.

26 (19) To a free clinic as defined in [section 135.24A](#) for
27 purposes of record checks of potential volunteers and existing
28 volunteers at the free clinic.

29 (20) To a bank, savings association, credit union,
30 broker-dealer as defined in [section 502.102, subsection 4](#),
31 investment advisor as defined in [section 502.102, subsection](#)
32 [15](#), financial advisor, or other financial institution as deemed
33 necessary by the department to protect the dependent adult's
34 resources.

35 (21) To the social security administration.

1 (22) To the administrator as defined in section 502.102,
2 subsection 1.

3 *f.* To a person who submits written authorization from
4 an individual allowing the person access to information on
5 the determination only on whether or not the individual who
6 authorized the access is named in a founded dependent adult
7 abuse report as having abused a dependent adult.

8 3. Access to unfounded dependent adult abuse information is
9 authorized only to those persons identified in [subsection 2](#),
10 paragraph "a", paragraph "b", subparagraphs (2), (5), and (6),
11 and paragraph "e", subparagraphs (2), (5), (10), (20), (21), and
12 (22).

13 Sec. 721. Section 235B.16, Code 2023, is amended to read as
14 follows:

15 **235B.16 Information, education, and training requirements.**

16 1. The department ~~on aging, in cooperation with the~~
17 ~~department,~~ shall conduct a public information and education
18 program. The elements and goals of the program include but are
19 not limited to:

20 *a.* Informing the public regarding the laws governing
21 dependent adult abuse and the reporting requirements for
22 dependent adult abuse.

23 *b.* Providing caretakers with information regarding services
24 to alleviate the emotional, psychological, physical, or
25 financial stress associated with the caretaker and dependent
26 adult relationship.

27 *c.* Affecting public attitudes regarding the role of a
28 dependent adult in society.

29 2. The department, in cooperation with the department ~~on~~
30 ~~aging and the department~~ of inspections and appeals, shall
31 institute a program of education and training for persons,
32 including members of provider groups and family members, who
33 may come in contact with dependent adult abuse. The program
34 shall include but is not limited to instruction regarding
35 recognition of dependent adult abuse and the procedure for the

1 reporting of suspected abuse.

2 3. The content of the continuing education required
3 pursuant to [chapter 272C](#) for a licensed professional providing
4 care or service to a dependent adult shall include, but is
5 not limited to, the responsibilities, obligations, powers,
6 and duties of a person regarding the reporting of suspected
7 dependent adult abuse, and training to aid the professional in
8 identifying instances of dependent adult abuse.

9 4. The department of inspections and appeals shall provide
10 training to investigators regarding the collection and
11 preservation of evidence in the case of suspected dependent
12 adult abuse.

13 5. *a.* For the purposes of [this subsection](#), "*licensing*
14 *board*" means a board designated in [section 147.13](#), the board of
15 educational examiners created in [section 272.2](#), or a licensing
16 board as defined in [section 272C.1](#).

17 *b.* A person required to report cases of dependent adult
18 abuse pursuant to [sections 235B.3](#) and [235E.2](#), other than a
19 physician whose professional practice does not regularly
20 involve providing primary health care to adults, shall
21 complete two hours of training relating to the identification
22 and reporting of dependent adult abuse within six months of
23 initial employment or self-employment which involves the
24 examination, attending, counseling, or treatment of adults
25 on a regular basis. Within one month of initial employment
26 or self-employment, the person shall obtain a statement of
27 the abuse reporting requirements from the person's employer
28 or, if self-employed, from the department. The person shall
29 complete at least two hours of additional dependent adult abuse
30 identification and reporting training every three years. If
31 the person completes at least one hour of additional dependent
32 adult abuse identification and reporting training prior to the
33 three-year expiration period, the person shall be deemed in
34 compliance with the training requirements of [this section](#) for
35 an additional three years.

1 *c.* The core training curriculum relating to the
2 identification and reporting of dependent adult abuse, as
3 provided in paragraph “*b*”, shall be developed by the department
4 pursuant to [subsection 2](#) and provided by the department.

5 *d.* An employer of a person required to report cases
6 of dependent adult abuse pursuant to [sections 235B.3](#) and
7 [235E.2](#) may provide supplemental training, specific to the
8 identification and reporting of dependent adult abuse as it
9 relates to the person’s professional practice, in addition to
10 the core training provided by the department.

11 *e.* A licensing board with authority over the license of
12 a person required to report cases of dependent adult abuse
13 pursuant to [sections 235B.3](#) and [235E.2](#) shall require as a
14 condition of licensure that the person is in compliance with
15 the requirements for abuse training under [this subsection](#).
16 The licensing board shall require the person upon licensure
17 renewal to accurately document for the licensing board the
18 person’s completion of the training requirements. However,
19 the licensing board may adopt rules providing for waiver or
20 suspension of the compliance requirements, if the waiver or
21 suspension is in the public interest, applicable to a person
22 who is engaged in active duty in the military service of this
23 state or of the United States, to a person for whom compliance
24 with the training requirements would impose a significant
25 hardship, or to a person who is practicing a licensed
26 profession outside this state or is otherwise subject to
27 circumstances that would preclude the person from encountering
28 dependent adult abuse in this state.

29 *f.* For persons required to report cases of dependent
30 adult abuse pursuant to [sections 235B.3](#) and [235E.2](#), who are
31 not engaged in a licensed profession that is subject to the
32 authority of a licensing board but are employed by a facility
33 or program subject to licensure, registration, or approval by a
34 state agency, the agency shall require as a condition of the
35 renewal of the facility’s or program’s licensure, registration,

1 or approval, that such persons employed by the facility or
2 program are in compliance with the training requirements of
3 this subsection.

4 *g.* For peace officers, the elected or appointed official
5 designated as the head of the agency employing the peace
6 officer shall ensure compliance with the training requirements
7 of [this subsection](#).

8 *h.* For persons required to report cases of dependent adult
9 abuse pursuant to [sections 235B.3](#) and [235E.2](#) who are employees
10 of state departments and political subdivisions of the state,
11 the department director or the chief administrator of the
12 political subdivision shall ensure the persons' compliance with
13 the training requirements of [this subsection](#).

14 6. The department shall require an educational program for
15 employees of the registry on the proper use and control of
16 dependent adult abuse information.

17 Sec. 722. Section 235B.16A, Code 2023, is amended to read
18 as follows:

19 **235B.16A Dependent adults — dependency assessments —**
20 **interagency training.**

21 1. The dependent adult protective advisory council
22 established pursuant to [section 235B.1](#) shall recommend a
23 uniform assessment instrument and process for adoption and use
24 by the department ~~of human services~~ and other agencies involved
25 with assessing a dependent adult's degree of dependency
26 and determining whether dependent adult abuse has occurred.
27 However, [this section](#) shall not apply to dependent adult abuse
28 assessments and determinations made under [chapter 235E](#).

29 2. The instrument and process design under [subsection 1](#)
30 shall address but is not limited to all of the following:

31 *a.* Evaluation of conformity with applicable federal law and
32 regulations on the part of the persons employing, housing, or
33 providing services to the dependent adult.

34 *b.* Provision for the final step in the dependency assessment
35 of a dependent adult to be a formal assessment of the existence

1 of risk to the health or safety of the individual or of the
2 degree of the individual's impairment in ability under the
3 definition of dependent adult in [section 235B.2](#).

4 *c.* If the assessment under paragraph "b" determines that a
5 risk to the health or safety of the individual exists or the
6 individual has a significant impairment in ability, and the
7 individual being assessed agrees, provision for a case manager
8 to be assigned to assist in preparing and implementing a safety
9 plan which includes protective services for the individual.

10 *d.* If the assessment under paragraph "b" determines that
11 a risk to the health or safety of the individual exists or
12 the individual has a significant impairment in ability, the
13 individual being assessed does not agree to the safety plan
14 provisions under paragraph "c" or accept other services, and
15 the options available under [sections 235B.17](#), [235B.18](#), and
16 [235B.19](#) are not utilized, provision for the department of ~~human~~
17 ~~services~~ to maintain periodic contact with the individual in
18 accordance with rules adopted for this purpose. The purpose
19 of the contact is to assess any increased risk or impairment
20 and to monitor the individual's goals, feelings, and concerns
21 so that the department can intervene when necessary or
22 offer services and other support to maintain or sustain the
23 individual's safety and independence when the individual is
24 ready to agree to a safety plan or accept services.

25 3. The department of ~~human services~~ and other agencies
26 involved with assessing a dependent adult's degree of
27 dependency and whether dependent adult abuse has occurred shall
28 adopt rules and take other steps necessary to implement the
29 uniform assessment instrument and process addressed by this
30 section on or before July 1, 2010.

31 4. The department of ~~human services~~ shall cooperate with
32 the ~~department on aging~~, the departments of inspections
33 and appeals, ~~public health~~, public safety, and workforce
34 development, the civil rights commission, and other state and
35 local agencies performing inspections or otherwise visiting

1 residential settings where dependent adults live, to regularly
2 provide training to the appropriate staff in the agencies
3 concerning each agency's procedures involving dependent
4 adults, and to build awareness concerning dependent adults and
5 reporting of dependent adult abuse.

6 Sec. 723. Section 235E.2, subsection 1, paragraphs a and c,
7 Code 2023, are amended to read as follows:

8 a. The department shall receive and evaluate reports
9 of dependent adult abuse in facilities and programs. The
10 department shall inform the department of health and human
11 services of such evaluations and dispositions and those
12 individuals who should be placed on the central registry for
13 dependent adult abuse pursuant to [section 235E.7](#). If the
14 department believes the situation involves an immediate danger
15 to the public health, safety, or welfare requiring immediate
16 agency action to seek emergency placement on the central
17 registry, the department may utilize emergency adjudicative
18 proceedings pursuant to [section 17A.18A](#).

19 c. A report of dependent adult abuse that meets the
20 definition of dependent adult abuse under section 235E.1,
21 subsection 5, paragraph "a", subparagraph (1), subparagraph
22 division (a) or (d), or [section 235E.1, subsection 5](#), paragraph
23 "a", subparagraph (3), which the department determines is
24 minor, isolated, and unlikely to reoccur shall be collected
25 and maintained by the department of health and human services
26 as an assessment only for a five-year period and shall not be
27 included in the central registry and shall not be considered
28 to be founded dependent adult abuse. A subsequent report of
29 dependent adult abuse that meets the definition of dependent
30 adult abuse under [section 235E.1, subsection 5](#), paragraph "a",
31 subparagraph (1), subparagraph division (a) or (d), or section
32 235E.1, subsection 5, paragraph "a", subparagraph (3), that
33 occurs within the five-year period, and that is committed by
34 the caretaker responsible for the act or omission which was the
35 subject of the previous report of dependent adult abuse which

1 the department determined was minor, isolated, and unlikely to
2 reoccur, may be considered minor, isolated, and unlikely to
3 reoccur depending on the circumstances of the report.

4 Sec. 724. Section 235E.2, subsection 5, Code 2023, is
5 amended to read as follows:

6 5. Any other person who believes that a dependent adult
7 has suffered dependent adult abuse may report the suspected
8 dependent adult abuse to the department of inspections and
9 appeals. The department of inspections and appeals shall
10 transfer any reports received of dependent adult abuse in the
11 community to the department of health and human services. The
12 department of health and human services shall transfer any
13 reports received of dependent adult abuse in facilities or
14 programs to the department of inspections and appeals.

15 Sec. 725. Section 235E.2, subsection 6, paragraph a, Code
16 2023, is amended to read as follows:

17 a. If, upon completion of an investigation, the department
18 determines that the best interests of the dependent adult
19 require court action, the department shall notify the
20 department of health and human services of the potential need
21 for a guardian or conservator or for admission or commitment
22 to an appropriate institution or facility pursuant to the
23 applicable procedures under [chapter 125, 222, 229, or 633](#), or
24 shall pursue other remedies provided by law. The appropriate
25 county attorney shall assist the department of health and human
26 services in the preparation of the necessary papers to initiate
27 the action and shall appear and represent the department of
28 health and human services at all district court proceedings.

29 Sec. 726. Section 235F.6, subsection 4, Code 2023, is
30 amended to read as follows:

31 4. The court may approve a consent agreement between the
32 parties entered into to bring about the cessation of elder
33 abuse. A consent agreement approved under [this section](#) shall
34 not contain any of the following:

35 a. A provision that prohibits any party to the action

1 from contacting or cooperating with any government agency
2 including the department of health and human services, the
3 department of inspections and appeals, ~~the department on aging,~~
4 the department of justice, law enforcement, and the office of
5 long-term care ombudsman; a licensing or regulatory agency
6 that has jurisdiction over any license or certification held
7 by the defendant; a protection and advocacy agency recognized
8 in [section 135C.2](#); or the defendant's current employer if the
9 defendant's professional responsibilities include contact with
10 vulnerable elders, dependent adults, or minors, if the party
11 contacting or cooperating has a good-faith belief that the
12 information is relevant to the duties or responsibilities of
13 the entity.

14 *b.* A provision that prohibits any party to the action from
15 filing a complaint with or reporting a violation of law to
16 any government agency including the department of health and
17 human services, the department of inspections and appeals,
18 ~~the department on aging,~~ the department of justice, law
19 enforcement, and the office of long-term care ombudsman; a
20 licensing or regulatory agency that has jurisdiction over any
21 license or certification held by the defendant; a protection
22 and advocacy agency recognized in [section 135C.2](#); or the
23 defendant's current employer.

24 *c.* A provision that requires any party to the action to
25 withdraw a complaint filed with or a violation reported to
26 any government agency including the department of health and
27 human services, the department of inspections and appeals,
28 ~~the department on aging,~~ the department of justice, law
29 enforcement, and the office of long-term care ombudsman; a
30 licensing or regulatory agency that has jurisdiction over any
31 license or certification held by the defendant; a protection
32 and advocacy agency recognized in [section 135C.2](#); or the
33 defendant's current employer.

34 Sec. 727. Section 237.1, Code 2023, is amended to read as
35 follows:

1 **237.1 Definitions.**

2 As used in **this chapter**:

3 ~~1. "Administrator" means the administrator of that division~~
4 ~~of the department designated by the director of human services~~
5 ~~to administer **this chapter** or the administrator's designee.~~

6 ~~2. 1. "Agency" means a person, as defined in section 4.1,~~
7 ~~subsection 20, which provides child foster care and which does~~
8 ~~not meet the definition of an individual in **subsection 7** as~~
9 ~~defined under this section.~~

10 ~~3. 2. "Child" means child as defined in section 234.1,~~
11 ~~subsection 2.~~

12 ~~4. 3. "Child foster care" means the provision of parental~~
13 ~~nurturing, including but not limited to the furnishing of~~
14 ~~food, lodging, training, education, supervision, treatment,~~
15 ~~or other care, to a child on a full-time basis by a person,~~
16 ~~including a relative of the child if the relative is licensed~~
17 ~~under **this chapter**, but not including a guardian of the child.~~
18 ~~"Child foster care" does not include any of the following care~~
19 ~~situations:~~

20 ~~a. Care furnished by an individual person who receives the~~
21 ~~child of a personal friend as an occasional and personal guest~~
22 ~~in the individual person's home, free of charge and not as a~~
23 ~~business.~~

24 ~~b. Care furnished by an individual person with whom a child~~
25 ~~has been placed for lawful adoption, unless that adoption is~~
26 ~~not completed within two years after placement.~~

27 ~~c. Care furnished by a private boarding school subject to~~
28 ~~approval by the state board of education pursuant to section~~
29 ~~256.11.~~

30 ~~d. Child care furnished by a child care center, a child~~
31 ~~development home, or a child care home as defined in section~~
32 ~~237A.1.~~

33 ~~e. Care furnished in a hospital licensed under **chapter 135B**~~
34 ~~or care furnished in a nursing facility licensed under **chapter**~~
35 ~~135C.~~

1 *f.* Care furnished by a relative of a child or an individual
2 person with a meaningful relationship with the child where the
3 child is not under the placement, care, or supervision of the
4 department.

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

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

8 6. "Director" means the director of health and human
9 services.

10 7. "Facility" means the personnel, program, physical plant,
11 and equipment of a licensee.

12 ~~7.~~ 8. "Individual" means an individual person or a married
13 couple who provides child foster care in a single-family home
14 environment and which does not meet the definition of an agency
15 in ~~subsection 2~~ under this section.

16 ~~8.~~ 9. "Licensee" means an individual or an agency licensed
17 by the administrator under this chapter.

18 ~~9.~~ 10. "Reasonable and prudent parent standard" means
19 the standard characterized by careful and sensible parenting
20 decisions that maintain the health, safety, and best interests
21 of a child, while at the same time encouraging the emotional
22 and developmental growth of a child, that a caregiver shall
23 use when determining whether to allow a child in foster care
24 under the placement, care, or supervision of the department to
25 participate in extracurricular, enrichment, cultural, or social
26 activities. For the purposes of this subsection, "caregiver"
27 means an individual or an agency licensed under this chapter
28 with which a child in foster care has been placed or a juvenile
29 shelter care home approved under chapter 232 in which a child
30 in foster care has been placed.

31 Sec. 728. Section 237.3, Code 2023, is amended to read as
32 follows:

33 **237.3 Rules.**

34 1. Except as otherwise provided by subsections 3 and 4,
35 the administrator department shall promulgate, after their

1 adoption by the council ~~on human services~~, and enforce in
2 accordance with [chapter 17A](#), administrative rules necessary
3 to implement [this chapter](#). Formulation of the rules shall
4 include consultation with representatives of child foster care
5 providers, and other persons affected by [this chapter](#). The
6 rules shall encourage the provision of child foster care in a
7 single-family, home environment, exempting the single-family,
8 home facility from inappropriate rules.

9 2. Rules applicable to licensees shall include but are not
10 limited to:

11 a. Types of facilities which include but are not limited to
12 group foster care facilities and family foster care homes.

13 b. The number, qualifications, character, and parenting
14 ability of personnel necessary to assure the health, safety and
15 welfare of children receiving child foster care.

16 c. Programs for education and in-service training of
17 personnel.

18 d. The physical environment of a facility.

19 e. Policies for intake, assessment, admission and discharge.

20 f. Housing, health, safety, and medical care policies
21 for children receiving child foster care. The medical care
22 policies shall include but are not limited to all of the
23 following:

24 (1) Provision by the department to the foster care provider
25 at or before the time of a child's placement of the child's
26 health records and any other information possessed or known
27 about the health of the child or about a member of the child's
28 family that pertains to the child's health.

29 (2) If the health records supplied in accordance with
30 the child's case permanency plan to the foster care provider
31 are incomplete or the provider requests specific health
32 information, provision for obtaining additional health
33 information from the child's parent or other source and
34 supplying the additional information to the foster care
35 provider.

1 (3) Provision for emergency health coverage of the child
2 while the child is engaged in temporary out-of-state travel
3 with the child's foster family.

4 *g.* (1) The adequacy of programs available to children
5 receiving child foster care provided by agencies, including but
6 not limited to:

7 (a) Dietary services.

8 (b) Social services.

9 (c) Activity programs.

10 (d) Behavior management procedures.

11 (e) Educational programs, including special education
12 as defined in [section 256B.2, subsection 1](#), paragraph "b",
13 where appropriate, which are approved by the state board of
14 education.

15 (2) The department shall not promulgate rules which
16 regulate individual licensees in the subject areas enumerated
17 in this paragraph "g".

18 *h.* Policies for involvement of biological parents.

19 *i.* Records a licensee is required to keep, and reports a
20 licensee is required to make to the ~~administrator~~ department.

21 *j.* Prior to the licensing of an individual as a foster
22 family home, a required, written social assessment of the
23 quality of the living situation in the home of the individual,
24 and a required compilation of personal references for the
25 individual other than those references given by the individual.

26 *k.* Elements of a foster care placement agreement outlining
27 rights and responsibilities associated with an individual
28 providing family foster care. The rights and responsibilities
29 shall include but are not limited to all of the following:

30 (1) Receiving information prior to the child's placement
31 regarding risk factors concerning the child that are known to
32 the department, including but not limited to notice if the
33 child is required to register under [chapter 692A](#).

34 (2) Having regularly scheduled meetings with each case
35 manager assigned to the child.

1 (3) Receiving access to any reports prepared by a service
2 provider who is working with the child unless the access is
3 prohibited by state or federal law.

4 3. Rules governing fire safety in facilities with child
5 foster care provided by agencies shall be promulgated by the
6 state fire marshal pursuant to [section 100.1, subsection 5,](#)
7 after consultation with the ~~administrator~~ director.

8 4. Rules governing sanitation, water and waste disposal
9 standards for facilities shall be promulgated by the ~~Iowa~~
10 ~~department of public health~~ pursuant to section 135.11,
11 ~~subsection 12,~~ after consultation with the ~~administrator~~
12 director.

13 5. In case of a conflict between rules promulgated pursuant
14 to [subsections 3 and 4](#) and local rules, the more stringent
15 requirement applies.

16 6. Rules of the department shall not prohibit the licensing,
17 as foster family homes, of individuals who are departmental
18 employees not directly engaged in the administration of the
19 child foster care program pursuant to [this chapter](#).

20 7. If an agency is accredited by the joint commission
21 on the accreditation of health care organizations under the
22 commission's consolidated standards for residential settings
23 or by the council on accreditation of services for families
24 and children, the department shall modify facility licensure
25 standards applied to the agency in order to avoid duplicating
26 standards applied through accreditation.

27 8. The department, in consultation with the judicial
28 ~~branch, the division of criminal and juvenile justice planning~~
29 ~~of the department of human rights,~~ residential treatment
30 providers, the foster care provider association, and other
31 parties which may be affected, shall review the licensing rules
32 pertaining to residential treatment facilities, and examine
33 whether the rules allow the facilities to accept and provide
34 effective treatment to juveniles with serious problems who
35 might not otherwise be placed in those facilities.

1 9. The department shall adopt rules specifying the elements
2 of a preadoptive care agreement outlining the rights and
3 responsibilities associated with a person providing preadoptive
4 care, as defined in [section 232.2](#).

5 10. The department shall adopt rules to administer the
6 exception to the definition of child care in section 237A.1,
7 subsection 3, paragraph "1", allowing a child care facility, for
8 purposes of providing respite care to a foster family home, to
9 provide care, supervision, or guidance of a child for a period
10 of twenty-four hours or more who is placed with the licensed
11 foster family home.

12 Sec. 729. Section 237.4, Code 2023, is amended to read as
13 follows:

14 **237.4 License required — exceptions.**

15 An individual or an agency, as defined in [section 237.1](#),
16 shall not provide child foster care unless the individual or
17 agency obtains a license issued ~~by the administrator~~ under this
18 chapter. However, a license is not required of the following:

19 1. An individual providing child foster care for a total of
20 not more than twenty days in one calendar year.

21 2. A residential care facility licensed under [chapter 135C](#)
22 which is approved for the care of children.

23 3. A hospital licensed under [chapter 135B](#).

24 4. A health care facility licensed under [chapter 135C](#).

25 5. A juvenile detention home or juvenile shelter care home
26 approved under [section 232.142](#).

27 6. An institution listed in [section 218.1](#).

28 7. A facility licensed under [chapter 125](#).

29 8. An individual providing child care as a babysitter at the
30 request of a parent, guardian or relative having lawful custody
31 of the child.

32 Sec. 730. Section 237.5, Code 2023, is amended to read as
33 follows:

34 **237.5 License application and issuance — denial, suspension,
35 or revocation — provisional licenses.**

1 1. An individual or an agency shall apply for a license
2 by completing an application to the ~~administrator~~ department
3 upon forms furnished by the ~~administrator~~ department. The
4 ~~administrator~~ department shall issue or reissue a license if
5 the ~~administrator~~ department determines that the applicant or
6 licensee is or upon commencing operation will provide child
7 foster care in compliance with [this chapter](#). An initial
8 license for an individual is valid for one year from the date
9 of issuance. After the first two years of licensure, a license
10 for an individual is valid for two years from the most recent
11 date of issuance except that the ~~administrator~~ department,
12 within the ~~administrator's~~ director's discretion and based upon
13 the performance of the licensee, may require annual renewal
14 of the license or may issue a provisional license pursuant to
15 subsection 3. A license for an agency is valid for up to three
16 years from the date of issuance for the period determined by
17 the ~~administrator~~ department in accordance with administrative
18 rules providing criteria for making the determination. The
19 license shall state on its face the name of the licensee, the
20 type of facility, the particular premises for which the license
21 is issued, and the number of children who may be cared for by
22 the facility on the premises at one time. The license shall
23 be posted in a conspicuous place in the physical plant of the
24 facility, except that if the facility is in a single-family
25 home the license may be kept where it is readily available for
26 examination upon request.

27 2. The ~~administrator~~ department, after notice and
28 opportunity for an evidentiary hearing, may deny an application
29 for a license, and may suspend or revoke a license, if the
30 applicant or licensee violates [this chapter](#) or the rules
31 promulgated pursuant to [this chapter](#), or knowingly makes
32 a false statement concerning a material fact or conceals
33 a material fact on the license application or in a report
34 regarding operation of the facility submitted to the
35 ~~administrator~~ department.

1 3. The ~~administrator~~ department may issue a provisional
2 license for not more than one year to a licensee whose
3 facility does not meet the requirements of **this chapter**, if
4 written plans to bring the facility into compliance with the
5 applicable requirements are submitted to and approved by the
6 ~~administrator~~ department. The plans shall state a specific
7 time when compliance will be achieved. Only one provisional
8 license shall be issued for a facility by reason of the same
9 deficiency.

10 Sec. 731. Section 237.6, Code 2023, is amended to read as
11 follows:

12 **237.6 Restricted use of facility.**

13 A licensee shall not furnish child foster care in a building
14 or on premises not designated in the license. A licensee
15 shall not furnish child foster care to a greater number of
16 children than is designated in the license, unless authorized
17 by the ~~administrator so authorizes~~ department. Multiple
18 licenses authorizing separate and distinct parts of a facility
19 to provide different categories of child foster care may be
20 issued.

21 Sec. 732. Section 237.7, Code 2023, is amended to read as
22 follows:

23 **237.7 Reports and inspections.**

24 The ~~administrator~~ department may require submission of
25 reports by a licensee, and shall cause at least one annual
26 unannounced inspection of each facility to assess the quality
27 of the living situation and to determine compliance with
28 applicable requirements and standards. The inspections shall
29 be conducted by the department of inspections and appeals.
30 The director of the department of inspections and appeals
31 may examine records of a licensee, including but not limited
32 to corporate records and board minutes, and may inquire into
33 matters concerning a licensee and its employees relating to
34 requirements and standards for child foster care under this
35 chapter.

1 Sec. 733. Section 237.8, Code 2023, is amended to read as
2 follows:

3 **237.8 Personnel.**

4 1. A person shall not be allowed to provide services in a
5 facility if the person has a disease which is transmissible to
6 other persons through required contact in the workplace, which
7 presents a significant risk of infecting other persons, which
8 presents a substantial possibility of harming other persons, or
9 for which no reasonable accommodation can eliminate the risk of
10 infecting other persons.

11 2. a. (1) If a person is being considered for licensure
12 under [this chapter](#), or for employment involving direct
13 responsibility for a child or in a facility where children
14 reside, by a licensee under [this chapter](#), or if a person will
15 reside in a facility utilized by a licensee, and if the person
16 has been convicted of a crime or has a record of founded child
17 abuse, the record check evaluation system of the department
18 and the licensee for an employee of the licensee shall perform
19 an evaluation to determine whether the crime or founded
20 child abuse warrants prohibition of licensure, employment,
21 or residence in the facility. The ~~department~~ record check
22 evaluation system shall conduct criminal and child abuse record
23 checks in this state and may conduct these checks in other
24 states. The evaluation shall be performed in accordance with
25 procedures adopted for this purpose by the department.

26 (2) If the criminal and child abuse record checks conducted
27 in this state under subparagraph (1) for an individual being
28 considered for licensure under [this chapter](#), or for employment
29 involving direct responsibility for a child or in a facility
30 where children reside, by a licensee under [this chapter](#), or
31 for an individual who will reside in a facility utilized by
32 a licensee, have been completed and the individual either
33 does not have a record of crime or founded child abuse or the
34 ~~department's~~ record check evaluation system's evaluation of
35 the record has determined that prohibition of the individual's

1 licensure or employment is not warranted, the individual may
2 be provisionally approved for licensure or employment pending
3 the outcome of the fingerprint-based criminal history check
4 conducted pursuant to subparagraph (4).

5 (3) An individual being considered for licensure under this
6 chapter, or for employment involving direct responsibility for
7 a child or in a facility where children reside, by a licensee
8 under [this chapter](#), or for an individual who will reside in a
9 facility utilized by a licensee, shall not be granted a license
10 or be employed and an evaluation shall not be performed under
11 this subsection if the individual has been convicted of any of
12 the following felony offenses:

13 (a) Within the five-year period preceding the application
14 date, a drug-related offense.

15 (b) Child endangerment or neglect or abandonment of a
16 dependent person.

17 (c) Domestic abuse.

18 (d) A crime against a child, including but not limited to
19 sexual exploitation of a minor.

20 (e) A forcible felony.

21 (4) If an individual is being considered for licensure under
22 this chapter, or for employment involving direct responsibility
23 for a child or in a facility where children reside, by a
24 licensee under [this chapter](#), or if an individual will reside
25 in a facility utilized by a licensee, or if an individual is
26 subject to licensure under [this chapter](#) as a foster parent,
27 in addition to the record checks conducted under subparagraph
28 (1), the individual's fingerprints shall be provided to the
29 department of public safety for submission through the state
30 criminal history repository to the United States department
31 of justice, federal bureau of investigation for a national
32 criminal history check. The cost of the criminal history check
33 conducted under this subparagraph is the responsibility of the
34 department ~~of human services~~.

35 (5) If the criminal and child abuse record checks conducted

1 in this state under subparagraph (1) for an individual being
2 considered for licensure as a foster parent have been completed
3 and the individual either does not have a record of crime
4 or founded abuse or the ~~department's~~ record check evaluation
5 system's evaluation of the record has determined that
6 prohibition of the individual's licensure is not warranted, the
7 individual may be provisionally approved for licensure pending
8 the outcome of the fingerprint-based criminal history check
9 conducted pursuant to subparagraph (4).

10 (6) An individual applying to be a foster parent licensee
11 shall not be granted a license and an evaluation shall not be
12 performed under [this subsection](#) if the individual has been
13 convicted of any of the following felony offenses:

14 (a) Within the five-year period preceding the application
15 date, a drug-related offense.

16 (b) Child endangerment or neglect or abandonment of a
17 dependent person.

18 (c) Domestic abuse.

19 (d) A crime against a child, including but not limited to
20 sexual exploitation of a minor.

21 (e) A forcible felony.

22 *b.* Except as otherwise provided in paragraph "a", if the
23 ~~department~~ record check evaluation system determines that a
24 person has committed a crime or has a record of founded child
25 abuse and is licensed, employed by a licensee, or resides in a
26 licensed facility the ~~department~~ record check evaluation system
27 shall notify the licensee that an evaluation will be conducted
28 to determine whether prohibition of the person's licensure,
29 employment, or residence is warranted.

30 *c.* In an evaluation, the ~~department~~ record check evaluation
31 system and the licensee for an employee of the licensee shall
32 consider the nature and seriousness of the crime or founded
33 child abuse in relation to the position sought or held, the
34 time elapsed since the commission of the crime or founded child
35 abuse, the circumstances under which the crime or founded

1 child abuse was committed, the degree of rehabilitation, the
2 likelihood that the person will commit the crime or founded
3 child abuse again, and the number of crimes or founded child
4 abuses committed by the person involved. The ~~department~~ record
5 check evaluation system may permit a person who is evaluated
6 to be licensed, employed, or to reside, or to continue to be
7 licensed, employed, or to reside in a licensed facility, if the
8 person complies with the ~~department's~~ record check evaluation
9 system's conditions relating to the person's licensure,
10 employment, or residence, which may include completion of
11 additional training. For an employee of a licensee, these
12 conditional requirements shall be developed with the licensee.
13 The ~~department~~ record check evaluation system has final
14 authority in determining whether prohibition of the person's
15 licensure, employment, or residence is warranted and in
16 developing any conditional requirements under this paragraph.

17 *d.* If the ~~department~~ record check evaluation system
18 determines that the person has committed a crime or has a
19 record of founded child abuse which warrants prohibition of
20 licensure, employment, or residence, the person shall not be
21 licensed under [this chapter](#) and shall not be employed by a
22 licensee or reside in a licensed facility.

23 3. In addition to the record checks required under
24 subsection 2, the ~~department of human services~~ record check
25 evaluation system may conduct dependent adult abuse record
26 checks in this state and may conduct these checks in other
27 states, on a random basis. The provisions of [subsection 2](#),
28 relative to an evaluation following a determination that a
29 person has been convicted of a crime or has a record of founded
30 child abuse, shall also apply to a random check conducted under
31 this subsection.

32 4. ~~On or after July 1, 1994,~~ a A licensee shall inform
33 all new applicants for employment of the possibility of the
34 performance of a record check and shall obtain, from the
35 applicant, a signed acknowledgment of the receipt of the

1 information.

2 5. ~~On or after July 1, 1994,~~ a A licensee shall include the
3 following inquiry in an application for employment:

4 Do you have a record of founded child or dependent adult abuse
5 or have you ever been convicted of a crime, in this state or any
6 other state?

7 Sec. 734. Section 237.13, Code 2023, is amended to read as
8 follows:

9 **237.13 Foster home insurance fund.**

10 1. For the purposes of this section, "*foster home*" means an
11 individual, as defined in section 237.1, subsection 7, who is
12 licensed to provide child foster care and shall also be known
13 as a "*licensed foster home*".

14 2. The foster home insurance fund shall be administered by
15 the department ~~of human services~~. The fund shall consist of
16 all moneys appropriated by the general assembly for deposit
17 in the fund. The department shall use moneys in the fund to
18 provide home and property coverage for foster parents to cover
19 damages to property resulting from the actions of a foster
20 child residing in a foster home or to reimburse foster parents
21 for the cost of purchasing foster care liability insurance and
22 to perform the administrative functions necessary to carry out
23 this section. The department may establish limitations of
24 liability for individual claims as deemed reasonable by the
25 department.

26 3. The department ~~of human services~~ shall adopt rules,
27 pursuant to chapter 17A, to carry out the provisions of this
28 section.

29 Sec. 735. Section 237.15, subsection 7, Code 2023, is
30 amended to read as follows:

31 7. "*Person or court responsible for the child*" means the
32 department, including but not limited to the department of
33 health and human services, the agency, or the individual who is
34 the guardian of a child by court order issued by the juvenile
35 or district court and has the responsibility of the care of the

1 child, or the court having jurisdiction over the child.

2 Sec. 736. Section 237.16, Code 2023, is amended to read as
3 follows:

4 **237.16 Child advocacy board — staff.**

5 1. The child advocacy board is created within the department
6 ~~of inspections and appeals~~. The state board consists of nine
7 members appointed by the governor, subject to confirmation
8 by the senate and directly responsible to the governor. One
9 member shall be an active court appointed special advocate
10 volunteer, one member shall be an active member of a local
11 citizen foster care review board, and one member shall be a
12 judicial branch employee or judicial officer appointed from
13 nominees submitted by the judicial branch. The appointment is
14 for a term of four years that begins and ends as provided in
15 section 69.19. Vacancies on the state board shall be filled in
16 the same manner as original appointments are made.

17 2. The members of the state board shall annually select a
18 chairperson, vice chairperson, and other officers the members
19 deem necessary. The members may be entitled to receive
20 reimbursement for actual and necessary expenses incurred in
21 the performance of their duties, subject to available funding.
22 Each member of the board may also be eligible to receive
23 compensation as provided in [section 7E.6](#). The state board
24 shall meet at least twice a year.

25 3. An employee of the department ~~or of the department of~~
26 ~~inspections and appeals~~, an employee of a child-placing agency,
27 an employee of an agency with which the department contracts
28 for services for children under foster care, a foster parent
29 providing foster care, or an employee of the district court
30 is not eligible to serve on the state board. However, the
31 judicial branch employee or judicial officer appointed from
32 nominees submitted by the judicial branch in accordance with
33 subsection 1 shall be eligible to serve on the state board.

34 4. The department ~~and the department of inspections and~~
35 ~~appeals~~ shall jointly develop written protocols detailing the

1 responsibilities of ~~each~~ the department with regard to children
2 under the purview of the state board. The protocols shall be
3 reviewed by the ~~departments~~ department on an annual basis.

4 5. The director shall employ appropriate staff for the state
5 board in accordance with available funding.

6 Sec. 737. Section 237.18, subsection 4, Code 2023, is
7 amended by striking the subsection.

8 Sec. 738. Section 237.21, subsection 5, Code 2023, is
9 amended to read as follows:

10 5. Members of the state board and local boards, court
11 appointed special advocates, and the employees of the
12 department ~~and the department of inspections and appeals~~ are
13 subject to standards of confidentiality pursuant to sections
14 217.30, 228.6, subsection 1, sections 235A.15, 600.16,
15 and 600.16A. Members of the state and local boards, court
16 appointed special advocates, and employees of the department
17 ~~and the department of inspections and appeals~~ who disclose
18 information or records of the board or department, other than
19 as provided in subsections 2, 3, and 4, section 232.126,
20 and section 237.20, subsection 2, are guilty of a simple
21 misdemeanor.

22 Sec. 739. Section 237A.1, Code 2023, is amended to read as
23 follows:

24 **237A.1 Definitions.**

25 As used in this chapter unless the context otherwise
26 requires:

27 ~~1. "Administrator" means the administrator of the division~~
28 ~~of the department designated by the director to administer this~~
29 ~~chapter.~~

30 ~~2.~~ 1. "Child" means either of the following:

31 a. A person twelve years of age or younger.

32 b. A person thirteen years of age or older but younger than
33 nineteen years of age who has a developmental disability as
34 defined under the federal Developmental Disabilities Assistance
35 and Bill of Rights Act of 2000, Pub. L. No. 106-402, as

1 codified in 42 U.S.C. §15002(8).

2 ~~3.~~ 2. "*Child care*" means the care, supervision, and
3 guidance of a child by a person other than the child's parent,
4 guardian, or custodian for periods of less than twenty-four
5 hours per day per child on a regular basis, but does not
6 include care, supervision, and guidance of a child by any of
7 the following:

8 *a.* An instructional program for children who are attending
9 prekindergarten as defined by the state board of education
10 under [section 256.11](#) or a higher grade level and are at least
11 four years of age, or are at least three years of age and
12 eligible for special education under [chapter 256B](#), administered
13 by any of the following:

14 (1) A public or nonpublic school system accredited by the
15 department of education or the state board of regents.

16 (2) A nonpublic school system which is not accredited by the
17 department of education or the state board of regents.

18 *b.* Any of the following church-related programs:

19 (1) An instructional program.

20 (2) A youth program other than a preschool, before or after
21 school child care program, or other child care program.

22 (3) A program providing care to children on church premises
23 while the children's parents are attending church-related or
24 church-sponsored activities on the church premises.

25 *c.* Short-term classes of less than two weeks' duration held
26 between school terms or during a break within a school term.

27 *d.* A child care center for sick children operated as part of
28 a pediatrics unit in a hospital licensed by the department of
29 inspections and appeals pursuant to [chapter 135B](#).

30 *e.* A program operated not more than one day per week by
31 volunteers which meets all of the following conditions:

32 (1) Not more than eleven children are served per volunteer.

33 (2) The program operates for less than four hours during any
34 twenty-four-hour period.

35 (3) The program is provided at no cost to the children's

1 parent, guardian, or custodian.

2 *f.* A program administered by a political subdivision of the
3 state which is primarily for recreational or social purposes
4 and is limited to children who are five years of age or older
5 and attending school.

6 *g.* An after school program continuously offered throughout
7 the school year calendar to children who are at least five
8 years of age and are enrolled in school, and attend the program
9 intermittently or a summer-only program for such children. The
10 program must be provided through a nominal membership fee or
11 at no cost.

12 *h.* A special activity program which meets less than four
13 hours per day for the sole purpose of the special activity.
14 Special activity programs include but are not limited to music
15 or dance classes, organized athletic or sports programs,
16 recreational classes, scouting programs, and hobby or craft
17 clubs or classes.

18 *i.* A nationally accredited camp.

19 *j.* A structured program for the purpose of providing
20 therapeutic, rehabilitative, or supervisory services to
21 children under any of the following:

22 (1) A purchase of service or managed care contract with the
23 department.

24 (2) A contract approved by a governance board of a
25 decategorization of child welfare and juvenile justice funding
26 project created under [section 232.188](#).

27 (3) An arrangement approved by a juvenile court order.

28 *k.* Care provided on-site to children of parents residing in
29 an emergency, homeless, or domestic violence shelter.

30 *l.* A child care facility providing respite care to a
31 licensed foster family home for a period of twenty-four hours
32 or more to a child who is placed with that licensed foster
33 family home.

34 *m.* A program offered to a child whose parent, guardian,
35 or custodian is engaged solely in a recreational or social

1 activity, remains immediately available and accessible on the
2 physical premises on which the child's care is provided, and
3 does not engage in employment while the care is provided.
4 However, if the recreational or social activity is provided
5 in a fitness center or on the premises of a nonprofit
6 organization, the parent, guardian, or custodian of the child
7 may be employed to teach or lead the activity.

8 ~~4.~~ 3. "Child care center" or "center" means a facility
9 providing child care or preschool services for seven or more
10 children, except when the facility is registered as a child
11 development home.

12 ~~5.~~ 4. "Child care facility" or "facility" means a child
13 care center, preschool, or a registered child development home.

14 ~~6.~~ 5. "Child care home" means a person or program providing
15 child care to any of the following children at any one time
16 that is not registered to provide child care under this
17 chapter, as authorized under [section 237A.3](#):

18 a. Five or fewer children.

19 b. Six or fewer children, if at least one of the children
20 is school-aged.

21 ~~7.~~ 6. "Child development home" means a person or program
22 registered under [section 237A.3A](#) that may provide child care to
23 seven or more children at any one time.

24 7. "Council" means the council on health and human services.

25 8. "Department" means the department of health and human
26 services.

27 9. "Director" means the director of health and human
28 services.

29 10. "Infant" means a child who is less than twenty-four
30 months of age.

31 11. "Involvement with child care" means licensed or
32 registered under [this chapter](#), employed in a child care
33 facility, residing in a child care facility, receiving public
34 funding for providing child care, or providing child care as a
35 child care home provider, or residing in a child care home.

1 12. *“Licensed center”* means a center issued a full or
2 provisional license by the department under the provisions
3 of [this chapter](#) or a center for which a license is being
4 processed.

5 13. *“Poverty level”* means the poverty level defined by the
6 most recently revised poverty income guidelines published by
7 the United States department of health and human services.

8 14. *“Preschool”* means a child care facility which provides
9 to children ages three through five, for periods of time not
10 exceeding three hours per day, programs designed to help the
11 children to develop intellectual skills, social skills, and
12 motor skills, and to extend their interest and understanding
13 of the world about them.

14 15. *“School”* means kindergarten or a higher grade level.

15 16. *“State child care advisory committee”* means the state
16 child care advisory committee established pursuant to section
17 135.173A.

18 Sec. 740. Section 237A.2, subsection 1, paragraph a, Code
19 2023, is amended to read as follows:

20 a. An application for a license or a renewal has been filed
21 with the ~~administrator~~ department on forms provided by the
22 department.

23 Sec. 741. Section 237A.2, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. The ~~administrator~~ department may reduce a previously
26 issued license to a provisional license or issue a provisional
27 license for a period of time not to exceed one year if the
28 center does not meet standards required under [this section](#).

29 A provisional license shall not be renewable in regard to
30 the same standards for more than two consecutive years. A
31 provisional license shall be posted in a conspicuous place
32 in the center as provided in [this section](#). If written plans
33 to bring the center up to standards, giving specific dates
34 for completion of work, are submitted to and approved by the
35 department, the provisional license shall be renewable as

1 provided in [this subsection](#).

2 Sec. 742. Section 237A.3A, subsection 3, paragraph a, Code
3 2023, is amended to read as follows:

4 a. Three categories of standards shall be applicable to
5 child development homes. The initial designations of the
6 categories, which may be revised by the department, shall be
7 "A", "B", and "C", as ranked from less stringent standards and
8 capacity to more stringent standards and capacity. The "C"
9 registration category standards shall require the highest level
10 of provider qualifications and allow the greatest capacity of
11 the three categories. The department ~~of human services, in~~
12 ~~consultation with the Iowa department of public health,~~ shall
13 adopt rules applying standards to each category specifying
14 provider qualifications and training, health and safety
15 requirements, capacity, amount of space available per child,
16 and other minimum requirements. The capacity requirements
17 shall take into consideration the provider's own children,
18 children who have a mild illness, children receiving part-time
19 child care, and children served as a sibling group in overnight
20 care.

21 Sec. 743. Section 237A.5, Code 2023, is amended to read as
22 follows:

23 **237A.5 Personnel.**

24 1. All personnel in licensed or registered facilities
25 shall have good health as evidenced by a report following a
26 preemployment physical examination taken within six months
27 prior to beginning employment. The examination shall include
28 communicable disease tests by a licensed physician as defined
29 in [section 135C.1](#) or a licensed physician assistant as defined
30 in [section 148C.1](#) and shall be repeated every three years after
31 initial employment. Controlled medical conditions which would
32 not affect the performance of the employee in the capacity
33 employed shall not prohibit employment.

34 2. a. For the purposes of [this section](#), unless the context
35 otherwise requires:

1 (1) "Person subject to a record check" means a person who is
2 described by any of the following:

3 (a) The person is being considered for licensure or
4 registration or is registered or licensed under [this chapter](#).

5 (b) The person is being considered by a child care facility
6 for employment involving direct responsibility for a child or
7 with access to a child when the child is alone or is employed
8 with such responsibilities.

9 (c) The person will reside or resides in a child care
10 facility.

11 (d) The person has applied for or receives public funding
12 for providing child care.

13 (e) The person will reside or resides in a child care home
14 that is not registered under [this chapter](#) but that receives
15 public funding for providing child care.

16 (2) "Person subject to an evaluation" means a person subject
17 to a record check whose record indicates that the person has
18 committed a transgression.

19 (3) "Transgression" means the existence of any of the
20 following in a person's record:

21 (a) Conviction of a crime.

22 (b) A record of having committed founded child or dependent
23 adult abuse.

24 (c) Listing in the sex offender registry under [chapter 692A](#).

25 (d) A record of having committed a public or civil offense.

26 (e) The department has revoked a child care facility
27 registration or license due to the person's continued or
28 repeated failure to operate the child care facility in
29 compliance with [this chapter](#) and rules adopted pursuant to this
30 chapter.

31 *b.* If an individual person subject to a record check is
32 being considered for employment by a child care facility or
33 child care home provider, in lieu of requesting a record check
34 in this state to be conducted by the ~~department~~ record check
35 evaluation system under paragraph "c", the child care facility

1 or child care home may access the single contact repository
2 established pursuant to [section 135C.33](#) as necessary to conduct
3 a criminal and child abuse record check of the individual
4 in this state. A copy of the results of the record check
5 conducted through the single contact repository shall also be
6 provided to the ~~department~~ record check evaluation system.
7 If the record check indicates the individual is a person
8 subject to an evaluation, the child care facility or child care
9 home may request that the ~~department~~ record check evaluation
10 system perform an evaluation as provided in [this subsection](#).
11 Otherwise, the individual shall not be employed by the child
12 care facility or child care home.

13 *c.* Unless a record check has already been conducted in
14 accordance with paragraph *"b"*, the ~~department~~ record check
15 evaluation system shall conduct a criminal and child abuse
16 record check in this state for a person who is subject to a
17 record check and may conduct such a check in other states. In
18 addition, the ~~department~~ record check evaluation system may
19 conduct a dependent adult abuse, sex offender registry, or
20 other public or civil offense record check in this state or in
21 other states for a person who is subject to a record check.

22 *d.* (1) For a person subject to a record check, in
23 addition to any other record check conducted pursuant to this
24 subsection, the person's fingerprints shall be provided to the
25 department of public safety for submission through the state
26 criminal history repository to the United States department
27 of justice, federal bureau of investigation for a national
28 criminal history check. The department may adopt rules
29 specifying criteria in the public interest for requiring the
30 national criminal history check of a person to be repeated.

31 (2) Except as otherwise provided by law, the cost of a
32 national criminal history check conducted in accordance with
33 subparagraph (1) and the state record checks conducted in
34 accordance with paragraph *"c"* that are conducted in connection
35 with a person's involvement with a child care center are not

1 the responsibility of the department. The department is
2 responsible for the cost of such checks conducted in connection
3 with a person's involvement with a child development home or
4 child care home.

5 (3) If record checks under paragraph "b" or "c" have been
6 conducted on a person subject to a record check and the results
7 do not warrant prohibition of the person's involvement with
8 child care or otherwise present protective concerns, the person
9 may be involved with child care on a provisional basis until
10 the record check under subparagraph (1) has been completed.

11 (4) If a person subject to a record check refuses to consent
12 to a record check or if the person makes what the person knows
13 to be a false statement of material fact in connection with a
14 record check, the person shall be prohibited from involvement
15 with child care.

16 e. (1) If a record check performed pursuant to this
17 subsection identifies an individual as a person subject to
18 an evaluation, an evaluation shall be performed to determine
19 whether prohibition of the person's involvement with child care
20 is warranted. The evaluation shall be performed in accordance
21 with procedures adopted for this purpose by the department.

22 (2) Prior to performing an evaluation, the ~~department~~
23 record check evaluation system shall notify the affected
24 person, licensee, registrant, or child care home applying for
25 or receiving public funding for providing child care, that an
26 evaluation will be conducted to determine whether prohibition
27 of the person's involvement with child care is warranted.

28 f. If a record check performed in accordance with paragraph
29 "b" or "c" identifies that an individual is a person subject
30 to an evaluation, the ~~department~~ record check evaluation
31 system shall perform the evaluation in accordance with this
32 subsection, even if the application which made the person
33 subject to the record check is withdrawn or the circumstances
34 which made the person subject to the record check are no longer
35 applicable. If the ~~department's~~ record check evaluation

1 system's evaluation determines that prohibition of the person's
2 involvement with child care is warranted, the provisions of
3 this subsection regarding such a prohibition shall apply.

4 *g.* A person subject to a record check who is or was employed
5 by a child care facility or child care home provider and
6 is hired by another child care facility or child care home
7 provider shall be subject to a record check in accordance
8 with this subsection. However, if the person was subject
9 to an evaluation because of a transgression in the person's
10 record and the evaluation determined that the transgression
11 did not warrant prohibition of the person's involvement
12 with child care and the latest record checks do not indicate
13 there is a transgression that was committed subsequent to
14 that evaluation, the person may commence employment with the
15 other child care facility or provider in accordance with the
16 ~~department's~~ evaluation and an exemption from any requirements
17 for reevaluation of the latest record checks is authorized.
18 Authorization of an exemption under this paragraph "g" from
19 requirements for reevaluation of the latest record checks by
20 the ~~department~~ record check evaluation system is subject to all
21 of the following provisions:

22 (1) The position with the subsequent employer is
23 substantially the same or has the same job responsibilities as
24 the position for which the previous evaluation was performed.

25 (2) Any restrictions placed on the person's employment
26 in the previous evaluation by the ~~department~~ record check
27 evaluation system shall remain applicable in the person's
28 subsequent employment.

29 (3) The person subject to the record checks has maintained a
30 copy of the previous evaluation and provides the evaluation to
31 the subsequent employer or the previous employer provides the
32 previous evaluation from the person's personnel file pursuant
33 to the person's authorization. If a physical copy of the
34 previous evaluation is not provided to the subsequent employer,
35 the record checks shall be reevaluated.

1 (4) Although an exemption under this paragraph "g" may
2 be authorized, the subsequent employer may instead request a
3 reevaluation of the record checks and may employ the person
4 while the reevaluation is being performed.

5 h. In an evaluation, the ~~department~~ record check evaluation
6 system shall consider the nature and seriousness of the
7 transgression in relation to the position sought or held, the
8 time elapsed since the commission of the transgression, the
9 circumstances under which the transgression was committed,
10 the degree of rehabilitation, the likelihood that the person
11 will commit the transgression again, and the number of
12 transgressions committed by the person involved. In addition
13 to record check information, the ~~department~~ record check
14 evaluation system may utilize information from the ~~department's~~
15 record check evaluation system's case records in performing the
16 evaluation. The ~~department~~ record check evaluation system may
17 permit a person who is evaluated to maintain involvement with
18 child care, if the person complies with the ~~department's~~ record
19 check evaluation system's conditions and corrective action plan
20 relating to the person's involvement with child care. The
21 ~~department~~ record check evaluation system has final authority
22 in determining whether prohibition of the person's involvement
23 with child care is warranted and in developing any conditional
24 requirements and corrective action plan under this paragraph.

25 i. (1) A person subject to an evaluation shall be
26 prohibited from involvement with child care under any of the
27 following circumstances:

28 (a) The person has a record of founded child abuse or
29 dependent adult abuse that was determined to be sexual abuse.

30 (b) The person is listed or is required to be listed on
31 any state sex offender registry or the national sex offender
32 registry.

33 (c) The person has committed any of the following
34 felony-level offenses:

35 (i) Child endangerment or neglect or abandonment of a

1 dependent person.

2 (ii) Domestic abuse.

3 (iii) A crime against a child including but not limited to
4 sexual exploitation of a minor.

5 (iv) A forcible felony.

6 (v) Arson.

7 (d) The person has a record of a misdemeanor conviction
8 against a child that constitutes one of the following offenses:

9 (i) Child abuse.

10 (ii) Child endangerment.

11 (iii) Sexual assault.

12 (iv) Child pornography.

13 (2) If, within five years prior to the date of application
14 for registration or licensure under [this chapter](#), for
15 employment or residence in a child care facility or child care
16 home, or for receipt of public funding for providing child
17 care, a person subject to an evaluation has been convicted
18 of a controlled substance offense or has been found to have
19 committed physical abuse, the person shall be prohibited from
20 involvement with child care for a period of five years from
21 the date of conviction or founded abuse. After the five-year
22 prohibition period, the person may submit an application for
23 registration or licensure under [this chapter](#), or to receive
24 public funding for providing child care, or may request an
25 evaluation, and the ~~department~~ record check evaluation system
26 shall perform an evaluation and, based upon the criteria in
27 paragraph "h", shall determine whether prohibition of the
28 person's involvement with child care continues to be warranted.

29 *j.* If the ~~department~~ record check evaluation system
30 determines, through an evaluation of a person's transgression,
31 that the person's prohibition of involvement with child care is
32 warranted, the person shall be prohibited from involvement with
33 child care. The ~~department~~ record check evaluation system may
34 identify a period of time after which the person may request
35 that another record check and evaluation be performed. A

1 person who continues involvement with child care in violation
2 of [this subsection](#) is subject to penalty under [section 237A.19](#)
3 or injunction under [section 237A.20](#).

4 *k.* If it has been determined that a child receiving child
5 care from a child care facility or a child care home is the
6 victim of founded child abuse committed by an employee,
7 license or registration holder, child care home provider, or
8 resident of the child care facility or child care home for
9 which a report is placed in the central registry pursuant to
10 section 232.71D, the ~~administrator~~ department shall provide
11 notification at the time of the determination to the parents,
12 guardians, and custodians of children receiving care from the
13 child care facility or child care home. A notification made
14 under this paragraph shall identify the type of abuse but shall
15 not identify the victim or perpetrator or circumstances of the
16 founded abuse.

17 3. ~~On or after July 1, 1994,~~ a A licensee or registrant
18 shall inform all new applicants for employment of the
19 possibility of the performance of a record check and shall
20 obtain, from the applicant, a signed acknowledgment of the
21 receipt of the information.

22 4. ~~On or after July 1, 1994,~~ a A licensee or registrant
23 shall include the following inquiry in an application for
24 employment:

25 Do you have a record of founded child or dependent adult abuse
26 or have you ever been convicted of a crime, in this state or any
27 other state?

28 5. A person who serves as an unpaid volunteer in a child
29 care facility shall not be required to complete training as a
30 mandatory reporter of child abuse under [section 232.69](#) or under
31 any other requirement.

32 Sec. 744. Section 237A.6, Code 2023, is amended to read as
33 follows:

34 **237A.6 Consultative services.**

35 The department shall, ~~and the director of public health~~

1 ~~may~~ provide consultative services to a person applying for
2 a license or registration, or licensed or registered ~~by the~~
3 ~~administrator~~ under [this chapter](#).

4 Sec. 745. Section 237A.8, Code 2023, is amended to read as
5 follows:

6 **237A.8 Violations — actions against license or registration.**

7 The ~~administrator~~ department, after notice and opportunity
8 for an evidentiary hearing before the department of inspections
9 and appeals, may suspend or revoke a license or certificate of
10 registration issued under [this chapter](#) or may reduce a license
11 to a provisional license if the person to whom a license or
12 certificate is issued violates a provision of [this chapter](#) or
13 if the person makes false reports regarding the operation of
14 the child care facility to the ~~administrator or a designee of~~
15 ~~the administrator~~ department. The ~~administrator~~ department
16 shall notify the parent, guardian, or legal custodian of each
17 child for whom the person provides child care at the time
18 of action to suspend or revoke a license or certificate of
19 registration.

20 Sec. 746. Section 237A.12, subsections 3 and 4, Code 2023,
21 are amended to read as follows:

22 3. Rules relating to fire safety for child care centers
23 shall be adopted under [this chapter](#) by the state fire marshal
24 in consultation with the department. Rules adopted by the
25 state fire marshal for a building which is owned or leased by a
26 school district or accredited nonpublic school and used as a
27 child care facility shall not differ from standards adopted by
28 the state fire marshal for school buildings under [chapter 100](#).
29 Rules relating to sanitation shall be adopted by the department
30 ~~in consultation with the director of public health~~. All rules
31 shall be developed in consultation with the state child care
32 advisory committee. The state fire marshal shall inspect the
33 facilities.

34 4. If a building is owned or leased by a school district
35 or accredited nonpublic school and complies with standards

1 adopted by the state fire marshal for school buildings under
2 chapter 100, the building is considered appropriate for use by
3 a child care facility. The rules adopted by the ~~administrator~~
4 department under this section shall not require the facility
5 to comply with building requirements which differ from
6 requirements for use of the building as a school.

7 Sec. 747. Section 237A.14, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. The department ~~of human services~~ shall adopt rules
10 pursuant to chapter 17A in accordance with this section.

11 Sec. 748. Section 237A.23, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. The ~~departments~~ department and the department of
14 ~~education, public health, and human services~~ shall jointly
15 establish a leadership council for child care training and
16 development in this state. In addition to representatives of
17 the ~~three~~ departments, the leadership council shall include
18 but is not limited to representatives of community colleges,
19 institutions of higher learning under the state board of
20 regents and private institutions of higher education, the
21 Iowa cooperative extension service in agriculture and home
22 economics, and child care resource and referral service
23 agencies.

24 Sec. 749. Section 237A.25, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The department shall develop consumer information
27 material to assist parents in selecting a child care provider.
28 In developing the material, the department shall consult with
29 ~~department of human services~~ staff, department of education
30 staff, the state child care advisory committee, the early
31 childhood Iowa state board, and child care resource and
32 referral services. In addition, the department may consult
33 with other entities at the local, state, and national level.

34 Sec. 750. Section 237A.29, subsection 2, paragraph b,
35 unnumbered paragraph 1, Code 2023, is amended to read as

1 follows:

2 A child care provider that has been found by the department
3 of inspections and appeals in an administrative proceeding
4 or in a judicial proceeding to have obtained, or has agreed
5 to entry of a civil judgment or judgment by confession that
6 includes a conclusion of law that the child care provider has
7 obtained, by fraudulent means, public funding for provision of
8 child care in an amount equal to or in excess of the minimum
9 amount for a fraudulent practice in the second degree under
10 section 714.10, subsection 1, paragraph "a", shall be subject
11 to sanction in accordance with [this subsection](#). Such child
12 care provider shall be subject to a period during which receipt
13 of public funding for provision of child care is conditioned
14 upon no further violations and to one or more of the following
15 sanctions as determined by the department ~~of human services~~:

16 Sec. 751. Section 237A.30, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. The department shall work with the early childhood Iowa
19 ~~office in the department of management~~ program established in
20 section 256I.5 and the state child care advisory committee in
21 designing and implementing a voluntary quality rating system
22 for each provider type of child care facility.

23 Sec. 752. Section 237C.1, Code 2023, is amended to read as
24 follows:

25 **237C.1 Definitions.**

26 As used in [this chapter](#), unless the context otherwise
27 requires:

28 ~~1. "Administrator" means the administrator of that division~~
29 ~~of the department designated by the director of human services~~
30 ~~to administer [this chapter](#) or the administrator's designee.~~

31 ~~2. 1. "Child" or "children" means an individual or~~
32 ~~individuals under eighteen years of age.~~

33 ~~3. 2. "Children's residential facility" means a private~~
34 ~~facility designed to serve children who have been voluntarily~~
35 ~~placed for reasons other than an exclusively recreational~~

1 activity outside of their home by a parent or legal guardian
2 and who are not under the custody or authority of the
3 department of ~~human services~~, juvenile court, or another
4 governmental agency, that provides twenty-four-hour care,
5 including food, lodging, supervision, education, or other care
6 on a full-time basis by a person other than a relative or
7 guardian of the child, but does not include an entity providing
8 any of the following:

9 *a.* Care furnished by an individual who receives the child of
10 a personal friend as an occasional and personal guest in the
11 individual's home, free of charge and not as a business.

12 *b.* Care furnished by an individual with whom a child has
13 been placed for lawful adoption, unless that adoption is not
14 completed within two years after placement.

15 *c.* Child care furnished by a child care facility as defined
16 in [section 237A.1](#).

17 *d.* Care furnished in a hospital licensed under chapter
18 135B or care furnished in a health care facility as defined in
19 section 135C.1.

20 *e.* Care furnished by a juvenile detention home or juvenile
21 shelter care home approved under [section 232.142](#).

22 *f.* Care furnished by a child foster care facility licensed
23 under [chapter 237](#).

24 *g.* Care furnished by an institution listed in [section 218.1](#).

25 *h.* Care furnished by a facility licensed under [chapter 125](#).

26 *i.* Care furnished by a psychiatric medical institution for
27 children licensed under [chapter 135H](#).

28 ~~4.~~ 3. "*Department*" means the department of health and human
29 services.

30 4. "*Director*" means the director of health and human
31 services.

32 Sec. 753. Section 237C.3, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. The department of ~~human services~~ shall consult with the
35 department of education, and the department of inspections

1 and appeals, ~~the department of public health,~~ the state fire
2 marshal, and other agencies as determined by the department
3 ~~of human services~~ to establish certification standards for
4 children's residential facilities in accordance with this
5 chapter.

6 Sec. 754. Section 237C.4, subsection 3, Code 2023, is
7 amended to read as follows:

8 3. Rules governing sanitation, water, and waste disposal
9 standards for children's residential facilities shall be
10 adopted by the department ~~of human services in consultation~~
11 ~~with the director of public health.~~

12 Sec. 755. Section 237C.4, subsection 7, unnumbered
13 paragraph 1, Code 2023, is amended to read as follows:

14 Prior to establishing, proposing, adopting, or modifying a
15 standard or rule under [section 237C.3](#), this section, or section
16 282.34, the department ~~of human services~~ or the department of
17 education, as applicable, shall, at a minimum, do all of the
18 following:

19 Sec. 756. Section 237C.5, Code 2023, is amended to read as
20 follows:

21 **237C.5 Certificate of approval — certification required.**

22 A person shall not operate a children's residential facility
23 without a certificate of approval to operate issued by the
24 ~~administrator~~ department under [this chapter](#).

25 Sec. 757. Section 237C.6, subsections 1 and 3, Code 2023,
26 are amended to read as follows:

27 1. A person shall apply for a certificate to operate a
28 children's residential facility by completing and submitting
29 to the ~~administrator~~ department an application in a form
30 and format approved by the ~~administrator~~ department. The
31 ~~administrator~~ department shall issue or reissue a certificate
32 of approval if the ~~administrator~~ department determines that
33 the applicant is or upon commencing operation will provide
34 children's residential facility services in compliance with
35 this chapter. A certificate of approval is valid for up to one

1 year from the date of issuance for the period determined by
2 the ~~administrator~~ department in accordance with administrative
3 rules providing criteria for making the determination.

4 3. The ~~administrator~~ department may deny an application
5 for issuance or reissuance of a certificate of approval or
6 suspend or revoke a certificate of approval if the applicant
7 or certificate holder, as applicable, fails to comply with
8 this chapter or the rules adopted pursuant to [this chapter](#) or
9 knowingly makes a false statement concerning a material fact or
10 conceals a material fact on the application for the issuance
11 or reissuance of a certificate of approval or in a report
12 regarding operation of the children's residential facility
13 submitted to the ~~administrator~~ department. All operations of a
14 children's residential facility shall cease during a period of
15 suspension or revocation. The ~~administrator~~ department shall
16 suspend or revoke a certificate of approval of a children's
17 residential facility that fails to comply with [section 282.34](#).

18 Sec. 758. Section 237C.8, Code 2023, is amended to read as
19 follows:

20 **237C.8 Reports and inspections.**

21 The ~~administrator~~ department may require submission of
22 reports by a certificate of approval holder and shall cause
23 at least one annual unannounced inspection of a children's
24 residential facility to assess compliance with applicable
25 requirements and standards. The inspections shall be conducted
26 by the department of inspections and appeals in addition to
27 initial, renewal, and other inspections that result from
28 complaints or self-reported incidents. The department of
29 inspections and appeals and the department of ~~human services~~
30 may examine records of a children's residential facility and
31 may inquire into matters concerning the children's residential
32 facility and its employees, volunteers, and subcontractors
33 relating to requirements and standards for children's
34 residential facilities under [this chapter](#).

35 Sec. 759. Section 238.1, Code 2023, is amended to read as

1 follows:

2 **238.1 Definitions.**

3 For the purpose of **this chapter** unless the context otherwise
4 requires:

5 ~~1. "Administrator" means the administrator of the division
6 of child and family services of the department of human
7 services.~~

8 ~~2. 1. "Child" means the same as defined in **section 234.1.**~~

9 ~~3. 2. "Child-placing agency" or "agency" means any agency,
10 whether public, semipublic, or private, which represents that
11 the agency places children permanently or temporarily in
12 private family homes or receives children for placement in
13 private family homes, or which actually engages for gain or
14 otherwise in the placement of children in private family homes.
15 "Agency" includes individuals, institutions, partnerships,
16 voluntary associations, and corporations, other than
17 institutions under the management or control of the department.~~

18 ~~3. "Council" means the council on health and human services.~~

19 ~~4. "Department" means the department of health and human
20 services.~~

21 ~~5. "Director" means the director of health and human
22 services.~~

23 ~~4. "Person" or "agency" shall include individuals,
24 institutions, partnerships, voluntary associations, and
25 corporations, other than institutions under the management or
26 control of any division or any administrator of the department
27 of human services.~~

28 ~~5. "State division" means the same as defined in section
29 234.1.~~

30 Sec. 760. Section 238.3, Code 2023, is amended to read as
31 follows:

32 **238.3 Authority to license.**

33 The ~~administrator~~ department may grant a license under this
34 chapter for the period specified in **section 238.9** for the
35 ~~conduct~~ operation of any a child-placing agency in this state.

1 Sec. 761. Section 238.4, Code 2023, is amended to read as
2 follows:

3 **238.4 Granting of license conditional.**

4 ~~No such~~ A license shall not be issued under this chapter
5 unless the ~~person applying shall have shown~~ applicant shows
6 that the ~~person~~ applicant and the ~~person's~~ applicant's agents
7 are properly equipped by training and experience to find and
8 select suitable temporary or permanent homes for children and
9 to supervise ~~such~~ the homes ~~when in which the~~ children are
10 placed ~~in them,~~ to the ~~end that~~ safeguard the health, morality,
11 and general well-being of the children ~~placed by them shall be~~
12 properly safeguarded.

13 Sec. 762. Section 238.5, Code 2023, is amended to read as
14 follows:

15 **238.5 License required.**

16 ~~No~~ A person shall ~~conduct~~ not operate a child-placing
17 agency or solicit or receive funds for ~~its~~ the support of a
18 child-placing agency without an unrevoked license issued by the
19 ~~administrator~~ department within the preceding twelve months
20 ~~preceding to conduct such agency.~~

21 Sec. 763. Section 238.6, Code 2023, is amended to read as
22 follows:

23 **238.6 Form of license.**

24 The license shall state the name of the licensee and the
25 particular premises in which the ~~business~~ agency may be ~~carried~~
26 ~~on~~ operated.

27 Sec. 764. Section 238.7, Code 2023, is amended to read as
28 follows:

29 **238.7 Posting of license.**

30 ~~Such~~ A license shall be ~~kept~~ posted in a conspicuous place on
31 the licensed premises.

32 Sec. 765. Section 238.8, Code 2023, is amended to read as
33 follows:

34 **238.8 Record of license.**

35 A record of the licenses ~~so~~ issued by the department under

1 this chapter shall be ~~kept~~ maintained by the ~~administrator~~
2 department.

3 Sec. 766. Section 238.10, Code 2023, is amended to read as
4 follows:

5 **238.10 Revocation of license.**

6 The ~~administrator~~ department may, after due notice and
7 hearing, revoke the license if any of the following applies:

- 8 1. ~~In case the person to whom the same is issued~~ The
9 licensee violates any provision of this chapter.
- 10 2. ~~When in the opinion of the administrator such the~~
11 agency is maintained in such a way as to waste or misuse funds
12 contributed by the public or without due regard to sanitation
13 or hygiene or to the health, comfort, or well-being of the
14 child cared for or placed by the agency.
- 15 3. ~~In case of violation by the~~ The licensee or the
16 licensee's agents ~~of~~ violate any law of the state in a manner
17 disclosing moral turpitude or unfitness to maintain ~~such~~ the
18 agency.
- 19 4. ~~In case any such~~ The agency is ~~conducted~~ operated by a
20 person of ill repute or bad moral character.
- 21 5. ~~In case said~~ The agency operates in persistent violation
22 of the ~~reasonable~~ regulations ~~of the administrator~~ governing
23 such agencies.

24 Sec. 767. Section 238.11, Code 2023, is amended to read as
25 follows:

26 **238.11 Written charges — findings — notice.**

27 Written charges against the licensee shall be served upon
28 the licensee at least ten days before a hearing ~~shall be had~~
29 ~~thereon~~ on the charges and a written copy of the findings
30 and decisions of the ~~administrator upon~~ department following
31 the hearing shall be served upon the licensee in the manner
32 prescribed for the service of original notice in civil actions.

33 Sec. 768. Section 238.12, Code 2023, is amended to read as
34 follows:

35 **238.12 Appeal — judicial review.**

1 1. ~~Any~~ A licensee feeling aggrieved by ~~any~~ a decision of
2 the ~~administrator~~ department revoking the licensee's license
3 may appeal to the council ~~on human services~~ in the manner ~~of~~
4 ~~form~~ prescribed by ~~such~~ the council. The council shall, upon
5 receipt of such an appeal, give the licensee reasonable notice
6 and opportunity for a fair hearing before ~~such~~ the council
7 or its duly authorized representative ~~or representatives~~.
8 Following ~~such~~ the hearing the council ~~on human services~~ shall
9 take ~~its~~ final action and notify the licensee in writing.

10 2. Judicial review of the actions of the council may be
11 sought in accordance with the terms of ~~the Iowa administrative~~
12 ~~procedure Act,~~ chapter 17A.

13 Sec. 769. Section 238.16, Code 2023, is amended to read as
14 follows:

15 **238.16 Rules and regulations.**

16 ~~It shall be the duty of the administrator to provide such~~
17 The department shall prescribe general regulations and rules
18 for the conduct of ~~all such~~ child-placing agencies as ~~shall be~~
19 necessary to effect the purposes of this chapter and of all
20 other applicable laws of the state relating to children ~~so far~~
21 ~~as the same are applicable~~, and to safeguard the well-being of
22 children placed or cared for by such agencies.

23 Sec. 770. Section 238.17, Code 2023, is amended to read as
24 follows:

25 **238.17 Forms for registration and record — preservation and**
26 **maintenance.**

27 1. The ~~administrator~~ department shall prescribe forms for
28 the registration and record of ~~persons~~ children cared for by
29 any child-placing agency licensed under this chapter and for
30 reports required by ~~said administrator~~ the department from the
31 agencies.

32 2. If, for any reason, a child-placing agency ~~as defined~~
33 ~~by section 238.1~~ shall ~~cease~~ ceases to exist, all records of
34 registration and placement and all other records of any kind
35 and character ~~kept~~ maintained by ~~such~~ the child-placing agency

1 shall be turned over to the ~~administrator~~ department, ~~for~~
2 ~~preservation~~, to be kept preserved and maintained by the said
3 ~~administrator~~ department as a permanent record.

4 Sec. 771. Section 238.18, Code 2023, is amended to read as
5 follows:

6 **238.18 Duty of licensee.**

7 1. A child-placing agency licensed under this chapter shall
8 ~~keep~~ maintain a record and make reports in the form ~~to be~~
9 prescribed by the ~~administrator~~ department.

10 2. For a child being placed by the agency, the agency's
11 duties shall include compliance with the requirements of
12 section 232.108 relating to visitation or ongoing interaction
13 between the child and the child's siblings.

14 Sec. 772. Section 238.19, Code 2023, is amended to read as
15 follows:

16 **238.19 Inspection generally.**

17 Authorized employees of the department of inspections and
18 appeals may inspect the premises and conditions of the agency
19 at any time, and examine every part of the agency, and may
20 inquire into all matters concerning the agency and the children
21 in the care of the agency.

22 Sec. 773. Section 238.22, Code 2023, is amended to read as
23 follows:

24 **238.22 Licensee to aid inspection.**

25 ~~The licensees~~ A licensee shall ~~give~~ provide all reasonable
26 information to ~~such~~ inspectors authorized under this chapter
27 and afford ~~them~~ the inspectors every reasonable facility means
28 for obtaining pertinent information.

29 Sec. 774. Section 238.24, Code 2023, is amended to read as
30 follows:

31 **238.24 Information confidential — exceptions.**

32 1. Except as authorized by this section, a person who
33 acquires under this chapter or from the records provided for in
34 this chapter, information relative to any agency, or relative
35 ~~to any~~ individual cared for by the agency, or relative ~~to any~~

1 relative of the individual, shall not directly or indirectly
2 disclose the information.

3 2. Disclosure of information acquired under [this chapter](#)
4 or from the records provided for in [this chapter](#) is authorized
5 under any of the following circumstances:

6 a. Disclosure made upon inquiry before a court of law,
7 or before some other tribunal, or for the information of the
8 governor, general assembly, medical examiners, ~~administrator,~~
9 ~~Iowa department of public health director,~~ or the local board
10 of health in the jurisdiction where the agency is located.

11 b. Disclosure ~~may be~~ made by the ~~administrator~~ director to
12 proper persons ~~as may be~~ in the interest of a child cared for by
13 the agency or in the interest of the child's parents or foster
14 parents and not inimical to the child, or as ~~may be~~ necessary
15 to protect the interests of the child's prospective foster
16 parents. However, disclosure of termination and adoption
17 records shall be governed by the provisions of [sections 600.16](#)
18 and [600.16A](#).

19 c. Disclosure for purposes of statistical analysis performed
20 by duly authorized persons of data collected under [this chapter](#)
21 or the publication of the results of such analysis in such
22 manner as will not disclose confidential information.

23 Sec. 775. Section 238.31, Code 2023, is amended to read as
24 follows:

25 **238.31 Inspection of foster homes.**

26 The ~~administrator~~ department shall ~~be satisfied~~ ensure that
27 each licensed child-placing agency ~~is maintaining~~ maintains
28 proper standards ~~in its work,~~ and ~~said administrator~~ may at
29 any time cause the child and home in which the child has been
30 placed to be visited by the ~~administrator's~~ director's agents
31 for the purpose of ascertaining whether the home is a suitable
32 ~~one~~ for the child, and may continue to visit and inspect the
33 foster home and the conditions ~~therein~~ in the foster home as
34 they affect ~~said~~ the child.

35 Sec. 776. Section 238.32, Code 2023, is amended to read as

1 follows:

2 **238.32 Authority to agencies.**

3 ~~Any institution incorporated under the laws of this state~~
4 ~~or maintained for the purpose of caring for, placing out for~~
5 ~~adoption, or otherwise improving the condition of unfortunate~~
6 ~~children may, under the conditions~~ An agency as specified
7 in this chapter and when licensed in accordance with the
8 provisions of this chapter may do any of the following:

9 1. Receive children in need of assistance, ~~or delinquent~~
10 children who are under eighteen years of age, ~~under commitment~~
11 ~~from~~ found to have committed a delinquent act by the juvenile
12 court, and control and dispose of them provide for the
13 disposition of the children subject to the provisions of
14 chapter 232 and chapter 600A.

15 2. ~~Receive, control, and dispose~~ and provide for the
16 disposition of all minor children voluntarily surrendered to
17 ~~such institutions~~ the agency.

18 Sec. 777. Section 238.42, Code 2023, is amended to read as
19 follows:

20 **238.42 Agreement in child placements.**

21 ~~Every~~ An agency placing a child in a foster home shall enter
22 into a written agreement with the person taking the child,
23 which. ~~The~~ agreement shall provide that the agency ~~placing the~~
24 ~~child~~ shall have access at all reasonable times to ~~such~~ the
25 child and to the home in which the child is living, and ~~for the~~
26 ~~return of the child by the person taking~~ may remove the child
27 from the home whenever, in the opinion of the agency ~~placing~~
28 ~~such child, or in the opinion of the administrator~~ department,
29 removal is in the best interests of the child ~~shall require it.~~

30 Sec. 778. Section 238.45, Code 2023, is amended to read as
31 follows:

32 **238.45 Penalty.**

33 ~~Every~~ A person who violates any ~~of the provisions~~ provision
34 of this chapter or who intentionally ~~shall make~~ makes any false
35 statements or reports to the ~~administrator with reference to~~

1 ~~the matters contained herein~~ department relative to a provision
2 of this chapter, ~~shall be~~ is guilty of a fraudulent practice.

3 Sec. 779. Section 239A.2, unnumbered paragraph 1, Code
4 2023, is amended to read as follows:

5 The department of workforce development, in consultation
6 with the director of health and human services, shall establish
7 a procedure for assignment of persons referred under section
8 239A.1 to positions available in public works projects. The
9 department of workforce development shall arrange with units of
10 local government for establishment of such projects, which may
11 include any type of work or endeavor that is within the scope
12 of authority of the unit of local government involved so long
13 as the project meets the following requirements:

14 Sec. 780. Section 239B.1, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. "*Department*" means the department of health and human
17 services.

18 Sec. 781. Section 239B.1, Code 2023, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4A. "*Director*" means the director of health
21 and human services.

22 Sec. 782. Section 239B.2, subsection 6, Code 2023, is
23 amended to read as follows:

24 6. *Cooperation with child support requirements.* The
25 department shall provide for prompt notification of ~~the~~
26 ~~department's~~ child support ~~recovery unit~~ services if assistance
27 is provided to a child whose parent is absent from the home.
28 An applicant or participant shall cooperate with ~~the~~ child
29 support ~~recovery unit~~ services and the department as provided
30 in 42 U.S.C. §608(a)(2) unless the applicant or participant
31 qualifies for good cause or other exception as determined
32 by the department in accordance with the best interest of
33 the child, parent, or specified relative, and with standards
34 prescribed by rule. The authorized good cause or other
35 exceptions shall include participation in a family investment

1 agreement safety plan option to address or prevent family or
2 domestic violence and other consideration given to the presence
3 of family or domestic violence. If a specified relative with
4 whom a child is residing fails to comply with these cooperation
5 requirements, a sanction shall be imposed as defined by rule in
6 accordance with state and federal law.

7 Sec. 783. Section 239B.8, subsection 6, Code 2023, is
8 amended to read as follows:

9 6. *Confidential information disclosure.* If approved by
10 the director ~~of human services~~ or the director's designee
11 pursuant to a written request, the department shall disclose
12 confidential information described in section 217.30,
13 subsection 2, to other state agencies or to any other entity
14 which is not subject to the provisions of [chapter 17A](#) and is
15 providing services to a participant family who is subject to
16 a family investment agreement, if necessary in order for the
17 participant family to receive the services. The department
18 shall adopt rules establishing standards for disclosure of
19 confidential information if disclosure is necessary in order
20 for a participant to receive services.

21 Sec. 784. Section 239B.9, subsection 1, paragraph a, Code
22 2023, is amended to read as follows:

23 a. If a participant responsible for signing and fulfilling
24 the terms of a family investment agreement, as defined by the
25 director ~~of human services~~ in accordance with [section 239B.8](#),
26 chooses not to sign or fulfill the terms of the agreement, the
27 participant's family, or the individual participant shall enter
28 into a limited benefit plan. Initial actions in a written
29 statement under [section 239B.2, subsection 4](#), which were
30 committed to by a participant during the application period
31 and which commitment remains in effect, shall be considered to
32 be a term of the participant's family investment agreement.
33 A limited benefit plan shall apply for the period of time
34 specified in [this section](#). The first month of the limited
35 benefit plan is the first month after the month in which timely

1 and adequate notice of the limited benefit plan is given to the
2 participant as defined by the director ~~of human services~~. The
3 elements of a limited benefit plan shall be specified in the
4 department's rules.

5 Sec. 785. Section 239B.9, subsection 3, paragraphs a and c,
6 Code 2023, are amended to read as follows:

7 a. A participant who does not establish an orientation
8 appointment with the JOBS program or who fails to keep or
9 reschedule an orientation appointment shall receive a reminder
10 letter which informs the participant that those who do not
11 attend orientation have elected to choose a limited benefit
12 plan. A participant who chooses not to respond to the reminder
13 letter within ten calendar days from the mailing date shall
14 receive notice establishing the effective date of the limited
15 benefit plan. If a participant is deemed to have chosen a
16 limited benefit plan, timely and adequate notice provisions, as
17 determined by the director ~~of human services~~, shall apply.

18 c. A participant who has signed a family investment
19 agreement but then chooses a limited benefit plan under
20 circumstances defined by the director ~~of human services~~.

21 Sec. 786. Section 239B.12, Code 2023, is amended to read as
22 follows:

23 **239B.12 Immunization.**

24 1. To the extent feasible, the department shall determine
25 the immunization status of children receiving assistance under
26 this chapter. The status shall be determined in accordance
27 with the immunization recommendations adopted ~~by the Iowa~~
28 ~~department of public health~~ under [section 139A.8](#), including the
29 exemption provisions in [section 139A.8, subsection 4](#). If the
30 department determines a child is not in compliance with the
31 immunization recommendations, the department shall refer the
32 child's parent or guardian to a local public health agency for
33 immunization services for the child and other members of the
34 child's family.

35 2. The department ~~of human services~~ shall ~~cooperate with the~~

1 ~~Iowa department of public health to establish an interagency~~
2 ~~agreement allowing the sharing of pertinent client data, as~~
3 ~~permitted under federal law and regulation, for the purposes~~
4 ~~of determining~~ determine immunization rates of participants,
5 ~~evaluating~~ evaluate family investment program efforts to
6 encourage immunizations, and ~~developing~~ develop strategies to
7 further encourage immunization of participants.

8 Sec. 787. Section 239B.16, Code 2023, is amended to read as
9 follows:

10 **239B.16 Appeal — judicial review.**

11 If an applicant's application is not acted upon within
12 a reasonable time, if it is denied in whole or in part, or
13 if a participant's assistance or other benefits under this
14 chapter are modified, suspended, or canceled under a provision
15 of [this chapter](#), the applicant or participant may appeal to
16 the department ~~of human services~~ which shall request the
17 department of inspections and appeals to conduct a hearing.
18 Upon completion of a hearing, the department of inspections
19 and appeals shall issue a decision which is subject to review
20 by the department ~~of human services~~. Judicial review of the
21 actions of the department ~~of human services~~ may be sought in
22 accordance with [chapter 17A](#). Upon receipt of a notice of
23 the filing of a petition for judicial review, the department
24 ~~of human services~~ shall furnish the petitioner with a copy
25 of any papers filed in support of the petitioner's position,
26 a transcript of any testimony taken, and a copy of the
27 department's decision.

28 Sec. 788. Section 239B.17, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. *Program established.* The promoting independence and
31 self-sufficiency through employment job opportunities and basic
32 skills program is established for applicants and participants
33 of the family investment program. The requirements of the
34 JOBS program shall vary as provided in the family investment
35 agreement applicable to a family. The department of workforce

1 development, economic development authority, department of
2 education, and all other state, county, and public educational
3 agencies and institutions providing vocational rehabilitation,
4 adult education, or vocational or technical training shall
5 assist and cooperate in the JOBS program. The departments,
6 agencies, and institutions shall make agreements and
7 arrangements for maximum cooperation and use of all available
8 resources in the program. The department of ~~human services~~
9 may contract with the department of workforce development, the
10 economic development authority, or another appropriate entity
11 to provide JOBS program services.

12 Sec. 789. Section 241.1, Code 2023, is amended to read as
13 follows:

14 **241.1 Definitions.**

15 As used in [this chapter](#), unless the context otherwise
16 requires:

17 1. "Department" means the department of health and human
18 services.

19 2. "Director" means the director of health and human
20 services.

21 ~~1.~~ 3. "Displaced homemaker" means an individual who meets
22 all of the following criteria:

23 *a.* Has worked principally in the home providing unpaid
24 household services for family members.

25 *b.* Is not gainfully employed.

26 *c.* Has had, or would apparently have, difficulty finding
27 appropriate paid employment.

28 *d.* Has been dependent on the income of another family
29 member but is no longer supported by that income, is or has
30 been dependent on government assistance, or is supported as the
31 parent of a child who is sixteen or seventeen years of age.

32 ~~2. "Department" means the department of human services.~~

33 ~~3. "Director" means the director of the department of human~~
34 ~~services.~~

35 Sec. 790. Section 241.3, subsection 2, Code 2023, is amended

1 to read as follows:

2 2. The department shall consult and cooperate with the
3 department of workforce development, the United States
4 commissioner of social security administration, the office on
5 the status of women of the department ~~of human rights~~, the
6 department of education, and other persons in the executive
7 branch of the state government as the department considers
8 appropriate to facilitate the coordination of multipurpose
9 service programs established under [this chapter](#) with existing
10 programs of a similar nature.

11 Sec. 791. Section 249.1, Code 2023, is amended to read as
12 follows:

13 **249.1 Definitions.**

14 As used in [this chapter](#):

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

16 ~~1.~~ 2. *"Department"* means the department of health and human
17 services.

18 ~~2.~~ 3. *"Director"* means the director of health and human
19 services.

20 ~~3.~~ 4. *"Federal supplemental security income"* means cash
21 payments made to individuals by the United States government
22 under Tit. XVI of the Social Security Act as amended by Pub. L.
23 No. 92-603, or any other amendments thereto.

24 ~~4.~~ 5. *"Previous categorical assistance programs"* means the
25 aid to the blind program authorized by [chapter 241](#), the aid to
26 the disabled program authorized by [chapter 241A](#) and the old-age
27 assistance program authorized by [chapter 249, Code 1973](#).

28 ~~5.~~ 6. *"State supplementary assistance"* means cash payments
29 made to individuals:

30 *a.* By the United States government on behalf of the state of
31 Iowa pursuant to [section 249.2](#).

32 *b.* By the state of Iowa directly pursuant to sections 249.3
33 through 249.5.

34 Sec. 792. Section 249.4, subsection 1, Code 2023, is amended
35 to read as follows:

1 1. Applications for state supplementary assistance shall be
2 made in the form and manner prescribed by the director or the
3 director's designee, with the approval of the council ~~on human~~
4 ~~services~~, pursuant to [chapter 17A](#). Each person who ~~se~~ applies
5 and is found eligible under [section 249.3](#) shall, so long as the
6 person's eligibility continues, receive state supplementary
7 assistance on a monthly basis, from funds appropriated to the
8 department for the purpose.

9 Sec. 793. Section 249.5, Code 2023, is amended to read as
10 follows:

11 **249.5 Judicial review.**

12 If an application is not acted upon within a reasonable
13 time, if it is denied in whole or in part, or if an award
14 of assistance is modified, suspended, or canceled under a
15 provision of [this chapter](#), the applicant or recipient may
16 appeal to the department ~~of human services~~, which shall
17 request the department of inspections and appeals to conduct
18 a hearing. Upon completion of a hearing, the department of
19 inspections and appeals shall issue a decision which is subject
20 to review by the department ~~of human services~~. Judicial
21 review of the actions of the department ~~of human services~~
22 may be sought in accordance with [chapter 17A](#). Upon receipt
23 of the petition for judicial review, the department ~~of human~~
24 ~~services~~ shall furnish the petitioner with a copy of any
25 papers filed by the petitioner in support of the petitioner's
26 position, a transcript of any testimony taken, and a copy of
27 the department's decision.

28 Sec. 794. Section 249.8, Code 2023, is amended to read as
29 follows:

30 **249.8 Cancellation of warrants.**

31 The director of the department of administrative services,
32 as of January, April, July, and October 1 of each year, shall
33 stop payment on and issue duplicates of all state supplementary
34 assistance warrants which have been outstanding and unredeemed
35 by the treasurer of state for six months or longer. ~~No~~ A bond

1 of indemnity shall not be required for the issuance of ~~such~~
2 the duplicate warrants which shall be canceled immediately by
3 the director of the department of administrative services. If
4 the original warrants are subsequently presented for payment,
5 warrants in lieu ~~thereof~~ of the original warrants shall be
6 issued by the director of the department of administrative
7 services at the discretion of and upon certification by the
8 director ~~of human services~~ or the director's designee.

9 Sec. 795. Section 249.11, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. The department of inspections and appeals shall conduct
12 investigations and audits as deemed necessary to ensure
13 compliance with state supplementary assistance programs
14 administered under this chapter. The department of inspections
15 and appeals shall cooperate with the department ~~of human~~
16 ~~services~~ on the development of procedures relating to such
17 investigations and audits to ensure compliance with federal and
18 state single state agency requirements.

19 Sec. 796. Section 249.12, subsections 1 and 2, Code 2023,
20 are amended to read as follows:

21 1. In order to assure that the necessary data is available
22 to aid the general assembly to determine appropriate funding
23 for the custodial care program, the department ~~of human~~
24 ~~services~~ shall develop a cost-related system for financial
25 supplementation to individuals who need custodial care and who
26 have insufficient resources to purchase the care needed.

27 2. All privately operated licensed custodial facilities in
28 Iowa shall cooperate with the department ~~of human services~~ to
29 develop the cost-related plan.

30 Sec. 797. Section 249A.2, subsections 1 and 2, Code 2023,
31 are amended to read as follows:

32 1. "*Department*" means the department of health and human
33 services.

34 2. "*Director*" means the director of health and human
35 services.

1 Sec. 798. Section 249A.4, subsection 10, paragraph c,
2 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
3 to read as follows:

4 A nursing facility that utilizes the supplementation option
5 and receives supplementation under **this subsection** during any
6 calendar year shall report to the department ~~of human services~~
7 annually, by January 15, the following information for the
8 preceding calendar year:

9 Sec. 799. Section 249A.4, subsection 11, Code 2023, is
10 amended to read as follows:

11 11. Shall provide an opportunity for a fair hearing before
12 the department of inspections and appeals to an individual
13 whose claim for medical assistance under **this chapter** is
14 denied or is not acted upon with reasonable promptness. Upon
15 completion of a hearing, the department of inspections and
16 appeals shall issue a decision which is subject to review by
17 the department ~~of human services~~. Judicial review of the
18 decisions of the department ~~of human services~~ may be sought in
19 accordance with **chapter 17A**. If a petition for judicial review
20 is filed, the department ~~of human services~~ shall furnish the
21 petitioner with a copy of the application and all supporting
22 papers, a transcript of the testimony taken at the hearing, if
23 any, and a copy of its decision.

24 Sec. 800. Section 249A.4B, Code 2023, is amended to read as
25 follows:

26 **249A.4B Medical assistance advisory council.**

27 1. A medical assistance advisory council is created to
28 comply with **42 C.F.R. §431.12** based on section 1902(a)(4) of
29 the federal Social Security Act and to advise the director
30 about health and medical care services under the medical
31 assistance program. The council shall meet no more than
32 quarterly. The ~~director of~~ director's designee responsible
33 for public health or their designee and a public member of the
34 council selected by the public members of the council shall
35 serve as co-chairpersons of the council.

1 2. a. The council shall consist of the following voting
2 members:

3 (1) Five professional or business entity members selected
4 by the entities specified pursuant to [subsection 3](#), paragraph
5 "a".

6 (2) Five public members appointed pursuant to [subsection 3](#),
7 paragraph "b". Of the five public members, at least one member
8 shall be a recipient of medical assistance.

9 b. The council shall include all of the following nonvoting
10 members:

11 (1) ~~The director of public health, or the director's~~
12 ~~designee responsible for public health or their designee.~~

13 ~~(2) The director of the department on aging, or the~~
14 ~~director's designee.~~

15 ~~(3)~~ (2) The long-term care ombudsman, or the long-term care
16 ombudsman's designee.

17 ~~(4)~~ (3) The dean of Des Moines university — college of
18 osteopathic medical center medicine, or the dean's designee.

19 ~~(5)~~ (4) The dean of the university of Iowa college of
20 medicine, or the dean's designee.

21 ~~(6)~~ (5) A member of the ~~hawk-i~~ Hawki board created in
22 section 514I.5, selected by the members of the ~~hawk-i~~ Hawki
23 board.

24 ~~(7)~~ (6) The following members of the general assembly, each
25 for a term of two years as provided in [section 69.16B](#):

26 (a) Two members of the house of representatives, one
27 appointed by the speaker of the house of representatives
28 and one appointed by the minority leader of the house of
29 representatives from their respective parties.

30 (b) Two members of the senate, one appointed by the
31 president of the senate after consultation with the majority
32 leader of the senate and one appointed by the minority leader
33 of the senate.

34 3. The voting membership of the council shall be selected
35 or appointed as follows:

- 1 *a.* The five professional or business entity members shall
2 be selected by the entities specified under this paragraph
3 "*a*". The five professional or business entity members selected
4 shall be the president, or the president's representative,
5 of the professional or business entity, or a member of the
6 professional or business entity, designated by the entity.
- 7 (1) The Iowa medical society.
8 (2) The Iowa osteopathic medical association.
9 (3) The Iowa academy of family physicians.
10 (4) The Iowa chapter of the American academy of pediatrics.
11 (5) The Iowa physical therapy association.
12 (6) The Iowa dental association.
13 (7) The Iowa nurses association.
14 (8) The Iowa pharmacy association.
15 (9) The Iowa podiatric medical society.
16 (10) The Iowa optometric association.
17 (11) The Iowa association of community providers.
18 (12) The Iowa psychological association.
19 (13) The Iowa psychiatric society.
20 (14) The Iowa chapter of the national association of social
21 workers.
22 (15) The coalition for family and children's services in
23 Iowa.
24 (16) The Iowa hospital association.
25 (17) The Iowa association of rural health clinics.
26 (18) The Iowa primary care association.
27 (19) Free clinics of Iowa.
28 (20) The opticians' association of Iowa, inc.
29 (21) The Iowa association of hearing health professionals.
30 (22) The Iowa speech and hearing association.
31 (23) The Iowa health care association.
32 (24) The Iowa association of area agencies on aging.
33 (25) AARP.
34 (26) The Iowa caregivers association.
35 (27) Leading age Iowa.

- 1 (28) The Iowa association for home care.
- 2 (29) The Iowa council of health care centers.
- 3 (30) The Iowa physician assistant society.
- 4 (31) The Iowa association of nurse practitioners.
- 5 (32) The Iowa nurse practitioner society.
- 6 (33) The Iowa occupational therapy association.
- 7 (34) The ARC of Iowa, formerly known as the association for
- 8 retarded citizens of Iowa.
- 9 (35) The national alliance on mental illness.
- 10 (36) The Iowa state association of counties.
- 11 (37) The Iowa developmental disabilities council.
- 12 (38) The Iowa chiropractic society.
- 13 (39) The Iowa academy of nutrition and dietetics.
- 14 (40) The Iowa behavioral health association.
- 15 (41) The midwest association for medical equipment services
- 16 or an affiliated Iowa organization.

17 *b.* The five public members shall be public representatives
18 which may include members of consumer groups, including
19 recipients of medical assistance or their families, consumer
20 organizations, and others, appointed by the governor for
21 staggered terms of two years each, none of whom shall be
22 members of, or practitioners of, or have a pecuniary interest
23 in any of the professional or business entities specifically
24 represented under paragraph "a".

25 4. Based upon the deliberations of the council, the council
26 shall make recommendations to the director regarding the
27 budget, policy, and administration of the medical assistance
28 program.

29 5. For each council meeting, other than those held during
30 the time the general assembly is in session, each legislative
31 member of the council shall be reimbursed for actual travel
32 and other necessary expenses and shall receive a per diem as
33 specified in [section 7E.6](#) for each day in attendance, as shall
34 the members of the council who are recipients or the family
35 members of recipients of medical assistance, regardless of

1 whether the general assembly is in session.

2 6. The department shall provide staff support and
3 independent technical assistance to the council.

4 7. The director shall consider the recommendations offered
5 by the council in the director's preparation of medical
6 assistance budget recommendations to the council on health and
7 human services pursuant to [section 217.3](#) and in implementation
8 of medical assistance program policies.

9 Sec. 801. Section 249A.11, Code 2023, is amended to read as
10 follows:

11 **249A.11 Payment for patient care segregated.**

12 A state resource center or mental health institute, upon
13 receipt of any payment made under [this chapter](#) for the care of
14 any patient, shall segregate an amount equal to that portion of
15 the payment which is required by law to be made from nonfederal
16 funds. The money segregated shall be deposited in the medical
17 assistance fund of the department ~~of human services~~.

18 Sec. 802. Section 249A.12, subsection 5, paragraph b, Code
19 2023, is amended to read as follows:

20 *b.* The department ~~of human services~~ shall seek federal
21 approval to amend the home and community-based services waiver
22 for persons with an intellectual disability to include day
23 habilitation services. Inclusion of day habilitation services
24 in the waiver shall take effect upon receipt of federal
25 approval.

26 Sec. 803. Section 249A.15A, subsection 4, Code 2023, is
27 amended to read as follows:

28 4. The department shall adopt rules pursuant to [chapter 17A](#)
29 entitling alcohol and drug counselors who are certified by the
30 nongovernmental Iowa board of ~~substance abuse~~ certification to
31 payment for behavioral health services provided to recipients
32 of medical assistance, subject to limitations and exclusions
33 the department finds necessary on the basis of federal laws and
34 regulations.

35 Sec. 804. Section 249A.21, subsection 9, Code 2023, is

1 amended to read as follows:

2 9. The department ~~of human services~~ may procure a sole
3 source contract to implement the provisions of **this section**.

4 Sec. 805. Section 249A.24, subsection 2, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:

6 In addition to any other duties prescribed, the commission
7 shall make recommendations to the council on health and human
8 services regarding strategies to reduce state expenditures
9 for prescription drugs under the medical assistance program
10 excluding provider reimbursement rates. ~~The commission shall~~
11 ~~make initial recommendations to the council by October 1, 2002.~~
12 Following approval of any recommendation by the council on
13 health and human services, the department shall include the
14 approved recommendation in a notice of intended action under
15 chapter 17A and shall comply with **chapter 17A** in adopting
16 any rules to implement the recommendation. The department
17 shall seek any federal waiver necessary to implement any
18 approved recommendation. The strategies to be considered for
19 recommendation by the commission shall include at a minimum all
20 of the following:

21 Sec. 806. Section 249A.26, subsection 2, paragraph a, Code
22 2023, is amended to read as follows:

23 a. Except as provided for disallowed costs in section
24 249A.27, the state shall pay one hundred percent of the
25 nonfederal share of the cost of case management provided to
26 adults, day treatment, and partial hospitalization provided
27 under the medical assistance program for persons with an
28 intellectual disability, a developmental disability, or
29 chronic mental illness. For purposes of **this section**, persons
30 with mental disorders resulting from Alzheimer's disease
31 or a ~~substance-related~~ substance use disorder shall not be
32 considered to be persons with chronic mental illness.

33 Sec. 807. Section 249A.29, Code 2023, is amended to read as
34 follows:

35 **249A.29 Home and community-based services waiver providers**

1 — records checks.

2 1. For purposes of [this section](#) and [section 249A.30](#) unless
3 the context otherwise requires:

4 a. "Consumer" means an individual approved by the department
5 to receive services under a waiver.

6 b. "Provider" means an agency certified by the department to
7 provide services under a waiver.

8 c. "Waiver" means a home and community-based services waiver
9 approved by the federal government and implemented under the
10 medical assistance program.

11 2. If a person is being considered by a provider for
12 employment involving direct responsibility for a consumer or
13 with access to a consumer when the consumer is alone, and
14 if the person has been convicted of a crime or has a record
15 of founded child or dependent adult abuse, the record check
16 evaluation system of the department shall perform an evaluation
17 to determine whether the crime or founded abuse warrants
18 prohibition of employment by the provider. The ~~department~~
19 record check evaluation system shall conduct criminal and child
20 and dependent adult abuse records checks of the person in
21 this state and may conduct these checks in other states. The
22 records checks and evaluations required by [this section](#) shall
23 be performed in accordance with procedures adopted for this
24 purpose by the department.

25 3. If the ~~department~~ record check evaluation system
26 determines that a person employed by a provider has committed
27 a crime or has a record of founded abuse, the ~~department~~
28 record check evaluation system shall perform an evaluation to
29 determine whether prohibition of the person's employment is
30 warranted.

31 4. In an evaluation, the ~~department~~ record check evaluation
32 system shall consider the nature and seriousness of the crime
33 or founded abuse in relation to the position sought or held,
34 the time elapsed since the commission of the crime or founded
35 abuse, the circumstances under which the crime or founded abuse

1 was committed, the degree of rehabilitation, the likelihood
2 that the person will commit the crime or founded abuse again,
3 and the number of crimes or founded abuses committed by the
4 person involved. The ~~department~~ record check evaluation
5 system may permit a person who is evaluated to be employed
6 or to continue to be employed by the provider if the person
7 complies with the ~~department's~~ record check evaluation system's
8 conditions relating to the employment, which may include
9 completion of additional training.

10 5. If the ~~department~~ record check evaluation system
11 determines that the person has committed a crime or has
12 a record of founded abuse which warrants prohibition of
13 employment, the person shall not be employed by a provider.

14 Sec. 808. Section 249A.32B, Code 2023, is amended to read
15 as follows:

16 **249A.32B Early and periodic screening, diagnosis, and**
17 **treatment funding.**

18 The department ~~of human services~~, in consultation with
19 the ~~Iowa department of public health and the department of~~
20 education, shall continue the program to utilize the early and
21 periodic screening, diagnosis, and treatment program funding
22 under the medical assistance program, to the extent possible,
23 to implement the screening component of the early and periodic
24 screening, diagnosis, and treatment program through the
25 schools. The department may enter into contracts to utilize
26 maternal and child health centers, the public health nursing
27 program, or school nurses in implementing **this section**.

28 Sec. 809. Section 249A.33, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. A pharmaceutical settlement account is created in
31 the state treasury under the authority of the department ~~of~~
32 ~~human services~~. Moneys received from settlements relating
33 to provision of pharmaceuticals under the medical assistance
34 program shall be deposited in the account.

35 Sec. 810. Section 249A.37, subsection 1, paragraph a, Code

1 2023, is amended to read as follows:

2 a. Provide, with respect to individuals who are eligible
3 for or are provided medical assistance under the state's
4 medical assistance state plan, upon the request of the state,
5 information to determine during what period the individual or
6 the individual's spouse or dependents may be or may have been
7 covered by a health insurer and the nature of the coverage that
8 is or was provided by the health insurer, including the name,
9 address, and identifying number of the plan, in accordance
10 with [section 505.25](#), in a manner prescribed by the department
11 ~~of human services~~ or as agreed upon by the department and the
12 entity specified in [this section](#).

13 Sec. 811. Section 249A.37, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. The department ~~of human services~~ may adopt rules pursuant
16 to [chapter 17A](#) as necessary to implement [this section](#). Rules
17 governing the exchange of information under [this section](#) shall
18 be consistent with all laws, regulations, and rules relating
19 to the confidentiality or privacy of personal information or
20 medical records, including but not limited to the federal
21 Health Insurance Portability and Accountability Act of 1996,
22 Pub. L. No. 104-191, and regulations promulgated in accordance
23 with that Act and published in [45 C.F.R. pts. 160 - 164](#).

24 Sec. 812. Section 249A.48, Code 2023, is amended to read as
25 follows:

26 **249A.48 Temporary moratoria.**

27 1. The ~~Iowa~~ Medicaid enterprise program shall impose a
28 temporary moratorium on the enrollment of new providers or
29 provider types identified by the centers for Medicare and
30 Medicaid services of the United States department of health
31 and human services as posing an increased risk to the ~~medical~~
32 assistance Medicaid program.

33 a. [This section](#) shall not be interpreted to require the
34 ~~Iowa~~ Medicaid enterprise program to impose a moratorium if the
35 ~~Iowa~~ Medicaid enterprise program determines that imposition

1 of a temporary moratorium would adversely affect access of
2 recipients to medical assistance services.

3 *b.* If the Iowa Medicaid enterprise program makes a
4 determination as specified in paragraph "a", the Iowa Medicaid
5 enterprise program shall notify the centers for Medicare and
6 Medicaid services of the United States department of health and
7 human services in writing.

8 2. The Iowa Medicaid enterprise program may impose a
9 temporary moratorium on the enrollment of new providers, or
10 impose numerical caps or other limits that the Iowa Medicaid
11 enterprise program and the centers for Medicare and Medicaid
12 services identify as having a significant potential for fraud,
13 waste, or abuse.

14 *a.* Before implementing the moratorium, caps, or other
15 limits, the Iowa Medicaid enterprise program shall determine
16 that its action would not adversely impact access by recipients
17 to ~~medical assistance~~ Medicaid services.

18 *b.* The Iowa Medicaid enterprise program shall notify, in
19 writing, the centers for Medicare and Medicaid services, if the
20 Iowa Medicaid enterprise program seeks to impose a moratorium
21 under [this subsection](#), including all of the details of the
22 moratorium. The Iowa Medicaid enterprise program shall receive
23 approval from the centers for Medicare and Medicaid services
24 prior to imposing a moratorium under [this subsection](#).

25 3. *a.* The Iowa Medicaid enterprise program shall impose any
26 moratorium for an initial period of six months.

27 *b.* If the Iowa Medicaid enterprise program determines that
28 it is necessary, the Iowa Medicaid enterprise program may
29 extend the moratorium in six-month increments. Each time a
30 moratorium is extended, the Iowa Medicaid enterprise program
31 shall document, in writing, the necessity for extending the
32 moratorium.

33 Sec. 813. Section 249A.50, subsection 2, Code 2023, is
34 amended to read as follows:

35 2. The department of inspections and appeals shall conduct

1 investigations and audits as deemed necessary to ensure
2 compliance with the medical assistance program administered
3 under [this chapter](#). The department of inspections and appeals
4 shall cooperate with the department ~~of human services~~ on the
5 development of procedures relating to such investigations and
6 audits to ensure compliance with federal and state single state
7 agency requirements.

8 Sec. 814. Section 249B.1, subsection 4, Code 2023, is
9 amended to read as follows:

10 4. "*Department*" means the department of health and human
11 services.

12 Sec. 815. Section 249F.1, Code 2023, is amended to read as
13 follows:

14 **249F.1 Definitions.**

15 As used in [this chapter](#), unless the context otherwise
16 requires:

17 1. "*Department*" means the department of health and human
18 services.

19 ~~1.~~ 2. "*Medical assistance*" means "*mandatory medical*
20 *assistance*", "*optional medical assistance*", "*discretionary*
21 *medical assistance*", or "*Medicare cost sharing*" as each is
22 defined in [section 249A.2](#) which is provided to an individual
23 pursuant to [chapter 249A](#) and Tit. XIX of the federal Social
24 Security Act.

25 ~~2.~~ 3. a. "*Transfer of assets*" means any transfer or
26 assignment of a legal or equitable interest in property, as
27 defined in [section 702.14](#), from a transferor to a transferee
28 for less than fair consideration, made while the transferor
29 is receiving medical assistance or within five years prior to
30 application for medical assistance by the transferor. Any
31 such transfer or assignment is presumed to be made with the
32 intent, on the part of the transferee; transferor; or another
33 person acting on behalf of a transferor who is an actual or
34 implied agent, guardian, attorney-in-fact, or person acting as
35 a fiduciary, of enabling the transferor to obtain or maintain

1 eligibility for medical assistance or of impacting the recovery
2 or payment of a medical assistance debt. This presumption
3 is rebuttable only by clear and convincing evidence that
4 the transferor's eligibility or potential eligibility for
5 medical assistance or the impact on the recovery or payment
6 of a medical assistance debt was no part of the reason of
7 the transferee; transferor; or other person acting on behalf
8 of a transferor who is an actual or implied agent, guardian,
9 attorney-in-fact, or person acting as a fiduciary for making
10 or accepting the transfer or assignment. A transfer of assets
11 includes a transfer of an interest in the transferor's home,
12 domicile, or land appertaining to such home or domicile
13 while the transferor is receiving medical assistance, unless
14 otherwise exempt under paragraph "b".

15 *b.* However, transfer of assets does not include the
16 following:

17 (1) Transfers to or for the sole benefit of the
18 transferor's spouse, including a transfer to a spouse by an
19 institutionalized spouse pursuant to section 1924(f)(1) of the
20 federal Social Security Act.

21 (2) Transfers to or for the sole benefit of the transferor's
22 child who is blind or has a disability as defined in section
23 1614 of the federal Social Security Act.

24 (3) Transfer of a dwelling, which serves as the transferor's
25 home as defined in 20 C.F.R. §416.1212, to a child of the
26 transferor under twenty-one years of age.

27 (4) Transfer of a dwelling, which serves as the transferor's
28 home as defined in 20 C.F.R. §416.1212, after the transferor is
29 institutionalized, to either of the following:

30 (a) A sibling of the transferor who has an equity interest
31 in the dwelling and who was residing in the dwelling for a
32 period of at least one year immediately prior to the date the
33 transferor became institutionalized.

34 (b) A child of the transferor who was residing in the
35 dwelling for a period of at least two years immediately prior

1 to the date the transferor became institutionalized and who
2 provided care to the transferor which permitted the transferor
3 to reside at the dwelling rather than in an institution or
4 facility.

5 (5) Transfers of less than two thousand dollars. However,
6 all transfers by the same transferor during the five-year
7 period prior to application for medical assistance by the
8 transferor shall be aggregated. If a transferor transfers
9 property to more than one transferee during the five-year
10 period prior to application for medical assistance by the
11 transferor, the two thousand dollar exemption shall be divided
12 equally between the transferees.

13 (6) Transfers of assets that would, at the time of the
14 transferor's application for medical assistance, have been
15 exempt from consideration as a resource if retained by the
16 transferor, pursuant to 42 U.S.C. §1382b(a), as implemented
17 by regulations adopted by the secretary of the United States
18 department of health and human services, excluding the home and
19 land appertaining to the home.

20 (7) Transfers to a trust established solely for the benefit
21 of the transferor's child who is blind or permanently and
22 totally disabled as defined in the federal Social Security Act,
23 section 1614, as codified in 42 U.S.C. §1382c.

24 (8) Transfers to a trust established solely for the benefit
25 of an individual under sixty-five years of age who is disabled,
26 as defined in the federal Social Security Act, section 1614, as
27 codified in 42 U.S.C. §1382c.

28 ~~3.~~ 4. "Transferee" means the person who receives a transfer
29 of assets.

30 ~~4.~~ 5. "Transferor" means the person who makes a transfer
31 of assets.

32 Sec. 816. Section 249F.2, Code 2023, is amended to read as
33 follows:

34 **249F.2 Creation of debt.**

35 A transfer of assets creates a debt due and owing to the

1 department of ~~human services~~ from the transferee in an amount
2 equal to medical assistance provided to or on behalf of the
3 transferor, on or after the date of the transfer of assets, but
4 not exceeding the fair market value of the assets at the time
5 of the transfer.

6 Sec. 817. Section 249F.3, Code 2023, is amended to read as
7 follows:

8 **249F.3 Notice of debt — failure to respond — hearing —**
9 **order.**

10 1. The department of ~~human services~~ may issue a notice
11 establishing and demanding payment of an accrued or accruing
12 debt due and owing to the department of ~~human services~~ as
13 provided in [section 249F.2](#). The notice shall be sent by
14 restricted certified mail as defined in [section 618.15](#), to
15 the transferee at the transferee's last known address. If
16 service of the notice is unable to be completed by restricted
17 certified mail, the notice shall be served upon the transferee
18 in accordance with the rules of civil procedure. The notice
19 shall include all of the following:

20 a. The amount of medical assistance provided to the
21 transferor to date which creates the debt.

22 b. A computation of the debt due and owing.

23 c. A demand for immediate payment of the debt.

24 d. (1) A statement that if the transferee desires to
25 discuss the notice, the transferee, within ten days after
26 being served, may contact the department of ~~human services~~ and
27 request an informal conference.

28 (2) A statement that if a conference is requested, the
29 transferee has until ten days after the date set for the
30 conference or until twenty days after the date of service of
31 the original notice, whichever is later, to send a request for
32 a hearing to the department of ~~human services~~.

33 (3) A statement that after the holding of the conference,
34 the department of ~~human services~~ may issue a new notice to
35 be sent to the transferee by first-class mail addressed to

1 the transferee at the transferee's last known address, or if
2 applicable, to the transferee's attorney at the last known
3 address of the transferee's attorney.

4 (4) A statement that if the department of ~~human services~~
5 issues a new notice, the transferee has until ten days after
6 the date of mailing of the new notice or until twenty days
7 after the date of service of the original notice, whichever is
8 later, to send a request for a hearing to the department of
9 ~~human services~~.

10 e. A statement that if the transferee objects to all or any
11 part of the original notice and no conference is requested, the
12 transferee has until twenty days after the date of service of
13 the original notice to send a written response setting forth
14 any objections and requesting a hearing to the department of
15 ~~human services~~.

16 f. A statement that if a timely written request for a
17 hearing is received by the department of ~~human services~~, the
18 transferee has the right to a hearing to be held in district
19 court as provided in [section 249F.4](#); and that if no timely
20 written request for hearing is received, the department of
21 ~~human services~~ will enter an order in accordance with the
22 latest notice.

23 g. A statement that as soon as the order is entered, the
24 property of the transferee is subject to collection action,
25 including but not limited to wage withholding, garnishment,
26 attachment of a lien, or execution.

27 h. A statement that the transferee must notify the
28 department of ~~human services~~ of any change of address or
29 employment.

30 i. A statement that if the transferee has any questions
31 concerning the transfer of assets, the transferee should
32 contact the department of ~~human services~~ or consult an
33 attorney.

34 j. Other information as the department of ~~human services~~
35 finds appropriate.

1 2. If a timely written request for hearing is received by
2 the department of ~~human services~~, a hearing shall be held in
3 district court.

4 3. If a timely written request for hearing is not received
5 by the department of ~~human services~~, the department may enter
6 an order in accordance with the latest notice, and the order
7 shall specify all of the following:

8 a. The amount to be paid with directions as to the manner
9 of payment.

10 b. The amount of the debt accrued and accruing in favor of
11 the department of ~~human services~~.

12 c. Notice that the property of the transferee is subject
13 to collection action, including but not limited to wage
14 withholding, garnishment, attachment of a lien, and execution.

15 4. The transferee shall be sent a copy of the order
16 by first-class mail addressed to the transferee at the
17 transferee's last known address, or if applicable, to the
18 transferee's attorney at the last known address of the
19 transferee's attorney. The order is final, and action by the
20 department of ~~human services~~ to enforce and collect upon the
21 order may be taken from the date of the issuance of the order.

22 Sec. 818. Section 249F.4, subsections 1 and 3, Code 2023,
23 are amended to read as follows:

24 1. If a timely written request for a hearing is received,
25 the department of ~~human services~~ shall certify the matter to
26 the district court in the county where the transferee resides.

27 3. The department of ~~human services~~ may also request a
28 hearing on its own motion regarding the determination of a
29 debt, at any time prior to entry of an administrative order.

30 Sec. 819. Section 249F.5, subsections 1 and 2, Code 2023,
31 are amended to read as follows:

32 1. A true copy of an order entered by the department of ~~of~~
33 ~~human services~~ pursuant to **this chapter**, along with a true
34 copy of the return of service, if applicable, may be filed in
35 the office of the clerk of the district court in the county

1 in which the transferee resides or, if the transferee resides
2 in another state, in the office of the district court in the
3 county in which the transferor resides.

4 2. The department ~~of human services~~ order shall be
5 presented, ex parte, to the district court for review and
6 approval. Unless defects appear on the face of the order or on
7 the attachments, the district court shall approve the order.
8 The approved order shall have all force, effect, and attributes
9 of a docketed order or decree of the district court.

10 Sec. 820. Section 249F.7, Code 2023, is amended to read as
11 follows:

12 **249F.7 Administration.**

13 As provided in [this chapter](#), the establishment of a debt
14 for medical assistance due to transfer of assets shall
15 be administered by the department ~~of human services~~. All
16 administrative discretion in the administration of [this chapter](#)
17 shall be exercised by the department ~~of human services~~, and any
18 state administrative rules implementing or interpreting this
19 chapter shall be adopted by the department ~~of human services~~.

20 Sec. 821. Section 249K.2, Code 2023, is amended to read as
21 follows:

22 **249K.2 Definitions.**

23 As used in [this chapter](#), unless the context otherwise
24 requires:

25 1. *“Complete replacement”* means completed construction on
26 a new nursing facility to replace an existing licensed and
27 certified facility. The replacement facility shall be located
28 in the same geographical service area as the facility that is
29 replaced and shall have the same number or fewer licensed beds
30 than the original facility.

31 2. *“Department”* means the department of health and human
32 services.

33 3. ~~*“Iowa Medicaid enterprise”* means Iowa Medicaid enterprise~~
34 ~~as defined in [section 135D.2](#).~~

35 4. 3. *“Major renovations”* means construction or facility

1 improvements to a nursing facility in which the total amount
2 expended exceeds seven hundred fifty thousand dollars.

3 ~~5.~~ 4. "*Medical assistance*", ~~or~~ "*medical assistance program*",
4 or "*Medicaid program*" means the medical assistance program
5 created pursuant to [chapter 249A](#).

6 ~~6.~~ 5. "*New construction*" means the construction of a new
7 nursing facility which does not replace an existing licensed
8 and certified facility and requires the provider to obtain a
9 certificate of need pursuant to [chapter 135, subchapter VI](#).

10 ~~7.~~ 6. "*Nondirect care component*" means the portion of
11 the reimbursement rate under the medical assistance program
12 attributable to administrative, environmental, property, and
13 support care costs reported on the provider's financial and
14 statistical report.

15 ~~8.~~ 7. "*Nursing facility*" means a nursing facility as
16 defined in [section 135C.1](#).

17 ~~9.~~ 8. "*Provider*" means a current or future owner or
18 operator of a nursing facility that provides medical assistance
19 program services.

20 ~~10.~~ 9. "*Rate determination letter*" means the letter that
21 is distributed quarterly by the ~~Iowa Medicaid enterprise~~
22 program to each nursing facility, which is based on previously
23 submitted financial and statistical reports from each nursing
24 facility.

25 Sec. 822. Section 249K.3, subsection 2, paragraphs a and e,
26 Code 2023, are amended to read as follows:

27 *a.* The provider shall submit a written request for instant
28 relief to the ~~Iowa Medicaid enterprise~~ program explaining the
29 nature, timing, and goals of the project and the time period
30 during which the relief is requested. The written request
31 shall clearly state if the provider is also requesting the
32 nondirect care limit exception. The written request for
33 instant relief shall be submitted no earlier than thirty days
34 prior to the placement of the provider's assets in service.
35 The written request for relief shall provide adequate details

1 to calculate the estimated value of relief including but not
2 limited to the total cost of the project, the estimated annual
3 depreciation expenses using generally accepted accounting
4 principles, the estimated useful life based upon existing
5 medical assistance and Medicare provisions, and a copy of the
6 most current depreciation schedule. If interest expenses are
7 included, a copy of the general terms of the debt service and
8 the estimated annual amount of the interest expenses shall be
9 submitted with the written request for relief.

10 e. During the period in which instant relief is granted, the
11 ~~Iowa Medicaid enterprise program~~ shall recalculate the value of
12 the instant relief based on allowable costs and patient days
13 reported on the annual financial and statistical report. For
14 purposes of calculating the per diem relief, total patient
15 days shall be the greater of actual annual patient days or
16 eighty-five percent of the facility's licensed capacity. The
17 actual value of relief shall be added to the nondirect care
18 component for the relevant period, not to exceed one hundred
19 ten percent of the nondirect care median for the relevant
20 period or not to exceed one hundred twenty percent of the
21 nondirect care median for the relevant period if the nondirect
22 care limit exception is requested and granted. The provider's
23 quarterly rates for the relevant period shall be retroactively
24 adjusted to reflect the revised nondirect care rate. All
25 claims with dates of service from the date that instant relief
26 is granted to the date that the instant relief is terminated
27 shall be repriced to reflect the actual value of the instant
28 relief per diem utilizing a mass adjustment.

29 Sec. 823. Section 249K.5, subsections 1 and 3, Code 2023,
30 are amended to read as follows:

31 1. The ~~Iowa Medicaid enterprise program~~ shall administer
32 this chapter. The department of ~~human services~~ shall adopt
33 rules, pursuant to [chapter 17A](#), to administer [this chapter](#).

34 3. In addition to any other factors to be considered in
35 determining if a provider is eligible to participate under this

1 chapter, the Iowa Medicaid ~~enterprise~~ program shall consider
2 all of the following:

3 a. The history of the provider's regulatory compliance.

4 b. The historical access to nursing facility services for
5 medical assistance program beneficiaries.

6 c. The provider's dedication to and participation in quality
7 of care, considering all quality programs in which the provider
8 has participated.

9 d. The provider's plans to facilitate person-directed care.

10 e. The provider's plans to facilitate dementia units and
11 specialty post-acute services.

12 Sec. 824. Section 249L.2, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. "Department" means the department of health and human
15 services.

16 Sec. 825. Section 249M.2, subsection 2, Code 2023, is
17 amended to read as follows:

18 2. "Department" means the department of health and human
19 services.

20 Sec. 826. Section 249M.4, subsection 5, paragraph b,
21 subparagraph (2), Code 2023, is amended to read as follows:

22 (2) The projected expenditures for participating hospitals
23 for the fiscal year beginning July 1, 2010, as determined by
24 the ~~fiscal management division of the~~ department, plus the
25 amount calculated under subparagraph (1).

26 Sec. 827. Section 249N.2, subsections 4, 5, and 14, Code
27 2023, are amended to read as follows:

28 4. "Department" means the department of health and human
29 services.

30 5. "Director" means the director of health and human
31 services.

32 14. "Medical assistance program", "Medicaid program", or
33 "Medicaid" means the program paying all or part of the costs of
34 care and services provided to an individual pursuant to chapter
35 249A and Tit. XIX of the federal Social Security Act.

1 Sec. 828. Section 249N.5, subsection 2, paragraph a, Code
2 2023, is amended to read as follows:

3 a. For members whose household income is at or below one
4 hundred percent of the federal poverty level, the plan shall be
5 administered by the Iowa Medicaid enterprise program consistent
6 with program administration applicable to individuals under
7 section 249A.3, subsection 1.

8 Sec. 829. Section 251.1, Code 2023, is amended to read as
9 follows:

10 **251.1 Definitions.**

11 As used in this chapter:

12 ~~1. "Administrator" means the administrator of the division~~
13 ~~of adult, children, and family services of the department of~~
14 ~~human services.~~

15 ~~2. 1. "Division" or "state division" "Department" means~~
16 ~~the division of adult, children, and family services of the~~
17 ~~department of health and human services.~~

18 ~~2. "Director" means the director of health and human~~
19 ~~services.~~

20 Sec. 830. Section 251.2, Code 2023, is amended to read as
21 follows:

22 **251.2 Administration of emergency relief.**

23 The ~~state division~~ department, in addition to all other
24 powers and duties given ~~it~~ the department by law, ~~shall be is~~
25 charged with the supervision and administration of all funds
26 ~~coming into the hands of~~ received by the state ~~now or hereafter~~
27 ~~provided~~ for emergency relief.

28 Sec. 831. Section 251.3, Code 2023, is amended to read as
29 follows:

30 **251.3 Powers and duties.**

31 The ~~administrator~~ director shall have the power to do all of
32 the following:

33 1. Appoint ~~such~~ personnel as ~~may be~~ necessary for the
34 efficient discharge of the duties imposed ~~upon~~ on the
35 ~~administrator in the administration of emergency relief,~~

1 director and ~~to~~ make ~~such~~ rules and regulations ~~as the~~
2 ~~administrator deems~~ necessary or advisable ~~covering~~ relating
3 to the administrator's director's activities and those of the
4 ~~service-area~~ advisory boards created under section 217.43,
5 concerning emergency relief.

6 2. Join and cooperate with the government of the
7 United States, or any of its appropriate agencies or
8 instrumentalities, in any ~~proper~~ emergency relief activity.

9 3. Make ~~such~~ reports of budget estimates to the governor
10 and ~~to~~ the general assembly as are required by law, or are
11 as necessary and proper to obtain appropriations of funds
12 necessary for emergency relief purposes and for all the
13 purposes of this chapter.

14 4. Determine the need for funds in the various counties of
15 the state basing such determination upon the amount of money
16 needed in the various counties to provide adequate emergency
17 relief, and upon the counties' financial inability to provide
18 such relief from county funds. The ~~administrator~~ director may
19 administer ~~said~~ state funds ~~belonging to the state~~ within the
20 various counties of the state to supplement local funds as
21 needed.

22 5. Make ~~such~~ reports, obtain and furnish ~~such~~ information
23 ~~from time to time~~ as may be required by the governor, by the
24 general assembly, or by any other ~~proper~~ appropriate state or
25 federal office or agency, ~~state or federal~~, and make an annual
26 report of ~~its~~ the department's emergency relief activities.

27 Sec. 832. Section 251.4, Code 2023, is amended to read as
28 follows:

29 **251.4 Grants from state funds to counties.**

30 The ~~state division~~ department may require as a condition
31 of making ~~available~~ state assistance available to counties
32 for emergency relief purposes, that the county boards of
33 supervisors ~~shall~~ establish budgets ~~as needed~~ in respect to the
34 relief situation in the counties.

35 Sec. 833. Section 251.5, Code 2023, is amended to read as

1 follows:

2 **251.5 Duties of the ~~service-area~~ advisory board.**

3 ~~A service-area~~ The advisory board created in **section 217.43**
4 shall perform the following activities ~~for any county~~ in
5 the ~~board's service-area~~ counties represented on the board
6 concerning emergency relief:

7 1. Cooperate with a county's board of supervisors in all
8 matters pertaining to administration of relief.

9 2. At the request of a county's board of supervisors,
10 prepare requests for grants of state funds.

11 3. At the request of a county's board of supervisors,
12 administer county relief funds.

13 4. In a county receiving grants of state funds upon approval
14 of the director of the department of administrative services
15 and the county's board of supervisors, administer both state
16 and county relief funds.

17 5. Perform other duties as may be prescribed by the
18 ~~administrator~~ department and a county's board of supervisors.

19 Sec. 834. Section 251.6, Code 2023, is amended to read as
20 follows:

21 **251.6 County supervisors to determine emergency relief and**
22 **work projects.**

23 The county board of supervisors shall supervise
24 administration of emergency relief, and shall determine the
25 minimum amount of relief required for each person or family,
26 which persons are employable, and whether and under what
27 conditions persons receiving emergency relief may be employed
28 by the county.

29 Sec. 835. Section 251.7, Code 2023, is amended to read as
30 follows:

31 **251.7 County appointees to act as executive officers.**

32 The county board of supervisors may appoint ~~an individual~~ a
33 person to serve as the executive officer of the ~~service-area~~
34 advisory board in all matters pertaining to relief for that
35 county.

1 Sec. 836. Section 252.26, Code 2023, is amended to read as
2 follows:

3 **252.26 General assistance director.**

4 The board of supervisors in each county shall appoint or
5 designate a general assistance director for the county, who
6 shall have the powers and duties conferred by this chapter.
7 In counties of one hundred thousand or less population, the
8 county board may designate as general assistance director an
9 employee of the ~~state~~ department of health and human services
10 who is assigned to work in that county and ~~is~~ directed by the
11 director of health and human services, pursuant to an agreement
12 with the county board, to exercise the functions and duties
13 of general assistance director in that county. The general
14 assistance director shall receive as compensation an amount to
15 be determined by the county board.

16 Sec. 837. Section 252.33, Code 2023, is amended to read as
17 follows:

18 **252.33 Application for assistance.**

19 A person may make application for assistance to a member
20 of the board of supervisors, or to the general assistance
21 director of the county where the person is. If application
22 is made to the general assistance director and that officer
23 is satisfied that the applicant is in a state of want which
24 requires assistance at the public expense, the general
25 assistance director may afford temporary assistance, subject to
26 the approval of the board of supervisors, as the necessities
27 of the person require and shall immediately report the case to
28 the board of supervisors, who may continue or deny assistance,
29 as they find cause.

30 Sec. 838. Section 252.37, Code 2023, is amended to read as
31 follows:

32 **252.37 Appeal to supervisors.**

33 If a poor person, on application to the general assistance
34 director, is refused the required assistance, the applicant
35 may appeal to the board of supervisors, who, upon examination

1 into the matter, may order the general assistance director to
2 provide assistance, or who may direct specific assistance.

3 Sec. 839. Section 252A.2, subsections 7 and 8, Code 2023,
4 are amended to read as follows:

5 7. "*Petitioner*" includes each dependent person for whom
6 support is sought in a proceeding instituted pursuant to
7 this chapter or a mother or putative father of a dependent.
8 However, in an action brought by ~~the child support recovery~~
9 ~~unit services~~, the state is the petitioner.

10 8. "*Petitioner's representative*" includes counsel of a
11 dependent person for whom support is sought and counsel for a
12 mother or putative father of a dependent. In an action brought
13 by ~~the child support recovery unit services~~, "*petitioner's*
14 *representative*" includes a county attorney, state's attorney
15 and any other public officer, by whatever title the officer's
16 public office may be known, charged by law with the duty of
17 instituting, maintaining, or prosecuting a proceeding under
18 this chapter or under the laws of the state.

19 Sec. 840. Section 252A.3A, subsections 3, 4, 7, 10, 12, and
20 13, Code 2023, are amended to read as follows:

21 3. a. Prior to or at the time of completion of an affidavit
22 of paternity, written and oral information about paternity
23 establishment, developed by ~~the child support recovery unit~~
24 ~~services~~ created in [section 252B.2](#), shall be provided to the
25 mother and putative father. Video or audio equipment may be
26 used to provide oral information.

27 b. The information provided shall include a description
28 of parental rights and responsibilities, including the duty
29 to provide financial support for the child, the benefits of
30 establishing paternity, and the alternatives to and legal
31 consequences of signing an affidavit of paternity, including
32 the rights available if a parent is a minor.

33 c. Copies of the written information shall be made
34 available by ~~the child support recovery unit services~~ or the
35 ~~Iowa~~ department of public health and human services to those

1 entities where an affidavit of paternity may be obtained as
2 provided under [subsection 4](#).

3 4. *a.* The affidavit of paternity form developed and used by
4 the ~~Iowa~~ department of ~~public~~ health and human services is the
5 only affidavit of paternity form recognized for the purpose of
6 establishing paternity under [this section](#). It shall include
7 the minimum requirements specified by the secretary of the
8 United States department of health and human services pursuant
9 to 42 U.S.C. §652(a)(7). A properly completed affidavit of
10 paternity form developed by the ~~Iowa~~ department of ~~public~~
11 health and human services and existing on or after July 1,
12 1993, but which is superseded by a later affidavit of paternity
13 form developed by the ~~Iowa~~ department of ~~public~~ health and
14 human services, shall have the same legal effect as a paternity
15 affidavit form used by the ~~Iowa~~ department of ~~public~~ health and
16 human services on or after July 1, 1997, regardless of the date
17 of the filing and registration of the affidavit of paternity,
18 unless otherwise required under federal law.

19 *b.* The form shall be available from the state registrar,
20 each county registrar, ~~the child support recovery unit~~
21 services, and any institution in the state.

22 *c.* The ~~Iowa~~ department of ~~public~~ health and human services
23 shall make copies of the form available to the entities
24 identified in paragraph "b" for distribution.

25 7. The state registrar shall make copies of affidavits
26 of paternity and identifying information from the affidavits
27 filed and registered pursuant to [this section](#) available to the
28 child support ~~recovery unit~~ services created under section
29 252B.2 in accordance with [section 144.13, subsection 4](#), and any
30 subsequent rescission form which rescinds the affidavit.

31 10. *a.* An institution may be reimbursed by ~~the child~~
32 support ~~recovery unit~~ services created in [section 252B.2](#) for
33 providing the services described under [subsection 9](#), or may
34 provide the services at no cost.

35 *b.* An institution electing reimbursement shall enter into a

1 written agreement with ~~the child support recovery unit~~ services
2 for this purpose.

3 *c.* An institution entering into an agreement for
4 reimbursement shall assist the parents of a child born out of
5 wedlock in completing and filing an affidavit of paternity.

6 *d.* Reimbursement shall be based only on the number of
7 affidavits completed in compliance with [this section](#) and
8 submitted to the state registrar during the duration of
9 the written agreement with ~~the child support recovery unit~~
10 services.

11 *e.* The reimbursement rate is twenty dollars for each
12 completed affidavit filed with the state registrar.

13 12. *a.* A completed affidavit of paternity may be rescinded
14 by registration by the state registrar of a completed and
15 notarized rescission form signed by either the mother or
16 putative father who signed the affidavit of paternity that the
17 putative father is not the father of the child. The completed
18 and notarized rescission form shall be filed with the state
19 registrar for the purpose of registration prior to the earlier
20 of the following:

21 (1) Sixty days after the latest notarized signature of the
22 mother or putative father on the affidavit of paternity.

23 (2) Entry of a court order pursuant to a proceeding in this
24 state to which the signatory is a party relating to the child,
25 including a proceeding to establish a support order under this
26 chapter, [chapter 252C](#), [252F](#), [598](#), or [600B](#) or other law of this
27 state.

28 *b.* Unless the state registrar has received and registered an
29 order as provided in [section 252A.3, subsection 10](#), paragraph
30 "*a*", which legally establishes paternity, upon registration
31 of a timely rescission form the state registrar shall remove
32 the father's information from the certificate of birth, and
33 shall send a written notice of the rescission to the last known
34 address of the signatory of the affidavit of paternity who did
35 not sign the rescission form.

1 *c.* The ~~Iowa~~ department of ~~public~~ public health and human services
2 shall develop a rescission form and an administrative process
3 for rescission. The form shall be the only rescission form
4 recognized for the purpose of rescinding a completed affidavit
5 of paternity. A completed rescission form shall include the
6 signature of a notary public attesting to the identity of
7 the party signing the rescission form. The ~~Iowa~~ department
8 of ~~public~~ public health and human services shall adopt rules which
9 establish a fee, based upon the average administrative cost, to
10 be collected for the registration of a rescission.

11 *d.* If an affidavit of paternity has been rescinded under
12 this subsection, the state registrar shall not register any
13 subsequent affidavit of paternity signed by the same mother and
14 putative father relating to the same child.

15 13. ~~The child~~ Child support ~~recovery unit~~ services may
16 enter into a written agreement with an entity designated by the
17 secretary of the United States department of health and human
18 services to offer voluntary paternity establishment services.

19 *a.* The agreement shall comply with federal requirements
20 pursuant to 42 U.S.C. §666(a)(5)(C) including those regarding
21 notice, materials, training, and evaluations.

22 *b.* The agreement may provide for reimbursement of the entity
23 by the state if reimbursement is permitted by federal law.

24 Sec. 841. Section 252A.5, subsections 2 and 3, Code 2023,
25 are amended to read as follows:

26 2. Whenever the state or a political subdivision ~~thereof~~ of
27 the state furnishes support to a dependent, ~~it~~ the political
28 subdivision of the state has the same right through proceedings
29 instituted by the petitioner's representative to invoke
30 the provisions ~~hereof~~ of this section as the dependent to
31 whom the support was furnished, for the purpose of securing
32 reimbursement of expenditures so made and of obtaining
33 continuing support; the petition in such case may be verified
34 by any official having knowledge of such expenditures without
35 further verification of any person and consent of the dependent

1 shall not be required in order to institute proceedings under
2 this chapter. ~~The child~~ Child support ~~recovery unit~~ services
3 may bring the action based upon a statement of a witness,
4 regardless of age, with knowledge of the circumstances,
5 including, but not limited to, statements by the mother of the
6 dependent or a relative of the mother or the putative father.

7 3. If ~~the child support recovery unit~~ services is providing
8 services, ~~the unit~~ child support services has the same right
9 to invoke the provisions of [this section](#) as the dependent for
10 which support is owed for the purpose of securing support. The
11 petition in such case may be verified by any official having
12 knowledge of the request for services by ~~the unit~~ child support
13 services, without further verification by any other person,
14 and consent of the dependent shall not be required in order
15 to institute proceedings under [this chapter](#). ~~The child~~ Child
16 support ~~recovery unit~~ services may bring the action based upon
17 the statement of a witness, regardless of age, with knowledge
18 of the circumstances, including, but not limited to, statements
19 by the mother of the dependent or a relative of the mother or
20 the putative father.

21 Sec. 842. Section 252A.13, subsections 1 and 3, Code 2023,
22 are amended to read as follows:

23 1. If public assistance is provided by the department of
24 health and human services to or on behalf of a dependent child
25 or a dependent child's caretaker, there is an assignment by
26 operation of law to the department of any and all rights in,
27 title to, and interest in any support obligation, payment, and
28 arrearages owed to or on behalf of the child or caretaker not
29 to exceed the amount of public assistance paid for or on behalf
30 of the child or caretaker as follows:

31 a. For family investment program assistance, [section 239B.6](#)
32 shall apply.

33 b. For foster care services, [section 234.39](#) shall apply.

34 c. For medical assistance, [section 252E.11](#) shall apply.

35 3. The clerk shall furnish the department with copies of

1 all orders or decrees awarding and temporary domestic abuse
2 orders addressing support when the parties are receiving public
3 assistance or services are otherwise provided by ~~the child~~
4 support ~~recovery-unit~~ services. Unless otherwise specified
5 in the order, an equal and proportionate share of any child
6 support awarded is presumed to be payable on behalf of each
7 child, subject to the order or judgment, for purposes of an
8 assignment under [this section](#).

9 Sec. 843. Section 252A.18, Code 2023, is amended to read as
10 follows:

11 **252A.18 Registration of support order — notice.**

12 Registration of a support order of another state or foreign
13 country shall be in accordance with [chapter 252K](#) except that,
14 with regard to service, promptly upon registration, the clerk
15 of the court shall, by restricted certified mail, or ~~the child~~
16 support ~~recovery-unit~~ services shall, as provided in section
17 252B.26, send to the respondent notice of the registration with
18 a copy of the registered support order or the respondent may
19 be personally served with the notice and the copy of the order
20 in the same manner as original notices are personally served.
21 The clerk shall also docket the case and notify the prosecuting
22 attorney of the action. The clerk shall maintain a registry of
23 all support orders registered pursuant to [this section](#). The
24 filing is in equity.

25 Sec. 844. Section 252B.1, Code 2023, is amended to read as
26 follows:

27 **252B.1 Definitions.**

28 As used in [this chapter](#), unless the context otherwise
29 requires:

30 1. *“Absent parent”* means the parent who either cannot be
31 located or who is located and is not residing with the child
32 at the time the support collection or paternity determination
33 services provided in [sections 252B.5](#) and [252B.6](#) are requested
34 or commenced.

35 2. *“Child”* includes but shall not be limited to a stepchild,

1 foster child, or legally adopted child and means a child
2 actually or apparently under eighteen years of age or a
3 dependent person eighteen years of age or over who is unable
4 to maintain the person's self and is likely to become a public
5 charge. "Child" includes "child" as defined in [section 239B.1](#).

6 3. "Child support agency" means child support agency as
7 defined in [section 252H.2](#).

8 4. "Child support services" means child support services
9 created in section 252B.2.

10 ~~4.~~ 5. "Department" means the department of health and human
11 services.

12 ~~5.~~ 6. "Director" means the director of health and human
13 services.

14 ~~6.~~ 7. "Obligor" means the person legally responsible for
15 the support of a child as defined in [section 252D.16](#) or [598.1](#)
16 under a support order issued in this state or pursuant to the
17 laws of another state or foreign country.

18 ~~7.~~ 8. "Resident parent" means the parent with whom the
19 child is residing at the time the support collection or
20 paternity determination services provided in [sections 252B.5](#)
21 and [252B.6](#) are requested or commenced.

22 ~~8.~~ "~~Unit~~" means ~~the child support recovery unit created in~~
23 ~~[section 252B.2](#)~~.

24 Sec. 845. Section 252B.2, Code 2023, is amended to read as
25 follows:

26 **252B.2 ~~Unit~~ Child support services established —**
27 **intervention.**

28 There is created within the department of ~~human services~~
29 a child support ~~recovery unit~~ services for the purpose of
30 providing the services required in sections 252B.3 through
31 252B.6. ~~The unit~~ Child support services is not required to
32 intervene in actions to provide such services.

33 Sec. 846. Section 252B.3, Code 2023, is amended to read as
34 follows:

35 **252B.3 Duty of department to enforce child support —**

1 cooperation — rules.

2 1. Upon receipt by the department of an application for
3 public assistance on behalf of a child and determination by the
4 department that the child is eligible for public assistance and
5 that provision of child support services is appropriate, the
6 department shall take appropriate action under the provisions
7 of **this chapter** or under other appropriate statutes of this
8 state including but not limited to **chapters 239B, 252A, 252C,**
9 **252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B,** to
10 ensure that the parent or other person responsible for the
11 support of the child fulfills the support obligation. The
12 department shall also take appropriate action as required by
13 federal law upon receiving a request from a child support
14 agency for a child receiving public assistance in another
15 state.

16 2. The department ~~of human services~~ may negotiate a partial
17 payment of a support obligation with a parent or other person
18 responsible for the support of the child, provided that the
19 negotiation and partial payment are consistent with applicable
20 federal law and regulation.

21 3. The department shall adopt rules pursuant to chapter
22 17A regarding cases in which, under federal law, it is a
23 condition of eligibility for an individual who is an applicant
24 for or recipient of public assistance to cooperate in good
25 faith with the department in establishing the paternity of, or
26 in establishing, modifying, or enforcing a support order by
27 identifying and locating the parent of the child or enforcing
28 rights to support payments. The rules shall include all of the
29 following provisions:

30 a. As required by ~~the unit~~ child support services, the
31 individual shall provide the name of the noncustodial parent
32 and additional necessary information, and shall appear at
33 interviews, hearings, and legal proceedings.

34 b. If paternity is an issue, the individual and child shall
35 submit to blood or genetic tests pursuant to a judicial or

1 administrative order.

2 *c.* The individual may be requested to sign a voluntary
3 affidavit of paternity, after notice of the rights and
4 consequences of such an acknowledgment, but shall not be
5 required to sign an affidavit or otherwise relinquish the right
6 to blood or genetic tests.

7 *d.* ~~The unit~~ Child support services shall promptly notify
8 the individual and the ~~appropriate division of the department~~
9 ~~administering the~~ department's public assistance ~~program~~
10 programs of each determination by ~~the unit~~ child support
11 services of noncooperation of the individual and the reason for
12 such determination.

13 *e.* A procedure under which the individual may claim that,
14 and the department shall determine whether, the individual has
15 sufficient good cause or other exception for not cooperating,
16 taking into consideration the best interest of the child.

17 4. Without need for a court order and notwithstanding
18 the requirements of [section 598.22A](#), the support payment
19 ordered pursuant to any chapter shall be satisfied as to the
20 department, the child, and either parent for the period during
21 which the parents are reconciled and are cohabiting, the child
22 for whom support is ordered is living in the same residence
23 as the parents, and the obligor receives public assistance on
24 the obligor's own behalf for the benefit of the child. The
25 department shall implement [this subsection](#) as follows:

26 *a.* ~~The unit~~ Child support services shall file a notice of
27 satisfaction with the clerk of court.

28 *b.* [This subsection](#) shall not apply unless all the children
29 for whom support is ordered reside with both parents, except
30 that a child may be absent from the home due to a foster care
31 placement pursuant to [chapter 234](#) or a comparable law of
32 another state or foreign country.

33 *c.* ~~The unit~~ Child support services shall send notice
34 by regular mail to the obligor when the provisions of this
35 subsection no longer apply. A copy of the notice shall be

1 filed with the clerk of court.

2 *d.* This section shall not limit the rights of the parents or
3 the department to proceed by other means to suspend, terminate,
4 modify, reinstate, or establish support.

5 5. On or after July 1, 1999, the department shall implement
6 a program for the satisfaction of accrued support debts, based
7 upon timely payment by the obligor of both current support due
8 and any payments due for accrued support debt under a periodic
9 payment plan. ~~The unit~~ Child support services shall adopt
10 rules pursuant to chapter 17A to establish the criteria and
11 procedures for obtaining satisfaction under the program. The
12 rules adopted under this subsection shall specify the cases and
13 amounts to which the program is applicable, and may provide for
14 the establishment of the program as a pilot program.

15 Sec. 847. Section 252B.4, Code 2023, is amended to read as
16 follows:

17 **252B.4 Nonassistance cases.**

18 1. The child support and paternity determination services
19 established by the department pursuant to this chapter and
20 other appropriate services provided by law including but not
21 limited to the provisions of chapters 239B, 252A, 252C, 252D,
22 252E, 252F, 598, and 600B shall be made available by the
23 ~~unit~~ child support services to an individual not otherwise
24 eligible as a public assistance recipient upon application by
25 the individual for the services or upon referral as described
26 in subsection 4. The application shall be filed with the
27 department.

28 2. The director may collect a fee to cover the costs
29 incurred by the department for service of process, genetic
30 testing and court costs if the entity providing the service
31 charges a fee for the services.

32 3. Fees collected pursuant to this section shall be
33 considered repayment receipts, as defined in section 8.2,
34 and shall be used for the purposes of ~~the unit~~ child support
35 services. The director or a designee shall keep an accurate

1 record of the fees collected and expended.

2 4. ~~The unit~~ Child support services shall also provide child
3 support and paternity determination services and shall respond
4 as provided in federal law for an individual not otherwise
5 eligible as a public assistance recipient if ~~the unit child~~
6 support services receives a request from any of the following:

7 a. A child support agency.

8 b. A foreign country as defined in [chapter 252K](#).

9 Sec. 848. Section 252B.5, Code 2023, is amended to read as
10 follows:

11 **252B.5 ~~Services of unit~~ Child support services.**

12 ~~The child~~ Child support recovery unit services shall provide
13 the following services:

14 1. Assistance in the location of an absent parent or any
15 other person who has an obligation to support the child of the
16 resident parent.

17 2. Aid in establishing paternity and securing a court or
18 administrative order for support pursuant to [chapter 252A](#),
19 [252C](#), [252F](#), or [600B](#), or any other chapter providing for
20 the establishment of paternity or support. In an action to
21 establish support, the resident parent may be a proper party
22 defendant for purposes of determining medical support as
23 provided in [section 252E.1A](#) upon service of notice as provided
24 in [this chapter](#) and without a court order as provided in the
25 rules of civil procedure. ~~The unit's~~ Child support services'
26 independent cause of action shall not bar a party from seeking
27 support in a subsequent proceeding.

28 3. Aid in enforcing through court or administrative
29 proceedings an existing court order for support issued pursuant
30 to [chapter 252A](#), [252C](#), [252F](#), [598](#), or [600B](#), or any other
31 chapter under which child or medical support is granted. The
32 director may enter into a contract with a private collection
33 agency to collect support payments for cases which have been
34 identified by the department as difficult collection cases
35 if the department determines that this form of collection is

1 more cost-effective than departmental collection methods. The
2 department shall utilize, to the maximum extent possible,
3 every available automated process to collect support payments
4 prior to referral of a case to a private collection agency.
5 A private collection agency with whom the department enters
6 a contract under [this subsection](#) shall comply with state and
7 federal confidentiality requirements and debt collection laws.
8 The director may use a portion of the state share of funds
9 collected through this means to pay the costs of any contract
10 authorized under [this subsection](#).

11 4. Assistance to set off against a debtor's income tax
12 refund or rebate any support debt, which is assigned to
13 the department ~~of human services~~ or which the child support
14 ~~recovery unit~~ services is attempting to collect on behalf of
15 any individual not eligible as a public assistance recipient,
16 which has accrued through written contract, subrogation, or
17 court judgment, and which is in the form of a liquidated sum
18 due and owing for the care, support, or maintenance of a child.
19 Unless the periodic payment plan provisions for a retroactive
20 modification pursuant to [section 598.21C](#) apply, the entire
21 amount of a judgment for accrued support, notwithstanding
22 compliance with a periodic payment plan or regardless of the
23 date of entry of the judgment, is due and owing as of the date
24 of entry of the judgment and is delinquent for the purposes of
25 setoff, including for setoff against a debtor's federal income
26 tax refund or other federal nontax payment. The department
27 ~~of human services~~ shall adopt rules pursuant to chapter
28 17A necessary to assist the department of administrative
29 services in the implementation of the child support setoff as
30 established under [section 8A.504](#).

31 5. a. In order to maximize the amount of any tax refund
32 to which an obligor may be entitled and which may be applied
33 to child support and medical support obligations, cooperate
34 with any volunteer or free income tax assistance programs in
35 the state in informing obligors of the availability of the

1 programs.

2 *b.* ~~The child~~ Child support ~~recovery unit~~ services shall
3 publicize the services of the volunteer or free income tax
4 assistance programs by distributing printed materials regarding
5 the programs.

6 6. Determine periodically whether an individual receiving
7 unemployment compensation benefits under chapter 96 owes a
8 support obligation which is being enforced by ~~the unit~~ child
9 support services, and enforce the support obligation through
10 court or administrative proceedings to have specified amounts
11 withheld from the individual's unemployment compensation
12 benefits.

13 7. Assistance in obtaining medical support as defined in
14 chapter 252E.

15 8. *a.* At the request of either parent who is subject to
16 the order of support or upon its own initiation, review the
17 amount of the support award in accordance with the guidelines
18 established pursuant to section 598.21B, and Tit. IV-D of the
19 federal Social Security Act, as amended, and take action to
20 initiate modification proceedings if the criteria established
21 pursuant to this section are met. However, a review of a
22 support award is not required if ~~the child support recovery~~
23 unit services determines that such a review would not be in the
24 best interest of the child and neither parent has requested
25 such review.

26 *b.* The department shall adopt rules setting forth the
27 process for review of requests for modification of support
28 obligations and the criteria and process for taking action to
29 initiate modification proceedings.

30 9. *a.* Assistance, in consultation with the department
31 of administrative services, in identifying and taking action
32 against self-employed individuals as identified by the
33 following conditions:

34 (1) The individual owes support pursuant to a court or
35 administrative order being enforced by ~~the unit~~ child support

1 services and is delinquent in an amount equal to or greater
2 than the support obligation amount assessed for one month.

3 (2) The individual has filed a state income tax return in
4 the preceding twelve months.

5 (3) The individual has no reported tax withholding amount on
6 the most recent state income tax return.

7 (4) The individual has failed to enter into or comply with a
8 formalized repayment plan with ~~the unit~~ child support services.

9 (5) The individual has failed to make either all current
10 support payments in accordance with the court or administrative
11 order or to make payments against any delinquency in each of
12 the preceding twelve months.

13 *b.* ~~The unit~~ Child support services may forward information
14 to the department of administrative services as necessary to
15 implement [this subsection](#), including but not limited to both
16 of the following:

17 (1) The name and social security number of the individual.

18 (2) Support obligation information in the specific case,
19 including the amount of the delinquency.

20 10. The review and adjustment, modification, or alteration
21 of a support order pursuant to [chapter 252H](#) upon adoption of
22 rules pursuant to [chapter 17A](#) and periodic notification, at
23 a minimum of once every three years, to parents subject to a
24 support order of their rights to these services.

25 11. ~~The unit~~ Child support services shall not establish
26 orders for spousal support. ~~The unit~~ Child support services
27 shall enforce orders for spousal support only if the spouse is
28 the custodial parent of a child for whom ~~the unit~~ child support
29 services is also enforcing a child support or medical support
30 order.

31 12. *a.* In compliance with federal procedures, periodically
32 certify to the secretary of the United States department of
33 health and human services, a list of the names of obligors
34 determined by ~~the unit~~ child support services to owe delinquent
35 support, under a support order as defined in [section 252J.1](#), in

1 excess of two thousand five hundred dollars. The certification
2 of the delinquent amount owed may be based upon one or more
3 support orders being enforced by ~~the unit~~ child support
4 services if the delinquent support owed exceeds two thousand
5 five hundred dollars. The certification shall include any
6 amounts which are delinquent pursuant to the periodic payment
7 plan when a modified order has been retroactively applied.
8 The certification shall be in a format and shall include any
9 supporting documentation required by the secretary.

10 **b.** All of the following shall apply to an action initiated
11 by ~~the unit~~ child support services under **this subsection**:

12 (1) The obligor shall be sent a notice by regular mail in
13 accordance with federal law and regulations and the notice
14 shall remain in effect until support delinquencies have been
15 paid in full.

16 (2) The notice shall include all of the following:

17 (a) A statement regarding the amount of delinquent support
18 owed by the obligor.

19 (b) A statement providing information that if the
20 delinquency is in excess of two thousand five hundred dollars,
21 the United States secretary of state may apply a passport
22 sanction by revoking, restricting, limiting, or refusing to
23 issue a passport as provided in 42 U.S.C. §652(k).

24 (c) Information regarding the procedures for challenging
25 the certification by ~~the unit~~ child support services.

26 (3) (a) If the obligor chooses to challenge the
27 certification, the obligor shall notify ~~the unit~~ child support
28 services within the time period specified in the notice to the
29 obligor. The obligor shall include any relevant information
30 with the challenge.

31 (b) A challenge shall be based upon mistake of fact. For
32 the purposes of **this subsection**, "*mistake of fact*" means a
33 mistake in the identity of the obligor or a mistake in the
34 amount of the delinquent child support owed if the amount did
35 not exceed two thousand five hundred dollars on the date of ~~the~~

1 ~~unit's~~ child support services' decision on the challenge.

2 (4) Upon timely receipt of the challenge, ~~the unit~~ child
3 support services shall review the certification for a mistake
4 of fact, or refer the challenge for review to the child support
5 agency in the state chosen by the obligor as provided by
6 federal law.

7 (5) Following ~~the unit's~~ child support services' review of
8 the certification, ~~the unit~~ child support services shall send
9 a written decision to the obligor within ten days of timely
10 receipt of the challenge.

11 (a) If ~~the unit~~ child support services determines that
12 a mistake of fact exists, ~~the unit~~ child support services
13 shall send notification in accordance with federal procedures
14 withdrawing the certification for passport sanction.

15 (b) If ~~the unit~~ child support services determines that a
16 mistake of fact does not exist, the obligor may contest the
17 determination within ten days following the issuance of the
18 decision by submitting a written request for a contested case
19 proceeding pursuant to [chapter 17A](#).

20 (6) Following issuance of a final decision under chapter
21 17A that no mistake of fact exists, the obligor may request a
22 hearing before the district court pursuant to [chapter 17A](#). The
23 department shall transmit a copy of its record to the district
24 court pursuant to [chapter 17A](#). The scope of the review by the
25 district court shall be limited to demonstration of a mistake
26 of fact. Issues related to visitation, custody, or other
27 provisions not related to the support provisions of a support
28 order are not grounds for a hearing under [this subsection](#).

29 c. Following certification to the secretary, if ~~the~~
30 ~~unit~~ child support services determines that an obligor no
31 longer owes delinquent support in excess of two thousand five
32 hundred dollars, ~~the unit~~ child support services shall provide
33 information and notice as the secretary requires to withdraw
34 the certification for passport sanction.

35 13. a. Impose an annual fee, which shall be retained from

1 support collected on behalf of the obligee, in accordance with
 2 42 U.S.C. §654(6)(B)(ii). ~~The unit~~ Child support services
 3 shall send information regarding the requirements of this
 4 subsection by regular mail to the last known address of an
 5 affected obligee, or may include the information for an obligee
 6 in an application for services signed by the obligee. In
 7 addition, ~~the unit~~ child support services shall take steps
 8 necessary regarding the fee to qualify for federal funds in
 9 conformity with the provisions of Tit. IV-D of the federal
 10 Social Security Act, including receiving and accounting for
 11 fee payments, as appropriate, through the collection services
 12 center created in [section 252B.13A](#).

13 *b.* Fees collected pursuant to [this subsection](#) shall be
 14 considered repayment receipts as defined in [section 8.2](#), and
 15 shall be used for the purposes of ~~the unit~~ child support
 16 services. The director shall maintain an accurate record of
 17 the fees collected and expended under [this subsection](#).

18 *c.* Until such time as a methodology to secure payment of
 19 the collections fee from the obligor is provided by law, an
 20 obligee may act pursuant to this paragraph to recover the
 21 collections fee from the obligor. If ~~the unit~~ child support
 22 services retains all or a portion of the collections fee
 23 imposed pursuant to paragraph "a" in a federal fiscal year,
 24 there is an automatic nonsupport judgment, in an amount equal
 25 to the amount retained, against the obligor payable to the
 26 obligee. This paragraph shall serve as constructive notice
 27 that the fee amount, once retained, is an automatic nonsupport
 28 judgment against the obligor. The obligee may use any legal
 29 means, including the lien created by the nonsupport judgment,
 30 to collect the nonsupport judgment.

31 Sec. 849. Section 252B.6, unnumbered paragraph 1, Code
 32 2023, is amended to read as follows:

33 In addition to the services enumerated in [section 252B.5](#),
 34 ~~the unit~~ child support services may provide the following
 35 services in the case of a dependent child for whom public

1 assistance is being provided:

2 Sec. 850. Section 252B.6, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. Appear on behalf of the state for the purpose of
5 facilitating the modification of support awards consistent
6 with guidelines established pursuant to [section 598.21B](#),
7 and Tit. IV-D of the federal Social Security Act. ~~The unit~~
8 Child support services shall not otherwise participate in the
9 proceeding.

10 Sec. 851. Section 252B.6A, Code 2023, is amended to read as
11 follows:

12 **252B.6A External services.**

13 1. Provided that the action is consistent with applicable
14 federal law and regulation, an attorney licensed in this state
15 shall receive compensation as provided in [this section](#) for
16 support collected as the direct result of a judicial proceeding
17 maintained by the attorney, if all of the following apply to
18 the case:

19 a. ~~The unit~~ Child support services is providing services
20 under [this chapter](#).

21 b. The current support obligation is terminated and only
22 arrearages are due under an administrative or court order and
23 there has been no payment under the order for at least the
24 twelve-month period prior to the provision of notice to ~~the~~
25 unit child support services by the attorney under [this section](#).

26 c. Support is assigned to the state based upon cash
27 assistance paid under [chapter 239B](#), or its successor.

28 d. The attorney has provided written notice to ~~the central~~
29 ~~office of the unit~~ child support services and to the obligee at
30 the last known address of the obligee of the intent to initiate
31 a specified judicial proceeding, at least thirty days prior to
32 initiating the proceeding.

33 e. The attorney has provided documentation to ~~the unit~~ child
34 support services that the attorney is insured against loss
35 caused by the attorney's legal malpractice or acts or omissions

1 of the attorney which result in loss to the state or other
2 person.

3 *f.* The collection is received by the collection services
4 center within ninety days of provision of the notice to
5 ~~the unit~~ child support services. An attorney may provide
6 subsequent notices to ~~the unit~~ child support services to extend
7 the time for receipt of the collection by subsequent ninety-day
8 periods.

9 2. *a.* If, prior to February 15, 1998, notice is provided
10 pursuant to [subsection 1](#) to initiate a specific judicial
11 proceeding, [this section](#) shall not apply to the proceeding
12 unless ~~the unit~~ child support services consents to the
13 proceeding.

14 *b.* (1) If, on or after February 15, 1998, notice is
15 provided pursuant to [subsection 1](#) to initiate a specific
16 judicial proceeding, [this section](#) shall apply to the proceeding
17 only if the case is exempt from application of rules adopted
18 by the department pursuant to subparagraph (2) which limit
19 application of [this section](#).

20 (2) The department shall adopt rules which include, but
21 are not limited to, exemption from application of [this section](#)
22 to proceedings based upon, but not limited to, any of the
23 following:

24 (a) A finding of good cause pursuant to [section 252B.3](#).

25 (b) The existence of a support obligation due another state
26 based upon public assistance provided by that state.

27 (c) The maintaining of another proceeding by an attorney
28 under [this section](#) for which ~~the unit~~ child support services
29 has not received notice that the proceeding has concluded or
30 the ninety-day period during which a collection may be received
31 pertaining to the same case has not yet expired.

32 (d) The initiation of a seek employment action under section
33 252B.21, and the notice from the attorney indicates that the
34 attorney intends to pursue a contempt action.

35 (e) Any other basis for exemption of a specified proceeding

1 designated by rule which relates to collection and enforcement
2 actions provided by ~~the unit~~ child support services.

3 3. ~~The unit~~ Child support services shall issue a response
4 to the attorney providing notice within ten days of receipt of
5 the notice. The response shall advise the attorney whether the
6 case to which the specified judicial proceeding applies meets
7 the requirements of this section.

8 4. For the purposes of this section, a "*judicial proceeding*"
9 means an action to enforce support filed with a court of
10 competent jurisdiction in which the court issues an order which
11 identifies the amount of the support collection which is a
12 direct result of the court proceeding. "*Judicial proceedings*"
13 include but are not limited to those pursuant to chapters
14 598, 626, 633, 642, 654, or 684 and also include contempt
15 proceedings if the collection payment is identified in the
16 court order as the result of such a proceeding. "*Judicial*
17 *proceedings*" do not include enforcement actions which ~~the unit~~
18 child support services is required to implement under federal
19 law including, but not limited to, income withholding.

20 5. All of the following are applicable to a collection
21 which is the result of a judicial proceeding which meets the
22 requirements of this section:

23 a. All payments made as the result of a judicial proceeding
24 under this section shall be made to the clerk of the district
25 court or to the collection services center and shall not be
26 made to the attorney. Payments received by the clerk of the
27 district court shall be forwarded to the collection services
28 center as provided in section 252B.15.

29 b. The attorney shall be entitled to receive an amount
30 which is equal to twenty-five percent of the support collected
31 as the result of the specified judicial proceeding not to
32 exceed the amount of the nonfederal share of assigned support
33 collected as the result of that proceeding. The amount paid
34 under this paragraph is the full amount of compensation due the
35 attorney for a proceeding under this section and is in lieu

1 of any attorney fees. The court shall not order the obligor
2 to pay additional attorney fees. The amount of compensation
3 calculated by ~~the unit~~ child support services is subject, upon
4 application of the attorney, to judicial review.

5 *c.* Any support collected shall be disbursed in accordance
6 with federal requirements and any support due the obligee
7 shall be disbursed to the obligee prior to disbursement to the
8 attorney as compensation.

9 *d.* The collection services center shall disburse
10 compensation due the attorney only from the nonfederal share of
11 assigned collections. The collection services center shall not
12 disburse any compensation for court costs.

13 *e.* ~~The unit~~ Child support services may delay disbursement
14 to the attorney pending the resolution of any timely appeal by
15 the obligor or obligee.

16 *f.* Negotiation of a partial payment or settlement for
17 support shall not be made without the approval of ~~the unit~~
18 child support services and the obligee, as applicable.

19 6. The attorney initiating a judicial proceeding under this
20 section shall notify ~~the unit~~ child support services when the
21 judicial proceeding is completed.

22 7. *a.* An attorney who initiates a judicial proceeding under
23 this section represents the state for the sole and limited
24 purpose of collecting support to the extent provided in this
25 section.

26 *b.* The attorney is not an employee of the state and has no
27 right to any benefit or compensation other than as specified in
28 this section.

29 *c.* The state is not liable or subject to suit for any acts
30 or omissions resulting in any damages as a consequence of the
31 attorney's acts or omissions under [this section](#).

32 *d.* The attorney shall hold the state harmless from any act
33 or omissions of the attorney which may result in any penalties
34 or sanctions, including those imposed under federal bankruptcy
35 laws, and the state may recover any penalty or sanction imposed

1 by offsetting any compensation due the attorney under this
2 section for collections received as a result of any judicial
3 proceeding initiated under [this section](#).

4 e. The attorney initiating a proceeding under [this section](#)
5 does not represent the obligor.

6 8. ~~The unit~~ Child support services shall comply with all
7 state and federal laws regarding confidentiality. ~~The unit~~
8 Child support services may release to an attorney who has
9 provided notice under [this section](#), information regarding child
10 support balances due, to the extent provided under such laws.

11 9. [This section](#) shall not be interpreted to prohibit
12 ~~the unit~~ child support services from providing services or
13 taking other actions to enforce support as provided under this
14 chapter.

15 Sec. 852. Section 252B.7, Code 2023, is amended to read as
16 follows:

17 **252B.7 Legal services.**

18 1. The attorney general may perform the legal services for
19 ~~the child support recovery program~~ services and may enforce
20 all laws for the recovery of child support from responsible
21 relatives. The attorney general may file and prosecute:

22 a. Contempt of court proceedings to enforce any order of
23 court pertaining to child support.

24 b. Cases under [chapter 252A](#), the support of dependents law.

25 c. An information charging a violation of [section 726.3](#),
26 [726.5](#) or [726.6](#).

27 d. Any other lawful action which will secure collection of
28 support for minor children.

29 2. For the purposes of [subsection 1](#), the attorney general
30 has the same power to commence, file and prosecute any action
31 or information in the proper jurisdiction, which the county
32 attorney could file or prosecute in that jurisdiction. This
33 section does not relieve a county attorney from the county
34 attorney's duties, or the attorney general from the supervisory
35 power of the attorney general, in the recovery of child

1 support.

2 3. ~~The unit~~ Child support services may contract with
3 a county attorney, the attorney general, a clerk of the
4 district court, or another person or agency to collect support
5 obligations and to administer the child support ~~program~~
6 ~~established~~ services required pursuant to [this chapter](#).
7 Notwithstanding [section 13.7](#), ~~the unit~~ child support services
8 may contract with private attorneys for the prosecution of
9 civil collection and recovery cases and may pay reasonable
10 compensation and expenses to private attorneys for the
11 prosecution services provided.

12 4. An attorney employed by or under contract with ~~the child~~
13 ~~support recovery unit~~ services represents and acts exclusively
14 on behalf of the state when providing child support enforcement
15 services. An attorney-client relationship does not exist
16 between the attorney and an individual party, witness, or
17 person other than the state, regardless of the name in which
18 the action is brought.

19 Sec. 853. Section 252B.7A, Code 2023, is amended to read as
20 follows:

21 **252B.7A Determining parent's income.**

22 1. ~~The unit~~ Child support services shall use any of the
23 following in determining the amount of the net monthly income
24 of a parent for purposes of establishing or modifying a support
25 obligation:

26 a. Income as identified in a signed statement of the
27 parent pursuant to [section 252B.9, subsection 1](#), paragraph
28 "b". If evidence suggests that the statement is incomplete
29 or inaccurate, ~~the unit~~ child support services may present
30 the evidence to the court in a judicial proceeding or to the
31 ~~administrator~~ director in a proceeding under [chapter 252C](#) or
32 a comparable chapter, and the court or ~~administrator~~ director
33 shall weigh the evidence in setting the support obligation.
34 Evidence includes but is not limited to income as established
35 under paragraph "c".

1 *b.* If a sworn statement is not provided by the parent, ~~the~~
2 unit child support services may determine income as established
3 under paragraph "*c*" or "*d*".

4 *c.* Income established by any of the following:

5 (1) Income verified by an employer or payor of income.

6 (2) Income reported to the department of workforce
7 development.

8 (3) For a public assistance recipient, income as reported to
9 the department case worker assigned to the public assistance
10 case.

11 (4) Other written documentation which identifies income.

12 *d.* By July 1, 1999, the department shall adopt rules for
13 imputing income, whenever possible, based on the earning
14 capacity of a parent who does not provide income information
15 or for whom income information is not available. Until such
16 time as the department adopts rules establishing a different
17 standard for determining the income of a parent who does not
18 provide income information or for whom income information
19 is not available, the estimated state median income for a
20 one-person family as published annually in the federal register
21 for use by the federal office of community services, office of
22 energy assistance, for the subsequent federal fiscal year.

23 (1) This provision is effective beginning July 1, 1992,
24 based upon the information published in the federal register
25 dated March 8, 1991.

26 (2) ~~The unit~~ Child support services may revise the estimated
27 income each October 1. If the estimate is not available or has
28 not been published, ~~the unit~~ child support services may revise
29 the estimate when it becomes available.

30 *e.* When the income information obtained pursuant to this
31 subsection does not include the information necessary to
32 determine the net monthly income of the parent, ~~the unit~~ child
33 support services may deduct twenty percent from the parent's
34 gross monthly income to arrive at the net monthly income
35 figure.

1 2. The amount of the income determined may be challenged any
2 time prior to the entry of a new or modified order for support.

3 3. If ~~the child support recovery unit services~~ is providing
4 services pursuant to **this chapter**, the court shall use the
5 income figure determined pursuant to **this section** when applying
6 the guidelines to determine the amount of support.

7 4. The department may develop rules as necessary to further
8 implement disclosure of financial information of the parties.

9 Sec. 854. Section 252B.7B, Code 2023, is amended to read as
10 follows:

11 **252B.7B Informational materials provided by ~~the unit~~ child**
12 **support services.**

13 1. ~~The unit~~ Child support services shall prepare and make
14 available to the public, informational materials which explain
15 ~~the unit's child support services'~~ procedures including, but
16 not limited to, procedures with regard to all of the following:

- 17 a. Accepting applications for services.
- 18 b. Locating individuals.
- 19 c. Establishing paternity.
- 20 d. Establishing support.
- 21 e. Enforcing support.
- 22 f. Modifying, suspending, or reinstating support.
- 23 g. Terminating services.

24 2. The informational materials shall include general
25 information about and descriptions of the processes involved
26 relating to the services provided by ~~the unit~~ child support
27 services including application for services, fees for services,
28 the responsibilities of the recipient of services, resolution
29 of disagreements with ~~the unit~~ child support services, rights
30 to challenge the actions of ~~the unit~~ child support services,
31 and obtaining additional information.

32 Sec. 855. Section 252B.8, Code 2023, is amended to read as
33 follows:

34 **252B.8 Central information center.**

35 The department shall establish within ~~the unit~~ child support

1 services an information and administration coordinating center
2 which shall serve as a registry for the receipt of information
3 and for answering interstate inquiries concerning absent
4 parents and shall coordinate and supervise ~~unit~~ child support
5 services' activities. The information and administration
6 coordinating center shall promote cooperation between the
7 ~~unit~~ child support services and law enforcement agencies to
8 facilitate the effective operation of the ~~unit~~ child support
9 services.

10 Sec. 856. Section 252B.9, Code 2023, is amended to read as
11 follows:

12 **252B.9 Information and assistance from others — availability**
13 **of records.**

14 1. *a.* The director may request from state, county, and
15 local agencies information and assistance deemed necessary to
16 carry out the provisions of **this chapter**. State, county, and
17 local agencies, officers, and employees shall cooperate with
18 ~~the unit~~ child support services and shall on request supply the
19 department with available information relative to the absent
20 parent, the custodial parent, and any other necessary party,
21 notwithstanding any provisions of law making this information
22 confidential. The cooperation and information required by this
23 subsection shall also be provided when it is requested by a
24 child support agency. Information required by **this subsection**
25 includes, but is not limited to, information relative to
26 location, income, property holdings, records of licenses as
27 defined in **section 252J.1**, and records concerning the ownership
28 and control of corporations, partnerships, and other business
29 entities. If the information is maintained in an automated
30 database, ~~the unit~~ child support services shall be provided
31 automated access.

32 *b.* Parents of a child on whose behalf support enforcement
33 services are provided shall provide information regarding
34 income, resources, financial circumstances, and property
35 holdings to the department for the purpose of establishment,

1 modification, or enforcement of a support obligation. The
2 department may provide the information to parents of a child
3 as needed to implement the requirements of [section 598.21B](#),
4 notwithstanding any provisions of law making this information
5 confidential.

6 *c.* Notwithstanding any provisions of law making this
7 information confidential, all persons, including for-profit,
8 nonprofit, and governmental employers, shall, on request,
9 promptly supply ~~the unit~~ child support services or a child
10 support agency information on the employment, compensation,
11 and benefits of any individual employed by such person as
12 an employee or contractor with relation to whom ~~the unit~~
13 child support services or a child support agency is providing
14 services.

15 *d.* Notwithstanding any provisions of law making this
16 information confidential, ~~the unit~~ child support services may
17 subpoena or a child support agency may use the administrative
18 subpoena form promulgated by the secretary of the United
19 States department of health and human services under 42 U.S.C.
20 §652(a)(11)(C), to obtain any of the following:

21 (1) Books, papers, records, or information regarding any
22 financial or other information relating to a paternity or
23 support proceeding.

24 (2) Certain records held by public utilities, cable or
25 other television companies, cellular telephone companies, and
26 internet service providers with respect to individuals who
27 owe or are owed support, or against or with respect to whom
28 a support obligation is sought, consisting of the names and
29 addresses of such individuals and the names and addresses of
30 the employers of such individuals, as appearing in customer
31 records, and including the cellular telephone numbers of such
32 individuals appearing in the customer records of cellular
33 telephone companies. If the records are maintained in
34 automated databases, ~~the unit~~ child support services shall be
35 provided with automated access.

1 e. ~~The unit~~ Child support services or a child support agency
2 may subpoena information for one or more individuals.

3 f. If ~~the unit~~ child support services or a child support
4 agency issues a request under paragraph "c", or a subpoena under
5 paragraph "d", all of the following shall apply:

6 (1) ~~The unit~~ Child support services or a child support
7 agency may issue a request or subpoena to a person by sending
8 it by regular mail. Proof of service may be completed
9 according to **rule of civil procedure 1.442**.

10 (2) A person who is not a parent or putative father in a
11 paternity or support proceeding, who is issued a request or
12 subpoena, shall be provided an opportunity to refuse to comply
13 for good cause by filing a request for a conference with ~~the~~
14 ~~unit~~ child support services or a child support agency in the
15 manner and within the time specified in rules adopted pursuant
16 to subparagraph (7).

17 (3) Good cause shall be limited to mistake in the identity
18 of the person, or prohibition under federal law to release such
19 information.

20 (4) After the conference ~~the unit~~ child support services
21 shall issue a notice finding that the person has good cause
22 for refusing to comply, or a notice finding that the person
23 does not have good cause for failing to comply. If the person
24 refuses to comply after issuance of notice finding lack of good
25 cause, or refuses to comply and does not request a conference,
26 the person is subject to a penalty of one hundred dollars per
27 refusal.

28 (5) If the person fails to comply with the request or
29 subpoena, fails to request a conference, and fails to pay a
30 penalty imposed under subparagraph (4), ~~the unit~~ child support
31 services may petition the district court to compel the person
32 to comply with this paragraph. If the person objects to
33 imposition of the penalty, the person may seek judicial review
34 by the district court.

35 (6) If a parent or putative father fails to comply with a

1 subpoena or request for information, the provisions of chapter
2 252J shall apply.

3 (7) ~~The unit~~ Child support services may adopt rules pursuant
4 to [chapter 17A](#) to implement [this section](#).

5 *g.* Notwithstanding any provisions of law making this
6 information confidential, ~~the unit~~ child support services
7 or a child support agency shall have access to records and
8 information held by financial institutions with respect to
9 individuals who owe or are owed support, or with respect to
10 whom a support obligation is sought including information on
11 assets and liabilities. If the records are maintained in
12 automated databases, ~~the unit~~ child support services shall
13 be provided with automated access. For the purposes of this
14 section, "*financial institution*" means financial institution as
15 defined in [section 252I.1](#).

16 *h.* Notwithstanding any law to the contrary, ~~the unit~~
17 child support services and a child support agency shall have
18 access to any data maintained by the state of Iowa which
19 contains information that would aid the agency in locating
20 individuals. Such information shall include, but is not
21 limited to, driver's license, motor vehicle, and criminal
22 justice information. However, the information does not include
23 criminal investigative reports or intelligence files maintained
24 by law enforcement. ~~The unit~~ Child support services and a
25 child support agency shall use or disclose the information
26 obtained pursuant to this paragraph only in accordance with
27 subsection 3. Criminal history records maintained by the
28 department of public safety shall be disclosed in accordance
29 with [chapter 692](#). ~~The unit~~ Child support services shall also
30 have access to the protective order file maintained by the
31 department of public safety.

32 *i.* Liability shall not arise under [this subsection](#) with
33 respect to any disclosure by a person as required by this
34 subsection, and no advance notice from ~~the unit~~ child support
35 services or a child support agency is required prior to

1 requesting information or assistance or issuing a subpoena
2 under [this subsection](#).

3 *j.* Notwithstanding any provision of law making this
4 information confidential, data provided to the department by an
5 insurance carrier under [section 505.25](#) shall also be provided
6 to ~~the unit~~ child support services. Provision of data to the
7 ~~unit~~ child support services under this paragraph shall not
8 require an agreement or modification of an agreement between
9 the department and an insurance carrier, but the provisions
10 of [this section](#) applicable to information received by the
11 ~~unit~~ child support services shall apply to the data received
12 pursuant to [section 505.25](#) in lieu of any confidentiality,
13 privacy, disclosure, use, or other provisions of an agreement
14 between the department and an insurance carrier.

15 2. Notwithstanding other statutory provisions to the
16 contrary, including but not limited to [chapters 22](#) and [217](#), as
17 the chapters relate to confidentiality of records maintained by
18 the department, the payment records of the collection services
19 center maintained under [section 252B.13A](#) may be released,
20 except when prohibited by federal law or regulation, only as
21 follows:

22 *a.* Payment records of the collection services center may
23 be released upon request for the administration of a plan or
24 program approved for the supplemental nutrition assistance
25 program or under Tit. IV, XIX, or XXI of the federal Social
26 Security Act, as amended, and as otherwise permitted under Tit.
27 IV-D of the federal Social Security Act, as amended. A payment
28 record shall not include address or location information.

29 *b.* The department may release details related to payment
30 records or provide alternative formats for release of the
31 information for the administration of a plan or program under
32 Tit. IV-D of the federal Social Security Act, as amended,
33 including as follows:

34 (1) ~~The unit~~ Child support services or the collection
35 services center may provide detail or present the information

1 in an alternative format to an individual or to the
2 individual's legal representative if the individual owes or is
3 owed a support obligation, to an agency assigned the obligation
4 as the result of receipt by a party of public assistance, to an
5 agency charged with enforcing child support pursuant to Tit.
6 IV-D of the federal Social Security Act, as amended, or to the
7 court.

8 (2) For support orders entered in Iowa which are being
9 enforced by ~~the unit~~ child support services, ~~the unit~~ child
10 support services may compile and make available for publication
11 a listing of cases in which no payment has been credited to
12 an accrued or accruing support obligation during a previous
13 three-month period. Each case on the list shall be identified
14 only by the name of the support obligor, the address, if known,
15 of the support obligor, unless the information pertaining
16 to the address of the support obligor is protected through
17 confidentiality requirements established by law and has not
18 otherwise been verified with ~~the unit~~ child support services,
19 the support obligor's court order docket or case number, the
20 county in which the obligor's support order is filed, the
21 collection services center case numbers, and the range within
22 which the balance of the support obligor's delinquency is
23 established. The department shall determine dates for the
24 release of information, the specific format of the information
25 released, and the three-month period used as a basis for
26 identifying cases. The department may not release the
27 information more than twice annually. In compiling the listing
28 of cases, no prior public notice to the obligor is required,
29 but ~~the unit~~ child support services may send notice annually
30 by mail to the current known address of any individual owing a
31 support obligation which is being enforced by ~~the unit~~ child
32 support services. The notice shall inform the individual of
33 the provisions of this subparagraph. Actions taken pursuant to
34 this subparagraph are not subject to review under [chapter 17A](#),
35 and the lack of receipt of a notice does not prevent ~~the unit~~

1 child support services from proceeding in implementing this
2 subparagraph.

3 (3) The provisions of subparagraph (2) may be applied to
4 support obligations entered in another state, at the request
5 of a child support agency if the child support agency has
6 demonstrated that the provisions of subparagraph (2) are not
7 in conflict with the laws of the state where the support
8 obligation is entered and ~~the unit~~ child support services is
9 enforcing the support obligation.

10 (4) Records relating to the administration, collection, and
11 enforcement of surcharges pursuant to [section 252B.23](#) which are
12 recorded by ~~the unit~~ child support services or a collection
13 entity shall be confidential records except that information,
14 as necessary for support collection and enforcement, may be
15 provided to other governmental agencies, the obligor or the
16 resident parent, or a collection entity under contract with
17 ~~the unit~~ child support services unless otherwise prohibited
18 by the federal law. A collection entity under contract with
19 ~~the unit~~ child support services shall use information obtained
20 for the sole purpose of fulfilling the duties required under
21 the contract, and shall disclose any records obtained by the
22 collection entity to ~~the unit~~ child support services for use in
23 support establishment and enforcement.

24 3. Notwithstanding other statutory provisions to the
25 contrary, including but not limited to [chapters 22](#) and [217](#),
26 as the chapters relate to the confidentiality of records
27 maintained by the department, information recorded by the
28 department pursuant to [this section](#) or obtained by ~~the unit~~
29 child support services is confidential and, except when
30 prohibited by federal law or regulation, may be used or
31 disclosed as provided in [subsection 1](#), paragraphs "b" and "h",
32 and [subsection 2](#), and as follows:

33 a. The attorney general may utilize the information
34 to secure, modify, or enforce a support obligation of an
35 individual.

1 *b.* This subsection shall not permit or require the release
2 of information, except to the extent provided in this section.

3 *c.* ~~The unit~~ Child support services may release or disclose
4 information as necessary to provide services under section
5 252B.5, as provided by chapter 252G, as provided by Tit. IV-D
6 of the federal Social Security Act, as amended, or as required
7 by federal law.

8 *d.* ~~The unit~~ Child support services may release information
9 under section 252B.9A to meet the requirements of Tit. IV-D of
10 the federal Social Security Act for parent locator services.

11 *e.* Information may be released if directly connected with
12 any of the following:

13 (1) The administration of a plan or program approved for
14 the supplemental nutrition assistance program or under Tit. IV,
15 XIX, or XXI of the federal Social Security Act, as amended.

16 (2) Any investigations, prosecutions, or criminal or civil
17 proceeding conducted in connection with the administration of
18 any such plan or program.

19 (3) Reporting to an appropriate agency or official of
20 any such plan or program, information on known or suspected
21 instances of physical or mental injury, sexual abuse or
22 exploitation, or negligent treatment or maltreatment of a child
23 who is the subject of a child support enforcement action under
24 circumstances which indicate that the child's health or welfare
25 is threatened.

26 *f.* Information may be released to courts having jurisdiction
27 in support proceedings. If a court issues an order, which is
28 not entered under section 252B.9A, directing ~~the unit~~ child
29 support services to disclose confidential information, ~~the unit~~
30 child support services may file a motion to quash pursuant to
31 this chapter, Tit. IV-D of the federal Social Security Act, or
32 other applicable law.

33 *g.* ~~The child~~ Child support ~~recovery unit~~ services may
34 release information for the administration of a plan or program
35 approved for the supplemental nutrition assistance program or

1 under Tit. IV, XIX, or XXI of the federal Social Security Act,
2 as amended, specified under [subsection 2](#) or [this subsection](#), to
3 the extent the release of information does not interfere with
4 ~~the unit~~ child support services meeting its own obligations
5 under Tit. IV-D of the federal Social Security Act, as amended,
6 and subject to requirements prescribed by the federal office
7 of child support enforcement of the United States department
8 of health and human services.

9 *h.* For purposes of [this subsection](#), “*party*” means an absent
10 parent, obligor, resident parent, or other necessary party.

11 *i.* If ~~the unit~~ child support services receives notification
12 under this paragraph, ~~the unit~~ child support services shall
13 notify the federal parent locator service as required by
14 federal law that there is reasonable evidence of domestic
15 violence or child abuse against a party or a child and that the
16 disclosure of information could be harmful to the party or the
17 child. The notification to the federal parent locator service
18 shall be known as notification of a disclosure risk indicator.
19 For purposes of this paragraph, ~~the unit~~ child support services
20 shall notify the federal parent locator service of a disclosure
21 risk indicator only if at least one of the following applies:

22 (1) ~~The unit~~ Child support services receives notification
23 that the department, or comparable agency of another state, has
24 made a finding of good cause or other exception as provided in
25 section 252B.3, or comparable law of another state.

26 (2) ~~The unit~~ Child support services receives and, through
27 automation, matches notification from the department of public
28 safety or ~~the unit~~ child support services receives notification
29 from a court of this or another state, that a court has issued
30 a protective order or no-contact order against a party with
31 respect to another party or child.

32 (3) ~~The unit~~ Child support services receives notification
33 that a court has dismissed a petition for specified
34 confidential information pursuant to [section 252B.9A](#).

35 (4) ~~The unit~~ Child support services receives a copy, regular

1 on its face, of a notarized affidavit or a pleading, which was
2 signed by and made under oath by a party, under [chapter 252K](#),
3 the uniform interstate family support Act, or the comparable
4 law of another state, alleging the health, safety, or liberty
5 of the party or child would be jeopardized by the disclosure
6 of specific identifying information unless a tribunal under
7 [chapter 252K](#), the uniform interstate family support Act, or
8 the comparable law of another state, ordered the identifying
9 information of a party or child be disclosed.

10 (5) ~~The unit~~ Child support services receives and, through
11 automation, matches notification from ~~the division of child and~~
12 ~~family services of~~ the department, or ~~the unit~~ child support
13 services receives notification from a comparable agency of
14 another state, of a founded allegation of child abuse, or a
15 comparable finding under the law of the other state.

16 (6) ~~The unit~~ Child support services receives notification
17 that an individual has an exemption from cooperation with child
18 support enforcement under a family investment program safety
19 plan which addresses family or domestic violence.

20 (7) ~~The unit~~ Child support services receives notification
21 that an individual is a certified program participant as
22 provided in [chapter 9E](#).

23 (8) ~~The unit~~ Child support services receives notification,
24 as the result of a request under [section 252B.9A](#), of the
25 existence of any finding, order, affidavit, pleading, safety
26 plan, certification, or founded allegation referred to in
27 subparagraphs (1) through (7) of this paragraph.

28 *j.* ~~The unit~~ Child support services may provide information
29 regarding delinquent obligors as provided in 42 U.S.C.
30 §666(a)(7) to a consumer reporting agency if all the following
31 apply:

32 (1) The agency provides ~~the unit~~ child support services with
33 satisfactory evidence that it is a consumer reporting agency
34 as defined in 15 U.S.C. §1681a(f) and meets all the following
35 requirements:

1 (a) Compiles and maintains files on consumers on a
2 nationwide basis as provided in 15 U.S.C. §1681a(p).

3 (b) Participates jointly with other nationwide consumer
4 reporting agencies in providing annual free credit reports to
5 consumers upon request through a centralized source as required
6 by the federal trade commission in 16 C.F.R. §610.2.

7 (2) The agency has entered into an agreement with ~~the~~
8 unit child support services regarding receipt and use of the
9 information.

10 4. Nothing in this chapter, chapter 252A, 252C, 252D,
11 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other
12 comparable chapter or law shall preclude ~~the unit child support~~
13 services from exchanging any information, notice, document, or
14 certification with any government or private entity, if the
15 exchange is not otherwise prohibited by law, through mutually
16 agreed upon electronic data transfer rather than through other
17 means.

18 Sec. 857. Section 252B.9A, Code 2023, is amended to read as
19 follows:

20 **252B.9A Disclosure of confidential information — authorized**
21 **person — court.**

22 1. A person, except a court or government agency, who
23 is an authorized person to receive specified confidential
24 information under 42 U.S.C. §653, may submit a written request
25 to ~~the unit child support services~~ for disclosure of specified
26 confidential information regarding a nonrequesting party. The
27 written request shall comply with federal law and regulations,
28 including any attestation and any payment to the federal office
29 of child support enforcement of the United States department
30 of health and human services required by federal law or
31 regulation, and shall include a sworn statement attesting to
32 the reason why the requester is an authorized person under
33 42 U.S.C. §653, including that the requester would use the
34 confidential information only for purposes permitted in that
35 section.

1 2. Upon receipt of a request from an authorized person
2 which meets all of the requirements under [subsection 1](#), the
3 ~~unit~~ child support services shall search available records as
4 permitted by law or shall request the information from the
5 federal parent locator service as provided in 42 U.S.C. §653.

6 *a.* If ~~the unit~~ child support services locates the specified
7 confidential information, ~~the unit~~ child support services shall
8 disclose the information to the extent permitted under federal
9 law, unless one of the following applies:

10 (1) There is a notice from the federal parent locator
11 service that there is reasonable evidence of domestic violence
12 or child abuse pursuant to 42 U.S.C. §653(b)(2).

13 (2) ~~The unit~~ Child support services has notified the federal
14 parent locator service of a disclosure risk indicator as
15 provided in [section 252B.9, subsection 3](#), paragraph "i", and has
16 not removed that notification.

17 (3) ~~The unit~~ Child support services receives notice of a
18 basis for a disclosure risk indicator listed in section 252B.9,
19 subsection 3, paragraph "i", within twenty days of sending a
20 notice of the request to the subject of the request by regular
21 mail.

22 *b.* If ~~the unit~~ child support services locates the specified
23 confidential information, but ~~the unit~~ child support services
24 is prohibited from disclosing confidential information under
25 paragraph "a", ~~the unit~~ child support services shall deny the
26 request and notify the requester of the denial in writing.
27 Upon receipt of a written notice from ~~the unit~~ child support
28 services denying the request, the requester may file a petition
29 in district court for an order directing ~~the unit~~ child support
30 services to release the requested information to the court as
31 provided in [subsection 3](#).

32 3. A person may file a petition in district court for
33 disclosure of specified confidential information. The petition
34 shall request that the court direct ~~the unit~~ child support
35 services to release specified confidential information to

1 the court, that the court make a determination of harm if
2 appropriate, and that the court release specified confidential
3 information to the petitioner.

4 a. The petition shall include a sworn statement attesting
5 to the intended use of the information by the petitioner as
6 allowed by federal law. Such statement may specify any of the
7 following intended uses:

8 (1) To establish parentage, or to establish, set the amount
9 of, modify, or enforce a child support obligation.

10 (2) To make or enforce a child custody or visitation
11 determination or order.

12 (3) To carry out the duty or authority of the petitioner to
13 investigate, enforce, or bring a prosecution with respect to
14 the unlawful taking or restraint of a child.

15 b. Upon the filing of a petition, the court shall enter an
16 order directing ~~the unit~~ child support services to release to
17 the court within thirty days specified confidential information
18 which ~~the unit~~ child support services would be permitted to
19 release under 42 U.S.C. §653 and 42 U.S.C. §663, unless one of
20 the following applies:

21 (1) There is a notice from the federal parent locator
22 service that there is reasonable evidence of domestic violence
23 or child abuse pursuant to 42 U.S.C. §653(b)(2).

24 (2) ~~The unit~~ Child support services has notified the federal
25 parent locator service of a disclosure risk indicator as
26 provided in [section 252B.9, subsection 3](#), paragraph "i", and has
27 not removed that notification.

28 (3) ~~The unit~~ Child support services receives notice of a
29 basis for a disclosure risk indicator listed in [section 252B.9,](#)
30 [subsection 3, paragraph "i"](#), within twenty days of sending
31 notice of the order to the subject of the request by regular
32 mail. ~~The unit~~ Child support services shall include in the
33 notice to the subject of the request a copy of the court order
34 issued under this paragraph.

35 c. Upon receipt of the order, ~~the unit~~ child support

1 services shall comply as follows:

2 (1) If ~~the unit~~ child support services has the specified
3 confidential information, and none of the domestic violence,
4 child abuse, or disclosure risk indicator provisions of
5 paragraph "b" applies, ~~the unit~~ child support services shall
6 file the confidential information with the court along with
7 a statement that ~~the unit~~ child support services has not
8 received any notice that the domestic violence, child abuse, or
9 disclosure risk indicator provisions of paragraph "b" apply.
10 ~~The unit~~ Child support services shall be granted at least
11 thirty days to respond to the order. The court may extend
12 the time for ~~the unit~~ child support services to comply. Upon
13 receipt by the court of the confidential information under
14 this subparagraph, the court may order the release of the
15 information to the petitioner.

16 (2) If ~~the unit~~ child support services has the specified
17 confidential information, and the domestic violence, child
18 abuse, or disclosure risk indicator provision of paragraph "b"
19 applies, ~~the unit~~ child support services shall file with the
20 court a statement that the domestic violence, child abuse,
21 or disclosure risk indicator provision of paragraph "b"
22 applies, along with any information ~~the unit~~ child support
23 services has received related to the domestic violence, child
24 abuse, or disclosure risk indicator. ~~The unit~~ Child support
25 services shall be granted at least thirty days to respond to
26 the order. The court may extend the time for ~~the unit~~ child
27 support services to comply. Upon receipt by the court of
28 information from ~~the unit~~ child support services under this
29 subparagraph, the court shall make a finding whether disclosure
30 of confidential information to any other person could be
31 harmful to the nonrequesting party or child. In making the
32 finding, the court shall consider any relevant information
33 provided by the parent or child, any information provided by
34 ~~the unit~~ child support services or by a child support agency,
35 any information provided by the petitioner, and any other

1 relevant evidence. ~~The unit~~ Child support services or ~~unit's~~
2 a child support services' attorney does not represent any
3 individual person in this proceeding.

4 (a) If the court finds that disclosure of confidential
5 information to any other person could be harmful to the
6 nonrequesting party or child, the court shall dismiss the
7 petition for disclosure and notify ~~the unit~~ child support
8 services to notify the federal parent locator service of a
9 disclosure risk indicator.

10 (b) If the court does not find that disclosure of specified
11 confidential information to any other person could be harmful
12 to the nonrequesting party or child, the court shall notify ~~the~~
13 ~~unit~~ child support services to file the specified confidential
14 information with the court. Upon receipt by the court of the
15 specified confidential information, the court may release the
16 information to the petitioner and inform ~~the unit~~ child support
17 services to remove the disclosure risk indicator.

18 (3) If ~~the unit~~ child support services does not have the
19 specified confidential information and cannot obtain the
20 information from the federal parent locator service, ~~the unit~~
21 child support services shall comply with the order by notifying
22 the court of the lack of information.

23 4. The confidential information which may be released by
24 ~~the unit~~ child support services to a party under subsection
25 2, or by ~~the unit~~ child support services to the court under
26 subsection 3, shall be limited by the federal Social Security
27 Act and other applicable federal law, and ~~the unit~~ child
28 support services may use the sworn statement filed pursuant to
29 subsection 1 or 3 in applying federal law. Any information
30 filed with the court by ~~the unit~~ child support services, when
31 certified over the signature of a designated employee, shall
32 be considered to be satisfactorily identified and shall be
33 admitted as evidence, without requiring third-party foundation
34 testimony. Additional proof of the official character of the
35 person certifying the document or the authenticity of the

1 person's signature shall not be required.

2 5. When making a request for confidential information under
3 this section, a party or petitioner shall indicate the specific
4 information requested.

5 6. For purposes of [this section](#), "party" means party as
6 defined in [section 252B.9, subsection 3](#).

7 7. ~~The unit~~ Child support services may adopt rules pursuant
8 to [chapter 17A](#) to prescribe provisions in addition to or in
9 lieu of the provisions of [this section](#) to comply with federal
10 requirements for parent locator services or the safeguarding
11 of information.

12 Sec. 858. Section 252B.11, Code 2023, is amended to read as
13 follows:

14 **252B.11 Recovery of costs of collection services.**

15 ~~The unit~~ Child support services may initiate necessary civil
16 proceedings to recover ~~the unit's~~ child support services' costs
17 of support collection services provided to an individual,
18 whether or not the individual is a public assistance recipient,
19 from an individual who owes and is able to pay a support
20 obligation but willfully fails to pay the obligation. ~~The unit~~
21 Child support services may seek a lump sum recovery of ~~the~~
22 unit's child support services' costs or may seek to recover ~~the~~
23 unit's child support services' costs through periodic payments
24 which are in addition to periodic support payments. If ~~the~~
25 unit's child support services' costs are recovered from an
26 individual owing a support obligation, the costs shall not be
27 deducted from the amount of support money received from the
28 individual. The costs collected pursuant to [this section](#) shall
29 be retained by the department for use by ~~the unit~~ child support
30 services. The director or a designee shall keep an accurate
31 record of funds so retained.

32 Sec. 859. Section 252B.13A, Code 2023, is amended to read
33 as follows:

34 **252B.13A Collection services center.**

35 1. The department shall establish within ~~the unit~~ child

1 support services a collection services center for the receipt
2 and disbursement of support payments as defined in section
3 252D.16 or 598.1 as required for orders by section 252B.14.
4 For purposes of this section, support payments do not include
5 attorney fees, court costs, or property settlements. The
6 center may also receive and disburse surcharges as provided in
7 section 252B.23.

8 2. a. The collection services center shall meet the
9 requirements for a state disbursement unit pursuant to 42
10 U.S.C. §654b, section 252B.14, and this section by October 1,
11 1999.

12 b. Prior to October 1, 1999, the department and the
13 judicial branch shall enter into a cooperative agreement for
14 implementation of the state disbursement unit requirement. The
15 agreement shall include, but is not limited to, provisions for
16 all of the following:

17 (1) Coordination with the state case registry created in
18 section 252B.24.

19 (2) The receipt and disbursement of income withholding
20 payments for orders not receiving services from ~~the unit~~ child
21 support services pursuant to section 252B.14, subsection 4.

22 (3) The transmission of information, orders, and documents,
23 and access to information.

24 (4) Furnishing, upon request, timely information on the
25 current status of support payments as provided in 42 U.S.C.
26 §654b(b)(4), in a manner consistent with state law.

27 (5) The notification of payors of income to direct income
28 withholding payments to the collection services center as
29 provided in section 252B.14, subsection 4.

30 Sec. 860. Section 252B.14, subsections 2 and 5, Code 2023,
31 are amended to read as follows:

32 2. For support orders being enforced by ~~the child support~~
33 ~~recovery unit~~ services, support payments made pursuant to the
34 order shall be directed to and disbursed by the collection
35 services center or, as appropriate, a comparable government

1 entity in another state as provided in [chapter 252K](#).

2 5. If the collection services center is receiving and
3 disbursing payments pursuant to a support order, but ~~the unit~~
4 child support services is not providing other services under
5 Tit. IV-D of the federal Social Security Act, or if the order
6 is not being enforced by ~~the unit~~ child support services,
7 the parties to that order are not considered to be receiving
8 services under [this chapter](#).

9 Sec. 861. Section 252B.15, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. The collection services center shall notify the clerk
12 of the district court of any order for which ~~the child support~~
13 ~~recovery unit~~ services is providing enforcement services. The
14 clerk of the district court shall forward any support payment
15 made pursuant to the order, along with any support payment
16 information, to the collection services center. Unless the
17 agreement developed pursuant to [section 252B.13A](#) otherwise
18 provides, the clerk of the district court shall forward any
19 support payment made and any support payment information
20 provided through income withholding pursuant to [chapter 252D](#),
21 to the collection services center. The collection services
22 center shall process and disburse the payment in accordance
23 with federal requirements.

24 Sec. 862. Section 252B.16, Code 2023, is amended to read as
25 follows:

26 **252B.16 Transfer of support order processing responsibilities**
27 **— ongoing procedures.**

28 1. For a support order being processed by the clerk of
29 the district court, upon notification that ~~the unit~~ child
30 support services is providing enforcement services related to
31 the order, the clerk of the district court shall immediately
32 transfer the responsibility for the disbursement of support
33 payments received pursuant to the order to the collection
34 services center.

35 2. The department shall adopt rules pursuant to chapter

1 17A to ensure that the affected parties are notified that
2 the support payment disbursement responsibilities have been
3 transferred to the collection services center from the clerk
4 of the district court. The rules shall include a provision
5 requiring that a notice shall be sent by regular mail to the
6 last known addresses of the obligee and the obligor. The
7 issuance of notice to the obligor is the equivalent of a court
8 order requiring the obligor to direct payment to the collection
9 services center for disbursement.

10 3. Once the responsibility for receiving and disbursing
11 support payments has been transferred from a clerk of the
12 district court to the collection services center, the
13 responsibility shall remain with the collection services
14 center even if ~~the child support recovery unit~~ services is no
15 longer providing enforcement services, unless redirected by
16 court order. However, the responsibility for receiving and
17 disbursing income withholding payments shall not be redirected
18 to a clerk of the district court.

19 4. As provided in sections **252K.307** and **252K.319**, ~~the unit~~
20 child support services may issue and file with the clerk of
21 the district court, a notice redirecting support payments to
22 a comparable government entity responsible for the processing
23 and disbursement of support payments in another state. ~~The~~
24 ~~unit~~ Child support services shall send a copy of the notice by
25 regular mail to the last known addresses of the obligor and
26 obligee and, where applicable, shall notify the payor of income
27 to make payments as specified in the notice. The issuance
28 and filing of the notice is the equivalent of a court order
29 redirecting support.

30 Sec. 863. Section 252B.17A, Code 2023, is amended to read
31 as follows:

32 **252B.17A Imaging or photographic copies — originals**
33 **destroyed.**

34 1. If ~~the unit~~ child support services, in the regular
35 course of business or activity, has recorded or received any

1 memorandum, writing, entry, print, document, representation,
 2 or combination thereof, of any act, transaction, occurrence,
 3 event, or communication from any source, and in the regular
 4 course of business has caused any or all of the same to
 5 be recorded, copied, or reproduced by any photographic,
 6 photostatic, microfilm, microcard, miniature photographic,
 7 electronic imaging, electronic data processing, or other
 8 process which accurately reproduces or forms a durable
 9 medium for accurately and legibly reproducing an unaltered
 10 image or reproduction of the original, the original may be
 11 destroyed. Such reproduction, when satisfactorily identified,
 12 is as admissible in evidence as the original itself in any
 13 judicial or administrative proceeding whether the original is
 14 in existence or not and an enlargement or facsimile of such
 15 reproduction is likewise admissible in evidence if the original
 16 recording, copy, or reproduction is in existence and available
 17 for inspection. The introduction of a reproduced record,
 18 enlargement, or facsimile, does not preclude admission of the
 19 original.

20 2. The electronically imaged, copied, or otherwise
 21 reproduced record or document maintained or received by ~~the~~
 22 ~~unit~~ child support services, when certified over the signature
 23 of a designated employee of ~~the unit~~ child support services,
 24 shall be considered to be satisfactorily identified. Certified
 25 documents are deemed to have been imaged or copied or otherwise
 26 reproduced accurately and unaltered in the regular course of
 27 business, and such documents are admissible in any judicial or
 28 administrative proceeding as evidence. Additional proof of
 29 the official character of the person certifying the record or
 30 authenticity of the person's signature shall not be required.
 31 Whenever ~~the unit~~ child support services or an employee of ~~the~~
 32 ~~unit~~ child support services is served with a summons, subpoena,
 33 subpoena duces tecum, or order directing production of such
 34 records, ~~the unit~~ child support services or ~~the~~ employee may
 35 comply by transmitting a copy of the record certified as

1 described above to the district court.

2 Sec. 864. Section 252B.20, Code 2023, is amended to read as
3 follows:

4 **252B.20 Suspension of support — request by mutual consent.**

5 1. If ~~the-unit~~ child support services is providing child
6 support enforcement services pursuant to **this chapter**, the
7 parents of a dependent child for whom support has been ordered
8 pursuant to **chapter 252A, 252C, 252F, 598, 600B**, or any other
9 chapter, may jointly request the assistance of ~~the-unit~~ child
10 support services in suspending the obligation for support if
11 all of the following conditions exist:

12 a. The parents have reconciled and are cohabiting, and
13 the child for whom support is ordered is living in the same
14 residence as the parents, or the child is currently residing
15 with the parent who is ordered to pay support. If the basis for
16 suspension under this paragraph applies to at least one but not
17 all of the children for whom support is ordered, the condition
18 of this paragraph is met only if the support order includes a
19 step change.

20 b. The child for whom support is ordered is not receiving
21 public assistance pursuant to **chapter 239B, 249A**, or a
22 comparable law of another state or foreign country, unless the
23 person against whom support is ordered is considered to be a
24 member of the same household as the child for the purposes of
25 public assistance eligibility.

26 c. The parents have signed a notarized affidavit attesting
27 to the conditions under paragraphs "a" and "b", have consented
28 to suspension of the support order or obligation, and have
29 submitted the affidavit to ~~the-unit~~ child support services.

30 d. No prior request for suspension has been filed with
31 ~~the-unit~~ child support services under **this section** and no
32 prior request for suspension has been served by ~~the-unit~~ child
33 support services under **section 252B.20A** during the two-year
34 period preceding the request.

35 e. Any other criteria established by rule of the department.

1 2. Upon receipt of the application for suspension and
2 properly executed and notarized affidavit, ~~the unit~~ child
3 support services shall review the application and affidavit to
4 determine that the necessary criteria have been met. ~~The unit~~
5 Child support services shall then do one of the following:

6 a. Deny the request and notify the parents in writing
7 that the application is being denied, providing reasons for
8 the denial and notifying the parents of the right to proceed
9 through private counsel. Denial of the application is not
10 subject to contested case proceedings or further review
11 pursuant to [chapter 17A](#).

12 b. Approve the request and prepare an order which shall be
13 submitted, along with the affidavit, to a judge of a district
14 court for approval, suspending the accruing support obligation
15 and, if requested by the obligee, and if not prohibited by
16 chapter 252K, satisfying the obligation of support due the
17 obligee. If the basis for suspension applies to at least one
18 but not all of the children for whom support is ordered and the
19 support order includes a step change, ~~the unit~~ child support
20 services shall prepare an order suspending the accruing support
21 obligation for each child to whom the basis for suspension
22 applies.

23 3. An order approved by the court for suspension of an
24 accruing support obligation is effective upon the date of
25 filing of the suspension order. The satisfaction of an
26 obligation of support due the obligee shall be final upon the
27 filing of the suspension order. A support obligation which is
28 satisfied is not subject to the reinstatement provisions of
29 this section.

30 4. An order suspending an accruing support obligation
31 entered by the court pursuant to [this section](#) shall be
32 considered a temporary order for the period of six months from
33 the date of filing of the suspension order. However, the
34 six-month period shall not include any time during which an
35 application for reinstatement is pending before the court.

1 5. During the six-month period ~~the unit~~ child support
2 services may request that the court reinstate the accruing
3 support order or obligation if any of the following conditions
4 exist:

5 a. Upon application to ~~the unit~~ child support services by
6 either parent or other person who has physical custody of the
7 child.

8 b. Upon the receipt of public assistance benefits, pursuant
9 to [chapter 239B, 249A](#), or a comparable law of another state
10 or foreign country, by the person entitled to receive support
11 and the child on whose behalf support is paid, provided that
12 the person owing the support is not considered to be a member
13 of the same household as the child for the purposes of public
14 assistance eligibility.

15 6. If a condition under [subsection 5](#) exists, ~~the unit~~
16 child support services may request that the court reinstate an
17 accruing support obligation as follows:

18 a. If the basis for the suspension no longer applies to any
19 of the children for whom an accruing support obligation was
20 suspended, ~~the unit~~ child support services shall request that
21 the court reinstate the accruing support obligations for all of
22 the children.

23 b. If the basis for the suspension continues to apply to
24 at least one but not all of the children for whom an accruing
25 support obligation was suspended and if the support order
26 includes a step change, ~~the unit~~ child support services
27 shall request that the court reinstate the accruing support
28 obligation for each child for whom the basis for the suspension
29 no longer applies.

30 7. Upon filing of an application for reinstatement, service
31 of the application shall be made either in person or by first
32 class mail upon both parents. Within ten days following the
33 date of service, the parents may file a written objection with
34 the clerk of the district court to the entry of an order for
35 reinstatement.

1 *a.* If no objection is filed, the court may enter an order
2 reinstating the accruing support obligation without additional
3 notice.

4 *b.* If an objection is filed, the clerk of court shall set
5 the matter for hearing and send notice of the hearing to both
6 parents and ~~the unit~~ child support services.

7 8. The reinstatement is effective as follows:

8 *a.* For reinstatements initiated under [subsection 5](#),
9 paragraph "a", the date the notices were served on both parents
10 pursuant to [subsection 7](#).

11 *b.* For reinstatements initiated under [subsection 5](#),
12 paragraph "b", the date the child began receiving public
13 assistance benefits during the suspension of the obligation.

14 *c.* Support which became due during the period of suspension
15 but prior to the reinstatement is waived and not due and owing
16 unless the parties requested and agreed to the suspension under
17 false pretenses.

18 9. If the order suspending a support obligation has been
19 on file with the court for a period exceeding six months as
20 computed pursuant to [subsection 4](#), the order becomes final by
21 operation of law and terminates the support obligation, and
22 thereafter, a party seeking to establish a support obligation
23 against either party shall bring a new action for support as
24 provided by law.

25 10. [This section](#) shall not limit the rights of the parents
26 or ~~the unit~~ child support services to proceed by other means to
27 suspend, terminate, modify, reinstate, or establish support.

28 11. [This section](#) does not provide for the suspension or
29 retroactive modification of support obligations which accrued
30 prior to the entry of an order suspending enforcement and
31 collection of support pursuant to [this section](#). However, if in
32 the application for suspension, an obligee elects to satisfy an
33 obligation of accrued support due the obligee, the suspension
34 order may satisfy the obligation of accrued support due the
35 obligee.

1 12. Nothing in this section shall prohibit or limit ~~the~~
2 unit child support services or a party entitled to receive
3 support from enforcing and collecting any unpaid or unsatisfied
4 support that accrued prior to the suspension of the accruing
5 obligation.

6 13. For the purposes of chapter 252H, subchapter II,
7 regarding the criteria for a review or for a cost-of-living
8 alteration under chapter 252H, subchapter IV, if a support
9 obligation is terminated or reinstated under this section,
10 such termination or reinstatement shall not be considered a
11 modification of the support order.

12 14. As used in this section, unless the context otherwise
13 requires, "*step change*" means a change designated in a support
14 order specifying the amount of the child support obligation
15 as the number of children entitled to support under the order
16 changes.

17 15. As specified in this section, if the child for whom
18 support is ordered is not receiving public assistance pursuant
19 to chapter 239B, 249A, or a comparable law of another state
20 or foreign country, upon agreement of the parents, ~~the unit~~
21 child support services may facilitate the suspension of the
22 child support order or obligation if the child is residing
23 with a caretaker, who is a natural person, and who has not
24 requested ~~the unit~~ child support services to provide services
25 under this chapter. The parents and the caretaker shall sign
26 a notarized affidavit attesting to the conditions under this
27 section, consent to the suspension of the support order or
28 obligation, and submit the affidavit to ~~the unit~~ child support
29 services. Upon the receipt of public assistance benefits
30 pursuant to chapter 239B, 249A, or a comparable law of another
31 state or foreign country, by the child on whose behalf support
32 is ordered, or upon application to ~~the unit~~ child support
33 services by either parent or the caretaker, ~~the unit child~~
34 support services may, within the time periods specified in this
35 section, request the reinstatement of the accruing support

1 order or obligation pursuant to [this section](#).

2 16. The department may adopt all necessary and proper rules
3 to administer and interpret [this section](#).

4 Sec. 865. Section 252B.20A, Code 2023, is amended to read
5 as follows:

6 **252B.20A Suspension of support — request by one party.**

7 1. If ~~the unit~~ child support services is providing child
8 support enforcement services pursuant to [this chapter](#), the
9 obligor who is ordered to pay support for the dependent child
10 pursuant to [chapter 252A](#), [252C](#), or [252F](#), may request the
11 assistance of ~~the unit~~ child support services in suspending
12 the obligation for support if all of the following conditions
13 exist:

14 *a.* The child is currently residing with the obligor and has
15 been for more than sixty consecutive days. If the basis for
16 suspension under this paragraph applies to at least one but not
17 all of the children for whom support is ordered, the condition
18 of this paragraph is met only if the support order includes a
19 step change.

20 *b.* There is no order in effect regarding legal custody,
21 physical care, visitation, or other parenting time for the
22 child.

23 *c.* It is reasonably expected that the basis for suspension
24 under [this section](#) will continue for not less than six months.

25 *d.* The child for whom support is ordered is not receiving
26 public assistance pursuant to [chapter 239B](#), [249A](#), or a
27 comparable law of another state or foreign country, unless the
28 obligor is considered to be a member of the same household as
29 the child for the purposes of public assistance eligibility.

30 *e.* The obligor has signed a notarized affidavit, provided
31 by ~~the unit~~ child support services, attesting to the existence
32 of the conditions under paragraphs “*a*” through “*d*”, has
33 requested suspension of the support order or obligation, and
34 has submitted the affidavit to ~~the unit~~ child support services.

35 *f.* No prior request for suspension has been served under

1 this section, and no prior request for suspension has been
2 filed with ~~the unit~~ child support services pursuant to section
3 252B.20, during the two-year period preceding the request.

4 g. Any other criteria established by rule of the department.

5 2. Upon receipt of the application for suspension and
6 properly executed and notarized affidavit, ~~the unit~~ child
7 support services shall review the application and affidavit
8 to determine that the criteria have been met. ~~The unit~~ Child
9 support services shall then do one of the following:

10 a. If ~~the unit~~ child support services determines the
11 criteria have not been met, deny the request and notify the
12 obligor in writing that the application is being denied,
13 providing reasons for the denial and notifying the obligor of
14 the right to proceed through private counsel. Denial of the
15 application is not subject to contested case proceedings or
16 further review pursuant to [chapter 17A](#).

17 b. If ~~the unit~~ child support services determines the
18 criteria have been met, serve a copy of the notice and
19 supporting documents on the obligee by any means provided in
20 section 252B.26. The notice to the obligee shall include all
21 of the following:

22 (1) Information sufficient to identify the parties and the
23 support order affected.

24 (2) An explanation of the procedure for suspension and
25 reinstatement of support under [this section](#).

26 (3) An explanation of the rights and responsibilities of the
27 obligee, including the applicable procedural time frames.

28 (4) A statement that within twenty days of service, the
29 obligee must submit a signed and notarized response to ~~the~~
30 unit child support services objecting to at least one of the
31 assertions in [subsection 1](#), paragraphs "a" through "d". The
32 statement shall inform the obligee that if, within twenty days
33 of service, the obligee fails to submit a response as specified
34 in this subparagraph, notwithstanding [rules](#)
[of civil procedure 1.972\(2\)](#) and [1.972\(3\)](#),

~~the unit~~ child support services will
1 prepare and submit an order as provided in [subsection 3](#),
2 paragraph "b".

3 3. No sooner than thirty days after service on the obligee
4 under [subsection 2](#), paragraph "b", ~~the unit~~ child support
5 services shall do one of the following:

6 a. If the obligee submits a signed and notarized objection
7 to any assertion in [subsection 1](#), paragraphs "a" through "d",
8 deny the request and notify the parties in writing that the
9 application is denied, providing reasons for the denial, and
10 notifying the parties of the right to proceed through private
11 counsel. Denial of the application is not subject to contested
12 case proceedings or further review pursuant to [chapter 17A](#).

13 b. If the obligee does not timely submit a signed and
14 notarized objection to ~~the unit~~ child support services, prepare
15 an order which shall be submitted, along with supporting
16 documents, to a judge of a district court for approval,
17 suspending the accruing support obligation. If the basis for
18 suspension applies to at least one but not all of the children
19 for whom support is ordered and the support order includes a
20 step change, ~~the unit~~ child support services shall prepare an
21 order suspending the accruing support obligation for each child
22 to whom the basis for suspension applies.

23 4. An order approved by the court for suspension of an
24 accruing support obligation is effective upon the date of
25 filing of the suspension order.

26 5. An order suspending an accruing support obligation
27 entered by the court pursuant to [this section](#) shall be
28 considered a temporary order for the period of six months from
29 the date of filing of the suspension order. However, the
30 six-month period shall not include any time during which an
31 application for reinstatement is pending before the court.

32 6. During the six-month period, ~~the unit~~ child support
33 services may request that the court reinstate the accruing
34 support order or obligation if any of the following conditions

35 exist:

1 *a.* Upon application to ~~the unit~~ child support services by
2 either party or other person who has physical custody of the
3 child.

4 *b.* Upon the receipt of public assistance benefits pursuant
5 to [chapter 239B, 249A](#), or a comparable law of another state
6 or foreign country, by the person entitled to receive support
7 and the child on whose behalf support is paid, provided that
8 the person owing the support is not considered to be a member
9 of the same household as the child for the purposes of public
10 assistance eligibility.

11 7. If a condition under [subsection 6](#) exists, ~~the unit~~
12 child support services may request that the court reinstate an
13 accruing support obligation as follows:

14 *a.* If the basis for the suspension no longer applies to any
15 of the children for whom an accruing support obligation was
16 suspended, ~~the unit~~ child support services shall request that
17 the court reinstate the accruing support obligations for all of
18 the children.

19 *b.* If the basis for the suspension continues to apply to
20 at least one but not all of the children for whom an accruing
21 support obligation was suspended and if the support order
22 includes a step change, ~~the unit~~ child support services
23 shall request that the court reinstate the accruing support
24 obligation for each child for whom the basis for the suspension
25 no longer applies.

26 8. Upon filing of an application for reinstatement, service
27 of the application shall be made either in person or by first
28 class mail upon the parties. Within ten days following the
29 date of service, a party may file a written objection with
30 the clerk of the district court to the entry of an order for
31 reinstatement.

32 *a.* If no objection is filed, the court may enter an order
33 reinstating the accruing support obligation without additional
34 notice.

35 *b.* If an objection is filed, the clerk of court shall set
1 the matter for hearing and send notice of the hearing to the
2 parties and ~~the unit~~ child support services.

3 9. *a.* The reinstatement is effective as follows:

4 (1) For reinstatements initiated under [subsection 6](#),
5 paragraph "*a*", the date the notices were served on the parties
6 pursuant to [subsection 8](#).

7 (2) For reinstatements initiated under [subsection 6](#),
8 paragraph "*b*", the date the child began receiving public
9 assistance benefits during the suspension of the obligation.

10 *b.* Support which became due during the period of suspension
11 but prior to the reinstatement is waived and not due and owing
12 unless the suspension was made under false pretenses.

13 10. If the order suspending a support obligation has been
14 on file with the court for a period exceeding six months as
15 computed pursuant to [subsection 5](#), the order becomes final by
16 operation of law and terminates the support obligation, and
17 thereafter, a party seeking to establish a support obligation
18 against either party shall bring a new action for support as
19 provided by law.

20 11. Legal representation of ~~the unit~~ child support services
21 shall be provided pursuant to [section 252B.7, subsection 4](#).

22 12. [This section](#) shall not limit the rights of a party or
23 ~~the unit~~ child support services to proceed by other means to
24 suspend, terminate, modify, reinstate, or establish support.

25 13. [This section](#) does not provide for the suspension or
26 retroactive modification of support obligations which accrued
27 prior to the entry of an order suspending enforcement and
28 collection of support pursuant to [this section](#).

29 14. Nothing in [this section](#) shall prohibit or limit ~~the~~
30 ~~unit~~ child support services or a party entitled to receive
31 support from enforcing and collecting any unpaid or unsatisfied
32 support that accrued prior to the suspension of the accruing
33 obligation.

34 15. For the purposes of [chapter 252H](#) regarding the criteria

35 for a review under [subchapter II](#) of that chapter or for a
 1 cost-of-living alteration under [subchapter IV](#) of that chapter,
 2 if a support obligation is terminated or reinstated under
 3 this section, such termination or reinstatement shall not be
 4 considered a modification of the support order.

5 16. As used in [this section](#), unless the context otherwise
 6 requires, "*step change*" means a change designated in a support
 7 order specifying the amount of the child support obligation
 8 as the number of children entitled to support under the order
 9 changes.

10 17. As specified in [this section](#), if the child for whom
 11 support is ordered is not receiving public assistance pursuant
 12 to [chapter 239B, 249A](#), or a comparable law of another state
 13 or foreign country, upon request by the obligor, ~~the unit~~
 14 child support services may facilitate the suspension of the
 15 child support order or obligation if the child is residing
 16 with a caretaker, who is a natural person, and who has not
 17 requested ~~the unit~~ child support services to provide services
 18 under [this chapter](#). The obligor and the caretaker shall sign
 19 a notarized affidavit attesting to the conditions under this
 20 section, consent to the suspension of the support order or
 21 obligation, and submit the affidavit to ~~the unit~~ child support
 22 services. Upon the receipt of public assistance benefits
 23 pursuant to [chapter 239B, 249A](#), or a comparable law of another
 24 state or foreign country, by the child on whose behalf support
 25 is ordered, or upon application to ~~the unit~~ child support
 26 services by either party or the caretaker, ~~the unit~~ child
 27 support services may, within the time periods specified in this
 28 section, request the reinstatement of the accruing support
 29 order or obligation pursuant to [this section](#).

30 18. The department may adopt all necessary and proper rules
 31 to administer and interpret [this section](#).

32 Sec. 866. Section 252B.21, Code 2023, is amended to read as
 33 follows:

34 **252B.21 Administrative seek employment orders.**

35 1. For any support order being enforced by ~~the unit child~~
1 support services, ~~the unit child support services~~ may enter
2 an ex parte order requiring the obligor to seek employment
3 if employment of the obligor cannot be verified and if the
4 obligor has failed to make support payments. Advance notice is
5 not required prior to entering the ex parte order. The order
6 shall be served upon the obligor by regular mail, with proof of
7 service completed as provided in [rule of civil procedure 1.442](#).
8 ~~The unit~~ Child support services shall file a copy of the order
9 with the clerk of the district court.

10 2. The order to seek employment shall contain directives,
11 including all of the following:

12 a. That the obligor seek employment within a determinate
13 amount of time.

14 b. That the obligor file with ~~the unit child support~~
15 services on a weekly basis a report of at least five new
16 attempts to find employment or of having found employment. The
17 report shall include the names, addresses, and the telephone
18 numbers of any employers or businesses with whom the obligor
19 attempted to seek employment and the name of the individual
20 contact to whom the obligor made application for employment or
21 to whom an inquiry was directed.

22 c. That failure to comply with the notice is evidence of a
23 willful failure to pay support under [section 598.23A](#).

24 d. That the obligor shall provide ~~the child support recovery~~
25 unit services with verification of any reason for noncompliance
26 with the order.

27 e. The duration of the order, not to exceed three months.

28 3. The department may establish additional criteria or
29 requirements relating to seek employment orders by rule as
30 necessary to implement [this section](#).

31 Sec. 867. Section 252B.22, subsection 1, unnumbered
32 paragraph 1, Code 2023, is amended to read as follows:

33 ~~The child~~ Child support recovery unit services created in
34 this chapter shall establish a task force to assist in the

35 development and implementation of all of the following:

1 Sec. 868. Section 252B.23, Code 2023, is amended to read as
2 follows:

3 **252B.23 Surcharge.**

4 1. A surcharge shall be due and payable by the obligor on
5 a support arrearage identified as difficult to collect and
6 referred by ~~the unit~~ child support services on or after January
7 1, 1998, to a collection entity under contract with ~~the unit~~
8 child support services or other state entity. The amount of
9 the surcharge shall be a percent of the amount of the support
10 arrearage referred to the collection entity and shall be
11 specified in the contract with the collection entity. For the
12 purpose of **this chapter**, a "collection entity" includes but is
13 not limited to a state agency, including the central collection
14 unit of the department of revenue, or a private collection
15 agency. Use of a collection entity is in addition to any
16 other legal means by which support payments may be collected.
17 ~~The unit~~ Child support services shall continue to use other
18 enforcement actions, as appropriate.

19 2. *a.* Notice that a surcharge may be assessed on a support
20 arrearage referred to a collection entity pursuant to this
21 section shall be provided to an obligor in accordance with one
22 of the following as applicable:

23 (1) In the order establishing or modifying the support
24 obligation. ~~The unit~~ Child support services or the district
25 court shall include notice in any new or modified support order
26 issued on or after July 1, 1997.

27 (2) Through notice sent by ~~the unit~~ child support services
28 by regular mail to the last known address of the support
29 obligor.

30 *b.* The notice shall also advise that any appropriate
31 information may be provided to a collection entity for purposes
32 of administering and enforcing the surcharge.

33 3. Arrearages submitted for referral and surcharge pursuant
34 to **this section** shall meet all of the following criteria:

35 *a.* The arrearages owed shall be based on a court or
1 administrative order which establishes the support obligation.

2 *b.* The arrearage is due for a case in which ~~the unit~~
3 child support services is providing services pursuant to this
4 chapter and one for which the arrearage has been identified as
5 difficult to collect by ~~the unit~~ child support services.

6 *c.* The obligor was provided notice pursuant to [subsection 2](#)
7 at least fifteen days prior to sending the notice of referral
8 pursuant to [subsection 4](#).

9 4. ~~The unit~~ Child support services shall send notice of
10 referral to the obligor by regular mail to the obligor's last
11 known address, with proof of service completed according to
12 [rule of civil procedure 1.442](#), at least thirty days prior to
13 the date the arrearage is referred to the collection entity.

14 The notice shall inform the obligor of all of the following:

15 *a.* The arrearage will be referred to a collection entity.

16 *b.* Upon referral, a surcharge is due and payable by the
17 obligor.

18 *c.* The amount of the surcharge.

19 *d.* That the obligor may avoid referral by paying the amount
20 of the arrearage to the collection services center within
21 twenty days of the date of notice of referral.

22 *e.* That the obligor may contest the referral by submitting a
23 written request for review of ~~the unit~~ child support services.

24 The request shall be received by ~~the unit~~ child support
25 services within twenty days of the date of the notice of
26 referral.

27 *f.* The right to contest the referral is limited to a mistake
28 of fact, which includes a mistake in the identity of the
29 obligor, a mistake as to fulfillment of the requirements for
30 referral under [this subsection](#), or a mistake in the amount of
31 the arrearages.

32 *g.* ~~The unit~~ Child support services shall issue a written
33 decision following a requested review.

34 *h.* Following the issuance of a written decision by ~~the unit~~

35 child support services denying that a mistake of fact exists,
 1 the obligor may request a hearing to challenge the surcharge
 2 by sending a written request for a hearing to ~~the office of~~
 3 ~~the unit which issued the decision~~ child support services.
 4 The request shall be received by ~~the office of the unit which~~
 5 ~~issued the decision~~ child support services within ten days of
 6 ~~the unit's~~ child support services' written decision. The only
 7 grounds for a hearing shall be mistake of fact. Following
 8 receipt of the written request, ~~the unit which receives the~~
 9 ~~request~~ child support services shall certify the matter for
 10 hearing in the district court in the county in which the
 11 underlying support order is filed.

12 *i.* The address of the collection services center for payment
 13 of the arrearages.

14 5. If the obligor pays the amount of arrearage within twenty
 15 days of the date of the notice of referral, referral of the
 16 arrearage to a collection entity shall not be made.

17 6. If the obligor requests a review or court hearing
 18 pursuant to [this section](#), referral of the arrearages shall be
 19 stayed pending the decision of ~~the unit~~ child support services
 20 or the court.

21 7. Actions of ~~the unit~~ child support services under this
 22 section shall not be subject to contested case proceedings or
 23 further review pursuant to [chapter 17A](#) and any resulting court
 24 hearing shall be an original hearing before the district court.
 25 However, the department shall establish, by rule pursuant to
 26 [chapter 17A](#), an internal process to provide an additional
 27 review by the ~~administrator of the child support recovery unit~~
 28 director or the ~~administrator's~~ director's designee.

29 8. If an obligor does not pay the amount of the arrearage,
 30 does not contest the referral, or if following ~~the unit's~~
 31 child support services' review and any court hearing ~~the unit~~
 32 child support services or the court does not find a mistake
 33 of fact, the arrearages shall be referred to a collection
 34 entity. Following the review or hearing, if ~~the unit~~ child

35 support services or the court finds a mistake in the amount
1 of the arrearage, the arrearages shall be referred to the
2 collection entity in the appropriate arrearage amount. For
3 arrearages referred to a collection entity, the obligor shall
4 pay a surcharge equal to a percent of the amount of the support
5 arrearage due as of the date of the referral. The surcharge
6 is in addition to the arrearages and any other fees or charges
7 owed, and shall be enforced by the collection entity as
8 provided under [section 252B.5](#). Upon referral to the collection
9 entity, the surcharge is an automatic judgment against the
10 obligor.

11 9. The director or the director's designee may file a notice
12 of the surcharge with the clerk of the district court in the
13 county in which the underlying support order is filed. Upon
14 filing, the clerk shall enter the amount of the surcharge on
15 the lien index and judgment docket.

16 10. Following referral of a support arrearage to a
17 collection entity, the surcharge shall be due and owing and
18 enforceable by a collection entity or ~~the unit~~ child support
19 services notwithstanding satisfaction of the support obligation
20 or whether the collection entity is enforcing a support
21 arrearage. However, ~~the unit~~ child support services may waive
22 payment of all or a portion of the surcharge if waiver will
23 facilitate the collection of the support arrearage.

24 11. All surcharge payments shall be received and disbursed
25 by the collection services center. The surcharge payments
26 received by the collection services center shall be considered
27 repayment receipts as defined in [section 8.2](#) and shall be used
28 to pay the costs of any contracts with a collection entity.

29 12. a. A payment received by the collection services center
30 which meets all the following conditions shall be allocated as
31 specified in paragraph "b":

32 (1) The payment is for a case in which arrearages have been
33 referred to a collection entity.

34 (2) A surcharge is assessed on the arrearages.

35 (3) The payment is collected under the provisions of the
1 contract with the collection entity.

2 b. A payment meeting all of the conditions in paragraph "a"
3 shall be allocated between support and costs and fees, and the
4 surcharge according to the following formula:

5 (1) The payment shall be divided by the sum of one hundred
6 percent plus the percent specified in the contract.

7 (2) The quotient shall be the amount allocated to the
8 support arrearage and other fees and costs.

9 (3) The difference between the dividend and the quotient
10 shall be the amount allocated to the surcharge.

11 13. Any computer or software programs developed and any
12 records used in relation to a contract with a collection entity
13 remain the property of the department.

14 Sec. 869. Section 252B.24, Code 2023, is amended to read as
15 follows:

16 **252B.24 State case registry.**

17 1. ~~Beginning October 1, 1998, the unit Child support~~
18 services shall operate a state case registry to the extent
19 determined by applicable time frames and other provisions of
20 42 U.S.C. §654a(e) and [this section](#). ~~The unit Child support~~
21 services and the judicial branch shall enter into a cooperative
22 agreement for the establishment and operation of the registry
23 by ~~the unit child support services~~. The state case registry
24 shall include records with respect to all of the following:

25 a. Unless prohibited by federal law, each case for which
26 services are provided under [this chapter](#).

27 b. Each order for support, as defined in [section 252D.16](#) or
28 598.1, which meets at least one of the following criteria:

29 (1) The support order is established or modified in this
30 state on or after October 1, 1998.

31 (2) The income of the obligor is subject to income
32 withholding under [chapter 252D](#), including any support order for
33 which the district court enters an ex parte order under chapter
34 252D on or after October 1, 1998.

35 2. The clerk of the district court shall provide ~~the~~
1 unit child support services with any information, orders,
2 or documents requested by ~~the unit~~ child support services
3 to establish or operate the state case registry, which are
4 specified in the agreement described in [subsection 1](#), within
5 the time frames specified in that agreement. The agreement
6 shall include but is not limited to provisions to provide for
7 all of the following:

8 a. Provision to ~~the unit~~ child support services of
9 information, orders, and documents necessary for ~~the unit~~ child
10 support services to meet requirements described in 42 U.S.C.
11 §654a(e) and [this section](#).

12 b. Provision to ~~the unit~~ child support services of
13 information filed with the clerk of the district court by a
14 party under [section 598.22B](#), and the social security number
15 of a child filed with the clerk of the district court under
16 section 602.6111.

17 c. Use of automation, as appropriate, to meet the
18 requirements described in 42 U.S.C. §654a(e) and [this section](#).

19 3. The records of the state case registry are confidential
20 records pursuant to [chapter 22](#) and may only be disclosed or
21 used as provided in [section 252B.9](#).

22 Sec. 870. Section 252B.25, Code 2023, is amended to read as
23 follows:

24 **252B.25 Contempt — combining actions.**

25 Notwithstanding any provision of law to the contrary, if
26 an obligor has been ordered to provide support in more than
27 one order, ~~the unit~~ child support services may bring a single
28 action for contempt to enforce the multiple orders. However,
29 if the obligor objects to the consolidation of the actions
30 regarding multiple orders into a single action for contempt,
31 and the court determines that severance of the single action
32 into multiple actions is in the interest of justice, ~~the~~
33 unit child support services shall bring multiple actions for
34 contempt to enforce the multiple orders. If the single action

35 is brought and the obligor does not object, ~~the unit~~ child
1 support services shall file the action in the district court of
2 a county where the obligor resides, or if the obligor does not
3 reside in the state, in the district court of the county where
4 at least one of the support orders was entered or registered.
5 For the purposes of [this section](#), the district court where
6 ~~the unit~~ child support services files the action shall have
7 jurisdiction and authority over all other support orders for
8 the obligor entered or registered by a court of this state and
9 affected under [this section](#). In such case, ~~the unit~~ child
10 support services shall also file a document with the clerk of
11 court in each county affected specifying the county where the
12 action under [this section](#) was filed and the disposition of the
13 action.

14 Sec. 871. Section 252B.26, Code 2023, is amended to read as
15 follows:

16 **252B.26 Service of process.**

17 Notwithstanding any provision of law to the contrary, ~~the~~
18 ~~unit~~ child support services may serve a petition, notice, or
19 rule to show cause under [this chapter](#) or [chapter 252A](#), [252C](#),
20 [252F](#), [252H](#), [252K](#), [598](#), or [665](#) as specified in each chapter, or
21 as follows:

22 1. ~~The unit~~ Child support services may serve a petition,
23 notice, or rule to show cause by certified mail. Return
24 acknowledgment is required to prove service by certified mail,
25 [rules of civil procedure 1.303\(5\)](#) and [1.308\(5\)](#) shall not apply,
26 and the return acknowledgment shall be filed with the clerk of
27 court.

28 2. ~~The unit~~ Child support services may serve a notice
29 of intent under [chapter 252H](#), or a notice of decision under
30 section 252H.14A, upon any party or parent who is receiving
31 family investment program assistance for the parent or child by
32 sending the notice by regular mail to the address maintained by
33 the department. [Rules of civil procedure 1.303\(5\)](#) and [1.308\(5\)](#)
34 shall not apply and ~~the unit~~ child support services shall file

35 proof of service as provided in [chapter 252H](#). If the notice is
1 determined to be undeliverable, ~~the unit~~ child support services
2 shall serve the notice as otherwise provided in [this section](#)
3 or by personal service.

4 Sec. 872. Section 252B.27, Code 2023, is amended to read as
5 follows:

6 **252B.27 Use of funding for additional positions.**

7 1. The director, within the limitations of the amount
8 appropriated for ~~the unit~~ child support services, or moneys
9 transferred for this purpose from the family investment program
10 account created in [section 239B.11](#), may establish new positions
11 and add employees to ~~the unit~~ child support services if the
12 director determines that both the current and additional
13 employees together can reasonably be expected to maintain or
14 increase net state revenue at or beyond the budgeted level for
15 the fiscal year.

16 2. *a.* The director may establish new positions and add
17 state employees to ~~the unit~~ child support services or contract
18 for delivery of services if the director determines the
19 employees are necessary to replace county-funded positions
20 eliminated due to termination, reduction, or nonrenewal of
21 a [chapter 28E](#) contract. However, the director must also
22 determine that the resulting increase in the state share of
23 child support ~~recovery~~ services incentives exceeds the cost
24 of the positions or contract, the positions or contract are
25 necessary to ensure continued federal funding of ~~the unit~~
26 child support services, or the new positions or contract can
27 reasonably be expected to recover at least twice the amount of
28 money necessary to pay the salaries and support for the new
29 positions or the contract will generate at least two hundred
30 percent of the cost of the contract.

31 *b.* Employees in full-time positions that transition
32 from county government to state government employment under
33 this subsection are exempt from testing, selection, and
34 appointment provisions of [chapter 8A, subchapter IV](#), and from

35 the provisions of collective bargaining agreements relating to
1 the filling of vacant positions.

2 Sec. 873. Section 252C.1, Code 2023, is amended to read as
3 follows:

4 **252C.1 Definitions.**

5 As used in [this chapter](#), unless the context otherwise
6 requires:

7 ~~1. "Administrator" means the administrator of the child~~
8 ~~support recovery unit of the department of human services, or~~
9 ~~the administrator's designee.~~

10 ~~2.~~ 1. "Caretaker" means a parent, relative, guardian,
11 or another person who is responsible for paying foster care
12 costs pursuant to [chapter 234](#) or whose needs are included in an
13 assistance payment made pursuant to [chapter 239B](#).

14 2. "Child support services" means child support services
15 created in section 252B.2.

16 3. "Court order" means a judgment or order requiring the
17 payment of a set or determinable amount of monetary support.
18 For orders entered on or after July 1, 1990, unless the court
19 specifically orders otherwise, medical support, as defined
20 in [section 252E.1](#), is not included in the amount of monetary
21 support.

22 4. "Department" means the department of health and human
23 services.

24 5. "Dependent child" means a person who meets the
25 eligibility criteria established in [chapter 234](#) or [239B](#) and
26 whose support is required by [chapter 234](#), [239B](#), [252A](#), [252F](#),
27 [598](#), or [600B](#).

28 6. "Director" means the director of health and human
29 services.

30 ~~6.~~ 7. "Medical support" means medical support as defined
31 in [section 252E.1](#).

32 ~~7.~~ 8. "Public assistance" means foster care costs paid by
33 the department pursuant to [chapter 234](#) or assistance provided
34 pursuant to [chapter 239B](#).

35 8- 9. *“Responsible person”* means a parent, relative,
1 guardian, or another person legally liable for the support of a
2 child or a child’s caretaker.

3 Sec. 874. Section 252C.2, Code 2023, is amended to read as
4 follows:

5 **252C.2 Assignment — creation of support debt — subrogation.**

6 1. If public assistance is provided by the department
7 to or on behalf of a dependent child or a dependent child’s
8 caretaker, there is an assignment by operation of law to the
9 department of any and all right in, title to, and interest in
10 any support obligation, payment, and arrearages owed to or for
11 the child or caretaker up to the amount of public assistance
12 paid for or on behalf of the child or caretaker. Unless
13 otherwise specified in the order, an equal and proportionate
14 share of any child support awarded is presumed to be payable
15 on behalf of each child subject to the order or judgment for
16 purposes of an assignment under [this section](#). For family
17 investment program assistance, [section 239B.6](#) shall apply.

18 2. The payment of public assistance to or for the benefit of
19 a dependent child or a dependent child’s caretaker creates a
20 support debt due and owing to the department by the responsible
21 person in an amount equal to the public assistance payment,
22 except that the support debt is limited to the amount of
23 a support obligation established by court order or by the
24 ~~administrator~~ department. The ~~administrator~~ department may
25 establish a support debt as to amounts accrued and accruing
26 pursuant to [section 598.21B](#). However, when establishing a
27 support obligation against a responsible person, no debt shall
28 be created for the period during which the responsible person
29 is a recipient on the person’s own behalf of public assistance
30 for the benefit of the dependent child or the dependent child’s
31 caretaker, if any of the following conditions exist:

32 a. The parents have reconciled and are cohabiting, and the
33 child for whom support would otherwise be sought is living in
34 the same residence as the parents.

35 **b.** The child is living with the parent from whom support
1 would otherwise be sought.

2 3. The provision of child support collection or paternity
3 determination services under [chapter 252B](#) to an individual,
4 even though the individual is ineligible for public assistance,
5 creates a support debt due and owing to the individual or the
6 individual's child or ward by the responsible person in the
7 amount of a support obligation established by court order or
8 by the ~~administrator~~ department. The ~~administrator~~ department
9 may establish a support debt in favor of the individual or the
10 individual's child or ward and against the responsible person,
11 both as to amounts accrued and accruing, pursuant to section
12 598.21B.

13 4. The payment of medical assistance pursuant to chapter
14 249A for the benefit of a dependent child or a dependent
15 child's caretaker creates a support debt due and owing to the
16 department. The ~~administrator~~ department may establish an
17 order for medical support.

18 5. The department is subrogated to the rights of a dependent
19 child or a dependent child's caretaker to bring a court action
20 or to execute an administrative remedy for the collection
21 of support. The ~~administrator~~ department may petition an
22 appropriate court for modification of a court order on the same
23 grounds as a party to the court order can petition the court
24 for modification.

25 Sec. 875. Section 252C.3, Code 2023, is amended to read as
26 follows:

27 **252C.3 Notice of support debt — failure to respond —**
28 **hearing — order.**

29 1. The ~~administrator~~ department may issue a notice stating
30 the intent to secure an order for either medical support as
31 provided in [chapter 252E](#) or payment of an accrued or accruing
32 support debt due and owed to the department or an individual
33 under [section 252C.2](#), or both. The notice shall be served upon
34 the responsible person in accordance with the rules of civil

35 procedure. The notice shall include all of the following:

1 a. A statement that the support obligation will be set
2 pursuant to the child support guidelines established pursuant
3 to [section 598.21B](#), and the criteria established pursuant to
4 section 252B.7A, and that the responsible person is required to
5 provide medical support in accordance with [chapter 252E](#).

6 b. The name of a public assistance recipient and the name of
7 the dependent child or caretaker for whom the public assistance
8 is paid.

9 c. (1) A statement that if the responsible person desires
10 to discuss the amount of support that a responsible person
11 should be required to pay, the responsible person may, within
12 ten days after being served, contact ~~the office of the child~~
13 ~~support recovery unit which sent the notice~~ services and
14 request a negotiation conference.

15 (2) A statement that if a negotiation conference is
16 requested, then the responsible person shall have ten days from
17 the date set for the negotiation conference or thirty days from
18 the date of service of the original notice, whichever is later,
19 to send a request for a hearing to ~~the office of the child~~
20 ~~support recovery unit which issued the notice~~ services.

21 (3) A statement that after the holding of the negotiation
22 conference, the ~~administrator~~ department may issue a new notice
23 and finding of financial responsibility for child support or
24 medical support, or both, to be sent to the responsible person
25 by regular mail addressed to the responsible person's last
26 known address, or if applicable, to the last known address of
27 the responsible person's attorney.

28 (4) A statement that if the ~~administrator~~ department issues
29 a new notice and finding of financial responsibility for child
30 support or medical support, or both, then the responsible
31 person shall have thirty days from the date of issuance of the
32 new notice to send a request for a hearing to ~~the office of the~~
33 ~~child support recovery unit which issued the notice~~ services.

34 If the ~~administrator~~ department does not issue a new notice

35 and finding of financial responsibility for child support or
1 medical support, or both, the responsible party shall have ten
2 days from the date of issuance of the conference report to send
3 a request for a hearing to ~~the office of the~~ child support
4 ~~recovery unit which issued the conference report~~ services.

5 *d.* A statement that if the responsible person objects
6 to all or any part of the notice or finding of financial
7 responsibility for child support or medical support, or both,
8 and a negotiation conference is not requested, the responsible
9 person shall, within thirty days of the date of service send to
10 ~~the office of the~~ child support ~~recovery unit which issued the~~
11 ~~notice~~ services a written response setting forth any objections
12 and requesting a hearing.

13 *e.* A statement that if a timely written request for a
14 hearing is received by ~~the office of the~~ child support ~~recovery~~
15 ~~unit which issued the notice~~ services, the responsible person
16 shall have the right to a hearing to be held in district
17 court; and that if no timely written response is received, the
18 ~~administrator~~ department may enter an order in accordance with
19 the notice and finding of financial responsibility for child
20 support or medical support, or both.

21 *f.* A statement that, as soon as the order is entered, the
22 property of the responsible person is subject to collection
23 action, including but not limited to wage withholding,
24 garnishment, attachment of a lien, and execution.

25 *g.* A statement that the responsible person shall notify the
26 ~~administrator~~ department of any change of address, employment,
27 or medical coverage as required by [chapter 252E](#).

28 *h.* A statement that if the responsible person has any
29 questions, the responsible person should telephone or visit an
30 ~~office of the~~ child support ~~recovery unit~~ services or consult
31 an attorney.

32 *i.* Such other information as the ~~administrator~~ department
33 finds appropriate.

34 2. The time limitations for requesting a hearing in

35 subsection 1 may be extended by the ~~administrator~~ department.

1 3. If a timely written response setting forth objections and
2 requesting a hearing is received by ~~the appropriate office of~~
3 ~~the child support recovery unit~~ services, a hearing shall be
4 held in district court.

5 4. If timely written response and request for hearing is
6 not received by ~~the appropriate office of the child support~~
7 ~~recovery unit~~ services, the ~~administrator~~ department may enter
8 an order in accordance with the notice, and shall specify all
9 of the following:

10 a. The amount of monthly support to be paid, with directions
11 as to the manner of payment.

12 b. The amount of the support debt accrued and accruing in
13 favor of the department.

14 c. The name of the custodial parent or agency having custody
15 of the dependent child and the name and birth date of the
16 dependent child for whom support is to be paid.

17 d. That the property of the responsible person is subject
18 to collection action, including but not limited to wage
19 withholding, garnishment, attachment of a lien, and execution.

20 e. The medical support required pursuant to [chapter 598](#) and
21 rules adopted pursuant to [chapter 252E](#).

22 5. The responsible person shall be sent a copy of the order
23 by regular mail addressed to the responsible person's last
24 known address, or if applicable, to the last known address of
25 the responsible person's attorney. The order is final, and
26 action by the ~~administrator~~ department to enforce and collect
27 upon the order, including arrearages and medical support, or
28 both, may be taken from the date of approval of the order by the
29 court pursuant to [section 252C.5](#).

30 Sec. 876. Section 252C.4, Code 2023, is amended to read as
31 follows:

32 **252C.4 Certification to court — hearing — default.**

33 1. A responsible person or ~~the child support recovery~~
34 ~~unit~~ services may request a hearing regarding a determination

35 of support. If a timely written request for a hearing is
1 received, the ~~administrator~~ department shall certify the matter
2 to the district court as follows:

3 a. If the child or children reside in Iowa, and ~~the unit~~
4 child support services is seeking an accruing obligation, in
5 the county in which the dependent child or children reside.

6 b. If the child or children received public assistance in
7 Iowa, and ~~the unit~~ child support services is seeking only an
8 accrued obligation, in the county in which the dependent child
9 or children last received public assistance.

10 c. If the action is the result of a request from another
11 state or foreign country to establish support by a responsible
12 person located in Iowa, in the county in which the responsible
13 person resides.

14 2. The certification shall include true copies of the
15 notice and finding of financial responsibility or notice of the
16 support debt accrued and accruing, the return of service, the
17 written objections and request for hearing, and true copies of
18 any administrative orders previously entered.

19 3. The court shall set the matter for hearing and notify the
20 parties of the time and place of hearing.

21 4. The court shall establish the monthly child support
22 payment and the amount of the support debt accrued and accruing
23 pursuant to [section 598.21B](#), or medical support pursuant to
24 chapter 252E, or both.

25 5. If a party fails to appear at the hearing, upon a showing
26 of proper notice to that party, the court shall find that party
27 in default and enter an appropriate order.

28 6. Actions initiated by the ~~administrator~~ department under
29 this chapter are not subject to [chapter 17A](#) and resulting court
30 hearings following certification shall be an original hearing
31 before the district court.

32 7. If a responsible person contests an action initiated
33 under [this chapter](#) by denying paternity, the following shall
34 apply, as necessary:

35 a. (1) If the prior determination of paternity is based on
1 an affidavit of paternity filed pursuant to [section 252A.3A](#), or
2 an administrative order entered pursuant to [chapter 252F](#), or an
3 order by the courts of this state, or by operation of law when
4 the mother and established father are or were married to each
5 other, the provisions of [section 600B.41A](#) are applicable.

6 (2) If the court determines that the prior determination of
7 paternity should not be overcome pursuant to [section 600B.41A](#),
8 and that the responsible person has a duty to provide support,
9 the court shall enter an order establishing the monthly child
10 support payment and the amount of the support debt accrued
11 and accruing pursuant to [section 598.21B](#), or medical support
12 pursuant to [chapter 252E](#), or both.

13 b. If the prior determination of paternity is based on an
14 administrative or court order or other means, pursuant to the
15 laws of another state or foreign country, an action to overcome
16 the prior determination of paternity shall be filed in that
17 jurisdiction. Unless the responsible person requests and is
18 granted a stay of an action initiated under [this chapter](#) to
19 establish child or medical support, the action shall proceed as
20 otherwise provided by [this chapter](#).

21 Sec. 877. Section 252C.5, Code 2023, is amended to read as
22 follows:

23 **252C.5 Filing and docketing of financial responsibility order**
24 **— order effective as district court decree.**

25 1. A true copy of any order entered by the ~~administrator~~
26 department pursuant to [this chapter](#), along with a true copy
27 of the return of service, if applicable, may be filed in
28 the office of the clerk of the district court in the manner
29 established pursuant to [section 252C.4, subsection 1](#).

30 2. The ~~administrator's department's~~
31 presented, ex parte, to the district court for review and
32 approval. Unless defects appear on the face of the order or on
33 the attachments, the district court shall approve the order.
34 The approved order shall have all the force, effect, and

35 attributes of a docketed order or decree of the district court.

1 3. Upon filing, the clerk shall enter the order in the
2 judgment docket.

3 4. If the responsible party appeals the order approved
4 by the court under [this section](#), and the court on appeal
5 establishes an amount of support which is less than the amount
6 of support established under the approved order, the court, in
7 the order issued on appeal, shall reconcile the amounts due
8 and shall provide that any amount which represents the unpaid
9 difference between the amount under the approved order and the
10 amount under the order of the court on appeal is satisfied.

11 Sec. 878. Section 252C.6, Code 2023, is amended to read as
12 follows:

13 **252C.6 Interest on support debts.**

14 Interest accrues on support debts at the rate provided
15 in [section 535.3](#) for court judgments. The ~~administrator~~
16 department may collect the accrued interest but is not required
17 to maintain interest balance accounts. ~~The department~~ Child
18 support services may waive payment of the interest if the
19 waiver will facilitate the collection of the support debt.

20 Sec. 879. Section 252C.8, Code 2023, is amended to read as
21 follows:

22 **252C.8 Temporary restraining order or bond.**

23 If the ~~administrator~~ department reasonably believes that the
24 responsible person is not a resident of this state, is about to
25 move from this state, or is concealing the responsible person's
26 whereabouts, or that the responsible person has removed or
27 is about to remove, secrete, waste, or otherwise dispose of
28 property which could be made subject to collection procedures
29 to satisfy the support debt, the ~~administrator~~ department may
30 petition the district court for a temporary restraining order
31 barring the removal, secretion, waste, or disposal. However,
32 if the responsible person furnishes a bond satisfactory to the
33 court, the temporary restraining order shall be vacated.

34 Sec. 880. Section 252C.12, Code 2023, is amended to read as

35 follows:

1 **252C.12 Waiver of time limitations by responsible person.**

2 1. A responsible person may waive the time limitations
3 established in [section 252C.3](#).

4 2. Upon receipt of a signed statement from each responsible
5 person waiving the time limitations established in section
6 252C.3, the ~~administrator~~ department may proceed to enter an
7 order for support and the court may approve the order, whether
8 or not the time limitations have expired.

9 3. If a responsible person waives the time limitations
10 established in [section 252C.3](#) and an order for support is
11 entered under [this chapter](#), the signed statement of the
12 responsible person waiving the time limitations shall be filed
13 with the order for support.

14 Sec. 881. Section 252D.1, Code 2023, is amended to read as
15 follows:

16 **252D.1 Delinquent support payments.**

17 If support payments ordered under [this chapter](#) or chapter
18 232, [234](#), [252A](#), [252C](#), [252E](#), [252F](#), [598](#), [600B](#), or any other
19 applicable chapter, or under a comparable statute of another
20 state or foreign country, as certified to the child support
21 ~~recovery unit established in [section 252B.2](#) services~~, are not
22 paid to the clerk of the district court or the collection
23 services center pursuant to [section 598.22](#) or, as appropriate,
24 a comparable government entity in another state as provided
25 in [chapter 252K](#), and become delinquent in an amount equal to
26 the payment for one month, ~~the child support recovery unit~~
27 services may enter an ex parte order or, upon application of a
28 person entitled to receive the support payments, the district
29 court may enter an ex parte order, notifying the person whose
30 income is to be withheld, of the delinquent amount, of the
31 amount of income to be withheld, and of the procedure to
32 file a motion to quash the order for income withholding, and
33 ordering the withholding of specified sums to be deducted
34 from the delinquent person's income as defined in section

35 252D.16 sufficient to pay the support obligation and, except as
1 provided in [section 598.22](#), requiring the payment of such sums
2 to the clerk of the district court or the collection services
3 center or, as appropriate, a comparable government entity
4 in another state as provided in [chapter 252K](#). All income
5 withholding payments shall be paid to the collection services
6 center or, as appropriate, a comparable government entity in
7 another state as provided in [chapter 252K](#). Notification of
8 income withholding shall be provided to the obligor and to the
9 payor of income pursuant to [section 252D.17](#).

10 Sec. 882. Section 252D.8, Code 2023, is amended to read as
11 follows:

12 **252D.8 Persons subject to immediate income withholding.**

13 1. In a support order issued or modified on or after
14 November 1, 1990, for which services are being provided by the
15 child support ~~recovery unit~~ services, and in any support orders
16 issued or modified after January 1, 1994, for which services
17 are not provided by the child support ~~recovery unit~~ services,
18 the income of a support obligor is subject to withholding, on
19 the effective date of the order, regardless of whether support
20 payments by the obligor are in arrears. If services are being
21 provided pursuant to [chapter 252B](#), the child support ~~recovery~~
22 ~~unit~~ services may enter an ex parte order for an immediate
23 withholding of income. The district court may enter an ex
24 parte order for immediate income withholding for cases in which
25 the child support ~~recovery unit~~ services is not providing
26 services. The income of the obligor is subject to immediate
27 withholding unless one of the following occurs:

28 a. One of the parties demonstrates and the court or child
29 support ~~recovery unit~~ services finds there is good cause not to
30 require immediate withholding. A finding of good cause shall
31 be based on, at a minimum, written findings and conclusions by
32 the court or administrative authority as to why implementing
33 immediate withholding would not be in the best interests of the
34 child. In cases involving modifications, the findings shall

35 also include proof of timely payment of previously ordered
1 support.

2 **b.** A written agreement is reached between both parties
3 which provides for an alternative arrangement. If the support
4 payments have been assigned to the department of ~~human services~~
5 pursuant to [chapter 234](#) or [239B](#), or a comparable statute of
6 another jurisdiction, the department shall be considered a
7 party to the support order, and a written agreement pursuant
8 to [this section](#) to waive immediate withholding is void unless
9 approved by ~~the child support recovery unit~~ services. Any
10 agreement existing at the time an assignment of support is made
11 pursuant to [chapter 234](#) or [239B](#) or pursuant to a comparable
12 statute of another jurisdiction shall not prevent ~~the child~~
13 support ~~recovery unit~~ services from implementing immediate
14 withholding.

15 2. For an order not requiring immediate withholding, income
16 of an obligor is subject to immediate withholding, without
17 regard to whether there is an arrearage, on the earliest of the
18 following:

19 **a.** The date the obligor requests that the withholding begin.

20 **b.** The date the custodial parent or party to the proceeding
21 requests that the withholding begin, if the request is approved
22 by the district court or, in cases in which services are
23 being provided pursuant to [chapter 252B](#), if ~~the child support~~
24 ~~recovery unit~~ services approves the request.

25 Sec. 883. Section 252D.16, Code 2023, is amended to read as
26 follows:

27 **252D.16 Definitions.**

28 As used in [this chapter](#), unless the context otherwise
29 requires:

30 1. "Child support services" means the same as child
31 supported services created in section 252B.2.

32 2. "Department" means the department of health and human
33 services.

34 ~~1.~~ 3. "Income" means all of the following:

35 a. Any periodic form of payment due an individual,
1 regardless of source, including but not limited to wages,
2 salaries, commissions, bonuses, workers' compensation,
3 disability payments, payments pursuant to a pension or
4 retirement program, and interest.

5 b. A sole payment or lump sum as provided in section
6 252D.18C, including but not limited to payment from an estate
7 including inheritance, or payment for personal injury or
8 property damage.

9 c. Irregular income as defined in [section 252D.18B](#).

10 ~~2.~~ 4. "*Payor of income*" or "*payor*" means and includes, but
11 is not limited to, an obligor's employer, trustee, the state
12 of Iowa and all governmental subdivisions and agencies and any
13 other person from whom an obligor receives income.

14 ~~3.~~ 5. "*Support*" or "*support payments*" means any amount
15 which the court or administrative agency may require a person
16 to pay for the benefit of a child under a temporary order or a
17 final judgment or decree entered under [chapter 232, 234, 252A,](#)
18 [252C, 252F, 252H, 598, 600B,](#) or any other comparable chapter,
19 and may include child support, maintenance, medical support as
20 defined in [chapter 252E](#), spousal support, and any other term
21 used to describe these obligations. These obligations may
22 include support for a child of any age who is dependent on the
23 parties to the dissolution proceedings because of physical or
24 mental disability. The obligations may include support for
25 a child eighteen or more years of age with respect to whom a
26 child support order has been issued pursuant to the laws of
27 another state or foreign country. These obligations shall
28 not include amounts for a postsecondary education subsidy as
29 defined in [section 598.1](#).

30 Sec. 884. Section 252D.16A, Code 2023, is amended to read
31 as follows:

32 **252D.16A Income withholding order — child support ~~recovery~~**
33 **unit services.**

34 If support payments are ordered under [this chapter](#), chapter

35 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other
 1 applicable chapter, or under a comparable statute of another
 2 state or foreign country, and if income withholding relative
 3 to such support payments is allowed under this chapter, ~~the~~
 4 ~~child support recovery unit services~~ services may enter an ex parte
 5 order notifying the person whose income is to be withheld
 6 of the procedure to file a motion to quash the order for
 7 income withholding, and ordering the withholding of sums to
 8 be deducted from the delinquent person's income as defined in
 9 section 252D.16 sufficient to pay the support obligation and
 10 requiring the payment of such sums to the collection services
 11 center or, as appropriate, a comparable government entity in
 12 another state as provided in chapter 252K. ~~The child~~ Child
 13 ~~support recovery unit services~~ services shall include the amount of
 14 any delinquency and the amount to be withheld in the notice
 15 provided to the obligor pursuant to section 252D.17A. Notice
 16 of income withholding shall be provided to the obligor and to
 17 the payor of income pursuant to sections 252D.17 and 252D.17A.
 18 Sec. 885. Section 252D.17, subsection 1, unnumbered
 19 paragraph 1, Code 2023, is amended to read as follows:
 20 The district court shall provide notice by sending a copy
 21 of the order for income withholding or a notice of the order
 22 for income withholding to the obligor and the obligor's payor
 23 of income by regular mail, with proof of service completed
 24 according to rule of civil procedure 1.442. ~~The child~~ Child
 25 ~~support recovery unit services~~ services shall provide notice of the
 26 income withholding order by sending a notice of the order to
 27 the obligor's payor of income by regular mail or by electronic
 28 means. Proof of service may be completed according to rule of
 29 civil procedure 1.442. ~~The child~~ Child support ~~recovery~~
 30 ~~unit's services'~~ services' notice of the order may be sent to the payor
 31 of income on the same date that the order is sent to the clerk
 32 of court for filing. In all other instances, the income
 33 withholding order shall be filed with the clerk of court prior
 34 to sending the notice of the order to the payor of income. In

35 addition to the amount to be withheld for payment of support,
1 the order or the notice of the order shall be in a standard
2 format as prescribed by ~~the unit~~ child support services and
3 shall include all of the following information regarding the
4 duties of the payor in implementing the withholding order:

5 Sec. 886. Section 252D.17, subsection 1, paragraphs g and i,
6 Code 2023, are amended to read as follows:

7 *g.* The withholding is binding on the payor until further
8 notice by the court or ~~the child support recovery unit~~
9 services.

10 *i.* The payor shall promptly notify the court or ~~the child~~
11 support recovery unit services when the obligor's employment or
12 other income terminates, and provide the obligor's last known
13 address and the name and address of the obligor's new employer,
14 if known.

15 Sec. 887. Section 252D.17A, Code 2023, is amended to read
16 as follows:

17 **252D.17A Notice to obligor of implementation of income**
18 **withholding order.**

19 ~~The child~~ Child support recovery unit services or the
20 district court shall send a notice of the income withholding
21 order to the obligor at the time the notice is sent to the payor
22 of income.

23 Sec. 888. Section 252D.18, Code 2023, is amended to read as
24 follows:

25 **252D.18 Modification or termination of withholding.**

26 1. The court or ~~the child support recovery unit~~ services
27 may, by ex parte order, modify a previously entered income
28 withholding order if the court or ~~the unit~~ child support
29 services determines any of the following:

30 *a.* There has been a change in the amount of the current
31 support obligation.

32 *b.* The amount required to be withheld under the income
33 withholding order is in error.

34 *c.* Any past due support debt has been paid in full. Should

35 a delinquency later accrue, the withholding order may be
1 modified to secure payment toward the delinquency.

2 *d.* There has been a change in the rules adopted by the
3 department pursuant to [chapter 17A](#) regarding the amount of
4 income to be withheld to pay a delinquency.

5 2. ~~The child~~ Child support recovery unit services may modify
6 an amount specified in an income withholding order or notice of
7 income withholding by providing notice to the payor of income
8 and the obligor pursuant to [sections 252D.17](#) and [252D.17A](#).

9 3. The court or ~~the child support recovery unit services~~
10 may, by ex parte order, terminate an income withholding order
11 when the current support obligation has terminated and when
12 the delinquent support obligation has been fully satisfied
13 as applicable to all of the children covered by the income
14 withholding order. ~~The unit~~ Child support services may, by
15 ex parte order, terminate an income withholding order when
16 ~~the unit child support services~~ will no longer be providing
17 services under [chapter 252B](#), or when another state or foreign
18 country will be providing services under Tit. IV-D of the
19 federal Social Security Act or a comparable law in a foreign
20 country.

21 4. In no case shall payment of overdue support be the sole
22 basis for termination of withholding.

23 Sec. 889. Section 252D.18A, subsections 1 and 4, Code 2023,
24 are amended to read as follows:

25 1. The total of all amounts withheld shall not exceed the
26 amounts specified in 15 U.S.C. §1673(b). For orders or notices
27 issued by ~~the child support recovery unit services~~, the limit
28 for the amount to be withheld shall be specified in the order
29 or notice.

30 4. The payor shall identify and report payments by the
31 obligor's name, account number, amount, and date withheld
32 pursuant to [section 252D.17](#). If payments for multiple obligees
33 are combined, the portion of the payment attributable to each
34 obligee shall be specifically identified only if the payor is

35 directed to do so by ~~the child support recovery unit services~~.

1 Sec. 890. Section 252D.18B, Code 2023, is amended to read
2 as follows:

3 **252D.18B Irregular income.**

4 When payment of income is irregular, and an order for
5 immediate or mandatory income withholding has been entered by
6 ~~the child support recovery unit services~~ or the district court,
7 the income payor shall withhold income equal to the total that
8 would have been withheld had there been regular monthly income.
9 The amounts withheld shall not exceed the amounts specified
10 in 15 U.S.C. §1673(b). For the purposes of **this section**, an
11 income source is irregular when there are periods in excess of
12 one month during which the income payor makes no payment to the
13 obligor and the periods are not the result of termination or
14 suspension of employment.

15 Sec. 891. Section 252D.18C, Code 2023, is amended to read
16 as follows:

17 **252D.18C Withholding from lump sum payments.**

18 ~~The child~~ **Child** support ~~recovery unit services~~ or the
19 district court may enter an ex parte order for income
20 withholding when the obligor is paid by a lump sum income
21 source. When a sole payment is made or payment occurs at
22 two-month or greater intervals, the withholding order may
23 include all current and delinquent support due through the
24 current month, but shall not exceed the amounts specified in
25 15 U.S.C. §1673(b).

26 Sec. 892. Section 252D.19A, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. If ~~the unit~~ **child support services** takes an enforcement
29 action during a calendar year against an obligor and the
30 obligor is not delinquent or in arrears solely due to the
31 applicability of **this section** to the obligor, upon discovering
32 the circumstances, ~~the unit~~ **child support services** shall
33 promptly discontinue the enforcement action.

34 Sec. 893. Section 252D.20, Code 2023, is amended to read as

35 follows:

1 **252D.20 Administration of income withholding procedures.**

2 ~~The child~~ Child support recovery unit services is designated
3 as the entity of the state to administer income withholding in
4 accordance with the procedures specified for keeping adequate
5 records to document, track, and monitor support payments on
6 cases subject to Tit. IV-D of the federal Social Security
7 Act. The collection services center is designated as the
8 entity for administering income withholding for cases which are
9 not subject to Tit. IV-D. The collection services center's
10 responsibilities for administering income withholding in cases
11 not subject to Tit. IV-D are limited to the receipt, recording,
12 and disbursement of income withholding payments and to
13 responding to requests for information on the current status of
14 support payments pursuant to [section 252B.13A](#). Notwithstanding
15 section 622.53, in cases where the court or ~~the child support~~
16 recovery unit services is enforcing an order of another state
17 or foreign country through income withholding, a certified copy
18 of the underlying judgment is sufficient proof of authenticity.

19 Sec. 894. Section 252D.22, Code 2023, is amended to read as
20 follows:

21 **252D.22 Rules.**

22 The department shall adopt the administrative rules
23 necessary to implement the provisions of [this chapter](#) as they
24 pertain to the operations of ~~the child support recovery unit~~
25 services.

26 Sec. 895. Section 252D.23, Code 2023, is amended to read as
27 follows:

28 **252D.23 Filing of withholding order — order effective as**
29 **district court order.**

30 An income withholding order entered by ~~the child support~~
31 recovery unit services pursuant to [this chapter](#) shall be
32 filed with the clerk of the district court. In lieu of any
33 signature on the order which may otherwise be required by law
34 or rule, the order shall have affixed the name and address

35 of the ~~appropriate~~ child support office services. For the
1 purposes of demonstrating compliance by the payor of income,
2 the copy of the withholding order or the notice of the order
3 received, whether or not the copy of the order is file-stamped,
4 shall have all the force, effect, and attributes of a docketed
5 order of the district court including, but not limited to,
6 availability of contempt of court proceedings against a
7 payor of income for noncompliance. However, any information
8 contained in the income withholding order or the notice of the
9 order related to the amount of the accruing or accrued support
10 obligation which does not reflect the correct amount of support
11 due does not modify the underlying support judgment.

12 Sec. 896. Section 252E.1, Code 2023, is amended to read as
13 follows:

14 **252E.1 Definitions.**

15 As used in [this chapter](#), unless the context otherwise
16 requires:

17 1. *“Accessible”* means any of the following, unless otherwise
18 provided in the support order:

19 a. The health benefit plan does not have service area
20 limitations or provides an option not subject to service area
21 limitations.

22 b. The health benefit plan has service area limitations and
23 the dependent lives within thirty miles or thirty minutes of a
24 network primary care provider.

25 2. *“Basic coverage”* means health care coverage that at a
26 minimum provides coverage for emergency care, inpatient and
27 outpatient hospital care, physician services whether provided
28 within or outside a hospital setting, and laboratory and x-ray
29 services.

30 3. *“Cash medical support”* means a monetary amount that
31 a parent is ordered to pay to the obligee in lieu of that
32 parent providing health care coverage, which amount is five
33 percent of the gross income of the parent ordered to pay the
34 monetary amount or, if the child support guidelines established

35 pursuant to [section 598.21B](#) specifically provide an alternative
 1 income-based numeric standard for determining the amount,
 2 the amount determined by the standard specified by the child
 3 support guidelines. "*Cash medical support*" is an obligation
 4 separate from any monetary amount a parent is ordered to pay
 5 for uncovered medical expenses pursuant to the guidelines
 6 established pursuant to [section 598.21B](#).

7 4. "*Child*" means a person for whom child or medical support
 8 may be ordered pursuant to [chapter 234, 239B, 252A, 252C, 252F,](#)
 9 [252H, 252K, 598, 600B,](#) or any other chapter of the Code or
 10 pursuant to a comparable statute of another state or foreign
 11 country.

12 5. "*Child support services*" means child support services
 13 created in section 252B.1.

14 ~~5.~~ 6. "*Department*" means the department of health and
 15 human services, which includes but is not limited to ~~the~~ child
 16 support recovery unit services, or any comparable support
 17 enforcement agency of another state.

18 ~~6.~~ 7. "*Dependent*" means a child, or an obligee for whom
 19 a court may order health care coverage pursuant to section
 20 252E.3.

21 ~~7.~~ 8. "*Enroll*" means to be eligible for and covered by a
 22 health benefit plan.

23 ~~8.~~ 9. "*Health benefit plan*" means any policy or contract
 24 of insurance, indemnity, subscription, or membership issued
 25 by an insurer, health service corporation, health maintenance
 26 organization, or any similar corporation or organization, any
 27 public coverage, or any self-insured employee benefit plan,
 28 for the purpose of covering medical expenses. These expenses
 29 may include but are not limited to hospital, surgical, major
 30 medical insurance, dental, optical, prescription drugs, office
 31 visits, or any combination of these or any other comparable
 32 health care expenses.

33 ~~9.~~ 10. "*Health care coverage*" or "*coverage*" means providing
 34 and paying for the medical needs of a dependent through a

35 health benefit plan.

1 ~~10.~~ 11. "*Insurer*" means any entity, including a health
2 service corporation, health maintenance organization, or any
3 similar corporation or organization, or an employer offering
4 self-insurance, that provides a health benefit plan, but does
5 not include an entity that provides public coverage.

6 ~~11.~~ 12. "*Medical support*" means either the provision of
7 health care coverage or the payment of cash medical support.
8 "*Medical support*" is not alimony.

9 ~~12.~~ 13. "*National medical support notice*" means a notice
10 as prescribed under 42 U.S.C. §666(a)(19) or a substantially
11 similar notice, that is issued and forwarded by the department
12 in accordance with [section 252E.4](#) to enforce the health care
13 coverage provisions of a support order. The national medical
14 support notice is not applicable to a provider of public
15 coverage.

16 ~~13.~~ 14. "*Obligee*" means a parent or another natural person
17 legally entitled to receive a support payment on behalf of a
18 child.

19 ~~14.~~ 15. "*Obligor*" means a parent or another natural person
20 legally responsible for the support of a dependent.

21 ~~15.~~ 16. "*Order*" means a support order entered pursuant to
22 chapter 234, [252A](#), [252C](#), [252F](#), [252H](#), [252K](#), [598](#), [600B](#), or any
23 other support chapter, or pursuant to a comparable statute of
24 another state or foreign country, or an ex parte order entered
25 pursuant to [section 252E.4](#). "*Order*" also includes a notice of
26 such an order issued by the department.

27 ~~16.~~ 17. "*Plan administrator*" means the employer or sponsor
28 that offers the health benefit plan or the person to whom the
29 duty of plan administrator is delegated by the employer or
30 sponsor offering the health benefit plan, by written agreement
31 of the parties. "*Plan administrator*" does not include a
32 provider of public coverage.

33 ~~17.~~ 18. "*Primary care provider*" means a physician who
34 provides primary care who is a family or general practitioner,

35 a pediatrician, an internist, an obstetrician, or a
1 gynecologist; an advanced registered nurse practitioner; or a
2 physician assistant.

3 ~~18.~~ 19. "Public coverage" means health care benefits
4 provided by any form of federal or state medical assistance,
5 including but not limited to benefits provided under chapter
6 249A or 514I, or under comparable laws of another state,
7 foreign country, or Indian nation or tribe.

8 ~~19.~~ "Unit" or "child support recovery unit" means unit as
9 defined in ~~section 252B.1.~~

10 Sec. 897. Section 252E.1A, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. This section shall apply to all initial or modified
13 orders for support entered under chapter 234, 252A, 252C, 252F,
14 252H, 598, 600B, or any other applicable chapter. If an action
15 to establish or modify an order for support is initiated by the
16 child support ~~recovery unit~~ services, section 252E.1B shall
17 also apply.

18 Sec. 898. Section 252E.1B, Code 2023, is amended to read as
19 follows:

20 **252E.1B Establishing and modifying orders for medical support**
21 **— actions initiated by child support ~~recovery unit~~ services.**

22 1. If the child support ~~recovery unit~~ services is initiating
23 an action to establish or modify support, this section shall
24 apply in addition to the provisions of section 252E.1A.

25 2. ~~The unit~~ Child support services shall apply the following
26 order of priority when ~~the unit~~ child support services enters
27 or seeks an order for medical support:

28 a. If the custodial parent is currently providing coverage
29 for the child under a health benefit plan other than public
30 coverage, and the plan is available as described in section
31 252E.1A, subsection 3, ~~the unit~~ child support services shall
32 enter or seek an order for the custodial parent to provide
33 coverage.

34 b. If the noncustodial parent is currently providing

35 coverage for the child under a health benefit plan other than
1 public coverage, and the plan is available as described in
2 section 252E.1A, subsection 3, ~~the unit~~ child support services
3 shall enter or seek an order for the noncustodial parent to
4 provide coverage.

5 c. If a health benefit plan other than public coverage is
6 available as described in [section 252E.1A, subsection 3](#), to the
7 custodial parent, ~~the unit~~ child support services shall enter
8 or seek an order for the custodial parent to provide coverage.

9 d. If a health benefit plan other than public coverage is
10 available as described in [section 252E.1A, subsection 3](#), to
11 the noncustodial parent, ~~the unit~~ child support services shall
12 enter or seek an order for the noncustodial parent to provide
13 coverage.

14 e. If a health benefit plan other than public coverage
15 is not available to either parent, and the custodial parent
16 has public coverage for the child, ~~the unit~~ child support
17 services shall enter or seek an order for the custodial parent
18 to provide health care coverage and shall enter or seek an
19 order for the noncustodial parent to pay cash medical support.
20 However, if any of the circumstances described in section
21 252E.1A, subsection 4, paragraph "a", "b", or "c" is met, ~~the~~
22 unit child support services shall enter or seek an order as
23 specified by the applicable paragraph.

24 3. Notwithstanding [subsection 2](#), if there is an order for
25 joint physical care for the child and the parties subject to
26 the support order, ~~the unit~~ child support services shall apply
27 the following order of priority when ~~the unit~~ child support
28 services enters or seeks an order for medical support:

29 a. If only one parent is currently providing coverage
30 for the child under a health benefit plan other than public
31 coverage, and the plan is available as described in section
32 252E.1A, subsection 3, ~~the unit~~ child support services shall
33 enter or seek an order for that parent to provide coverage.

34 b. If both parents are currently providing coverage for the

35 child under a health benefit plan other than public coverage,
1 and both plans are available as described in section 252E.1A,
2 subsection 3, ~~the unit~~ child support services shall enter or
3 seek an order for both parents to provide coverage.

4 c. If neither parent is currently providing coverage
5 for the child under a health benefit plan other than public
6 coverage, and a health benefit plan other than public coverage
7 is available as described in [section 252E.1A, subsection 3](#), to
8 one parent, ~~the unit~~ child support services shall enter or seek
9 an order for that parent to provide coverage.

10 d. If neither parent is currently providing coverage
11 for the child under a health benefit plan other than public
12 coverage, and a health benefit plan other than public coverage
13 is available as described in [section 252E.1A, subsection 3](#), to
14 both parents, ~~the unit~~ child support services shall enter or
15 seek an order for both parents to provide coverage.

16 e. If a health benefit plan other than public coverage
17 is not available to either parent and one parent has public
18 coverage for the child, ~~the unit~~ child support services shall
19 enter or seek an order for that parent to provide health care
20 coverage.

21 4. ~~The child~~ Child support ~~recovery unit~~ services or the
22 court shall not order any modification to an existing medical
23 support order in a proceeding conducted solely pursuant to
24 chapter 252H, subchapter IV.

25 Sec. 899. Section 252E.2, subsection 2, paragraph a, Code
26 2023, is amended to read as follows:

27 a. The name and the last known mailing address of the
28 participant and the name and mailing address of each child
29 covered by the order except that, to the extent provided in
30 the order, the name and mailing address of ~~an official of~~ the
31 department may be substituted for the mailing address of the
32 child.

33 Sec. 900. Section 252E.2A, Code 2023, is amended to read as
34 follows:

35 **252E.2A Satisfaction of medical support order.**

1 This section shall apply if ~~the child support recovery unit~~
2 services is providing services under [chapter 252B](#).

3 1. Notwithstanding any law to the contrary and without
4 a court order, a medical support order for a child shall be
5 deemed satisfied with regard to the department, the child, the
6 obligor, and the obligee for the period during which all of the
7 following conditions are met:

8 a. The order is issued under any applicable chapter of the
9 Code.

10 b. ~~The unit~~ Child support services is notified that the
11 conditions of paragraph "c" are met and the parent ordered to
12 provide medical support submits a written statement to ~~the unit~~
13 child support services that the requirements of paragraph "c"
14 are met.

15 c. The parent ordered to provide medical support meets at
16 least one of the following conditions:

17 (1) The parent is an inmate of an institution under the
18 control of the department of corrections or a comparable
19 institution in another state.

20 (2) The parent's monthly child support obligation under
21 the guidelines established pursuant to [section 598.21B](#) is the
22 minimum obligation amount.

23 (3) The parent is a recipient of assistance under chapter
24 239B or [249A](#), or under comparable laws of another state.

25 (4) The parent is residing with any child for whom the
26 parent is legally responsible and that child is a recipient
27 of assistance under [chapter 239B](#), [249A](#), or [514I](#), or under
28 comparable laws of another state. For purposes of this
29 subparagraph, "*legally responsible*" means the parent has a legal
30 obligation to the child as specified in [Iowa court rule 9.7](#) of
31 the child support guidelines.

32 d. ~~The unit~~ Child support services files a notice of
33 satisfaction with the clerk of the district court. The
34 effective date of the satisfaction shall be stated in the

35 notice and the effective date shall be no later than forty-five
1 days after ~~the unit~~ child support services issues the notice of
2 satisfaction.

3 2. If a medical support order is satisfied under subsection
4 1, the satisfaction shall continue until all of the following
5 apply:

6 a. ~~The unit~~ Child support services is notified that none of
7 the conditions specified in [subsection 1](#), paragraph "c", still
8 applies.

9 b. ~~The unit~~ Child support services files a satisfaction
10 termination notice that the requirements for a satisfaction
11 under [this section](#) no longer apply. The effective date shall
12 be stated in the satisfaction termination notice and the
13 effective date shall be no later than forty-five days after ~~the~~
14 unit child support services issues the satisfaction termination
15 notice.

16 3. ~~The unit~~ Child support services shall mail a copy of the
17 notice of satisfaction and the satisfaction termination notice
18 to the last known address of the obligor and obligee.

19 4. The department of ~~human services~~ may match data for
20 enrollees of the ~~hawk-i~~ Hawki program created pursuant to
21 chapter 514I with data of ~~the unit~~ child support services to
22 assist ~~the unit~~ child support services in implementing this
23 section.

24 5. An order, decree, or judgment entered or pending on or
25 before July 1, 2009, that provides for the support of a child
26 may be satisfied as provided in [this section](#).

27 Sec. 901. Section 252E.4, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. When a support order requires an obligor to provide
30 coverage under a health benefit plan other than public
31 coverage, the district court or the department may enter an
32 ex parte order directing an employer to take all actions
33 necessary to enroll an obligor's dependent for coverage under
34 a health benefit plan or may include the provisions in an ex

35 parte income withholding order or notice of income withholding
 1 pursuant to [chapter 252D](#). ~~The child~~ Child support ~~recovery~~
 2 ~~unit~~ services, where appropriate, shall issue a national
 3 medical support notice to an employer within two business days
 4 after the date information regarding a newly hired employee is
 5 entered into the centralized employee registry and matched with
 6 a noncustodial parent in the case being enforced by ~~the unit~~
 7 child support services, or upon receipt of other employment
 8 information for such parent. The department may amend the
 9 information in the ex parte order or may amend or terminate
 10 the national medical support notice regarding health insurance
 11 provisions if necessary to comply with health insurance
 12 requirements including but not limited to the provisions of
 13 section 252E.2, subsection 2, or to correct a mistake of fact.

14 Sec. 902. Section 252E.5, subsection 8, paragraph g,
 15 subparagraph (3), Code 2023, is amended to read as follows:

16 (3) If the obligor is not enrolled in a health benefit
 17 plan or is not enrolled in a health benefit plan that offers
 18 dependent coverage, if more than one plan with dependent
 19 coverage is offered by the employer, and if the notice is
 20 issued by ~~the child support recovery unit~~ services, all of the
 21 following shall apply:

22 (a) If only one of the plans is accessible to the dependent,
 23 that plan shall be selected. If none of the plans with
 24 dependent coverage is accessible to the dependent, ~~the unit~~
 25 child support services shall amend or terminate the notice.

26 (b) If more than one of the plans is accessible to the
 27 dependent, the plan selected shall be the plan that provides
 28 basic coverage for which the employee's share of the premium
 29 is lowest.

30 (c) If more than one of the plans is accessible to the
 31 dependent but none of the accessible plans provides basic
 32 coverage, the plan selected shall be a plan that is accessible
 33 and for which the employee's share of the premium is lowest.

34 (d) If the employee's share of the premiums is the same

35 under all plans described in subparagraph (b) or (c), ~~the~~
1 unit child support services shall attempt to consult with the
2 obligee when selecting the plan. If the obligee does not
3 respond within ten days of ~~the unit's~~ child support services'
4 attempt, ~~the unit~~ child support services shall select a plan
5 which shall be the plan's default option, if any, or the plan
6 with the lowest deductibles and copayment requirements.

7 Sec. 903. Section 252E.5, subsection 8, paragraph h,
8 subparagraph (2), Code 2023, is amended to read as follows:

9 (2) If the dependent is or is to be enrolled, notify the
10 obligor, the obligee, and the child and furnish the obligee
11 with necessary information. Provide ~~the child support recovery~~
12 unit services with the type of health benefit plan under which
13 the dependent has been enrolled, including whether dental,
14 optical, office visits, and prescription drugs are covered
15 services.

16 Sec. 904. Section 252E.6A, subsections 1 and 3, Code 2023,
17 are amended to read as follows:

18 1. An obligor may move to quash the order to the employer
19 under [section 252E.4](#) by following the same procedures and
20 alleging a mistake of a fact as provided in [section 252D.31](#)
21 or as provided in [subsection 2](#). If ~~the unit~~ child support
22 services is enforcing an income withholding order and a medical
23 support order simultaneously, any challenge to the income
24 withholding order and medical support enforcement shall be
25 filed and heard simultaneously.

26 3. The employer shall comply with the requirements of this
27 chapter until the employer receives notice that a motion to
28 quash has been granted, or that ~~the unit~~ child support services
29 has amended or terminated the national medical support notice.

30 Sec. 905. Section 252F.1, Code 2023, is amended to read as
31 follows:

32 **252F.1 Definitions.**

33 As used in [this chapter](#) unless the context otherwise
34 requires:

35 ~~1. "Administrator" means the administrator of the child~~
1 ~~support recovery unit of the department of human services or~~
2 ~~the administrator's designee.~~

3 ~~2.~~ 1. "Child" means a person who is less than age eighteen
4 or a person who is age eighteen but less than age nineteen
5 and is engaged full-time in completing high school graduation
6 or equivalency requirements in a manner which is reasonably
7 expected to result in completion of the requirements prior to
8 the person reaching age nineteen.

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

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

13 4. "Director" means the director of health and human
14 services.

15 ~~3.~~ 5. "Mother" means a mother of the child for whom
16 paternity is being established.

17 ~~4.~~ 6. "Party" means a putative father or a mother, as named
18 in an action.

19 ~~5.~~ 7. "Paternity is at issue" means any of the following
20 conditions:

21 *a.* A child was not born or conceived within marriage.

22 *b.* A child was born or conceived within marriage but a court
23 has declared that the child is not the issue of the marriage.

24 ~~6.~~ 8. "Paternity test" means and includes any form of
25 blood, tissue, or genetic testing administered to determine the
26 biological father of a child.

27 ~~7.~~ 9. "Putative father" means a person alleged to be the
28 biological father of a child.

29 ~~8. "Unit" means the child support recovery unit created in~~
30 ~~section 252B.2.~~

31 Sec. 906. Section 252F.2, Code 2023, is amended to read as
32 follows:

33 **252F.2 Jurisdiction.**

34 1. In any case in which the unit child support services

35 is providing services pursuant to [chapter 252B](#) and paternity
1 is at issue, proceedings may be initiated by ~~the unit~~ child
2 support services pursuant to [this chapter](#) for the sole purpose
3 of establishing paternity and any accrued or accruing child
4 support or medical support obligations. Proceedings under
5 this chapter are in addition to other means of establishing
6 paternity or support. Issues in addition to establishment of
7 paternity or support obligations shall not be addressed in
8 proceedings initiated under [this chapter](#).

9 2. An action to establish paternity and support under this
10 chapter may be brought within the time limitations set forth
11 in [section 614.8](#).

12 Sec. 907. Section 252F.3, Code 2023, is amended to read as
13 follows:

14 **252F.3 Notice of alleged paternity and support debt —**
15 **conference — request for hearing.**

16 1. ~~The unit~~ Child support services may prepare a notice
17 of alleged paternity and support debt to be served on a
18 party if the mother of the child or a government official
19 with knowledge of the circumstances of possible paternity
20 relying on government records provides a written statement
21 to the department of ~~human services~~ certifying in accordance
22 with [section 622.1](#) that the putative father is or may be the
23 biological father of the child or children involved. The
24 notice shall be accompanied by a copy of the statement and
25 served on the putative father in accordance
with [rule of civil procedure 1.305](#). Service
upon the mother shall not constitute

27 valid service upon the putative father. The notice shall
28 include or be accompanied by all of the following:

29 a. The name of the recipient of services under [chapter 252B](#)
30 and the name and birth date of the child or children involved.

31 b. A statement that the putative father has been named as
32 the biological father of the child or children named.

33 c. A statement that if paternity is established, the

34 amount of the putative father's monthly support obligation
35 and the amount of the support debt accrued and accruing will
1 be established in accordance with the guidelines established
2 in [section 598.21B](#), and the criteria established pursuant to
3 section 252B.7A.

4 *d.* A statement that if paternity is established, a party has
5 a duty to provide accrued and accruing medical support to the
6 child or children in accordance with [chapter 252E](#).

7 *e.* A written explanation of the procedures for determining
8 the child support obligation and a request for financial or
9 income information as necessary for application of the child
10 support guidelines established pursuant to [section 598.21B](#).

11 *f.* (1) The right of a party to request a conference
12 with ~~the unit~~ child support services to discuss paternity
13 establishment and the amount of support that a party may be
14 required to provide, within ten days of the date of service of
15 the original notice or, if paternity is contested and paternity
16 testing is conducted, within ten days of the date the paternity
17 test results are issued or mailed to a party by ~~the unit~~ child
18 support services.

19 (2) A statement that if a conference is requested, a party
20 shall have one of the following time frames, whichever is the
21 latest, to send a written request for a court hearing on the
22 issue of support to ~~the unit~~ child support services:

23 (a) Ten days from the date set for the conference.

24 (b) Twenty days from the date of service of the original
25 notice.

26 (c) If paternity was contested and paternity testing
27 was conducted, and a party does not deny paternity after the
28 testing or challenge the paternity test results, twenty days
29 from the date paternity test results are issued or mailed by
30 ~~the unit~~ child support services to the party.

31 (3) A statement that after the holding of the conference,
32 ~~the unit~~ child support services shall issue a new notice of
33 alleged paternity and finding of financial responsibility for

34 child support or medical support, or both, to be provided in
35 person to each party or sent to each party by regular mail
1 addressed to the party's last known address or, if applicable,
2 to the last known address of the party's attorney.

3 (4) A statement that if ~~the unit~~ child support services
4 issues a new notice of alleged paternity and finding of
5 financial responsibility for child support or medical support,
6 or both, a party shall have one of the following time frames,
7 whichever is the latest, to send a written request for a court
8 hearing on the issue of support to ~~the unit~~ child support
9 services:

10 (a) Ten days from the date of issuance of the new notice.

11 (b) Twenty days from the date of service of the original
12 notice.

13 (c) If paternity was contested and paternity testing
14 conducted, and a party does not deny paternity after the
15 testing or challenge the paternity test results, twenty days
16 from the date the paternity test results are issued or mailed
17 to the party by ~~the unit~~ child support services.

18 g. A statement that if a conference is not requested, and
19 a party does not deny paternity or challenge the results of
20 any paternity testing conducted but objects to the finding
21 of financial responsibility or the amount of child support
22 or medical support, or both, the party shall send a written
23 request for a court hearing on the issue of support to ~~the~~
24 ~~unit~~ child support services within twenty days of the date of
25 service of the original notice, or, if paternity was contested
26 and paternity testing conducted, and a party does not deny
27 paternity after the testing or challenge the paternity test
28 results, within twenty days from the date the paternity test
29 results are issued or mailed to the party by ~~the unit~~ child
30 support services, whichever is later.

31 h. A statement that if a timely written request for a
32 hearing on the issue of support is received by ~~the unit~~
33 child support services, the party shall have the right to a

34 hearing to be held in district court and that if no timely
35 written request is received and paternity is not contested,
1 the ~~administrator~~ department shall enter an order establishing
2 the putative father as the father of the child or children and
3 establishing child support or medical support, or both, in
4 accordance with the notice of alleged paternity and support
5 debt.

6 *i.* A written explanation of the rights and responsibilities
7 associated with the establishment of paternity.

8 *j.* A written explanation of a party's right to deny
9 paternity, the procedures for denying paternity, and the
10 consequences of the denial.

11 *k.* A statement that if a party contests paternity, the party
12 shall have twenty days from the date of service of the original
13 notice to submit a written denial of paternity to ~~the unit~~
14 child support services.

15 *l.* A statement that if paternity is contested, ~~the unit~~
16 child support services shall, at the request of the party
17 contesting paternity or on its own initiative, enter an
18 administrative order requiring the putative father, mother, and
19 child or children involved, to submit to paternity testing.

20 *m.* A statement that if paternity tests are conducted, ~~the~~
21 unit child support services shall provide a copy of the test
22 results to each party in person or send a copy to each party
23 by regular mail, addressed to the party's last known address,
24 or, if applicable, to the last known address of the party's
25 attorney.

26 *n.* A statement setting forth the time frames for contesting
27 paternity after paternity tests are conducted.

28 *o.* Other information as ~~the unit~~ child support services
29 finds appropriate.

30 2. The time limitations established for the notice
31 provisions under [subsection 1](#) are binding unless otherwise
32 specified in [this chapter](#) or waived pursuant to [section 252F.8](#).

33 3. *a.* If notice is served on a party, ~~the unit~~ child

34 support services shall file a true copy of the notice and the
35 original return of service with the appropriate clerk of the
1 district court as follows:

2 (1) In the county in which the child or children reside if
3 the action is for purposes of establishing paternity and future
4 child or medical support, or both.

5 (2) In the county in which the child or children involved
6 last received public assistance benefits in the state, if
7 the action is for purposes of establishing paternity and
8 child or medical support, or both, only for prior periods of
9 time when the child or children received public assistance,
10 and no ongoing child or medical support obligation is to be
11 established by this action.

12 (3) If the action is the result of a request from another
13 state or foreign country to establish paternity of a putative
14 father located in Iowa, in the county in which the putative
15 father resides.

16 *b.* All subsequent documents filed or court hearings held
17 related to the action shall be in the district court in the
18 county in which notice was filed pursuant to [this subsection](#).
19 The clerk shall file and docket the action.

20 4. A party or ~~the child support recovery unit~~ services may
21 request a court hearing regarding establishment of paternity or
22 a determination of support, or both.

23 *a.* Upon receipt of a timely written response requesting
24 a hearing or on its own initiative, ~~the unit~~ child support
25 services shall certify the matter for hearing in the district
26 court in the county where the original notice of alleged
27 paternity and support debt is filed, in accordance with section
28 252F.5.

29 *b.* If paternity establishment was contested and paternity
30 tests conducted, a court hearing on the issue of paternity
31 shall be held no earlier than thirty days from the date
32 paternity test results are issued to all parties by ~~the unit~~
33 child support services, unless the parties mutually agree to

34 waive the time frame pursuant to [section 252F.8](#).

35 *c.* Any objection to the results of paternity tests shall be
1 filed no later than twenty days after the date paternity test
2 results are issued or mailed to each party by ~~the unit~~ child
3 support services. Any objection to paternity test results
4 filed by a party more than twenty days after the date paternity
5 tests are issued or mailed to the party by ~~the unit~~ child
6 support services shall not be accepted or considered by the
7 court.

8 5. If a timely written response and request for a court
9 hearing is not received by ~~the unit~~ child support services and
10 a party does not deny paternity, the ~~administrator~~ department
11 shall enter an order in accordance with [section 252F.4](#).

12 6. *a.* If a party contests the establishment of paternity,
13 the party shall submit, within twenty days of service of the
14 notice on the party under [subsection 1](#), a written statement
15 contesting paternity establishment to ~~the unit~~ child support
16 services. Upon receipt of a written challenge of paternity
17 establishment, or upon initiation by ~~the unit~~ child support
18 services, the ~~administrator~~ department shall enter ex parte
19 administrative orders requiring the mother, child or children
20 involved, and the putative father to submit to paternity
21 testing, except that if the mother and child or children
22 previously submitted blood or genetic specimens in a prior
23 action to establish paternity against a different putative
24 father, the previously submitted specimens and prior results,
25 if available, may be utilized for testing in this action.
26 Either the mother or putative father may contest paternity
27 under [this chapter](#).

28 *b.* The orders shall be filed with the clerk of the district
29 court in the county where the notice was filed and have the
30 same force and effect as a court order for paternity testing.

31 *c.* ~~The unit~~ Child support services shall issue copies of the
32 respective administrative orders for paternity testing to the
33 mother and putative father in person, or by regular mail to the

34 last known address of each, or if applicable, to the last known
35 address of the attorney for each.

1 *d.* If a paternity test is ordered under [this section](#),
2 the ~~administrator~~ department shall direct that inherited
3 characteristics be analyzed and interpreted, and shall appoint
4 an expert qualified as an examiner of genetic markers to
5 analyze and interpret the results. The test shall be of a type
6 generally acknowledged as reliable by accreditation entities
7 designated by the secretary of the United States department
8 of health and human services and shall be performed by a
9 laboratory approved by an accreditation entity.

10 *e.* The party contesting paternity shall be provided one
11 opportunity to reschedule the paternity testing appointment if
12 the testing is rescheduled prior to the date of the originally
13 scheduled appointment.

14 *f.* An original copy of the test results shall be filed with
15 the clerk of the district court in the county where the notice
16 was filed. ~~The child~~ Child support ~~recovery unit~~ services
17 shall issue a copy of the filed test results to each party in
18 person, or by regular mail to the last known address of each,
19 or if applicable, to the last known address of the attorney
20 for each. However, if the action is the result of a request
21 from another state or foreign country, ~~the unit~~ child support
22 services shall issue a copy of the results to the initiating
23 agency in that jurisdiction.

24 *g.* Verified documentation of the chain of custody of the
25 blood or genetic specimens is competent evidence to establish
26 the chain of custody. The testimony of the appointed expert is
27 not required. A verified expert's report of test results which
28 indicate a statistical probability of paternity is sufficient
29 authenticity of the expert's conclusion.

30 *h.* A verified expert's report shall be admitted as evidence
31 to establish administrative paternity, and, if a court hearing
32 is scheduled to resolve the issue of paternity, shall be
33 admitted as evidence and is admissible at trial.

34 *i.* If the verified expert concludes that the test results
35 show that the putative father is not excluded and that the
1 probability of the putative father's paternity is ninety-five
2 percent or higher, there shall be a rebuttable presumption that
3 the putative father is the biological father, and the evidence
4 shall be sufficient as a basis for administrative establishment
5 of paternity.

6 (1) In order to challenge the presumption of paternity, a
7 party shall file a written notice of the challenge with the
8 district court within twenty days from the date the paternity
9 test results are issued or mailed to all parties by ~~the unit~~
10 child support services. Any challenge to a presumption of
11 paternity resulting from paternity tests, or to paternity test
12 results filed after the lapse of the twenty-day time frame
13 shall not be accepted or admissible by ~~the unit~~ child support
14 services or the court.

15 (2) A copy of the notice challenging the presumption of
16 paternity shall be provided to any other party in person, or
17 by mailing the notice to the last known address of each party,
18 or if applicable, to the last known address of each party's
19 attorney.

20 (3) The party challenging the presumption of paternity
21 has the burden of proving that the putative father is not the
22 father of the child.

23 (4) The presumption of paternity may be rebutted only by
24 clear and convincing evidence.

25 *j.* If the verified expert concludes that the test results
26 indicate that the putative father is not excluded and that
27 the probability of the putative father's paternity is less
28 than ninety-five percent, the ~~administrator~~ department shall
29 order a subsequent administrative paternity test or certify the
30 case to the district court for resolution in accordance with
31 the procedures and time frames specified in paragraph "*i*" and
32 section 252F.5.

33 *k.* If the results of the test or the verified expert's

34 analysis are timely challenged as provided in this subsection,
 35 the ~~administrator~~ department, upon the request of a party
 1 and advance payment by the contestant or upon the ~~unit's own~~
 2 initiative of child support services, shall order that an
 3 additional test be performed by the same laboratory or an
 4 independent laboratory. If the party requesting additional
 5 testing does not advance payment, the ~~administrator~~ department
 6 shall certify the case to the district court in accordance with
 7 paragraph "i" and section 252F.5.

8 *l.* When a subsequent paternity test is conducted, the time
 9 frames in this chapter associated with paternity tests shall
 10 apply to the most recently completed test.

11 *m.* If the paternity test results exclude the putative father
 12 as a potential biological father of the child or children,
 13 and additional tests are not requested by either party or
 14 conducted on the ~~unit's~~ initiative of child support services,
 15 or if additional tests exclude the putative father as a
 16 potential biological father, ~~the unit~~ child support services
 17 shall withdraw its action against the putative father and
 18 shall file a notice of the withdrawal with the clerk of the
 19 district court, and shall provide a copy of the notice to each
 20 party in person, or by regular mail sent to each party's last
 21 known address, or if applicable, the last known address of the
 22 party's attorney.

23 *n.* Except as provided in paragraph "k", ~~the unit~~ child
 24 support services shall advance the costs of genetic testing.
 25 If paternity is established and paternity testing was
 26 conducted, ~~the unit~~ child support services shall enter an order
 27 or, if the action proceeded to a court hearing, request that
 28 the court enter a judgment for the costs of the paternity tests
 29 consistent with applicable federal law. In a proceeding under
 30 this chapter, a copy of a bill for genetic testing shall be
 31 admitted as evidence without requiring third-party foundation
 32 testimony and shall constitute prima facie evidence of the
 33 amount incurred for genetic testing.

34 Sec. 908. Section 252F.4, Code 2023, is amended to read as
35 follows:

1 **252F.4 Entry of order.**

2 1. If each party fails to respond to the initial notice
3 within twenty days after the date of service of the notice or
4 fails to appear at a conference pursuant to [section 252F.3](#) on
5 the scheduled date of the conference, and paternity has not
6 been contested and each party fails to timely request a court
7 hearing on the issue of support, the ~~administrator~~ department
8 shall enter an order against the parties, declaring the
9 putative father to be the legal father of the child or children
10 involved and assessing any accrued and accruing child support
11 obligation pursuant to the guidelines established under section
12 598.21B, and medical support pursuant to [chapter 252E](#).

13 2. If paternity is contested pursuant to section 252F.3,
14 subsection 6, and the party contesting paternity fails to
15 appear for a paternity test and fails to request a rescheduling
16 pursuant to [section 252F.3](#), or fails to appear for both the
17 initial and the rescheduled paternity tests and each party
18 fails to timely request a court hearing on the issue of
19 support, the ~~administrator~~ department shall enter an order
20 against the parties declaring the putative father to be the
21 legal father of the child or children involved and assessing
22 any accrued and accruing child support obligation pursuant to
23 the guidelines established under [section 598.21B](#), and medical
24 support pursuant to [chapter 252E](#).

25 3. If a conference pursuant to [section 252F.3](#) is held,
26 and paternity is not contested, and each party fails to
27 timely request a court hearing on the issue of support, the
28 ~~administrator~~ department shall enter an order against the
29 parties after the second notice has been sent declaring the
30 putative father to be the legal father of the child or children
31 involved and assessing any accrued and accruing child support
32 obligation pursuant to the guidelines established under section
33 598.21B, and medical support pursuant to [chapter 252E](#).

34 4. If paternity was contested and paternity testing was
35 performed and the putative father was not excluded, if the
1 test results indicate that the probability of the putative
2 father's paternity is ninety-five percent or greater, if the
3 test results are not timely challenged, and if each party fails
4 to timely request a court hearing on the issue of support,
5 the ~~administrator~~ department shall enter an order against the
6 parties declaring the putative father to be the legal father of
7 the child or children involved and assessing any accrued and
8 accruing child support obligation pursuant to the guidelines
9 established under [section 598.21B](#), and medical support pursuant
10 to [chapter 252E](#).

11 5. The ~~administrator~~ department shall establish a support
12 obligation under [this section](#) based upon the best information
13 available to ~~the unit~~ child support services and pursuant to
14 section 252B.7A.

15 6. The order shall contain all of the following:

16 a. A declaration of paternity.

17 b. The amount of monthly support to be paid, with direction
18 as to the manner of payment.

19 c. The amount of accrued support.

20 d. The name of the custodial parent or caretaker.

21 e. The name and birth date of the child or children to whom
22 the order applies.

23 f. A statement that property of a party ordered to provide
24 support is subject to income withholding, liens, garnishment,
25 tax offset, and other collection actions.

26 g. The medical support required pursuant to [chapter 598](#) and
27 [chapter 252E](#).

28 h. A statement that a party who is ordered to provide
29 support is required to inform ~~the child support recovery unit~~
30 services, on a continuing basis, of the name and address of
31 the party's current employer, whether the party has access to
32 health insurance coverage as required in the order, and if so,
33 the health insurance policy information.

34 *i.* If paternity was contested by the putative father, the
35 amount of any judgment assessed to the father for costs of
1 paternity tests conducted pursuant to [this chapter](#).

2 *j.* Statements as required pursuant to [section 598.22B](#).

3 7. If paternity is not contested but a party does wish
4 to challenge the issues of child or medical support, the
5 ~~administrator~~ department shall enter an order establishing
6 paternity and reserving the issues of child or medical support
7 for determination by the district court.

8 Sec. 909. Section 252F.5, Code 2023, is amended to read as
9 follows:

10 **252F.5 Certification to district court.**

11 1. Actions initiated under [this chapter](#) are not subject
12 to contested case proceedings or further review pursuant to
13 chapter 17A.

14 2. An action under [this chapter](#) may be certified to
15 the district court if a party timely contests paternity
16 establishment or paternity test results, or if a party requests
17 a court hearing on the issues of child or medical support, or
18 both, or upon the initiation of ~~the unit~~ child support services
19 as provided in [this chapter](#). Review by the district court
20 shall be an original hearing before the court.

21 3. In any action brought under [this chapter](#), the action
22 shall not be certified to the district court in a contested
23 paternity action unless all of the following have occurred:

24 *a.* Paternity testing has been completed.

25 *b.* The results of the paternity test have been issued to all
26 parties.

27 *c.* A timely written objection to paternity establishment
28 or paternity test results has been received from a party, or
29 a timely written request for a court hearing on the issue
30 of support has been received from a party by ~~the unit~~ child
31 support services, or ~~the unit~~ child support services has
32 requested a court hearing on ~~the unit's~~ child support services'
33 own initiative.

34 4. A matter shall be certified to the district court in
35 the county in which the notice was filed pursuant to section
1 252F.3, subsection 3.

2 5. The court shall set the matter for hearing and notify the
3 parties of the time of and place for hearing.

4 6. If the court determines that the putative father is
5 the legal father, the court shall establish the amount of the
6 accrued and accruing child support pursuant to the guidelines
7 established under [section 598.21B](#), and shall establish medical
8 support pursuant to [chapter 252E](#).

9 7. If the putative father or another party contesting
10 paternity fails to appear at the hearing, upon a showing
11 that proper notice has been provided to the party, the court
12 shall find the party in default and enter an appropriate order
13 establishing paternity and support.

14 Sec. 910. Section 252F.6, Code 2023, is amended to read as
15 follows:

16 **252F.6 Filing with the district court.**

17 Following issuance of an order by the ~~administrator~~
18 department, the order shall be presented to an appropriate
19 district court judge for review and approval. Unless a defect
20 appears on the face of the order, the district court shall
21 approve the order. Upon approval by the district court judge,
22 the order shall be filed in the district court in the county
23 in which the notice was filed pursuant to section 252F.3,
24 subsection 3. Upon filing, the order has the same force and
25 effect as a district court order.

26 Sec. 911. Section 252F.7, Code 2023, is amended to read as
27 follows:

28 **252F.7 Report to state registrar of vital records statistics.**

29 Upon the filing of an order with the district court pursuant
30 to [this chapter](#), the clerk of the district court shall report
31 the information from the order to the ~~bureau of~~ state registrar
32 of vital records statistics in the manner provided in section
33 600B.36.

34 Sec. 912. Section 252F.8, Code 2023, is amended to read as
35 follows:

1 **252F.8 Waiver of time limitations.**

2 1. A putative father or other party may waive the time
3 limitations established in [this chapter](#).

4 2. If a party does not contest paternity or wish to request
5 a conference or court hearing on the issue of support, upon
6 receipt of a signed statement from the putative father and
7 any other party that may contest establishment of paternity,
8 waiving the time limitations, the ~~administrator~~ department
9 shall enter an order establishing paternity and support and the
10 court may approve the order, notwithstanding the expiration of
11 the period of the time limitations if paternity is established.

12 3. If a putative father or other party waives the time
13 limitations and an order establishing paternity or determining
14 support, or both, is entered under [this chapter](#), the signed
15 statement of the putative father and other party waiving the
16 time limitations shall be filed with the order.

17 Sec. 913. Section 252G.1, Code 2023, is amended to read as
18 follows:

19 **252G.1 Definitions.**

20 As used in [this chapter](#), unless the context otherwise
21 requires:

22 1. "*Business day*" means a day on which state offices are
23 open for regular business.

24 2. "*Child support services*" means child support services
25 created in section 252B.2.

26 ~~2.~~ 3. "*Compensation*" means payment owed by the payor of
27 income for:

28 a. Labor or services rendered by an employee or contractor
29 to the payor of income.

30 b. Benefits including, but not limited to, vacation,
31 holiday, and sick leave, and severance payments which are due
32 an employee under an agreement with the employer or under a
33 policy of the employer.

34 ~~3.~~ 4. "*Contractor*" means a natural person who is eighteen
35 years of age or older, who performs labor in this state to
1 whom a payor of income makes payments which are not subject to
2 withholding and for whom the payor of income is required by the
3 internal revenue service to complete a 1099-MISC form.

4 ~~4.~~ 5. "*Date of hire*" means either of the following:

5 a. The first day for which an employee is owed compensation
6 by the payor of income.

7 b. The first day that a contractor performs labor or
8 services for the payor of income.

9 ~~5.~~ 6. "*Days*" means calendar days.

10 ~~6.~~ 7. "*Department*" means the department of health and human
11 services.

12 ~~7.~~ 8. "*Dependent*" includes a spouse or child or any other
13 person who is in need of and entitled to support from a person
14 who is declared to be legally liable for the support of that
15 dependent.

16 ~~8.~~ 9. "*Employee*" means a natural person who performs labor
17 in this state and is employed by an employer in this state for
18 compensation and for whom the employer withholds federal or
19 state tax liabilities from the employee's compensation.

20 ~~9.~~ 10. "*Employer*" means a person doing business in this
21 state who engages an employee for compensation and for whom the
22 employer withholds federal or state tax liabilities from the
23 employee's compensation. "*Employer*" includes any governmental
24 entity and any labor organization.

25 ~~10.~~ 11. "*Labor organization*" means any organization of
26 any kind, or any agency, or employee representation committee
27 or plan, in which employees participate and which exists for
28 the purpose, in whole or in part, of dealing with employers
29 concerning grievances, labor disputes, wages, rates of pay,
30 hours of employment, or conditions of work.

31 ~~11.~~ 12. "*Natural person*" means an individual and not a
32 corporation, government, business trust, estate, partnership,
33 proprietorship, or other legal entity, however organized.

34 ~~12.~~ 13. "Payor of income" includes both an employer and a
35 person engaged in a trade or business in this state who engages
1 a contractor for compensation.

2 ~~13.~~ 14. "Registry" means the central employee registry
3 created in [section 252G.2](#).

4 ~~14.~~ 15. "Rehire" means the first day for which an employee
5 is owed compensation by the payor of income following a
6 termination of employment lasting a minimum of six consecutive
7 weeks. Termination of employment does not include temporary
8 separations from employment such as unpaid medical leave, an
9 unpaid leave of absence, or a temporary layoff.

10 ~~15.~~ ~~"Unit" means the child support recovery unit created in~~
11 ~~[section 252B.2](#).~~

12 Sec. 914. Section 252G.2, Code 2023, is amended to read as
13 follows:

14 **252G.2 Establishment of central employee registry.**

15 ~~By January 1, 1994, the unit Child support services shall~~
16 establish a centralized employee registry database for the
17 purpose of receiving and maintaining information on newly hired
18 or rehired employees from employers. ~~The unit Child support~~
19 ~~services shall establish the database and the department may~~
20 adopt rules in conjunction with the department of revenue and
21 the department of workforce development to identify appropriate
22 uses of the registry and to implement [this chapter](#), including
23 implementation through the entering of agreements pursuant to
24 chapter 28E.

25 Sec. 915. Section 252G.3, subsection 3, paragraphs b and d,
26 Code 2023, are amended to read as follows:

27 *b.* By submitting electronic media in a format approved by
28 ~~the unit child support services in advance.~~

29 *d.* By any other means authorized by ~~the unit child support~~
30 ~~services in advance if the means will result in timely~~
31 reporting.

32 Sec. 916. Section 252G.4, subsection 1, paragraph a,
33 unnumbered paragraph 1, Code 2023, is amended to read as

34 follows:

35 ~~Beginning January 1, 1994,~~ a A payor of income to whom
1 section 252G.3 is inapplicable, who enters into an agreement
2 for the performance of services with a contractor, shall report
3 the contractor to the registry. Payors of income shall report
4 contractors performing labor under an agreement within fifteen
5 days of the date on which all of the following conditions are
6 met:

7 Sec. 917. Section 252G.4, subsection 3, Code 2023, is
8 amended to read as follows:

9 3. A payor of income required to report under this section
10 may report the information required under subsection 1 by any
11 written means authorized by ~~the unit~~ child support services
12 which results in timely reporting.

13 Sec. 918. Section 252G.5, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. ~~The unit~~ Child support services for program
16 administration of ~~the child support enforcement program,~~
17 including but not limited to activities related to
18 establishment and enforcement of child and medical support
19 obligations through administrative or judicial processes, and
20 other services authorized pursuant to chapter 252B.

21 Sec. 919. Section 252G.7, Code 2023, is amended to read as
22 follows:

23 **252G.7 Data entry and transmitting centralized employee**
24 **registry records to the national new hire registry.**

25 ~~The unit~~ Child support services shall enter new hire data
26 into the centralized employee directory database within five
27 business days of receipt from employers and shall transmit the
28 records of the centralized employee registry to the national
29 directory of new hires within three business days after the
30 date information regarding a newly hired employee is entered
31 into the centralized employee registry.

32 Sec. 920. Section 252G.8, Code 2023, is amended to read as
33 follows:

34 **252G.8 Income withholding requirements.**

35 Within two business days after the date information
1 regarding a newly hired employee is entered into the
2 centralized employee registry and matched with obligors in
3 cases being enforced by ~~the unit~~ child support services, the
4 ~~unit~~ child support services shall transmit a notice to the
5 employer or payor of income of the employee directing the
6 employer or payor of income to withhold from the income of the
7 employee in accordance with [chapter 252D](#).

8 Sec. 921. Section 252H.1, Code 2023, is amended to read as
9 follows:

10 **252H.1 Purpose and intent.**

11 This chapter is intended to provide a means for state
12 compliance with Tit. IV-D of the federal Social Security
13 Act, as amended, requiring states to provide procedures for
14 the review and adjustment of support orders being enforced
15 under Tit. IV-D of the federal Social Security Act, and also
16 to provide an expedited modification process when review
17 and adjustment procedures are not required, appropriate, or
18 applicable. Actions under [this chapter](#) shall be initiated only
19 by ~~the child support recovery unit~~ services.

20 Sec. 922. Section 252H.2, Code 2023, is amended to read as
21 follows:

22 **252H.2 Definitions.**

23 1. As used in [this chapter](#), unless the context otherwise
24 requires, *"administrator"*, *"caretaker"*, *"court order"*,
25 *"department"*, *"dependent child"*, *"medical support"*, and
26 *"responsible person"* mean the same as defined in [section 252C.1](#).

27 2. As used in [this chapter](#), unless the context otherwise
28 requires:

29 a. *"Act"* means the federal Social Security Act.

30 b. *"Adjustment"* applies only to the child support provisions
31 of a support order and means either of the following:

32 (1) A change in the amount of child support based upon
33 an application of the child support guidelines established

34 pursuant to [section 598.21B](#).

35 (2) An addition of or change to provisions for medical
1 support as provided in [chapter 252E](#).

2 *c.* "Child" means a child as defined in [section 252B.1](#).

3 *d.* "Child support agency" means any state, county, or local
4 office or entity of another state that has the responsibility
5 for providing child support enforcement services under Tit.
6 IV-D of the Act.

7 *e.* ~~"Child support recovery unit" or "unit"~~ "Child support
8 services" means the child support ~~recovery unit~~ services created
9 ~~pursuant to~~ in [section 252B.2](#).

10 *f.* "Cost-of-living alteration" means a change in an existing
11 child support order which equals an amount which is the
12 amount of the support obligation following application of the
13 percentage change of the consumer price index for all urban
14 consumers, United States city average, as published in the
15 federal register by the federal department of labor, bureau of
16 labor statistics.

17 *g.* "Determination of controlling order" means the process
18 of identifying a child support order which must be recognized
19 pursuant to [section 252K.207](#) and 28 U.S.C. §1738B, when
20 more than one state has issued a support order for the same
21 child and the same obligor, and may include a reconciliation
22 of arrearages with information related to the calculation.
23 Registration of an order of another state or foreign country is
24 not necessary for a court or ~~the unit~~ child support services to
25 make a determination of controlling order.

26 *h.* "Modification" means either of the following:

27 (1) A change, correction, or termination of an existing
28 support order.

29 (2) The establishment of a child or medical support
30 obligation in a previously established order entered
31 pursuant to [chapter 234](#), [252A](#), [252C](#), [598](#), [600B](#), or any other
32 support proceeding, in which such support was not previously
33 established, or in which support was previously established

34 and subsequently terminated prior to the emancipation of the
35 children affected.

1 *i.* "Parent" means, for the purposes of requesting a review
2 of a support order and for being entitled to notice under this
3 chapter:

4 (1) The individual ordered to pay support pursuant to the
5 order.

6 (2) An individual or entity entitled to receive current or
7 future support payments pursuant to the order, or pursuant to a
8 current assignment of support including but not limited to an
9 agency of this or any other state that is currently providing
10 public assistance benefits to the child for whom support is
11 ordered and any child support agency. Service of notice of
12 an action initiated under [this chapter](#) on an agency is not
13 required, but the agency may be advised of the action by other
14 means.

15 *j.* "Public assistance" means benefits received in this state
16 or any other state, under Tit. IV-A (temporary assistance to
17 needy families), IV-E (foster care), or XIX (Medicaid) of the
18 Act.

19 *k.* "Review" means an objective evaluation conducted through
20 a proceeding before a court, administrative body, or an agency,
21 of information necessary for the application of a state's
22 mandatory child support guidelines to determine:

23 (1) The appropriate monetary amount of support.

24 (2) Provisions for medical support.

25 *l.* "State" means "state" as defined in [chapter 252K](#).

26 *m.* "Support order" means an order for support issued
27 pursuant to [this chapter](#), [chapter 232](#), [234](#), [252A](#), [252C](#), [252E](#),
28 [252F](#), [598](#), [600B](#), or any other applicable chapter, or under
29 a comparable statute of another state or foreign country as
30 registered with the clerk of court or certified to ~~the~~ child
31 support ~~recovery unit~~ services.

32 Sec. 923. Section 252H.3, subsections 2 and 3, Code 2023,
33 are amended to read as follows:

34 2. Nonsupport issues shall not be considered by ~~the unit~~
35 child support services or the court in any action resulting
1 under [this chapter](#).

2 3. Actions initiated by ~~the unit~~ child support services
3 under [this chapter](#) shall not be subject to contested case
4 proceedings or further review pursuant to [chapter 17A](#) and
5 resulting court hearings following certification shall be an
6 original hearing before the district court.

7 Sec. 924. Section 252H.4, Code 2023, is amended to read as
8 follows:

9 **252H.4 Role of ~~the child support recovery unit~~ services.**

10 1. ~~The unit~~ Child support services may administratively
11 adjust or modify or may provide for an administrative
12 cost-of-living alteration of a support order entered under
13 chapter 234, [252A](#), [252C](#), [598](#), or [600B](#), or any other support
14 chapter if ~~the unit~~ child support services is providing
15 enforcement services pursuant to [chapter 252B](#). ~~The unit~~
16 Child support services is not required to intervene to
17 administratively adjust or modify or provide for an
18 administrative cost-of-living alteration of a support order
19 under [this chapter](#).

20 2. ~~The unit~~ Child support services is a party to an action
21 initiated pursuant to [this chapter](#).

22 3. ~~The unit~~ Child support services shall conduct a review
23 to determine whether an adjustment is appropriate or, upon
24 the request of a parent or upon ~~the unit's~~ child support
25 services' own initiative, determine whether a modification is
26 appropriate.

27 4. ~~The unit~~ Child support services shall adopt rules
28 pursuant to [chapter 17A](#) to establish the process for the review
29 of requests for adjustment, the criteria and procedures for
30 conducting a review and determining when an adjustment is
31 appropriate, the procedure and criteria for a cost-of-living
32 alteration, the criteria and procedure for a request for review
33 pursuant to [section 252H.18A](#), and other rules necessary to

34 implement [this chapter](#).

35 5. Legal representation of ~~the unit~~ child support services
1 shall be provided pursuant to [section 252B.7, subsection 4](#).

2 Sec. 925. Section 252H.5, Code 2023, is amended to read as
3 follows:

4 **252H.5 Fees and cost recovery for review — adjustment —**
5 **modification.**

6 1. Unless ~~the unit~~ child support services is already
7 providing support enforcement service pursuant to [chapter 252B](#),
8 a parent ordered to provide support, who requests a review of a
9 support order under [subchapter II](#), shall file an application
10 for services pursuant to [section 252B.4](#).

11 2. A parent requesting a service shall pay the fee
12 established for that service as established under this
13 subsection. The fees established are not applicable to a
14 parent who as a condition of eligibility for receiving public
15 assistance benefits has assigned the rights to child or medical
16 support for the order to be reviewed. The following fees shall
17 be paid for the following services:

18 *a.* A fee for conducting the review, to be paid at the time
19 the request for review is submitted to ~~the unit~~ child support
20 services. If the request for review is denied for any reason,
21 the fee shall be refunded to the parent making the request.
22 Any request submitted without full payment of the fee shall be
23 denied.

24 *b.* A fee for a second review requested pursuant to section
25 252H.17, to be paid at the time the request for the second
26 review is submitted to ~~the unit~~ child support services. Any
27 request submitted without full payment of the fee shall be
28 denied.

29 *c.* A fee for activities performed by ~~the unit~~ child support
30 services in association with a court hearing requested pursuant
31 to [section 252H.8](#).

32 *d.* A fee for activities performed by ~~the unit~~ child support
33 services in entering an administrative order to adjust support

34 when neither parent requests a court hearing pursuant to
35 section 252H.8. The fee shall be paid during the postreview
1 waiting period under [section 252H.17](#). If the fee is not paid
2 in full during the postreview notice period, further action
3 shall not be taken by ~~the unit~~ child support services to adjust
4 the order unless the parent not requesting the adjustment
5 pays the fee in full during the postreview waiting period,
6 or unless the children affected by the order reviewed are
7 currently receiving public assistance benefits and the proposed
8 adjustment would result in either an increase in the amount of
9 support or in provisions for medical support for the children.

10 e. A fee for conducting a conference requested pursuant to
11 section 252H.20.

12 3. A parent who requests a review of a support order
13 pursuant to [section 252H.13](#), shall pay any service of process
14 fees for service or attempted service of the notice required
15 in [section 252H.15](#). ~~The unit~~ Child support services shall not
16 proceed to conduct a review pursuant to [section 252H.16](#) until
17 service of process fees have been paid in full. The service of
18 process fee requirement of [this subsection](#) is not applicable
19 to a parent who as a condition of eligibility for public
20 assistance benefits has assigned the rights to child or medical
21 support for the order to be reviewed. Service of process fees
22 charged by a person other than ~~the unit~~ child support services
23 are distinct from any other fees and recovery of costs provided
24 for in [this section](#).

25 4. ~~The unit~~ Child support services shall, consistent with
26 applicable federal law, recover administrative costs in excess
27 of any fees collected pursuant to [subsections 2 and 3](#) for
28 providing services under [this chapter](#) and shall adopt rules
29 providing for collection of fees for administrative costs.

30 5. ~~The unit~~ Child support services shall adopt rules
31 pursuant to [chapter 17A](#) to establish procedures and criteria to
32 determine the amount of any fees specified in [this section](#) and
33 the administrative costs in excess of these fees.

34 Sec. 926. Section 252H.6, Code 2023, is amended to read as
35 follows:

1 **252H.6 Collection of information.**

2 ~~The unit~~ Child support services may request, obtain, and
3 validate information concerning the financial circumstances
4 of the parents of a child as necessary to determine the
5 appropriate amount of support pursuant to the guidelines
6 established in [section 598.21B](#), including but not limited to
7 those sources and procedures described in [sections 252B.7A](#) and
8 [252B.9](#). The collection of information does not constitute a
9 review conducted pursuant to [section 252H.16](#).

10 Sec. 927. Section 252H.7, Code 2023, is amended to read as
11 follows:

12 **252H.7 Waiver of notice periods and time limitations.**

13 1. A parent may waive the fifteen-day prereview waiting
14 period provided for in [section 252H.16](#).

15 *a.* Upon receipt of signed requests from both parents
16 waiving the prereview waiting period, ~~the unit~~ child support
17 services may conduct a review of the support order prior to
18 the expiration of the fifteen-day period provided in section
19 [252H.16](#).

20 *b.* If the parents jointly waive the prereview waiting period
21 and the order under review is subsequently adjusted, the signed
22 statements of both parents waiving the waiting period shall be
23 filed in the court record with the order adjusting the support
24 obligation.

25 2. A parent may waive the postreview waiting period provided
26 for in [section 252H.8, subsection 2 or 7](#), for a court hearing
27 or in [section 252H.17](#) for requesting of a second review.

28 *a.* Upon receipt of signed requests from both parents subject
29 to the order reviewed, waiving the postreview waiting period,
30 ~~the unit~~ child support services may enter an administrative
31 order adjusting the support order, if appropriate, prior to the
32 expiration of the postreview waiting period.

33 *b.* If the parents jointly waive the postreview waiting

34 period and an administrative order to adjust the support order
35 is entered, the signed statements of both parents waiving the
1 waiting period shall be filed in the court record with the
2 administrative order adjusting the support obligation.

3 3. A parent may waive the time limitations established in
4 section 252H.8, subsection 3, for requesting a court hearing,
5 or in [section 252H.20](#) for requesting a conference.

6 a. Upon receipt of signed requests from both parents who
7 are subject to the order to be modified, waiving the time
8 limitations, ~~the unit~~ child support services may proceed to
9 enter an administrative modification order.

10 b. If the parents jointly waive the time limitations and
11 an administrative modification order is entered under this
12 chapter, the signed statements of both parents waiving the
13 time limitations shall be filed in the court record with the
14 administrative modification order.

15 Sec. 928. Section 252H.8, Code 2023, is amended to read as
16 follows:

17 **252H.8 Certification to court — hearing — default.**

18 1. For actions initiated under [section 252H.15](#), either
19 parent or ~~the unit~~ child support services may request a court
20 hearing within fifteen days from the date of issuance of the
21 notice of decision under [section 252H.16](#), or within ten days
22 of the date of issuance of the second notice of decision under
23 section 252H.17, whichever is later.

24 2. For actions initiated under [section 252H.14A](#), either
25 parent or ~~the unit~~ child support services may request a court
26 hearing within ten days of the issuance of the second notice of
27 decision under [section 252H.17](#).

28 3. For actions initiated under [subchapter III](#), either
29 parent or ~~the unit~~ child support services may request a court
30 hearing within the latest of any of the following time periods:

31 a. Twenty days from the date of successful service of the
32 notice of intent to modify required under [section 252H.19](#).

33 b. Ten days from the date scheduled for a conference to

34 discuss the modification action.

35 *c.* Ten days from the date of issuance of a second notice of
1 a proposed modification action.

2 4. The time limitations for requesting a court hearing
3 under [this section](#) may be extended by ~~the unit~~ child support
4 services.

5 5. If a timely written request for a hearing is received
6 by ~~the unit~~ child support services, a hearing shall be held
7 in district court, and ~~the unit~~ child support services shall
8 certify the matter to the district court in the county in which
9 the order subject to adjustment or modification is filed. The
10 certification shall include the following, as applicable:

11 *a.* Copies of the notice of intent to review or notice of
12 intent to modify.

13 *b.* The return of service, proof of service, acceptance of
14 service, or signed statement by the parent requesting review
15 and adjustment or requesting modification, waiving service of
16 the notice.

17 *c.* Copies of the notice of decision and any revised notice
18 as provided in [section 252H.16](#).

19 *d.* Copies of any written objections to and request for a
20 second review or conference or hearing.

21 *e.* Copies of any second notice of decision issued pursuant
22 to [section 252H.17](#), or second notice of proposed modification
23 action issued pursuant to [section 252H.20](#).

24 *f.* Copies of any financial statements and supporting
25 documentation provided by the parents including proof of
26 a substantial change in circumstances for a request filed
27 pursuant to [section 252H.18A](#).

28 *g.* Copies of any computation worksheet prepared by ~~the~~
29 unit child support services to determine the amount of support
30 calculated using the mandatory child support guidelines
31 established under [section 598.21B](#), and, if appropriate and the
32 social security disability provisions of [sections 598.22](#) and
33 [598.22C](#) apply, a determination of the amount of delinquent

34 support due.

35 *h.* A certified copy of each order, issued by another state
1 or foreign country, considered in determining the controlling
2 order.

3 6. The court shall set the matter for hearing and notify the
4 parties of the time and place of the hearing.

5 7. For actions initiated under [section 252H.15](#), a hearing
6 shall not be held for at least sixteen days following the date
7 of issuance of the notice of decision unless the parents have
8 jointly waived, in writing, the fifteen-day postreview period.

9 8. Pursuant to [section 252H.3](#), the district court shall
10 review the matter as an original hearing before the court.

11 9. Issues subject to review by the court in any hearing
12 resulting from an action initiated under [this chapter](#) shall be
13 limited to the issues identified in [section 252H.3](#).

14 10. Notwithstanding any other law to the contrary, if more
15 than one support order exists involving children with the same
16 legally established parents, one hearing on all of the affected
17 support orders shall be held in the district court in the
18 county where ~~the unit~~ child support services files the action.
19 For the purposes of [this subsection](#), the district court hearing
20 the matter shall have jurisdiction over all other support
21 orders entered by a court of this state and affected under this
22 subsection.

23 11. The court shall establish the amount of child support
24 pursuant to [section 598.21B](#), or medical support pursuant to
25 chapter 252E, or both.

26 12. If a party fails to appear at the hearing, upon a
27 showing of proper notice to the party, the court may find the
28 party in default and enter an appropriate order.

29 Sec. 929. Section 252H.9, Code 2023, is amended to read as
30 follows:

31 **252H.9 Filing and docketing of administrative adjustment or**
32 **modification order — order effective as district court order.**

33 1. If timely request for a court hearing is not made

34 pursuant to [section 252H.8](#), ~~the unit~~ child support services
35 shall prepare and present an administrative order for
1 adjustment or modification, as applicable, for review and
2 approval, ex parte, to the district court where the order to
3 be adjusted or modified is filed. Notwithstanding any other
4 law to the contrary, if more than one support order exists
5 involving children with the same legally established parents,
6 for the purposes of [this subsection](#), the district court
7 reviewing and approving the matter shall have jurisdiction over
8 all other support orders entered by a court of this state and
9 affected under [this subsection](#).

10 2. For orders to which [subchapter II](#) or [III](#) is applicable,
11 ~~the unit~~ child support services shall determine the appropriate
12 amount of the child support obligation using the current child
13 support guidelines established pursuant to [section 598.21B](#)
14 and the criteria established pursuant to [section 252B.7A](#) and
15 shall determine the provisions for medical support pursuant to
16 chapter 252E.

17 3. The administrative order prepared by ~~the unit~~ child
18 support services shall specify all of the following:

19 a. The amount of support to be paid and the manner of
20 payment.

21 b. The name of the custodian of any child for whom support
22 is to be paid.

23 c. The name of the parent ordered to pay support.

24 d. The name and birth date of any child for whom support is
25 to be paid.

26 e. That the property of the responsible person is subject
27 to collection action, including but not limited to wage
28 withholding, garnishment, attachment of a lien, and other
29 methods of execution.

30 f. Provisions for medical support.

31 g. If applicable, the order determined to be the controlling
32 order.

33 h. If applicable, the amount of delinquent support due based

34 upon the receipt of social security disability payments as
35 provided in [sections 598.22](#) and [598.22C](#).

1 4. Supporting documents as described in section 252H.8,
2 subsection 5, may be presented to the court with the
3 administrative order, as applicable.

4 5. Unless defects appear on the face of the order or on the
5 attachments, the district court shall approve the order. Upon
6 filing, the approved order shall have the same force, effect,
7 and attributes of an order of the district court.

8 6. Upon filing, the clerk of the district court shall enter
9 the order in the judgment docket and judgment lien index.

10 7. A copy of the order shall be sent by regular mail within
11 fourteen days after filing to each parent's last known address,
12 or if applicable, to the last known address of the parent's
13 attorney.

14 8. The order is final, and action by ~~the unit~~ child support
15 services to enforce and collect upon the order, including
16 arrearages and medical support, or both, may be taken from the
17 date of the entry of the order by the district court.

18 Sec. 930. Section 252H.10, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. The periodic due date established under a prior order
21 for payment of child support shall not be changed in any
22 order modified as a result of an action initiated under this
23 chapter, unless ~~the child support recovery unit~~ services or
24 the court determines that good cause exists to change the
25 periodic due date. If ~~the unit~~ child support services or the
26 court determines that good cause exists, ~~the unit~~ child support
27 services or the court shall include the rationale for the
28 change in the modified order and shall address the issue of
29 reconciliation of any payments due or made under a prior order
30 which would result in payment of the child support obligation
31 under both the prior and the modified orders.

32 Sec. 931. Section 252H.11, Code 2023, is amended to read as
33 follows:

34 **252H.11 Concurrent actions.**

35 This chapter does not prohibit or affect the ability or right
1 of a parent or the parent's attorney to file a modification
2 action at the parent's own initiative. If a modification
3 action is filed by a parent concerning an order for which an
4 action has been initiated but has not yet been completed by the
5 ~~unit child support services~~ under **this chapter**, the ~~unit child~~
6 support services shall terminate any action initiated under
7 this chapter, subject to the following:

8 1. The modification action filed by the parent must address
9 the same issues as the action initiated under **this chapter**.

10 2. If the modification action filed by the parent is
11 subsequently dismissed before being heard by the court,
12 ~~the unit child support services~~ shall continue the action
13 previously initiated under **subchapter II** or **III**, or initiate a
14 new action as follows:

15 a. If ~~the unit child support services~~ previously initiated
16 an action under **subchapter II**, and had not issued a notice of
17 decision as required under **section 252H.14A** or **252H.16**, the
18 ~~unit child support services~~ shall proceed as follows:

19 (1) If notice of intent to review was served ninety days
20 or less prior to the date the modification action filed by the
21 parent is dismissed, ~~the unit child support services~~ shall
22 complete the review and issue the notice of decision.

23 (2) If the modification action filed by the parent is
24 dismissed more than ninety days after the original notice of
25 intent to review was served, ~~the unit child support services~~
26 shall serve or issue a new notice of intent to review and
27 conduct the review.

28 (3) If ~~the unit child support services~~ initiated a review
29 under **section 252H.14A**, ~~the unit child support services~~ may
30 issue the notice of decision.

31 b. If ~~the unit child support services~~ previously initiated
32 an action under **subchapter II** and had issued the notice of
33 decision as required under **section 252H.14A** or **252H.16**, the

34 ~~unit~~ child support services shall proceed as follows:

35 (1) If the notice of decision was issued ninety days or less
1 prior to the date the modification action filed by the parent
2 is dismissed, ~~the unit~~ child support services shall request,
3 obtain, and verify any new or different information concerning
4 the financial circumstances of the parents and issue a revised
5 notice of decision to each parent, or if applicable, to the
6 parent's attorney.

7 (2) If the modification action filed by the parent is
8 dismissed more than ninety days after the date of issuance
9 of the notice of decision, ~~the unit~~ child support services
10 shall serve or issue a new notice of intent to review pursuant
11 to [section 252H.15](#) and conduct a review pursuant to section
12 252H.16, or conduct a review and serve a new notice of decision
13 under [section 252H.14A](#).

14 c. If ~~the unit~~ child support services previously initiated
15 an action under [subchapter III](#), ~~the unit~~ child support services
16 shall proceed as follows:

17 (1) If the modification action filed by the parent is
18 dismissed more than ninety days after the original notice of
19 intent to modify was served, ~~the unit~~ child support services
20 shall serve a new notice of intent to modify pursuant to
21 section 252H.19.

22 (2) If the modification action filed by the parent is
23 dismissed ninety days or less after the original notice of
24 intent to modify was served, ~~the unit~~ child support services
25 shall complete the original modification action initiated by
26 ~~the unit~~ child support services under [this subchapter](#).

27 (3) Each parent shall be allowed at least twenty days from
28 the date the administrative modification action is reinstated
29 to request a court hearing as provided for in [section 252H.8](#).

30 3. If an action initiated under [this chapter](#) is terminated
31 as the result of a concurrent modification action filed by
32 one of the parents or the parent's attorney, ~~the unit~~ child
33 support services shall advise each parent, or if applicable,

34 the parent's attorney, in writing, that the action has been
35 terminated and the provisions of [subsection 2](#) of [this section](#)
1 for continuing or initiating a new action under [this chapter](#).
2 The notice shall be issued by regular mail to the last known
3 mailing address of each parent, or if applicable, each parent's
4 attorney.

5 4. If an action initiated under [this chapter](#) by ~~the~~
6 ~~unit~~ child support services is terminated as the result
7 of a concurrent action filed by one of the parents and is
8 subsequently reinstated because the modification action filed
9 by the parent is dismissed, ~~the unit~~ child support services
10 shall advise each parent, or if applicable, each parent's
11 attorney, in writing, that ~~the unit~~ child support services is
12 continuing the prior administrative adjustment or modification
13 action. The notice shall be issued by regular mail to the last
14 known mailing address of each parent, or if applicable, each
15 parent's attorney.

16 Sec. 932. Section 252H.12, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. ~~The unit~~ Child support services is providing enforcement
19 services for the ongoing support obligation pursuant to chapter
20 252B.

21 Sec. 933. Section 252H.13, Code 2023, is amended to read as
22 follows:

23 **252H.13 Right to request review.**

24 A parent shall have the right to request the review of a
25 support order for which ~~the unit~~ child support services is
26 currently providing enforcement services of an ongoing child
27 support obligation pursuant to [chapter 252B](#) including by
28 objecting to a cost-of-living alteration pursuant to section
29 252H.24, subsections 1 and 2.

30 Sec. 934. Section 252H.14, Code 2023, is amended to read as
31 follows:

32 **252H.14 Reviews initiated by the child support ~~recovery unit~~**
33 **services.**

34 1. ~~The unit~~ Child support services may periodically
35 initiate a review of support orders meeting the conditions in
1 section 252H.12 in accordance with the following:

2 a. The right to any ongoing child support obligation is
3 currently assigned to the state due to the receipt of public
4 assistance.

5 b. The support order does not already include provisions for
6 medical support.

7 c. The review is otherwise necessary to comply with the Act.

8 2. ~~The unit~~ Child support services may periodically
9 initiate a request to a child support agency of another state
10 or to a foreign country to conduct a review of a support
11 order when the right to any ongoing child or medical support
12 obligation due under the order is currently assigned to the
13 state of Iowa or if the order does not include provisions for
14 medical support.

15 3. ~~The unit~~ Child support services shall adopt rules
16 establishing criteria to determine the appropriateness of
17 initiating a review.

18 4. ~~The unit~~ Child support services shall initiate reviews
19 under [this section](#) in accordance with the Act.

20 Sec. 935. Section 252H.14A, Code 2023, is amended to read
21 as follows:

22 **252H.14A** Reviews initiated by ~~the child support recovery unit~~
23 services — abbreviated method.

24 1. Notwithstanding [section 252H.15](#), ~~the unit~~ child support
25 services may use procedures under [this section](#) to review a
26 support order if all the following apply:

27 a. One of the following applies:

28 (1) The right to ongoing child support is assigned to the
29 state of Iowa due to the receipt of family investment program
30 assistance, and a review of the support order is required under
31 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
32 L. No. 109-171.

33 (2) A parent requests a review, provides ~~the unit~~ child

34 support services with financial information as part of that
35 request, and the order meets the criteria for review under this
1 subchapter.

2 ~~The unit~~ Child support services has access to information
3 concerning the financial circumstances of each parent and one
4 of the following applies:

5 (1) The parent is a recipient of family investment program
6 assistance, medical assistance, or ~~food~~ supplemental nutrition
7 assistance program assistance from the department.

8 (2) The parent's income is from supplemental security
9 income paid pursuant to 42 U.S.C. §1381a.

10 (3) The parent is a recipient of disability benefits under
11 the Act because of the parent's disability.

12 (4) The parent is an inmate of an institution under the
13 control of the department of corrections.

14 (5) ~~The unit~~ Child support services has access to
15 information described in [section 252B.7A, subsection 1](#),
16 paragraph "c".

17 2. If the conditions of [subsection 1](#) are met, ~~the unit~~ child
18 support services may conduct a review and determine whether
19 an adjustment is appropriate using information accessible by
20 ~~the unit~~ child support services without issuing a notice under
21 section 252H.15 or requesting additional information from the
22 parent.

23 3. Upon completion of the review, ~~the unit~~ child support
24 services shall issue a notice of decision to each parent, or
25 if applicable, to each parent's attorney. The notice shall be
26 served in accordance with the rules of civil procedure or as
27 provided in [section 252B.26](#), except that a parent requesting
28 a review pursuant to [section 252H.13](#) shall waive the right to
29 personal service of the notice in writing and accept service
30 by regular mail. If the service by regular mail does not occur
31 within ninety days of the written waiver of personal service,
32 personal service of the notice is required unless a new waiver
33 of personal service is obtained.

34 4. All of the following shall be included in the notice of
35 decision:

1 a. The legal basis and purpose of the action, including
2 an explanation of the procedures for determining child
3 support, the criteria for determining the appropriateness of
4 an adjustment, and a statement that ~~the unit~~ child support
5 services used the child support guidelines established pursuant
6 to [section 598.21B](#) and the provisions for medical support
7 pursuant to [chapter 252E](#).

8 b. Information sufficient to identify the affected parties
9 and the support order or orders affected.

10 c. An explanation of the legal rights and responsibilities
11 of the affected parties, including time frames in which the
12 parties must act.

13 d. A statement indicating whether ~~the unit~~ child support
14 services finds that an adjustment is appropriate and the basis
15 for the determination.

16 e. Procedures for contesting the action, including that if a
17 parent requests a second review both parents will be requested
18 to submit financial or income information as necessary for
19 application of the child support guidelines established
20 pursuant to [section 598.21B](#).

21 f. Other information as appropriate.

22 5. [Section 252H.16, subsection 5](#), regarding a revised
23 notice of decision shall apply to a notice of decision issued
24 under [this section](#).

25 6. Each parent shall have the right to challenge the notice
26 of decision issued under [this section](#) by requesting a second
27 review by ~~the unit~~ child support services as provided in
28 [section 252H.17](#). If there is no new or different information
29 to consider for the second review, ~~the unit~~ child support
30 services shall issue a second notice of decision based on prior
31 information. Each parent shall have the right to challenge
32 the second notice of decision by requesting a court hearing as
33 provided in [section 252H.8](#).

34 Sec. 936. Section 252H.15, subsection 1, Code 2023, is
35 amended to read as follows:

1 1. Unless an action is initiated under [section 252H.14A](#),
2 prior to conducting a review of a support order, ~~the unit~~ child
3 support services shall issue a notice of intent to review and
4 adjust to each parent, or if applicable, to each parent's
5 attorney. However, notice to a child support agency or an
6 agency entitled to receive child or medical support payments as
7 the result of an assignment of support rights is not required.

8 Sec. 937. Section 252H.15, subsection 3, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 ~~The unit~~ Child support services shall adopt rules pursuant
11 to [chapter 17A](#) to ensure that all of the following are included
12 in the notice:

13 Sec. 938. Section 252H.15, subsection 3, paragraph e, Code
14 2023, is amended to read as follows:

15 e. Criteria for determining appropriateness of an adjustment
16 and a statement that ~~the unit~~ child support services will use
17 the child support guidelines established pursuant to section
18 598.21B and the provisions for medical support pursuant to
19 chapter 252E to adjust the order.

20 Sec. 939. Section 252H.16, Code 2023, is amended to read as
21 follows:

22 **252H.16 Conducting the review — notice of decision.**

23 1. For actions initiated under [section 252H.15](#), ~~the unit~~
24 child support services shall conduct the review and determine
25 whether an adjustment is appropriate. As necessary, ~~the unit~~
26 child support services shall make a determination of the
27 controlling order or the amount of delinquent support due based
28 upon the receipt of social security disability payments as
29 provided in [sections 598.22](#) and [598.22C](#).

30 2. Unless both parents have waived the prereview notice
31 period as provided for in [section 252H.7](#), the review shall
32 not be conducted for at least fifteen days from the date both
33 parents were successfully served with the notice required in

34 section 252H.15.

35 3. Upon completion of the review, ~~the unit~~ child support
1 services shall issue a notice of decision by regular mail to
2 the last known address of each parent, or if applicable, each
3 parent's attorney.

4 4. ~~The unit~~ Child support services shall adopt rules
5 pursuant to [chapter 17A](#) to ensure that all of the following are
6 included in the notice:

7 a. Information sufficient to identify the affected parties
8 and the support order or orders affected.

9 b. A statement indicating whether ~~the unit~~ child support
10 services finds that an adjustment is appropriate and the basis
11 for the determination.

12 c. Other information, as appropriate.

13 5. A revised notice of decision shall be issued when ~~the~~
14 ~~unit~~ child support services receives or becomes aware of new or
15 different information affecting the results of the review after
16 the notice of decision has been issued and before the entry of
17 an administrative order adjusting the support order, when new
18 or different information is not received in conjunction with
19 a request for a second review, or subsequent to a request for
20 a court hearing. If a revised notice of decision is issued,
21 the time frames for requesting a second review or court hearing
22 shall apply from the date of issuance of the revised notice.

23 Sec. 940. Section 252H.17, Code 2023, is amended to read as
24 follows:

25 **252H.17 Challenging the notice of decision — second review**
26 **— notice.**

27 1. Each parent shall have the right to challenge the notice
28 of decision issued under [section 252H.14A](#) or [252H.16](#), by
29 requesting a second review by ~~the unit~~ child support services.

30 2. A challenge shall be submitted, in writing, to ~~the~~
31 ~~local~~ child support office ~~that issued the notice of decision~~
32 services, within thirty days of service of the notice of
33 decision under [section 252H.14A](#) or within ten days of the

34 issuance of the notice of decision under [section 252H.16](#).

35 3. A parent challenging the notice of decision shall submit
1 any new or different information, not previously considered by
2 ~~the unit~~ child support services in conducting the review, with
3 the challenge and request for second review.

4 4. A parent challenging the notice of decision shall submit
5 any required fees with the challenge. Any request submitted
6 without full payment of the required fee shall be denied.

7 5. If a timely challenge along with any necessary fee
8 is received, ~~the unit~~ child support services shall issue by
9 regular mail to the last known address of each parent, or if
10 applicable, to each parent's attorney, a notice that a second
11 review will be conducted. ~~The unit~~ Child support services
12 shall adopt rules pursuant to [chapter 17A](#) to ensure that all of
13 the following are included in the notice:

14 a. A statement of purpose of the second review.

15 b. Information sufficient to identify the affected parties
16 and the support order or orders affected.

17 c. A statement of the information that is eligible for
18 consideration at the second review.

19 d. The procedures and time frames in conducting and
20 completing a second review, including a statement that only one
21 second review shall be conducted as the result of a challenge
22 received from either or both parents.

23 e. An explanation of the right to request a court hearing,
24 and the applicable time frames and procedures to follow in
25 requesting a court hearing.

26 f. Other information, as appropriate.

27 6. ~~The unit~~ Child support services shall conduct a second
28 review, utilizing any new or additional information provided
29 or available since issuance of the notice of decision under
30 [section 252H.14A](#) or under [section 252H.16](#), to determine whether
31 an adjustment is appropriate.

32 7. Upon completion of the review, ~~the unit~~ child
33 support services shall issue a second notice of decision by

34 regular mail to the last known address of each parent, or if
35 applicable, to each parent's attorney. ~~The unit~~ Child support
1 services shall adopt rules pursuant to [chapter 17A](#) to ensure
2 that all of the following are included in the notice:

3 a. Information sufficient to identify the affected parties
4 and the support order or orders affected.

5 b. ~~The unit's~~ Child support services' finding resulting from
6 the second review indicating whether ~~the unit~~ child support
7 services finds that an adjustment is appropriate, the basis for
8 the determination, and the impact on the first review.

9 c. An explanation of the right to request a court hearing,
10 and the applicable time frames and procedures to follow in
11 requesting a court hearing.

12 d. Other information, as appropriate.

13 8. If the determination resulting from the first review
14 is revised or reversed by the second review, the following
15 shall be issued to each parent along with the second notice of
16 decision and the amount of any proposed adjustment:

17 a. Any updated or revised financial statements provided by
18 either parent.

19 b. A computation prepared by ~~the local~~ child support office
20 ~~issuing the notice~~ services, demonstrating how the amount of
21 support due under the child support guidelines was calculated,
22 and a comparison of the newly computed amount with the current
23 support obligation amount.

24 Sec. 941. Section 252H.18, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. ~~The unit~~ Child support services is providing services
27 pursuant to [chapter 252B](#).

28 Sec. 942. Section 252H.18A, subsection 1, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:

30 If a support order is not eligible for review and adjustment
31 because the support order is outside of the minimum time frames
32 specified by rule of the department, a parent may request a
33 review and administrative modification by submitting all of the

34 following to ~~the unit~~ child support services:

35 Sec. 943. Section 252H.18A, subsection 2, Code 2023, is
1 amended to read as follows:

2 2. Upon receipt of the request and all documentation
3 required in subsection 1, ~~the unit~~ child support services shall
4 review the request and documentation and if appropriate shall
5 issue a notice of intent to modify as provided in section
6 252H.19.

7 Sec. 944. Section 252H.19, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. ~~The unit~~ Child support services shall issue a notice of
10 intent to modify to each parent. Notice to a child support
11 agency or an agency entitled to receive child or medical
12 support payments as the result of an assignment of support
13 rights is not required.

14 Sec. 945. Section 252H.19, subsection 2, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:

16 The notice shall be served upon each parent in accordance
17 with the rules of civil procedure, except that a parent
18 requesting modification shall, at the time of the request,
19 waive the right to personal service of the notice in writing
20 and accept service by regular mail. ~~The unit~~ Child support
21 services shall adopt rules pursuant to chapter 17A to ensure
22 that all of the following are included in the notice:

23 Sec. 946. Section 252H.20, Code 2023, is amended to read as
24 follows:

25 **252H.20 Conference — second notice and finding of financial**
26 **responsibility.**

27 1. Each parent shall have the right to request a conference
28 with ~~the office of the unit that issued the notice of intent~~
29 ~~to modify~~ child support services. The request may be made in
30 person, in writing, or by telephone, and shall be made within
31 ten days of the date of successful service of the notice of
32 intent to modify.

33 2. A parent requesting a conference shall submit

34 any required fee no later than the date of the scheduled
35 conference. A conference shall not be held unless the required
1 fee is paid in full.

2 3. Upon a request and full payment of any required fee,
3 ~~the office of the unit that issued the notice of intent to~~
4 ~~modify~~ child support services shall schedule a conference with
5 the parent and advise the parent of the date, time, place, and
6 procedural aspects of the conference. ~~The unit~~ Child support
7 services shall adopt rules pursuant to [chapter 17A](#) to specify
8 the manner in which a conference is conducted and the purpose
9 of the conference.

10 4. Following the conference, ~~the office of the unit that~~
11 ~~conducted the review~~ child support services shall issue a
12 second notice of proposed modification and finding of financial
13 responsibility to the parent requesting the conference. ~~The~~
14 ~~unit~~ Child support services shall adopt rules pursuant to
15 chapter 17A to ensure that all of the following are included
16 in the notice:

17 a. Information sufficient to identify the affected parties
18 and the support order or orders affected.

19 b. If ~~the unit~~ child support services will continue or
20 terminate the action.

21 c. Procedures for contesting the action and the applicable
22 time frames for actions by the parents.

23 d. Other information, as appropriate.

24 Sec. 947. Section 252H.21, subsection 2, paragraph c,
25 subparagraph (2), Code 2023, is amended to read as follows:

26 (2) Increase or decrease the amount of the child support
27 order calculated in subparagraph (1) for each subsequent year
28 by applying the appropriate consumer price index for each
29 subsequent year to the result of the calculation for the
30 previous year. The final year in the calculation shall be the
31 year immediately preceding the year ~~the unit~~ child support
32 services received the completed request for the cost-of-living
33 alteration.

34 Sec. 948. Section 252H.22, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. ~~The unit~~ Child support services is providing enforcement
2 services for the ongoing support obligation pursuant to chapter
3 252B.

4 Sec. 949. Section 252H.23, unnumbered paragraph 1, Code
5 2023, is amended to read as follows:

6 A parent may request a cost-of-living alteration by
7 submitting all of the following to ~~the unit~~ child support
8 services:

9 Sec. 950. Section 252H.24, Code 2023, is amended to read as
10 follows:

11 **252H.24 Role of ~~the child support recovery unit services~~ —**
12 **filing and docketing of cost-of-living alteration order — order**
13 **effective as district court order.**

14 1. Upon receipt of a request and required documentation for
15 a cost-of-living alteration, ~~the unit~~ child support services
16 shall issue a notice of the amount of cost-of-living alteration
17 by regular mail to the last known address of each parent,
18 or, if applicable, each parent's attorney. The notice shall
19 include all of the following:

20 a. A statement that either parent may contest the
21 cost-of-living alteration within thirty days of the date of
22 the notice by making a request for a review of a support order
23 as provided in [section 252H.13](#), and if either parent does not
24 make a request for a review within thirty days, ~~the unit~~ child
25 support services shall prepare an administrative order as
26 provided in [subsection 4](#).

27 b. A statement that the parent may waive the thirty-day
28 notice waiting period provided for in [this section](#).

29 2. Upon timely receipt of a request and required
30 documentation for a review of a support order as provided
31 in [subsection 1](#) from either parent, ~~the unit~~ child support
32 services shall terminate the cost-of-living alteration process
33 and apply the provisions of [subchapters I and II](#) of this

34 chapter relating to review and adjustment.

35 3. Upon receipt of signed requests from both parents subject
1 to the support order, waiving the notice waiting period, ~~the~~
2 ~~unit~~ child support services may prepare an administrative order
3 pursuant to [subsection 4](#) altering the support obligation.

4 4. If timely request for a review pursuant to section
5 252H.13 is not made, and if the thirty-day notice waiting
6 period has expired, or if both parents have waived the notice
7 waiting period, ~~the unit~~ child support services shall prepare
8 and present an administrative order for a cost-of-living
9 alteration, ex parte, to the district court where the order to
10 be altered is filed.

11 5. Unless defects appear on the face of the administrative
12 order or on the attachments, the district court shall approve
13 the order. Upon filing, the approved order shall have the
14 same force, effect, and attributes of an order of the district
15 court.

16 6. Upon filing, the clerk of the district court shall enter
17 the order in the judgment docket and judgment lien index.

18 7. If the parents jointly waive the thirty-day notice
19 waiting period, the signed statements of both parents waiving
20 the notice period shall be filed in the court record with the
21 administrative order altering the support obligation.

22 8. ~~The unit~~ Child support services shall send a copy of
23 the order by regular mail to each parent's last known address,
24 or, if applicable, to the last known address of the parent's
25 attorney.

26 9. An administrative order approved by the district court is
27 final, and action by ~~the unit~~ child support services to enforce
28 and collect upon the order may be taken from the date of the
29 entry of the order by the district court.

30 Sec. 951. Section 252I.1, Code 2023, is amended to read as
31 follows:

32 **252I.1 Definitions.**

33 As used in [this chapter](#), unless the context otherwise

34 requires:

35 1. *“Account”* means “account” as defined in [section 524.103](#),
 1 the savings or deposits of a member received or being held
 2 by a credit union, or certificates of deposit. *“Account”*
 3 also includes deposits held by an agent, a broker-dealer,
 4 or an issuer as defined in [section 502.102](#) and money-market
 5 mutual fund accounts and “account” as defined in 42 U.S.C.
 6 §666(a)(17). However, *“account”* does not include amounts held
 7 by a financial institution as collateral for loans extended by
 8 the financial institution.

9 2. *“Bank”* means “bank”, “insured bank”, and “state bank” as
 10 defined in [section 524.103](#).

11 3. *“Child support services”* means child support services
 12 created in [section 252B.2](#).

13 ~~3.~~ 4. *“Court order”* means “support order” as defined in
 14 [section 252J.1](#).

15 ~~4.~~ 5. *“Credit union”* means “credit union” as defined in
 16 [section 533.102](#).

17 ~~5.~~ 6. *“Financial institution”* means “financial institution”
 18 as defined in 42 U.S.C. §669A(d)(1). *“Financial institution”*
 19 also includes an institution which holds deposits for an agent,
 20 broker-dealer, or an issuer as defined in [section 502.102](#).

21 ~~6.~~ 7. *“Obligor”* means a person who has been ordered by a
 22 court or administrative authority to pay support.

23 ~~7.~~ 8. *“Support”* or *“support payments”* means “support” or
 24 “support payments” as defined in [section 252D.16](#).

25 ~~8.~~ ~~*“Unit”* or *“child support recovery unit”*~~ means ~~the child~~
 26 ~~support recovery unit created in [section 252B.2](#).~~

27 9. *“Working days”* means only Monday, Tuesday, Wednesday,
 28 Thursday, and Friday, but excluding the holidays specified in
 29 [section 1C.2, subsection 1](#).

30 Sec. 952. [Section 252I.2, Code 2023](#), is amended to read as
 31 follows:

32 **252I.2 Purpose and use.**

33 1. Notwithstanding other statutory provisions which provide

34 for the execution, attachment, or levy against accounts, ~~the~~
35 ~~unit~~ child support services may utilize the process established
1 in [this chapter](#) to collect delinquent support payments provided
2 that any exemptions or exceptions which specifically apply to
3 enforcement of support obligations pursuant to other statutory
4 provisions also apply to [this chapter](#).

5 2. An obligor is subject to the provisions of [this chapter](#)
6 if the obligor's support obligation is being enforced by ~~the~~
7 ~~child support recovery unit~~ services, and if the support
8 payments ordered under [chapter 232, 234, 252A, 252C, 252D,](#)
9 [252E, 252F, 598, 600B,](#) or any other applicable chapter,
10 or under a comparable statute of another state or foreign
11 country, as certified to ~~the~~ ~~child support recovery unit~~
12 services, are not paid to the clerk of the district court or
13 the collection services center pursuant to [section 598.22](#) and
14 become delinquent in an amount equal to the support payment for
15 one month.

16 3. Any amount forwarded by a financial institution under
17 this chapter shall not exceed the amounts specified in 15
18 U.S.C. §1673(b) and shall not exceed the delinquent or accrued
19 amount of support owed by the obligor.

20 Sec. 953. Section 252I.3, Code 2023, is amended to read as
21 follows:

22 **252I.3 Initial notice to obligor.**

23 ~~The unit~~ Child support services or the district court
24 may include language in any new or modified support order
25 issued on or after July 1, 1994, notifying the obligor that
26 the obligor is subject to the provisions of [this chapter](#).
27 However, [this chapter](#) is sufficient notice for implementation
28 of administrative levy provisions without further notice of the
29 provisions of [this chapter](#).

30 Sec. 954. Section 252I.4, Code 2023, is amended to read as
31 follows:

32 **252I.4 Verification of accounts and immunity from liability.**

33 1. ~~The unit~~ Child support services may contact a financial

34 institution to obtain verification of the account number, the
35 names and social security numbers listed for the account, and
1 the account balance of any account held by an obligor. Contact
2 with a financial institution may be by telephone or by written
3 communication. The financial institution may require positive
4 voice recognition and may require the telephone number of the
5 authorized person from ~~the unit~~ child support services before
6 releasing an obligor's account information by telephone.

7 2. ~~The unit~~ Child support services and financial
8 institutions doing business in Iowa shall enter into agreements
9 to develop and operate a data match system, using automated
10 data exchanges to the maximum extent feasible. The data
11 match system shall allow a means by which each financial
12 institution shall provide to ~~the unit~~ child support services
13 for each calendar quarter the name, record address, social
14 security number or other taxpayer identification number, and
15 other identifying information for each obligor who maintains
16 an account at the institution and who owes past-due support,
17 as identified by ~~the unit~~ child support services by name and
18 social security number or other taxpayer identification number.
19 ~~The unit~~ Child support services shall work with representatives
20 of financial institutions to develop a system to assist
21 nonautomated financial institutions in complying with the
22 provisions of [this section](#).

23 3. ~~The unit~~ Child support services may pay a reasonable
24 fee to a financial institution for conducting the data match
25 required in [subsection 2](#), not to exceed the lower of either
26 one hundred fifty dollars for each quarterly data match or the
27 actual costs incurred by the financial institution for each
28 quarterly data match. However, ~~the unit~~ child support services
29 may also adopt rules pursuant to [chapter 17A](#) to specify a fee
30 amount for each quarterly data match based upon the estimated
31 state share of funds collected under [this chapter](#), which,
32 when adopted, shall be applied in lieu of the one hundred
33 fifty dollar fee under [this subsection](#). In addition, ~~the unit~~

34 child support services may pay a reasonable fee to a financial
 35 institution for automation programming development performed
 1 in order to conduct the data match required in [subsection 2](#),
 2 not to exceed the lower of either five hundred dollars or
 3 the actual costs incurred by the financial institution. ~~The~~
 4 ~~unit~~ Child support services may use the state share of funds
 5 collected under [this chapter](#) to pay the fees to financial
 6 institutions under [this subsection](#). For state fiscal years
 7 beginning July 1, 1999, and July 1, 2000, ~~the unit~~ child
 8 support services may use up to one hundred percent of the
 9 state share of such funds. For state fiscal years beginning
 10 on or after July 1, 2001, ~~the unit~~ child support services may
 11 use up to fifty percent of the state share of such funds.
 12 Notwithstanding any other provision of law to the contrary,
 13 a financial institution shall have until a date provided in
 14 the agreement in [subsection 2](#) to submit its claim for a fee
 15 under [this subsection](#). If ~~the unit~~ child support services
 16 does not have sufficient funds available under [this subsection](#)
 17 for payment of fees under [this subsection](#) for conducting data
 18 matches or for automation program development performed in the
 19 fiscal year beginning July 1, 1999, the cost may be carried
 20 forward to the fiscal year beginning July 1, 2000. ~~The unit~~
 21 Child support services may also use funds from an amount
 22 assessed a child support agency of another state, as defined in
 23 section 252H.2, to conduct a data match requested by that child
 24 support agency as provided in 42 U.S.C. §666(a)(14) to pay fees
 25 to financial institutions under [this subsection](#).

26 4. a. A financial institution is immune from any liability
 27 in any action or proceeding, whether civil or criminal, for any
 28 of the following:

29 (1) The disclosure of any information by a financial
 30 institution to ~~the unit~~ child support services pursuant to
 31 this chapter or the rules or procedures adopted by ~~the unit~~
 32 child support services to implement [this chapter](#), including
 33 disclosure of information relating to an obligor who maintains

34 an account with the financial institution or disclosure of
35 information relating to any other person who maintains an
1 account with the financial institution that is provided for
2 the purpose of complying with the data match requirements of
3 this section and with the agreement entered into between the
4 financial institution and ~~the unit~~ child support services
5 pursuant to [subsection 2](#).

6 (2) Any encumbrance or surrender of any assets held by a
7 financial institution in response to a notice of lien or levy
8 issued by ~~the unit~~ child support services.

9 (3) Any action or omission in connection with good faith
10 efforts to comply with [this chapter](#) or any rules or procedures
11 that are adopted by ~~the unit~~ child support services to
12 implement [this chapter](#).

13 (4) The disclosure, use, or misuse by ~~the unit~~ child
14 support services or by any other person of information provided
15 or assets delivered to ~~the unit~~ child support services by a
16 financial institution.

17 *b.* For the purposes of [this section](#), “*financial institution*”
18 includes officers, directors, employees, contractors, and
19 agents of the financial institution.

20 5. The financial institution or ~~the unit~~ child support
21 services is not liable for the cost of any early withdrawal
22 penalty of an obligor’s certificate of deposit.

23 Sec. 955. Section 252I.5, subsections 1 and 2, Code 2023,
24 are amended to read as follows:

25 1. If an obligor is subject to [this chapter](#) under section
26 252I.2, ~~the unit~~ child support services may initiate an
27 administrative action to levy against the accounts of the
28 obligor.

29 2. ~~The unit~~ Child support services may send a notice to
30 the financial institution with which the account is placed,
31 directing that the financial institution forward all or a
32 portion of the moneys in the obligor’s account or accounts to
33 the collection services center established pursuant to chapter

34 252B. The notice shall be sent by regular mail, with proof of
35 service completed according to [rule of civil procedure 1.442](#).

1 Sec. 956. Section 252I.5, subsection 3, paragraph g, Code
2 2023, is amended to read as follows:

3 *g.* A telephone number, and address, ~~and contact name of the~~
4 for child support ~~recovery unit contact initiating the action~~
5 services.

6 Sec. 957. Section 252I.6, Code 2023, is amended to read as
7 follows:

8 **252I.6 Administrative levy — notice to support obligor.**

9 1. ~~The unit~~ Child support services may administratively
10 initiate an action to seize accounts of an obligor who is
11 subject to [this chapter](#) under [section 252I.2](#).

12 2. ~~The unit~~ Child support services shall notify an obligor
13 subject to [this chapter](#), and any other party known to have
14 an interest in the account, of the action. The notice shall
15 contain all of the following:

16 *a.* The name of the obligor.

17 *b.* A statement that the obligor is believed to have one or
18 more accounts at the financial institution.

19 *c.* A statement that pursuant to the provisions of this
20 chapter, the obligor's accounts are subject to seizure and the
21 financial institution is authorized and required to forward
22 moneys to the collection services center.

23 *d.* The maximum amount to be forwarded by the financial
24 institution, which shall not exceed the delinquent or accrued
25 amount of support owed by the obligor.

26 *e.* The prescribed time frames within which the financial
27 institution must comply.

28 *f.* A statement that any challenge to the action shall be
29 in writing and shall be received by ~~the~~ child support ~~recovery~~
30 unit services within ten days of the date of the notice to the
31 obligor.

32 *g.* The address of the collection services center and the
33 collection services center account number.

34 *h.* A telephone number, and address, and contact name for
35 the child support ~~recovery unit contact~~ initiating the action
1 services.

2 3. ~~The unit~~ Child support services shall forward the notice
3 to the obligor by regular mail within two working days of
4 sending the notice to the financial institution pursuant to
5 section 252I.5. Proof of service shall be completed according
6 to **rule of civil procedure 1.442.**

7 Sec. 958. Section 252I.7, subsections 1 and 2, Code 2023,
8 are amended to read as follows:

9 1. Immediately encumber funds in all accounts in which the
10 obligor has an interest to the extent of the debt indicated in
11 the notice from ~~the unit~~ child support services.

12 2. No sooner than fifteen days, and no later than twenty
13 days from the date the financial institution receives the
14 notice under **section 252I.5**, unless notified by ~~the unit~~ child
15 support services of a challenge by the obligor or an account
16 holder of interest, the financial institution shall forward the
17 moneys encumbered to the collection services center with the
18 obligor's name and social security number, collection services
19 center account number, and any other information required in
20 the notice.

21 Sec. 959. Section 252I.8, Code 2023, is amended to read as
22 follows:

23 **252I.8 Challenges to action.**

24 1. Challenges under **this chapter** may be initiated only by an
25 obligor or by an account holder of interest. Actions initiated
26 by ~~the unit~~ child support services under **this chapter** are not
27 subject to **chapter 17A**, and resulting court hearings following
28 certification shall be an original hearing before the district
29 court.

30 2. The person challenging the action shall submit a written
31 challenge to ~~the person identified as the contact for the unit~~
32 ~~in the notice~~ child support services, within ten working days
33 of the date of the notice.

34 3. ~~The unit~~ Child support services shall, upon receipt of
35 a written challenge, review the facts of the case with the
1 challenging party. Only a mistake of fact, including but
2 not limited to, a mistake in the identity of the obligor or
3 a mistake in the amount of delinquent support due shall be
4 considered as a reason to dismiss or modify the proceeding.

5 4. If ~~the unit~~ child support services determines that a
6 mistake of fact has occurred ~~the unit~~, child support services
7 shall proceed as follows:

8 a. If a mistake in identity has occurred or the obligor is
9 not delinquent in an amount equal to the payment for one month,
10 ~~the unit~~ child support services shall notify the financial
11 institution that the administrative levy has been released.
12 ~~The unit~~ Child support services shall provide a copy of the
13 notice to the support obligor by regular mail.

14 b. If the obligor is delinquent, but the amount of the
15 delinquency is less than the amount indicated in the notice,
16 ~~the unit~~ child support services shall notify the financial
17 institution of the revised amount with a copy of the notice and
18 issue a copy to the obligor or forward a copy to the obligor
19 by regular mail. Upon written receipt of instructions from
20 ~~the unit~~ child support services, the financial institution
21 shall release the funds in excess of the revised amount to
22 the obligor and the moneys in the amount of the debt shall be
23 processed according to [section 252I.7](#).

24 5. If ~~the unit~~ child support services finds no mistake of
25 fact, ~~the unit~~ child support services shall provide a notice
26 to that effect to the challenging party by regular mail. Upon
27 written request of the challenging party, ~~the unit~~ child
28 support services shall request a hearing before the district
29 court in the county in which the underlying support order is
30 filed.

31 a. The financial institution shall encumber moneys if ~~the~~
32 child support recovery unit services notifies the financial
33 institution to do so.

34 *b.* The clerk of the district court shall schedule a hearing
35 upon the request by ~~the unit~~ child support services for a
1 time not later than ten calendar days after the filing of
2 the request for hearing. The clerk shall mail copies of the
3 request for hearing and the order scheduling the hearing to
4 ~~the unit~~ child support services and to all account holders of
5 interest.

6 *c.* If the court finds that there is a mistake of identity or
7 that the obligor does not owe the delinquent support, ~~the unit~~
8 child support services shall notify the financial institution
9 that the administrative levy has been released.

10 *d.* If the court finds that the obligor has an interest in
11 the account, and the amount of support due was incorrectly
12 overstated, ~~the unit~~ child support services shall notify the
13 financial institution to release the excess moneys to the
14 obligor and remit the remaining moneys in the amount of the
15 debt to the collection services center for disbursement to the
16 appropriate recipient.

17 *e.* If the court finds that the obligor has an interest
18 in the account, and the amount of support due is correct,
19 the financial institution shall forward the moneys to the
20 collection services center for disbursement to the appropriate
21 recipient.

22 *f.* If the obligor or any other party known to have an
23 interest in the account fails to appear at the hearing, the
24 court may find the challenging party in default, shall ratify
25 the administrative levy, if valid upon its face, and shall
26 enter an order directing the financial institution to release
27 the moneys to ~~the unit~~ child support services.

28 *g.* Issues related to visitation, custody, or other
29 provisions not related to levies against accounts are not
30 grounds for a hearing under [this chapter](#).

31 *h.* Support orders shall not be modified under a challenge
32 pursuant to [this section](#).

33 *i.* Any findings in the challenge of an administrative

34 levy related to the amount of the accruing or accrued support
35 obligation do not modify the underlying support order.

1 *j.* An order entered under [this chapter](#) for a levy against
2 an account of a support obligor has priority over a levy for a
3 purpose other than the support of the dependents in the court
4 order being enforced.

5 6. The support obligor may withdraw the request for
6 challenge by submitting a written withdrawal to the person
7 identified as the contact for ~~the unit~~ child support services
8 in the notice or ~~the unit~~ child support services may withdraw
9 the administrative levy at any time prior to the court hearing
10 and provide notice of the withdrawal to the obligor and any
11 account holder of interest and to the financial institution, by
12 regular mail.

13 7. If the financial institution has forwarded moneys to
14 the collection services center and has deducted a fee from the
15 moneys of the account, or if any additional fees or costs are
16 levied against the account, and all funds are subsequently
17 refunded to the account due to a mistake of fact or ruling
18 of the court, ~~the child support recovery unit~~ services shall
19 reimburse the account for any fees assessed by the financial
20 institution. If the mistake of fact is a mistake in the amount
21 of support due and any portion of the moneys is retained as
22 support payments, however, ~~the unit~~ child support services is
23 not required to reimburse the account for any fees or costs
24 levied against the account. Additionally, for the purposes
25 of reimbursement to the account for any fees or costs, each
26 certificate of deposit is considered a separate account.

27 Sec. 960. Section 252J.1, Code 2023, is amended to read as
28 follows:

29 **252J.1 Definitions.**

30 As used in [this chapter](#), unless the context otherwise
31 requires:

32 1. "*Certificate of noncompliance*" means a document provided
33 by ~~the child support recovery unit~~ services certifying that

34 the named individual is not in compliance with any of the
35 following:

1 ~~a.~~ A support order.

2 ~~b.~~ A written agreement for payment of support entered into
3 by ~~the unit~~ child support services and the obligor.

4 ~~c.~~ A subpoena or warrant relating to a paternity or support
5 proceeding.

6 ~~2.~~ "Child support services" means child support services
7 created in section 252B.2.

8 ~~3.~~ "Department" means the department of health and human
9 services.

10 ~~2.~~ ~~4.~~ "Individual" means a parent, an obligor, or a
11 putative father in a paternity or support proceeding.

12 ~~3.~~ ~~5.~~ "License" means a license, certification,
13 registration, permit, approval, renewal, or other similar
14 authorization issued to an individual by a licensing authority
15 which evidences the admission to, or granting of authority to
16 engage in, a profession, occupation, business, industry, or
17 recreation or to operate or register a motor vehicle. "License"
18 includes licenses for hunting, fishing, boating, or other
19 recreational activity.

20 ~~4.~~ ~~6.~~ "Licensee" means an individual to whom a license has
21 been issued, or who is seeking the issuance of a license.

22 ~~5.~~ ~~7.~~ "Licensing authority" means a county treasurer,
23 county recorder or designated depository, the supreme court,
24 or an instrumentality, agency, board, commission, department,
25 officer, organization, or any other entity of the state, which
26 has authority within this state to suspend or revoke a license
27 or to deny the renewal or issuance of a license authorizing an
28 individual to register or operate a motor vehicle or to engage
29 in a business, occupation, profession, recreation, or industry.

30 ~~6.~~ ~~8.~~ "Obligor" means a natural person as defined
31 in [section 252G.1](#) who has been ordered by a court or
32 administrative authority to pay support.

33 ~~7.~~ ~~9.~~ "Subpoena or warrant" means a subpoena or warrant

34 relating to a paternity or support proceeding initiated or
35 obtained by ~~the unit~~ child support services or a child support
1 agency as defined in [section 252H.2](#).

2 ~~8.~~ 10. "Support" means support or support payments as
3 defined in [section 252D.16](#), whether established through court
4 or administrative order.

5 ~~9.~~ 11. "Support order" means an order for support issued
6 pursuant to [chapter 232, 234, 252A, 252C, 252D, 252E, 252F,](#)
7 [252H, 598, 600B](#), or any other applicable chapter, or under
8 a comparable statute of another state or foreign country as
9 registered with the clerk of the district court or certified to
10 the child support ~~recovery unit~~ services.

11 ~~10.~~ "~~Unit~~" ~~means the child support recovery unit created in~~
12 ~~[section 252B.2](#).~~

13 ~~11.~~ 12. "*Withdrawal of a certificate of noncompliance*"
14 means a document provided by ~~the unit~~ child support services
15 certifying that the certificate of noncompliance is withdrawn
16 and that the licensing authority may proceed with issuance,
17 reinstatement, or renewal of an individual's license.

18 Sec. 961. Section 252J.2, Code 2023, is amended to read as
19 follows:

20 **252J.2 Purpose and use.**

21 1. Notwithstanding other statutory provisions to the
22 contrary, and if an individual has not been cited for contempt
23 and enjoined from engaging in the activity governed by a
24 license pursuant to [section 598.23A](#), ~~the unit~~ child support
25 services may utilize the process established in [this chapter](#)
26 to collect support.

27 2. For cases in which services are provided by ~~the unit~~
28 child support services all of the following apply:

29 a. An obligor is subject to the provisions of [this chapter](#)
30 if the obligor's support obligation is being enforced by ~~the~~
31 ~~unit~~ child support services, if the support payments required
32 by a support order to be paid to the clerk of the district
33 court or the collection services center pursuant to section

34 598.22 are not paid and become delinquent in an amount equal
35 to the support payment for three months, and if the obligor's
1 situation meets other criteria specified under rules adopted by
2 the department pursuant to [chapter 17A](#). The criteria specified
3 by rule shall include consideration of the length of time since
4 the obligor's last support payment and the total amount of
5 support owed by the obligor.

6 *b.* An individual is subject to the provisions of this
7 chapter if the individual has failed, after receiving
8 appropriate notice, to comply with a subpoena or warrant.

9 3. Actions initiated by ~~the unit~~ child support services
10 under [this chapter](#) shall not be subject to contested case
11 proceedings or further review pursuant to [chapter 17A](#) and any
12 resulting court hearing shall be an original hearing before the
13 district court.

14 4. Notwithstanding [chapter 22](#), all of the following apply:

15 *a.* Information obtained by ~~the unit~~ child support services
16 under [this chapter](#) shall be used solely for the purposes of
17 this chapter or [chapter 252B](#).

18 *b.* Information obtained by a licensing authority shall be
19 used solely for the purposes of [this chapter](#).

20 Sec. 962. Section 252J.3, Code 2023, is amended to read as
21 follows:

22 **252J.3 Notice to individual of potential sanction of license.**

23 ~~The unit~~ Child support services shall proceed in accordance
24 with [this chapter](#) only if ~~the unit~~ child support services sends
25 a notice to the individual by regular mail to the last known
26 address of the individual. The notice shall include all of the
27 following:

28 1. The address and telephone number of ~~the unit~~ child
29 support services and ~~the unit~~ the child support services' case
30 number.

31 2. A statement that the obligor is not in compliance with
32 a support order or the individual has not complied with a
33 subpoena or warrant.

34 3. A statement that the individual may request a conference
35 with ~~the unit~~ child support services to contest the action.

1 4. A statement that if, within twenty days of mailing of
2 the notice to the individual, the individual fails to contact
3 ~~the unit~~ child support services to schedule a conference,
4 ~~the unit~~ child support services shall issue a certificate of
5 noncompliance, bearing the individual's name, social security
6 number and ~~unit~~ the child support services' case number, to any
7 appropriate licensing authority, certifying that the obligor is
8 not in compliance with a support order or an individual has not
9 complied with a subpoena or warrant.

10 5. A statement that in order to stay the issuance of a
11 certificate of noncompliance the request for a conference shall
12 be in writing and shall be received by ~~the unit~~ child support
13 services within twenty days of mailing of the notice to the
14 individual.

15 6. The names of the licensing authorities to which ~~the~~
16 ~~unit~~ child support services intends to issue a certificate of
17 noncompliance.

18 7. A statement that if ~~the unit~~ child support services
19 issues a certificate of noncompliance to an appropriate
20 licensing authority, the licensing authority shall initiate
21 proceedings to refuse to issue or renew, or to suspend or
22 revoke the individual's license, unless ~~the unit~~ child support
23 services provides the licensing authority with a withdrawal of
24 a certificate of noncompliance.

25 Sec. 963. Section 252J.4, Code 2023, is amended to read as
26 follows:

27 **252J.4 Conference.**

28 1. The individual may schedule a conference with ~~the unit~~
29 child support services following mailing of the notice pursuant
30 to [section 252J.3](#), or at any time after service of notice of
31 suspension, revocation, denial of issuance, or nonrenewal of
32 a license from a licensing authority, to challenge ~~the unit's~~
33 child support services' actions under [this chapter](#).

34 2. The request for a conference shall be made to ~~the unit~~
35 child support services, in writing, and, if requested after
1 mailing of the notice pursuant to [section 252J.3](#), shall be
2 received by ~~the unit~~ child support services within twenty days
3 following mailing of the notice.

4 3. ~~The unit~~ Child support services shall notify the
5 individual of the date, time, and location of the conference by
6 regular mail, with the date of the conference to be no earlier
7 than ten days following issuance of notice of the conference
8 by ~~the unit~~ child support services, unless the individual and
9 ~~the unit~~ child support services agree to an earlier date which
10 may be the same date the individual requests the conference.
11 If the individual fails to appear at the conference, ~~the~~
12 unit child support services shall issue a certificate of
13 noncompliance.

14 4. Following the conference, ~~the unit~~ child support
15 services shall issue a certificate of noncompliance unless any
16 of the following applies:

17 a. ~~The unit~~ Child support services finds a mistake in the
18 identity of the individual.

19 b. ~~The unit~~ Child support services finds a mistake in
20 determining that the amount of delinquent support is equal to
21 or greater than three months.

22 c. The obligor enters a written agreement with ~~the unit~~
23 child support services to comply with a support order, the
24 obligor complies with an existing written agreement to comply
25 with a support order, or the obligor pays the total amount of
26 delinquent support due.

27 d. Issuance of a certificate of noncompliance is not
28 appropriate under other criteria established in accordance with
29 rules adopted by the department pursuant to [chapter 17A](#).

30 e. ~~The unit~~ Child support services finds a mistake in
31 determining the compliance of the individual with a subpoena
32 or warrant.

33 f. The individual complies with a subpoena or warrant.

34 5. ~~The unit~~ Child support services shall grant the
35 individual a stay of the issuance of a certificate of
1 noncompliance upon receiving a timely written request
2 for a conference, and if a certificate of noncompliance
3 has previously been issued, shall issue a withdrawal of a
4 certificate of noncompliance if the obligor enters into a
5 written agreement with ~~the unit~~ child support services to
6 comply with a support order or if the individual complies with
7 a subpoena or warrant.

8 6. If the individual does not timely request a conference
9 or does not comply with a subpoena or warrant or if the
10 obligor does not pay the total amount of delinquent support
11 owed within twenty days of mailing of the notice pursuant to
12 section 252J.3, ~~the unit~~ child support services shall issue a
13 certificate of noncompliance.

14 Sec. 964. Section 252J.5, Code 2023, is amended to read as
15 follows:

16 **252J.5 Written agreement.**

17 1. If an obligor is subject to [this chapter](#) as established
18 in [section 252J.2, subsection 2](#), paragraph "a", the obligor
19 and ~~the unit~~ child support services may enter into a written
20 agreement for payment of support and compliance which takes
21 into consideration the obligor's ability to pay and other
22 criteria established by rule of the department. The written
23 agreement shall include all of the following:

24 a. The method, amount, and dates of support payments by the
25 obligor.

26 b. A statement that upon breach of the written agreement
27 by the obligor, ~~the unit~~ child support services shall issue
28 a certificate of noncompliance to any appropriate licensing
29 authority.

30 2. A written agreement entered into pursuant to [this section](#)
31 does not preclude any other remedy provided by law and shall
32 not modify or affect an existing support order.

33 3. Following issuance of a certificate of noncompliance,

34 if the obligor enters into a written agreement with ~~the unit~~
35 child support services, ~~the unit~~ child support services shall
1 issue a withdrawal of the certificate of noncompliance to any
2 appropriate licensing authority and shall forward a copy of the
3 withdrawal by regular mail to the obligor.

4 Sec. 965. Section 252J.6, Code 2023, is amended to read as
5 follows:

6 **252J.6 Decision of ~~the unit~~ child support services.**

7 1. If an obligor is not in compliance with a support order
8 or the individual is not in compliance with a subpoena or
9 warrant pursuant to [section 252J.2](#), ~~the unit~~ child support
10 services mails a notice to the individual pursuant to section
11 252J.3, and the individual requests a conference pursuant to
12 section 252J.4, ~~the unit~~ child support services shall issue a
13 written decision if any of the following conditions exists:

14 a. The individual fails to appear at a scheduled conference
15 under [section 252J.4](#).

16 b. A conference is held under [section 252J.4](#).

17 c. The obligor fails to comply with a written agreement
18 entered into by the obligor and ~~the unit~~ child support services
19 under [section 252J.5](#).

20 2. ~~The unit~~ Child support services shall send a copy of
21 the written decision to the individual by regular mail at the
22 individual's most recent address of record. If the decision
23 is made to issue a certificate of noncompliance or to withdraw
24 the certificate of noncompliance, a copy of the certificate
25 of noncompliance or of the withdrawal of the certificate of
26 noncompliance shall be attached to the written decision. The
27 written decision shall state all of the following:

28 a. That the certificate of noncompliance or withdrawal
29 of the certificate of noncompliance has been provided to the
30 licensing authorities named in the notice provided pursuant to
31 section 252J.3.

32 b. That upon receipt of a certificate of noncompliance,
33 the licensing authority shall initiate proceedings to suspend,

34 revoke, deny issuance, or deny renewal of a license, unless
35 the licensing authority is provided with a withdrawal of a
1 certificate of noncompliance from ~~the unit~~ child support
2 services.

3 c. That in order to obtain a withdrawal of a certificate of
4 noncompliance from ~~the unit~~ child support services, the obligor
5 shall enter into a written agreement with ~~the unit~~ child
6 support services, comply with an existing written agreement
7 with ~~the unit~~ child support services, or pay the total amount
8 of delinquent support owed or the individual shall comply with
9 a subpoena or warrant.

10 d. That if ~~the unit~~ child support services issues a written
11 decision which includes a certificate of noncompliance, ~~that~~
12 all of the following apply:

13 (1) The individual may request a hearing as provided in
14 section 252J.9, before the district court as follows:

15 (a) If the action is a result of section 252J.2, subsection
16 2, paragraph "a", in the county in which the underlying support
17 order is filed, by filing a written application to the court
18 challenging the issuance of the certificate of noncompliance
19 by ~~the unit~~ child support services and sending a copy of the
20 application to ~~the unit~~ child support services within the time
21 period specified in [section 252J.9](#).

22 (b) If the action is a result of section 252J.2, subsection
23 2, paragraph "b", and the individual is not an obligor, in the
24 county in which the dependent child or children reside if the
25 child or children reside in Iowa; in the county in which the
26 dependent child or children last received public assistance if
27 the child or children received public assistance in Iowa; or
28 in the county in which the individual resides if the action is
29 the result of a request from a child support agency in another
30 state or foreign country.

31 (2) The individual may retain an attorney at the
32 individual's own expense to represent the individual at the
33 hearing.

34 (3) The scope of review of the district court shall be
35 limited to demonstration of a mistake of fact related to the
1 delinquency of the obligor or the compliance of the individual
2 with a subpoena or warrant.

3 3. If ~~the unit~~ child support services issues a certificate
4 of noncompliance, ~~the unit~~ child support services shall only
5 issue a withdrawal of the certificate of noncompliance if any
6 of the following applies:

7 a. ~~The unit~~ Child support services or the court finds a
8 mistake in the identity of the individual.

9 b. ~~The unit~~ Child support services finds a mistake in
10 determining compliance with a subpoena or warrant.

11 c. ~~The unit~~ Child support services or the court finds a
12 mistake in determining that the amount of delinquent support
13 due is equal to or greater than three months.

14 d. The obligor enters a written agreement with ~~the unit~~
15 child support services to comply with a support order, the
16 obligor complies with an existing written agreement to comply
17 with a support order, or the obligor pays the total amount of
18 delinquent support owed.

19 e. The individual complies with the subpoena or warrant.

20 f. Issuance of a withdrawal of the certificate of
21 noncompliance is appropriate under other criteria in accordance
22 with rules adopted by the department pursuant to [chapter 17A](#).

23 Sec. 966. Section 252J.7, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. If the individual fails to respond to the notice of
26 potential license sanction provided pursuant to [section 252J.3](#)
27 or ~~the unit~~ child support services issues a written decision
28 under [section 252J.6](#) which states that the individual is not
29 in compliance, ~~the unit~~ child support services shall issue
30 a certificate of noncompliance to any appropriate licensing
31 authority.

32 Sec. 967. Section 252J.8, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. In addition to other grounds for suspension, revocation,
35 or denial of issuance or renewal of a license, a licensing
1 authority shall include in rules adopted by the licensing
2 authority as grounds for suspension, revocation, or denial of
3 issuance or renewal of a license, the receipt of a certificate
4 of noncompliance from ~~the unit~~ child support services.

5 Sec. 968. Section 252J.8, subsection 4, paragraph c,
6 subparagraphs (1), (2), and (3), Code 2023, are amended to read
7 as follows:

8 (1) The licensing authority intends to suspend, revoke, or
9 deny issuance or renewal of an individual's license due to the
10 receipt of a certificate of noncompliance from ~~the unit~~ child
11 support services.

12 (2) The individual must contact ~~the unit~~ child support
13 services to schedule a conference or to otherwise obtain a
14 withdrawal of a certificate of noncompliance.

15 (3) Unless ~~the unit~~ child support services furnishes a
16 withdrawal of a certificate of noncompliance to the licensing
17 authority within thirty days of the issuance of the notice
18 under [this section](#), the individual's license will be revoked,
19 suspended, or denied.

20 Sec. 969. Section 252J.8, subsection 5, Code 2023, is
21 amended to read as follows:

22 5. If the licensing authority receives a withdrawal of
23 a certificate of noncompliance from ~~the unit~~ child support
24 services, the licensing authority shall immediately reinstate,
25 renew, or issue a license if the individual is otherwise in
26 compliance with licensing requirements established by the
27 licensing authority.

28 Sec. 970. Section 252J.9, subsection 1, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:

30 Following the issuance of a written decision by ~~the unit~~
31 child support services under [section 252J.6](#) which includes
32 the issuance of a certificate of noncompliance, or following
33 provision of notice to the individual by a licensing authority

34 pursuant to [section 252J.8](#), an individual may seek review of
35 the decision and request a hearing before the district court
1 as follows:

2 Sec. 971. Section 252J.9, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:

4 a. If the action is a result of section 252J.2, subsection
5 2, paragraph "a", in the county in which the underlying support
6 order is filed, by filing an application with the district
7 court, and sending a copy of the application to ~~the unit~~ by
8 ~~regular mail~~ child support services.

9 Sec. 972. Section 252J.9, subsections 2 and 6, Code 2023,
10 are amended to read as follows:

11 2. An application shall be filed to seek review of the
12 decision by ~~the unit~~ child support services or following
13 issuance of notice by the licensing authority no later than
14 within thirty days after the issuance of the notice pursuant to
15 section 252J.8. The clerk of the district court shall schedule
16 a hearing and mail a copy of the order scheduling the hearing
17 to the individual and ~~the unit~~ child support services and shall
18 also mail a copy of the order to the licensing authority, if
19 applicable. ~~The unit~~ Child support services shall certify a
20 copy of its written decision and certificate of noncompliance,
21 indicating the date of issuance, and the licensing authority
22 shall certify a copy of a notice issued pursuant to section
23 252J.8, to the court prior to the hearing.

24 6. If the court finds that ~~the unit~~ child support services
25 was in error in issuing a certificate of noncompliance,
26 or in failing to issue a withdrawal of a certificate of
27 noncompliance, ~~the unit~~ child support services shall issue a
28 withdrawal of a certificate of noncompliance to the appropriate
29 licensing authority.

30 Sec. 973. Section 252K.103, Code 2023, is amended to read
31 as follows:

32 **252K.103 State tribunal and support enforcement agency.**

33 1. ~~The child~~ Child support ~~recovery unit~~ services when

34 ~~the unit~~ child support services establishes or modifies an
35 order, upon ratification by the court, and the court, are the
1 tribunals of this state.

2 2. ~~The child~~ Child support recovery unit services created in
3 section 252B.2 is the support enforcement agency of this state.

4 Sec. 974. Section 252K.201, subsection 1, paragraph g, Code
5 2023, is amended to read as follows:

6 g. The individual asserted parentage of a child in the
7 declaration of paternity registry maintained in this state
8 by the Iowa department of public health and human services
9 pursuant to section 144.12A or established paternity by
10 affidavit under section 252A.3A.

11 Sec. 975. Section 252K.310, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. ~~The child~~ Child support recovery unit services is the
14 state information agency under this chapter.

15 Sec. 976. Section 252K.319, subsection 2, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:

17 If neither the obligor, nor the obligee who is an individual,
18 nor the child resides in this state, upon request from the
19 support enforcement agency of this state or another state, ~~the~~
20 child support ~~recovery unit~~ services or a tribunal of this
21 state shall:

22 Sec. 977. Section 252K.703, Code 2023, is amended to read
23 as follows:

24 **252K.703 Relationship of child support ~~recovery unit~~ services**
25 **to United States central authority.**

26 ~~The child~~ Child support recovery unit services of this state
27 is recognized as the agency designated by the United States
28 central authority to perform specific functions under the
29 convention.

30 Sec. 978. Section 252K.704, Code 2023, is amended to read
31 as follows:

32 **252K.704 Initiation by child support ~~recovery unit~~ services**
33 **of support proceeding under convention.**

34 1. In a support proceeding under [this article](#), ~~the~~ child
35 support ~~recovery unit~~ services of this state shall:

1 a. Transmit and receive applications.

2 b. Initiate or facilitate the institution of a proceeding
3 regarding an application in a tribunal of this state.

4 2. The following support proceedings are available to an
5 obligee under the convention:

6 a. Recognition or recognition and enforcement of a foreign
7 support order.

8 b. Enforcement of a support order issued or recognized in
9 this state.

10 c. Establishment of a support order if there is no existing
11 order, including, if necessary, determination of parentage of a
12 child.

13 d. Establishment of a support order if recognition of
14 a foreign support order is refused under section 252K.708,
15 subsection 2, paragraph "b", "d", or "i".

16 e. Modification of a support order of a tribunal of this
17 state.

18 f. Modification of a support order of a tribunal of another
19 state or a foreign country.

20 3. The following support proceedings are available under
21 the convention to an obligor against which there is an existing
22 support order:

23 a. Recognition of an order suspending or limiting
24 enforcement of an existing support order of a tribunal of this
25 state.

26 b. Modification of a support order of a tribunal of this
27 state.

28 c. Modification of a support order of a tribunal of another
29 state or a foreign country.

30 4. A tribunal of this state may not require security, bond,
31 or deposit, however described, to guarantee the payment of
32 costs and expenses in proceedings under the convention.

33 Sec. 979. Section 252K.705, subsection 4, Code 2023, is

34 amended to read as follows:

35 4. A petitioner filing a direct request is not entitled to
1 assistance from ~~the child support recovery unit~~ services.

2 Sec. 980. Section 252K.708, subsection 3, paragraph b, Code
3 2023, is amended to read as follows:

4 ~~b. The child~~ Child support ~~recovery unit~~ services shall take
5 all appropriate measures to request a child support order for
6 the obligee if the application for recognition and enforcement
7 was received under [section 252K.704](#).

8 Sec. 981. Section 256.1, subsection 1, paragraph e, Code
9 2023, is amended to read as follows:

10 e. Educational supervision over the elementary and secondary
11 schools under the control of ~~an administrator of a division of~~
12 the department of health and human services.

13 Sec. 982. Section 256.9, subsection 15, Code 2023, is
14 amended to read as follows:

15 15. Provide the same educational supervision for the
16 schools maintained by the director of health and human services
17 as is provided for the public schools of the state and make
18 recommendations to the director of health and human services
19 for the improvement of the educational program in those
20 institutions.

21 Sec. 983. Section 256.9, subsection 31, paragraph b, Code
22 2023, is amended to read as follows:

23 b. Standards and materials developed shall include materials
24 which employ developmentally appropriate practices and
25 incorporate substantial parental involvement. The materials
26 and standards shall include alternative teaching approaches
27 including collaborative teaching and alternative dispute
28 resolution training. The department shall consult with the
29 child development coordinating council, the state child care
30 advisory committee established pursuant to [section 135.173A](#),
31 the department of health and human services, the state board
32 of regents center for early developmental education, the
33 area education agencies, the department of human development

34 and family studies in the college of human sciences at
35 Iowa state university of science and technology, the early
1 childhood elementary division of the college of education at
2 the university of Iowa, and the college of education at the
3 university of northern Iowa, in developing these standards and
4 materials.

5 Sec. 984. Section 256.9, subsection 46, paragraph a, Code
6 2023, is amended to read as follows:

7 a. Develop and make available to school districts, examples
8 of age-appropriate and research-based materials and lists
9 of resources which parents may use to teach their children
10 to recognize unwanted physical and verbal sexual advances,
11 to not make unwanted physical and verbal sexual advances,
12 to effectively reject unwanted sexual advances, that it is
13 wrong to take advantage of or exploit another person, about
14 the dangers of sexual exploitation by means of the internet
15 including specific strategies to help students protect
16 themselves and their personally identifiable information
17 from such exploitation, and about counseling, medical, and
18 legal resources available to survivors of sexual abuse and
19 sexual assault, including resources for escaping violent
20 relationships. The materials and resources shall cover verbal,
21 physical, and visual sexual harassment, including nonconsensual
22 sexual advances, and nonconsensual physical sexual contact. In
23 developing the materials and resource list, the director shall
24 consult with entities that shall include but not be limited to
25 the departments of health and human services, ~~public health,~~
26 and public safety, education stakeholders, and parent-teacher
27 organizations. School districts shall provide age-appropriate
28 and research-based materials and a list of available community
29 and internet-based resources to parents at registration and
30 shall also include the age-appropriate and research-based
31 materials and resource list in the student handbook. School
32 districts are encouraged to work with their communities to
33 provide voluntary parent education sessions to provide parents

34 with the skills and appropriate strategies to teach their
35 children as described in [this subsection](#). School districts
1 shall incorporate the age-appropriate and research-based
2 materials into relevant curricula and shall reinforce the
3 importance of preventive measures when reasonable with parents
4 and students.

5 Sec. 985. Section 256.9, subsection 50, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 Convene, in collaboration with the department of ~~public~~
8 health and human services, a nutrition advisory panel to
9 review research in pediatric nutrition conducted in compliance
10 with accepted scientific methods by recognized professional
11 organizations and agencies including but not limited to the
12 institute of medicine. The advisory panel shall submit its
13 findings and recommendations, which shall be consistent with
14 the dietary guidelines for Americans published jointly by the
15 United States department of health and human services and
16 department of agriculture if in the judgment of the advisory
17 panel the guidelines are supported by the research findings, in
18 a report to the state board. The advisory panel may submit to
19 the state board recommendations on standards related to federal
20 school food programs if the recommendations are intended to
21 exceed the existing federal guidelines. The state board
22 shall consider the advisory panel report when establishing or
23 amending the nutritional content standards required pursuant
24 to [section 256.7, subsection 29](#). The director shall convene
25 the advisory panel by July 1, 2008, and every five years
26 thereafter to review the report and make recommendations for
27 changes as appropriate. The advisory panel shall include
28 but is not limited to at least one Iowa state university
29 extension nutrition and health field specialist and at least
30 one representative from each of the following:

31 Sec. 986. Section 256.11, subsection 5, paragraph j,
32 subparagraph (1), Code 2023, is amended to read as follows:

33 (1) One unit of health education which shall include

34 personal health; food and nutrition; environmental health;
35 safety and survival skills; consumer health; family life;
1 age-appropriate and research-based human growth and
2 development; substance ~~abuse~~ use disorder and nonuse; emotional
3 and social health; health resources; and prevention and control
4 of disease, including age-appropriate and research-based
5 information regarding sexually transmitted diseases, including
6 HPV and the availability of a vaccine to prevent HPV, and
7 acquired immune deficiency syndrome.

8 Sec. 987. Section 256.16, subsection 1, paragraphs b and 1,
9 Code 2023, are amended to read as follows:

10 *b.* Include in the professional education program,
11 preparation that contributes to the education of students
12 with disabilities and students who are gifted and talented,
13 preparation in developing and implementing individualized
14 education programs and behavioral intervention plans,
15 preparation for educating individuals in the least restrictive
16 environment and identifying that environment, strategies that
17 address difficult and violent student behavior and improve
18 academic engagement and achievement, and preparation in
19 classroom management addressing high-risk behaviors including
20 but not limited to behaviors related to substance ~~abuse~~ use
21 disorder. Preparation required under this paragraph must be
22 successfully completed before graduation from the practitioner
23 preparation program.

24 *1.* If the rules adopted by the board of educational
25 examiners for issuance of any type or class of license require
26 an applicant to complete work in student teaching, pre-student
27 teaching experiences, field experiences, practicums, clinicals,
28 or internships, enter into a written contract with any school
29 district, accredited nonpublic school, preschool registered or
30 licensed by the department of health and human services, or
31 area education agency in Iowa, to provide for such work under
32 terms and conditions as agreed upon by the contracting parties.
33 The terms and conditions of a written contract entered into

34 with a preschool pursuant to this paragraph shall require
35 that a student teacher be under the direct supervision of an
1 appropriately licensed cooperating teacher who is employed
2 to teach at the preschool. Students actually teaching or
3 engaged in preservice licensure activities in a school district
4 under the terms of such a contract are entitled to the same
5 protection under [section 670.8](#) as is afforded by that section
6 to officers and employees of the school district, during the
7 time such students are so assigned.

8 Sec. 988. Section 256.35A, subsection 2, paragraph b, Code
9 2023, is amended to read as follows:

10 *b.* In addition, representatives of the department of
11 education, the division of vocational rehabilitation of the
12 department of ~~education~~ workforce development, ~~the department~~
13 ~~of public health~~, the department of health and human services,
14 the Iowa developmental disabilities council, the division
15 of insurance of the department of commerce, and the state
16 board of regents shall serve as ex officio members of the
17 advisory council. Ex officio members shall work together in
18 a collaborative manner to serve as a resource to the advisory
19 council. The council may also form workgroups as necessary
20 to address specific issues within the technical purview of
21 individual members.

22 Sec. 989. Section 256.39, subsection 5, Code 2023, is
23 amended to read as follows:

24 5. In developing career pathways program efforts, each
25 consortium shall make every effort to cooperate with the
26 juvenile courts, the economic development authority, the
27 department of workforce development, the department of health
28 and human services, and the new Iowa schools development
29 corporation.

30 Sec. 990. Section 256.46, subsection 1, paragraph g, Code
31 2023, is amended to read as follows:

32 *g.* The child is a participant in a substance ~~abuse~~ use
33 disorder or mental health program.

34 Sec. 991. Section 256A.2, Code 2023, is amended to read as
35 follows:

1 **256A.2 Child development coordinating council established.**

2 1. A child development coordinating council is established
3 to promote the provision of child development services to
4 at-risk three-year-old and four-year-old children. The council
5 shall consist of the following members:

6 ~~a. The administrator of the division of adult, children
7 and family services of the department of human services or the
8 administrator's designee.~~

9 ~~b. a.~~ The director of the department of education or the
10 director's designee.

11 ~~c. b.~~ The director of health and human services or the
12 director's designee.

13 ~~d. The director of the department of public health or the
14 director's designee.~~

15 ~~e. c.~~ An early childhood specialist of an area education
16 agency selected by the area education agency administrators.

17 ~~f. d.~~ The dean of the college of human sciences at Iowa
18 state university of science and technology or the dean's
19 designee.

20 ~~g. e.~~ The dean of the college of education from the
21 university of northern Iowa or the dean's designee.

22 ~~h. f.~~ The professor and head of the department of
23 pediatrics at the university of Iowa or the professor's
24 designee.

25 ~~i. g.~~ A resident of this state who is a parent of a child
26 who is or has been served by a federal head start program.

27 2. Staff assistance for the council shall be provided by
28 the department of education. Members of the council shall be
29 reimbursed for actual and necessary expenses incurred while
30 engaged in their official duties and shall receive per diem
31 compensation at the level authorized under section 7E.6,
32 subsection 1, paragraph "a".

33 Sec. 992. Section 256B.2, subsection 2, paragraph c, Code

34 2023, is amended to read as follows:

35 *c.* For those children who cannot adapt to the regular
1 educational or home living conditions, and who are attending
2 facilities under [chapters 263, 269, and 270](#), upon the request
3 of the board of directors of an area education agency,
4 the department of health and human services shall provide
5 residential or detention facilities and the area education
6 agency shall provide special education programs and services.
7 The area education agencies shall cooperate with the board of
8 regents to provide the services required by [this chapter](#).

9 Sec. 993. Section 256B.3, subsection 9, Code 2023, is
10 amended to read as follows:

11 9. To cooperate with existing agencies such as the
12 department of health and human services, ~~the Iowa department of~~
13 ~~public health~~, the Iowa school for the deaf, the Iowa braille
14 and sight saving school, the children's hospitals, or other
15 agencies concerned with the welfare and health of children
16 requiring special education in the coordination of their
17 educational activities for such children.

18 Sec. 994. Section 256B.5, Code 2023, is amended to read as
19 follows:

20 **256B.5 Information available upon request by bureau.**

21 The ~~Iowa~~ department of public health and human services
22 shall furnish to the state bureau of special education
23 upon request information obtained from birth certificates
24 relative to the name, address, and disability of any case of
25 developmental disability. The state child health specialty
26 clinics of the university of Iowa shall upon request furnish to
27 the state bureau of special education the name, address, and
28 disability of all children of their register.

29 Sec. 995. Section 256B.10, subsection 1, paragraph a, Code
30 2023, is amended to read as follows:

31 *a.* The department of education shall work with the state
32 school for the deaf, the area education agencies, school
33 districts, and the early hearing detection and intervention

34 program in the ~~Iowa~~ department of ~~public~~ health and human
35 services for purposes of coordinating, developing, and
1 disseminating resources for use by parents or guardians, early
2 hearing detection and intervention programs, the state school
3 for the deaf, area education agencies, school districts, and
4 accredited nonpublic schools to inform deaf and hard-of-hearing
5 children's expressive and receptive language acquisition or
6 development.

7 Sec. 996. Section 256B.10, subsection 3, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 The department of education, in consultation with the state
10 school for the deaf, the area education agencies, school
11 districts, and the early hearing detection and intervention
12 program in the ~~Iowa~~ department of ~~public~~ health and human
13 services, shall select existing tools or assessments that may
14 be used by qualified educators to assess American sign language
15 and English language and literacy development of deaf and
16 hard-of-hearing children from birth through age eight.

17 Sec. 997. Section 256B.10, subsection 5, paragraph b, Code
18 2023, is amended to read as follows:

19 *b.* The department of education shall work with the early
20 hearing detection and intervention program in the ~~Iowa~~
21 department of ~~public~~ health and human services, the state
22 school for the deaf, and the area education agencies when
23 developing the guidelines. The department of education,
24 in consultation with the Iowa school for the deaf, shall
25 administer the family support mentoring program for deaf or
26 hard-of-hearing children.

27 Sec. 998. Section 256B.10, subsection 5, paragraph d,
28 subparagraph (5), Code 2023, is amended to read as follows:

29 (5) Reach out to parents of children identified through
30 the early hearing detection and intervention program in the
31 ~~Iowa~~ department of ~~public~~ health and human services and share
32 information about the family support mentoring program services
33 available to such parents.

34 Sec. 999. Section 256B.10, subsection 5, paragraph e, Code
35 2023, is amended to read as follows:

1 e. The department of education shall coordinate family
2 support mentoring activities with the early hearing detection
3 and intervention program in the ~~Iowa~~ department of ~~public~~
4 health and human services, the state school for the deaf, the
5 area education agencies, and nonprofit organizations that
6 provide family support mentoring to parents with deaf or
7 hard-of-hearing children.

8 Sec. 1000. Section 256B.15, subsections 7, 9, and 10, Code
9 2023, are amended to read as follows:

10 7. The area education agencies shall transfer to the
11 department of health and human services an amount equal to
12 the nonfederal share of the payments to be received from the
13 medical assistance program pursuant to [chapter 249A](#). The
14 nonfederal share amount shall be transferred to the medical
15 assistance account prior to claims payment. This requirement
16 does not apply to medical assistance reimbursement for
17 services provided by an area education agency under part C
18 of the federal Individuals With Disabilities Education Act.
19 Funds received under [this section](#) shall not be considered or
20 included as part of the area education agencies' budgets when
21 calculating funds that are to be received by area education
22 agencies during a fiscal year.

23 9. The department of education and the department of health
24 and human services shall adopt rules to implement [this section](#).

25 10. The department of health and human services shall offer
26 assistance to the area education agencies in the identification
27 of children eligible for reimbursement for services under this
28 section.

29 Sec. 1001. Section 256I.1, Code 2023, is amended to read as
30 follows:

31 **256I.1 Definitions.**

32 For the purposes of [this chapter](#), unless the context
33 otherwise requires:

34 1. *"Department"* means the department of ~~management~~ health
35 and human services.

1 2. *"Desired results"* means the set of desired results for
2 improving the quality of life in this state for young children
3 and their families identified in section 256I.2.

4 3. *"Early care"*, *"early care services"*, or *"early care*
5 *system"* means the programs, services, support, or other
6 assistance made available to a parent or other person who is
7 involved with addressing the health and education needs of a
8 child from zero through age five. *"Early care"*, *"early care*
9 *services"*, or *"early care system"* includes but is not limited to
10 public and private efforts and formal and informal settings.

11 4. *"Early childhood Iowa area"* means a geographic area
12 designated in accordance with this chapter.

13 5. *"Early childhood Iowa area board"* or *"area board"*
14 means the board for an early childhood Iowa area created in
15 accordance with this chapter.

16 6. "Early childhood Iowa program" or "program" means the
17 early childhood Iowa program established in section 256I.5.

18 ~~6.~~ 7. *"Early childhood Iowa state board"* or *"state board"*
19 means the early childhood Iowa state board created in section
20 256I.3.

21 Sec. 1002. Section 256I.3, subsection 2, paragraph a, Code
22 2023, is amended to read as follows:

23 a. The board shall consist of ~~twenty-one~~ nineteen voting
24 members with fifteen citizen members and ~~six~~ four state agency
25 members. The ~~six~~ state agency members shall be the directors
26 or their designees of the following agencies: economic
27 development authority, education, ~~human rights~~, health and
28 human services, ~~public health~~, and workforce development.
29 The designees of state agency directors shall be selected on
30 an annual basis. The citizen members shall be appointed by
31 the governor, subject to confirmation by the senate. The
32 governor's appointments of citizen members shall be made in
33 a manner so that each of the state's congressional districts

34 is represented by at least two citizen members and so that
35 all the appointments as a whole reflect the ethnic, cultural,
1 social, and economic diversity of the state. A member of the
2 state board shall not be a provider of services or other entity
3 receiving funding through the early childhood Iowa initiative
4 or be employed by such a provider or other entity.

5 Sec. 1003. Section 256I.4, subsection 15, Code 2023, is
6 amended to read as follows:

7 15. Work with the early childhood Iowa ~~office~~ program
8 in building public-private partnerships for promoting the
9 collaborative early care, education, health, and human services
10 system.

11 Sec. 1004. Section 256I.5, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. An early childhood Iowa ~~office~~ program is established
14 in the department to provide leadership for facilitation,
15 communication, and coordination for the early childhood Iowa
16 initiative activities and funding and for improvement of the
17 early care, education, health, and human services systems. An
18 administrator for the early childhood Iowa ~~office~~ program shall
19 be appointed by the director of the department. Other staff
20 may also be designated, subject to appropriation made for this
21 purpose.

22 Sec. 1005. Section 256I.5, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. The ~~office~~ program shall work with the state and
25 area boards to provide leadership for comprehensive system
26 development. The ~~office~~ program shall also do all of the
27 following:

28 a. Enter into memoranda of agreement with the departments
29 of education, ~~human rights, human services, public health,~~ and
30 workforce development and the economic development authority to
31 formalize the commitments of the respective departments and the
32 authority to collaborating with and integrating a comprehensive
33 early care, education, health, and human services system.

34 Items addressed in the memoranda shall include but are not
35 limited to data sharing and providing staffing to the technical
1 assistance team.

2 *b.* Work with private businesses, foundations, and nonprofit
3 organizations to develop sustained funding.

4 *c.* Maintain the internet site in accordance with section
5 256I.10.

6 *d.* Propose any needed revisions to administrative rules
7 based on stakeholder input.

8 *e.* Provide technical support to the state and area boards
9 and to the early childhood Iowa areas through staffing services
10 made available through the state agencies that serve on the
11 state board.

12 *f.* Develop, collect, disseminate, and provide guidance for
13 common performance measures for the programs receiving funding
14 under the auspices of the area boards.

15 *g.* If a disagreement arises within an early childhood Iowa
16 area regarding the interests represented on the area's board,
17 board decisions, or other disputes that cannot be locally
18 resolved, upon request, provide state or regional technical
19 assistance as deemed appropriate by the office program to
20 assist the area in resolving the disagreement.

21 Sec. 1006. Section 256I.11, subsection 2, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 A school ready children grants account is created in the
24 fund under the authority of the director of the department of
25 education. Moneys credited to the account are appropriated
26 to and shall be distributed by the department of education in
27 the form of grants to early childhood Iowa areas pursuant to
28 criteria established by the state board in accordance with law.

29 Sec. 1007. Section 256I.11, subsection 4, paragraphs a, b,
30 and c, Code 2023, are amended to read as follows:

31 *a.* An early childhood programs grant account is created in
32 the fund under the authority of the director of the department
33 ~~of human services~~. Moneys credited to the account are

34 appropriated to and shall be distributed by the department of
35 ~~human services~~ in the form of grants to early childhood Iowa
1 areas pursuant to criteria established by the state board in
2 accordance with law. The criteria shall include but are not
3 limited to a requirement that an early childhood Iowa area must
4 be designated by the state board in order to be eligible to
5 receive an early childhood programs grant.

6 *b.* An early childhood Iowa area receiving funding from
7 the early childhood programs grant account shall comply with
8 any federal reporting requirements associated with the use
9 of that funding and other results and reporting requirements
10 established by the state board. The department of ~~human~~
11 ~~services~~ shall provide technical assistance in identifying and
12 meeting the federal requirements. The availability of funding
13 provided from the account is subject to changes in federal
14 requirements and amendments to Iowa law.

15 *c.* The moneys distributed from the early childhood programs
16 grant account shall be used by early childhood Iowa areas
17 for the purposes of enhancing quality child care capacity in
18 support of parent capability to obtain or retain employment.
19 The moneys shall be used with a primary emphasis on low-income
20 families and children from zero to age five. Moneys shall be
21 provided in a flexible manner and shall be used to implement
22 strategies identified by the early childhood Iowa area to
23 achieve such purposes. The department of ~~human services~~ may
24 use a portion of the funding appropriated to the department
25 under [this subsection](#) for provision of technical assistance and
26 other support to the early childhood Iowa areas developing and
27 implementing strategies with grant moneys distributed from the
28 account.

29 Sec. 1008. Section 256I.11, subsection 5, Code 2023, is
30 amended to read as follows:

31 5. A first years first account is created in the fund under
32 the authority of the department of ~~management~~. The account
33 shall consist of gift or grant moneys obtained from any source,

34 including but not limited to the federal government. Moneys
35 credited to the account are appropriated to the department to
1 be used for the early childhood-related purposes for which the
2 moneys were received.

3 Sec. 1009. Section 256I.12, subsections 6 and 7, Code 2023,
4 are amended to read as follows:

5 6. *Steering committee.* The early childhood stakeholders
6 alliance shall operate with a steering committee to organize,
7 manage, and coordinate the activities of the alliance and its
8 component groups. The steering committee may act on behalf of
9 the alliance as necessary. The steering committee membership
10 shall consist of the co-chairpersons of the alliance's
11 component groups, the administrator of the early childhood Iowa
12 office program, and other leaders designated by the alliance.

13 7. *Component groups.* The early childhood stakeholders
14 alliance shall maintain component groups to address the
15 key components of the Iowa early childhood system. Each
16 component group shall have one private and one public agency
17 co-chairperson. The alliance may change the component groups
18 as deemed necessary by the alliance. ~~Initially, there shall~~
19 ~~be a component group for each of the following:~~ The component
20 groups shall implement the strategic plan created pursuant to
21 section 256I.4.

22 ~~a. Governance planning and administration.~~

23 ~~b. Professional development.~~

24 ~~c. Public engagement.~~

25 ~~d. Quality services and programs.~~

26 ~~e. Resources and funding.~~

27 ~~f. Results accountability.~~

28 Sec. 1010. Section 256I.13, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. In order to implement the legislative intent stated in
31 sections 135.106 and 256I.9, that priority for family support
32 program funding be given to programs using evidence-based or
33 promising models for family support, it is the intent of the

34 general assembly that ~~by July 1, 2016,~~ ninety percent of state
35 funds expended for family support programs shall be used for
1 evidence-based or promising program models. The remaining ten
2 percent of funds may be used for innovative program models that
3 do not yet meet the definition of evidence-based or promising
4 programs.

5 Sec. 1011. Section 256I.13, subsection 3, paragraphs b and
6 e, Code 2023, are amended to read as follows:

7 b. The data on families served that is collected by the
8 family support programs funded through the early childhood
9 Iowa initiative shall include but is not limited to basic
10 demographic information, services received, funding utilized,
11 and program outcomes for the children and families served. The
12 state board shall adopt performance benchmarks for the family
13 support programs ~~and shall revise the Iowa family support~~
14 ~~credential to incorporate the performance benchmarks on or~~
15 ~~before January 1, 2014.~~

16 e. The state board shall develop a plan to implement a
17 coordinated intake and referral process for publicly funded
18 family support programs in order to engage the families
19 expecting a child or with newborn and infant children through
20 age five in all communities in the state ~~by July 1, 2015.~~

21 Sec. 1012. Section 257.11, subsection 4, paragraph e,
22 subparagraphs (2) and (3), Code 2023, are amended to read as
23 follows:

24 (2) The pupil is not in a court-ordered placement under
25 chapter 232 under the care and custody of the department of
26 health and human services or juvenile court services.

27 (3) The pupil is not in the state training school pursuant
28 to a court order entered under [chapter 232](#) under the care and
29 custody of the department of health and human services.

30 Sec. 1013. Section 257.41, subsection 4, paragraphs b and c,
31 Code 2023, are amended to read as follows:

32 b. The student is not in a court-ordered placement under
33 chapter 232 under the care and custody of the department of

34 health and human services or juvenile court services.

35 *c.* The student is not in the state training school pursuant
1 to a court order entered under [chapter 232](#) under the care and
2 custody of the department of health and human services.

3 Sec. 1014. Section 260C.40, Code 2023, is amended to read
4 as follows:

5 **260C.40 Prohibition of controlled substances.**

6 Each community college shall adopt a policy that prohibits
7 unlawful possession, use, or distribution of controlled
8 substances by students and employees on property owned
9 or leased by the community college or in conjunction with
10 activities sponsored by a community college. Each community
11 college shall provide information about the policy to all
12 students and employees. The policy shall include a clear
13 statement of sanctions for violation of the policy and
14 information about available drug or alcohol counseling and
15 rehabilitation programs. In carrying out this policy, the
16 community college shall provide substance ~~abuse~~ use disorder
17 prevention programs for students and employees.

18 Sec. 1015. Section 261.2, subsection 6, Code 2023, is
19 amended to read as follows:

20 6. Develop and implement, in cooperation with the
21 department of health and human services and the judicial
22 branch, a program to assist juveniles who are sixteen years of
23 age or older and who have a case permanency plan under chapter
24 232 or [237](#) or are otherwise under the jurisdiction of chapter
25 232 in applying for federal and state aid available for higher
26 education.

27 Sec. 1016. Section 261.9, subsection 1, paragraph e, Code
28 2023, is amended to read as follows:

29 *e.* Adopts a policy that prohibits unlawful possession,
30 use, or distribution of controlled substances by students and
31 employees on property owned or leased by the institution or
32 in conjunction with activities sponsored by the institution.
33 Each institution shall provide information about the policy

34 to all students and employees. The policy shall include a
35 clear statement of sanctions for violation of the policy
1 and information about available drug or alcohol counseling
2 and rehabilitation programs. In carrying out this policy,
3 an institution shall provide substance ~~abuse~~ use disorder
4 prevention programs for students and employees.

5 Sec. 1017. Section 261.71, subsection 3, Code 2023, is
6 amended to read as follows:

7 3. For purposes of **this section** "*graduate student*" means
8 a student who has completed at least ninety semester hours,
9 or the trimester or quarter equivalent, of postsecondary
10 course work at a public higher education institution or at an
11 accredited private institution, as defined under **section 261.9**.
12 "*Underserved area*" means a geographical area included on the
13 Iowa governor's health practitioner shortage area list, which
14 is compiled by the ~~center for rural health and primary care~~
15 ~~of the Iowa~~ department of public health and human services.
16 The commission shall adopt rules, consistent with rules used
17 for students enrolled in higher education institutions under
18 the control of the state board of regents, for purposes of
19 determining Iowa residency status of graduate students under
20 this section. The commission shall also adopt rules which
21 provide standards, guidelines, and procedures for the receipt,
22 processing, and administration of student applications and
23 loans under **this section**.

24 Sec. 1018. Section 261.87, subsection 1, paragraph b, Code
25 2023, is amended to read as follows:

26 *b. "Eligible foster care student"* means a person who has a
27 high school diploma or a high school equivalency diploma under
28 chapter 259A and is described by any of the following:

29 (1) Is age seventeen and is in a court-ordered placement
30 under **chapter 232** under the care and custody of the department
31 of health and human services or juvenile court services.

32 (2) Is age seventeen and has been placed in a state juvenile
33 institution pursuant to a court order entered under chapter

34 232 under the care and custody of the department of health and
35 human services.

1 (3) Is described by any of the following:

2 (a) On the date the person reached age eighteen or during
3 the thirty calendar days preceding or succeeding that date,
4 the person was in a licensed foster care placement pursuant
5 to a court order entered under chapter 232 under the care and
6 custody of the department of health and human services or
7 juvenile court services.

8 (b) On the date the person reached age eighteen or during
9 the thirty calendar days preceding or succeeding that date, the
10 person was under a court order under chapter 232 to live with a
11 relative or other suitable person.

12 (c) The person was in a licensed foster care placement
13 pursuant to an order entered under chapter 232 prior to being
14 legally adopted after reaching age sixteen.

15 (d) On the date the person reached age eighteen or during
16 the thirty calendar days preceding or succeeding that date,
17 the person was placed in a state juvenile institution pursuant
18 to a court order entered under chapter 232 under the care and
19 custody of the department of health and human services.

20 Sec. 1019. Section 262.9A, Code 2023, is amended to read as
21 follows:

22 **262.9A Prohibition of controlled substances.**

23 The state board of regents shall adopt a policy that
24 prohibits unlawful possession, use, or distribution of
25 controlled substances by students and employees on property
26 owned or leased by an institution or in conjunction with
27 activities sponsored by an institution governed by the board.
28 Each institution shall provide information about the policy
29 to all students and employees. The policy shall include a
30 clear statement of sanctions for violation of the policy
31 and information about available drug or alcohol counseling
32 and rehabilitation programs. In carrying out this policy,
33 the institutions shall provide substance ~~abuse~~ use disorder

34 prevention programs for students and employees.

35 Sec. 1020. Section 262.70, Code 2023, is amended to read as
1 follows:

2 **262.70 Education, prevention, and research programs in mental**
3 **health and disability services.**

4 ~~The division of mental health and disability services of~~
5 ~~the department of health and human services may contract with~~
6 the board of regents or any institution under the board's
7 jurisdiction to establish and maintain programs of education,
8 prevention, and research in the fields of mental health,
9 intellectual disability, developmental disabilities, and
10 brain injury. The board may delegate responsibility for these
11 programs to the state psychiatric hospital, the university
12 hospital, or any other appropriate entity under the board's
13 jurisdiction.

14 Sec. 1021. Section 262.71, Code 2023, is amended to read as
15 follows:

16 **262.71 Center for early development education.**

17 The board of regents shall develop a center for early
18 development education at one of the regents institutions
19 specified in [section 262.7, subsections 1 through 3](#). The
20 center's programs shall be conducted in a laboratory school
21 setting to serve as a model for early childhood education.
22 The programs shall include, but not be limited to, programs
23 designed to accommodate the needs of at-risk children. The
24 teacher education programs at all three state universities
25 shall cooperate in developing the center and its programs. The
26 center's programs shall take a holistic approach and the center
27 shall, in developing its programs, consult with representatives
28 from each of the following agencies, institutions, or groups:

29 1. The university of northern Iowa.

30 2. Iowa state university.

31 3. The university of Iowa.

32 ~~4. The division of child and family services of the~~
33 ~~department of human services.~~

34 ~~5. The department of public health.~~

35 ~~6.~~ 4. The department of health and human services.

1 ~~7.~~ 5. An early childhood development specialist from an
2 area education agency.

3 ~~8.~~ 6. A parent of a child in a head start program.

4 ~~9.~~ 7. The department of education.

5 ~~10.~~ 8. The child development coordinating council.

6 Sec. 1022. Section 262.78, subsections 2 and 3, Code 2023,
7 are amended to read as follows:

8 2. The center shall cooperate with the ~~center for rural~~
9 ~~health and primary care, established under~~ department of health
10 and human services pursuant to [section 135.107](#), the center
11 for health effects of environmental contamination established
12 pursuant to [section 263.17](#), and the department of agriculture
13 and land stewardship. The agencies shall coordinate programs
14 to the extent practicable.

15 3. The president of the university of Iowa, in consultation
16 with the president of Iowa state university of science and
17 technology, shall employ a full-time director of the center.
18 The center may employ staff to carry out the center's purpose.
19 The director shall coordinate the agricultural health and
20 safety programs of the center. The director shall regularly
21 meet and consult with the ~~center for rural health and primary~~
22 ~~care~~ department of health and human services pursuant to
23 section 135.107. The director shall provide the board of
24 regents with relevant information regarding the center.

25 Sec. 1023. Section 263.8, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. In addition to its regular work, the state hygienic
28 laboratory shall perform without charge all bacteriological,
29 serological, and epidemiological examinations and
30 investigations which may be required by the Iowa department of
31 public health and human services and the department shall adopt
32 rules pursuant to [chapter 17A](#) ~~therefor~~ for the examinations
33 and investigations. The laboratory shall also provide, those

34 laboratory, scientific field measurement, and environmental
35 quality services which, by contract, are requested by the other
1 agencies of government.

2 Sec. 1024. Section 263.10, Code 2023, is amended to read as
3 follows:

4 **263.10 Persons admitted.**

5 Every resident of the state who is not more than twenty-one
6 years of age, who has such severe disabilities as to be unable
7 to acquire an education in the public or accredited nonpublic
8 schools, and every such person who is twenty-one and under
9 thirty-five years of age who has the consent of the state board
10 of regents, shall be entitled to receive an education, care,
11 and training in the university of Iowa hospitals and clinics
12 center for disabilities and development, and nonresidents
13 similarly situated may be entitled to an education and care at
14 the center upon such terms as may be fixed by the state board
15 of regents. The fee for nonresidents shall be not less than
16 the average expense of resident pupils and shall be paid in
17 advance. Residents and persons under the care and control of a
18 ~~director of a division of~~ the department of health and human
19 services who have severe disabilities may be transferred to the
20 center upon such terms as may be agreed upon by the state board
21 of regents and the director of health and human services.

22 Sec. 1025. Section 263.17, subsection 2, paragraph a,
23 subparagraph (10), Code 2023, is amended to read as follows:

24 (10) The Iowa department of ~~public~~ health and human
25 services.

26 Sec. 1026. Section 263.17, subsection 7, Code 2023, is
27 amended to read as follows:

28 7. The center shall cooperate with the ~~center for rural~~
29 ~~health and primary care, established under~~ department of
30 health and human services pursuant to section 135.107, the
31 center for agricultural safety and health established under
32 section 262.78, and the department of agriculture and land
33 stewardship. The agencies shall coordinate programs to the

34 extent practicable.

35 Sec. 1027. Section 263.21, Code 2023, is amended to read as
1 follows:

2 **263.21 Transfer of patients from state institutions.**

3 The director of ~~the department of health and human services,~~
4 in respect to institutions under the director's control, ~~the~~
5 ~~administrator of any of the divisions of the department, in~~
6 ~~respect to the institutions under the administrator's control,~~
7 the director of the department of corrections, in respect to
8 the institutions under the department's control, and the state
9 board of regents, in respect to the Iowa braille and sight
10 saving school and the Iowa school for the deaf, may send any
11 inmate, student, or patient of an institution, or any person
12 committed or applying for admission to an institution, to
13 the university of Iowa hospitals and clinics for treatment
14 and care. The department of health and human services, the
15 department of corrections, and the state board of regents shall
16 respectively pay the traveling expenses of such patient, and
17 when necessary the traveling expenses of an attendant for
18 the patient, out of funds appropriated for the use of the
19 institution from which the patient is sent.

20 Sec. 1028. Section 263B.7, Code 2023, is amended to read as
21 follows:

22 **263B.7 Ancient remains.**

23 The state archaeologist has the primary responsibility
24 for investigating, preserving, and reinterring discoveries
25 of ancient human remains. For the purposes of [this section](#),
26 ancient human remains are those remains found within the state
27 which are more than one hundred fifty years old. The state
28 archaeologist shall make arrangements for the services of a
29 forensic osteologist in studying and interpreting ancient
30 burials and may designate other qualified archaeologists to
31 assist the state archaeologist in recovering physical and
32 cultural information about the ancient burials. The state
33 archaeologist shall file with the Iowa department of ~~public~~

34 health and human services a written report containing both
35 physical and cultural information regarding the remains at the
1 conclusion of each investigation.

2 Sec. 1029. Section 272C.1, subsection 6, paragraph ad, Code
3 2023, is amended to read as follows:

4 *ad.* The director of ~~public~~ health and human services in
5 certifying emergency medical care providers and emergency
6 medical care services pursuant to [chapter 147A](#).

7 Sec. 1030. Section 272C.3, subsection 1, paragraph k, Code
8 2023, is amended to read as follows:

9 *k.* Establish a licensee review committee for the purpose
10 of evaluating and monitoring licensees who are impaired as
11 a result of ~~alcohol or drug abuse~~ substance use disorder,
12 dependency, or addiction, or by any mental or physical disorder
13 or disability, and who self-report the impairment to the
14 committee, or who are referred by the board to the committee.
15 Members of the committee shall receive actual expenses for the
16 performance of their duties and shall be eligible to receive
17 per diem compensation pursuant to [section 7E.6](#). The board
18 shall adopt rules for the establishment and administration of
19 the committee, including but not limited to establishment of
20 the criteria for eligibility for referral to the committee and
21 the grounds for disciplinary action for noncompliance with
22 committee decisions. Information in the possession of the
23 board or the licensee review committee, under this paragraph,
24 shall be subject to the confidentiality requirements of section
25 272C.6. Referral of a licensee by the board to a licensee
26 review committee shall not relieve the board of any duties
27 of the board and shall not divest the board of any authority
28 or jurisdiction otherwise provided. A licensee who violates
29 section 272C.10 or the rules of the board while under review by
30 the licensee review committee shall be referred to the board
31 for appropriate action.

32 Sec. 1031. Section 272C.6, subsection 6, paragraph b, Code
33 2023, is amended to read as follows:

34 *b.* The department of agriculture and land stewardship, the
35 department of ~~commerce~~ insurance and financial services, the
1 department of inspections, appeals, and licensing, and the Iowa
2 department of ~~public~~ health and human services shall each adopt
3 rules pursuant to [chapter 17A](#) which provide for the allocation
4 of fees and costs collected pursuant to [this section](#) to the
5 board under its jurisdiction collecting the fees and costs.
6 The fees and costs shall be considered repayment receipts as
7 defined in [section 8.2](#).

8 Sec. 1032. Section 279.49, subsections 1 and 3, Code 2023,
9 are amended to read as follows:

10 1. The board of directors of a school corporation may
11 operate or contract for the operation of a program to provide
12 child care to children not enrolled in school or to students
13 enrolled in kindergarten through grade six before and after
14 school, or to both. Programs operated or contracted by a
15 board shall be licensed by the department of health and human
16 services under [chapter 237A](#) as a child care center unless
17 the program is exempt from licensure under [chapter 237A](#).
18 Notwithstanding requirements of the department of health and
19 human services regarding space allocated to child care centers
20 licensed under [chapter 237A](#), a program operated or contracted
21 by a board which is located on school grounds may define
22 alternative spaces, in policy and procedures, appropriate to
23 meet the needs of children in the program if the primary space
24 is required for another use.

25 3. The facilities housing a program operated under this
26 section shall comply with standards adopted by the state fire
27 marshal for school buildings under [chapter 100](#). In addition,
28 if a program involves children who are younger than school
29 age, the facilities housing those children shall meet the fire
30 safety standards which would apply to that age of child in a
31 child care facility licensed by the department of health and
32 human services.

33 Sec. 1033. Section 279.50, subsection 8, Code 2023, is

34 amended to read as follows:

35 8. The department of education shall identify and
1 disseminate information about early intervention programs
2 for students who are at the greatest risk of suffering from
3 the problem of dropping out of school, substance ~~abuse~~ use
4 disorder, adolescent pregnancy, or suicide.

5 Sec. 1034. Section 279.60, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. The school district shall also collect information from
8 each parent, guardian, or legal custodian of a kindergarten
9 student enrolled in the district on whether the student
10 attended preschool. Each school district shall report the
11 preschool information collected to the department of education
12 in the manner prescribed by the department not later than
13 January 1 of that school year. The early childhood Iowa ~~office~~
14 program in the department of ~~management~~ health and human
15 services shall have access to the raw data. The department of
16 education shall review the information submitted pursuant to
17 this section and shall submit its findings and recommendations
18 annually in a report to the governor, the general assembly, the
19 early childhood Iowa state board, and the early childhood Iowa
20 area boards.

21 Sec. 1035. Section 279.76, subsection 3, paragraph a, Code
22 2023, is amended to read as follows:

23 a. "*Emergent care situation*" means a sudden or unforeseen
24 occurrence or onset of a medical or behavioral condition that
25 could result in serious injury or harm to a student or others
26 in the event immediate medical attention is not provided.
27 "*Emergent care situation*" includes the need to screen a student
28 or others for symptoms or exposures during an outbreak or
29 public health event of concern as designated by the department
30 of ~~public~~ health and human services.

31 Sec. 1036. Section 280.13C, subsection 3, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The department of ~~public~~ health and human services, the

34 Iowa high school athletic association, and the Iowa girls high
35 school athletic union shall work together to develop training
1 materials and courses regarding concussions and brain injuries,
2 including training regarding evaluation, prevention, symptoms,
3 risks, and long-term effects of concussions and brain injuries.
4 Each coach or contest official shall complete such training at
5 least every two years.

6 Sec. 1037. Section 280.13C, subsection 4, Code 2023, is
7 amended to read as follows:

8 4. *Guidelines and information sheet.*

9 a. The department of ~~public~~ public health and human services, the
10 Iowa high school athletic association, and the Iowa girls high
11 school athletic union shall work together to distribute the
12 guidelines of the centers for disease control and prevention
13 of the United States department of health and human services
14 and other pertinent information to inform and educate coaches,
15 students, and the parents and guardians of students of the
16 risks, signs, symptoms, and behaviors consistent with a
17 concussion or brain injury, including the danger of continuing
18 to participate in extracurricular interscholastic activities
19 after suffering a concussion or brain injury and their
20 responsibility to report such signs, symptoms, and behaviors
21 if they occur.

22 b. For school years beginning on or after July 1, 2018,
23 each school district and nonpublic school shall provide to the
24 parent or guardian of each student in grades seven through
25 twelve a concussion and brain injury information sheet,
26 as provided by the department of ~~public~~ public health and human
27 services, the Iowa high school athletic association, and the
28 Iowa girls high school athletic union. The student and the
29 student's parent or guardian shall sign and return a copy
30 of the concussion and brain injury information sheet to the
31 student's school prior to the student's participation in any
32 extracurricular interscholastic activity.

33 Sec. 1038. Section 280.13C, subsection 6, paragraph a, Code

34 2023, is amended to read as follows:

35 a. The department of ~~public~~ public health and human services, in
1 cooperation with the Iowa high school athletic association
2 and the Iowa girls high school athletic union, shall develop
3 a return-to-play protocol based on peer-reviewed scientific
4 evidence consistent with the guidelines of the centers for
5 disease control and prevention of the United States department
6 of health and human services, for a student's return to
7 participation in any extracurricular interscholastic activity
8 after showing signs, symptoms, or behaviors consistent with a
9 concussion or brain injury. The department of ~~public~~ public health
10 and human services shall adopt the return-to-play protocol
11 by rule pursuant to [chapter 17A](#). The board of directors
12 of each school district and the authorities in charge of
13 each accredited nonpublic school with enrolled students who
14 participate in an extracurricular interscholastic activity
15 which is a contest in grades seven through twelve shall adopt
16 such protocol by July 1, 2019.

17 Sec. 1039. Section 280.16, subsection 1, paragraph a, Code
18 2023, is amended to read as follows:

19 a. "*Bronchodilator*" means a bronchodilator as recommended
20 by the department of ~~public~~ public health and human services for
21 treatment of a student's respiratory distress, asthma, or other
22 airway constricting disease.

23 Sec. 1040. Section 280.16, subsection 7, Code 2023, is
24 amended to read as follows:

25 7. The Iowa braille and sight saving school, the Iowa school
26 for the deaf, and the institutions under the control of the
27 department of health and human services as provided in section
28 218.1 are exempt from the provisions of [this section](#).

29 Sec. 1041. Section 280.17, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. The board of directors of a school district and the
32 authorities in charge of a nonpublic school shall prescribe
33 procedures, in accordance with the guidelines contained in

34 the model policy developed by the department of education in
35 consultation with the department of health and human services,
1 and adopted by the department of education pursuant to chapter
2 17A, for the handling of reports of child abuse, as defined in
3 section 232.68, subsection 2, paragraph "a", subparagraph (1),
4 (3), or (5), alleged to have been committed by an employee or
5 agent of the public or nonpublic school.

6 Sec. 1042. Section 280.25, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. The board of directors of each public school and the
9 authorities in charge of each accredited nonpublic school
10 shall adopt a policy and the superintendent of each public
11 school shall adopt rules which provide that the school
12 district or school may share information contained within a
13 student's permanent record pursuant to an interagency agreement
14 with state and local agencies that are part of the juvenile
15 justice system. These agencies include, but are not limited
16 to, juvenile court services, the department of health and
17 human services, and local law enforcement authorities. The
18 disclosure of information shall be directly related to the
19 juvenile justice system's ability to effectively serve, prior
20 to adjudication, the student whose records are being released.

21 Sec. 1043. Section 280.29, subsection 1, paragraph e, Code
22 2023, is amended to read as follows:

23 e. Enter into a memorandum of understanding with the
24 department of health and human services regarding the exchange
25 of information as appropriate to facilitate the enrollment
26 transition of children adjudicated under [chapter 232](#) or
27 receiving foster care services from one school to another
28 school.

29 Sec. 1044. Section 280.32, subsections 3 and 6, Code 2023,
30 are amended to read as follows:

31 3. Radon testing pursuant to [this section](#) conducted on and
32 after July 1, 2022, shall be conducted by a person certified
33 to conduct such testing pursuant to [section 136B.1](#) or by

34 district employees that have completed a school radon testing
35 training program approved by the department of education and
1 the department of ~~public~~ public health and human services. District
2 employees that have completed training shall not perform
3 testing services in locations other than the employee's
4 employing district. The department of ~~public~~ public health and human
5 services shall maintain and make available to school districts
6 a list of such approved school radon testing training programs.
7 Testing shall be based on recognized national standards that
8 outline school radon testing practices.

9 6. In consultation with appropriate stakeholders and the
10 department of education, the department of ~~public~~ public health and
11 human services shall adopt rules to administer [this section](#).

12 Sec. 1045. Section 280A.1, subsection 3, Code 2023, is
13 amended to read as follows:

14 3. "*Behavioral health screening*" or "*screening*" means a
15 screening and assessment performed using a universal behavioral
16 health screening and assessment tool, approved for use by the
17 department of education in consultation with the department of
18 ~~public health and the department of~~ human services, to identify
19 factors that place children at higher risk for behavioral
20 health conditions, to determine appropriate treatment or
21 intervention, and to identify the need for referral for
22 appropriate services.

23 Sec. 1046. Section 282.18, subsection 7, paragraph b, Code
24 2023, is amended to read as follows:

25 b. If a request to transfer is due to a change in family
26 residence, a change in a child's residence from the residence
27 of one parent or guardian to the residence of a different
28 parent or guardian, a change in the state in which the family
29 residence is located, a change in a child's parents' marital
30 status, a guardianship proceeding, placement in foster care,
31 adoption, participation in a foreign exchange program, or
32 participation in a substance ~~abuse~~ use disorder or mental
33 health treatment program, and the child who is the subject of

34 the request is enrolled in any grade from kindergarten through
35 grade twelve or who is a prekindergarten student enrolled in a
1 special education program at the time of the request and is not
2 currently using any provision of open enrollment, the parent or
3 guardian of the child shall have the option to have the child
4 remain in the child's original district of residence under open
5 enrollment with no interruption in the child's educational
6 program. If a parent or guardian exercises this option, the
7 child's new district of residence is not required to pay the
8 amount calculated in [subsection 5](#) or [6](#), as applicable, until
9 the start of the first full year of enrollment of the child.

10 Sec. 1047. Section 282.18, subsection 9, paragraph a,
11 subparagraph (8), Code 2023, is amended to read as follows:

12 (8) If the pupil participates in open enrollment because
13 of circumstances that meet the definition of good cause. For
14 purposes of this subparagraph, "*good cause*" means a change in a
15 child's residence due to a change in family residence, a change
16 in a child's residence from the residence of one parent or
17 guardian to the residence of a different parent or guardian, a
18 change in the state in which the family residence is located,
19 a change in a child's parents' marital status, a guardianship
20 or custody proceeding, placement in foster care, adoption,
21 participation in a foreign exchange program, initial placement
22 of a prekindergarten student in a special education program
23 requiring specially designed instruction, or participation
24 in a substance ~~abuse~~ use disorder or mental health treatment
25 program, a change in the status of a child's resident district
26 such as removal of accreditation by the state board, surrender
27 of accreditation, or permanent closure of a nonpublic school,
28 revocation of a charter school contract as provided in section
29 256E.10 or [256F.8](#), the failure of negotiations for a whole
30 grade sharing, reorganization, dissolution agreement, or the
31 rejection of a current whole grade sharing agreement, or
32 reorganization plan.

33 Sec. 1048. Section 282.19, Code 2023, is amended to read as

34 follows:

35 **282.19 Child living in substance abuse use disorder or foster**
1 **care placement.**

2 1. A child who is living in a facility that provides
3 residential treatment as "*facility*" is defined in section
4 125.2, which is located in a school district other than the
5 school district in which the child resided before entering the
6 facility may enroll in and attend an accredited school in the
7 school district in which the child is living.

8 2. A child who is living in a licensed individual or agency
9 child foster care facility, as defined in [section 237.1](#), or
10 in an unlicensed relative foster care placement, shall remain
11 enrolled in and attend an accredited school in the school
12 district in which the child resided and is enrolled at the
13 time of placement, unless it is determined by the juvenile
14 court or the public or private agency of this state that has
15 responsibility for the child's placement that remaining in such
16 school is not in the best interests of the child. If such
17 a determination is made, the child may attend an accredited
18 school located in the school district in which the child is
19 living and not in the school district in which the child
20 resided prior to receiving foster care.

21 3. The instructional costs for students who do not require
22 special education shall be paid as provided in section 282.31,
23 subsection 1, paragraph "b", or for students who require
24 special education shall be paid as provided in section 282.31,
25 subsection 2 or 3.

26 Sec. 1049. Section 282.27, subsection 3, paragraph b, Code
27 2023, is amended to read as follows:

28 *b.* The child is not placed by the department of health and
29 human services or a court in a day program treatment program in
30 such psychiatric unit or institution.

31 Sec. 1050. Section 282.27, subsection 4, paragraph b, Code
32 2023, is amended to read as follows:

33 *b.* The child is not placed by the department of health and

34 human services or a court in a day program treatment program in
35 such psychiatric unit or institution.

1 Sec. 1051. Section 282.33, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. A child who resides in an institution for children
4 under the jurisdiction of the director of health and human
5 services referred to in section 218.1, subsection 3, 4, or
6 5, ~~or 6~~, and who is not enrolled in the educational program
7 of the district of residence of the child, shall receive
8 appropriate educational services. The institution in which
9 the child resides shall submit a proposed program and budget
10 based on the average daily attendance of the children residing
11 in the institution to the department of education and the
12 department of health and human services by January 1 for the
13 next succeeding school year. The department of education shall
14 review and approve or modify the proposed program and budget
15 and shall notify the department of administrative services of
16 its action by February 1. The department of administrative
17 services shall pay the approved budget amount to the department
18 of health and human services in monthly installments beginning
19 September 15 and ending June 15 of the next succeeding school
20 year. The installments shall be as nearly equal as possible as
21 determined by the department of administrative services, taking
22 into consideration the relative budget and cash position of the
23 state's resources. The department of administrative services
24 shall pay the approved budget amount for the department
25 of health and human services from the moneys appropriated
26 under [section 257.16](#) and the department of health and human
27 services shall distribute the payment to the institution. The
28 institution shall submit an accounting for the actual cost of
29 the program to the department of education by August 1 of the
30 following school year. The department shall review and approve
31 or modify all expenditures incurred in compliance with the
32 guidelines adopted pursuant to [section 256.7, subsection 10](#),
33 and shall notify the department of administrative services of

34 the approved accounting amount. The approved accounting amount
35 shall be compared with any amounts paid by the department of
1 administrative services to the department of health and human
2 services and any differences added to or subtracted from the
3 October payment made under [this subsection](#) for the next school
4 year. Any amount paid by the department of administrative
5 services shall be deducted monthly from the state foundation
6 aid paid under [section 257.16](#) to all school districts in the
7 state during the subsequent fiscal year. The portion of the
8 total amount of the approved budget that shall be deducted from
9 the state aid of a school district shall be the same as the
10 ratio that the budget enrollment for the budget year of the
11 school district bears to the total budget enrollment in the
12 state for that budget year in which the deduction is made.

13 Sec. 1052. Section 283A.2, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. Each school district that operates or provides for
16 a school breakfast or lunch program shall provide for the
17 forwarding of information from the applications for the school
18 breakfast or lunch program, for which federal funding is
19 provided, to identify children for enrollment in the medical
20 assistance program pursuant to [chapter 249A](#) or the healthy
21 and well kids in Iowa program pursuant to [chapter 514I](#) to the
22 department of health and human services.

23 Sec. 1053. Section 285.1, subsection 1, paragraph a,
24 subparagraph (3), Code 2023, is amended to read as follows:

25 (3) Children attending prekindergarten programs offered or
26 sponsored by the district or nonpublic school and approved by
27 the department of education or department of health and human
28 services or children participating in preschool in an approved
29 local program under [chapter 256C](#) may be provided transportation
30 services. However, transportation services provided to
31 nonpublic school children are not eligible for reimbursement
32 under [this chapter](#).

33 Sec. 1054. Section 303.3C, subsection 1, paragraph a, Code

34 2023, is amended to read as follows:

35 *a.* The department of cultural affairs shall establish
1 and administer an Iowa great places program for purposes
2 of combining resources of state government in an effort to
3 showcase the unique and authentic qualities of communities,
4 regions, neighborhoods, and districts that make such places
5 exceptional places to work and live. The department of
6 cultural affairs shall provide administrative assistance to
7 the Iowa great places board. The department of cultural
8 affairs shall coordinate the efforts of the Iowa great places
9 board with the efforts of state agencies participating in
10 the program which shall include, but not be limited to, ~~the~~
11 ~~economic development authority,~~ the Iowa finance authority, the
12 department of health and human rights services, the department
13 of natural resources, the state department of transportation,
14 and the department of workforce development.

15 Sec. 1055. Section 307.24, subsection 5, paragraph b, Code
16 2023, is amended to read as follows:

17 *b.* For department of health and human services facility
18 roads, six and one-half percent.

19 Sec. 1056. Section 321.1, subsection 8, paragraph g, Code
20 2023, is amended to read as follows:

21 *g.* If authorized to transport patients or clients by the
22 director of ~~the department of~~ health and human services or the
23 director's designee, an employee of the department of health
24 and human services is not a chauffeur when transporting the
25 patients or clients in an automobile.

26 Sec. 1057. Section 321.19, subsection 1, paragraph c,
27 subparagraph (3), Code 2023, is amended to read as follows:

28 (3) Persons in the department of justice, the alcoholic
29 beverages division of the department of commerce, disease
30 investigators of the Iowa department of public health and human
31 services, the department of inspections and appeals, and the
32 department of revenue, who are regularly assigned to conduct
33 investigations which cannot reasonably be conducted with a

34 vehicle displaying "official" state registration plates.

35 Sec. 1058. Section 321.34, subsection 11A, paragraphs b and
1 c, Code 2023, are amended to read as follows:

2 b. Love our kids plates shall be designed by the department
3 in cooperation with the ~~Iowa~~ department of ~~public~~ health and
4 human services.

5 c. The special fee for letter-number designated love our
6 kids plates is thirty-five dollars. The fee for personalized
7 love our kids plates is twenty-five dollars, which shall
8 be paid in addition to the special love our kids fee of
9 thirty-five dollars. The fees collected by the director under
10 this subsection shall be paid monthly to the treasurer of
11 state and deposited in the road use tax fund. The treasurer
12 of state shall transfer monthly from the statutory allocations
13 fund created under [section 321.145, subsection 2](#), to the ~~Iowa~~
14 department of ~~public~~ health and human services the amount
15 of the special fees collected in the previous month for the
16 love our kids plates. Notwithstanding [section 8.33](#), moneys
17 transferred under [this subsection](#) shall not revert to the
18 general fund of the state.

19 Sec. 1059. Section 321.34, subsection 23, paragraph c, Code
20 2023, is amended to read as follows:

21 c. The special fee for letter-number designated breast
22 cancer awareness plates is thirty-five dollars. The fee for
23 personalized breast cancer awareness plates is twenty-five
24 dollars, which shall be paid in addition to the special
25 breast cancer awareness fee of thirty-five dollars. The fees
26 collected by the director under [this subsection](#) shall be paid
27 monthly to the treasurer of state and deposited in the road
28 use tax fund. The treasurer of state shall transfer monthly
29 from the statutory allocations fund created under section
30 321.145, subsection 2, to the ~~Iowa~~ department of ~~public~~ health
31 and human services the amount of the special fees collected
32 in the previous month for the breast cancer awareness plates
33 and such funds are appropriated to the ~~Iowa~~ department of

34 ~~public health and human services~~. The Iowa department of
35 ~~public health and human services~~ shall distribute one hundred
1 percent of the funds received monthly in the form of grants to
2 support breast cancer screenings for both men and women who
3 meet eligibility requirements like those established by the
4 Susan G. Komen foundation. In the awarding of grants, the Iowa
5 department of ~~public health and human services~~ shall give first
6 consideration to affiliates of the Susan G. Komen foundation
7 and similar nonprofit organizations providing for breast cancer
8 screenings at no cost in Iowa. Notwithstanding [section 8.33](#),
9 moneys transferred under [this subsection](#) shall not revert to
10 the general fund of the state.

11 Sec. 1060. Section 321.178, subsection 1, paragraph a,
12 subparagraph (1), Code 2023, is amended to read as follows:

13 (1) A minimum of four hours of instruction concerning
14 substance ~~abuse~~ use disorder and distracted driving.

15 Sec. 1061. Section 321.178A, subsection 3, paragraph a,
16 subparagraph (2), Code 2023, is amended to read as follows:

17 (2) Instruction concerning substance ~~abuse~~ use disorder and
18 distracted driving.

19 Sec. 1062. Section 321.215, subsection 1, paragraph a,
20 subparagraph (4), Code 2023, is amended to read as follows:

21 (4) The person's substance ~~abuse~~ use disorder treatment.

22 Sec. 1063. Section 321.231B, subsection 1, paragraph b,
23 Code 2023, is amended to read as follows:

24 *b.* An emergency medical care provider, as defined in
25 section 147A.1, operating the authorized emergency vehicle who
26 has completed an emergency vehicle operations course and any
27 applicable continuing education requirements established or
28 approved by the department of ~~public health and human services~~.

29 Sec. 1064. Section 321.423, subsection 7, paragraph a,
30 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
31 to read as follows:

32 On a vehicle authorized by the director of ~~public health and~~
33 human services when all of the following apply:

34 Sec. 1065. Section 321.423, subsection 7, paragraph a,
35 subparagraph (2), subparagraph division (b), Code 2023, is
1 amended to read as follows:

2 (b) The request for authorization is made by the member
3 on forms provided by the Iowa department of ~~public~~ public health and
4 human services.

5 Sec. 1066. Section 321.423, subsection 7, paragraph b, Code
6 2023, is amended to read as follows:

7 b. The Iowa department of ~~public~~ public health and human services
8 shall adopt rules to establish issuance standards, including
9 allowing local emergency medical service providers to issue
10 certificates of authorization, and shall adopt rules to
11 establish certificate of authorization revocation procedures.

12 Sec. 1067. Section 321.451, subsection 1, paragraph h, Code
13 2023, is amended to read as follows:

14 h. A vehicle owned by a chief, medical director, or
15 certified medical provider of an authorized emergency medical
16 service, if the application for a certificate of designation is
17 requested by the chief, medical officer, or medical director
18 of the authorized emergency medical service. However, the
19 department shall not approve an application received pursuant
20 to this paragraph unless the owner of the vehicle has completed
21 an emergency vehicle operations course approved by the
22 department of ~~public~~ public health and human services, and provided
23 proof of financial liability coverage or risk pool coverage.

24 Sec. 1068. Section 321J.2, subsection 3, paragraph e, Code
25 2023, is amended to read as follows:

26 e. Assignment to substance ~~abuse~~ use disorder evaluation and
27 treatment, a course for drinking drivers, and, if available and
28 appropriate, a reality education substance ~~abuse~~ use disorder
29 prevention program pursuant to [section 321J.24](#).

30 Sec. 1069. Section 321J.2, subsection 4, paragraph d, Code
31 2023, is amended to read as follows:

32 d. Assignment to substance ~~abuse~~ use disorder evaluation and
33 treatment, a course for drinking drivers, and, if available and

34 appropriate, a reality education substance ~~abuse~~ use disorder
35 prevention program pursuant to [section 321J.24](#).

1 Sec. 1070. Section 321J.2, subsection 5, paragraph d, Code
2 2023, is amended to read as follows:

3 *d.* Assignment to substance ~~abuse~~ use disorder evaluation and
4 treatment, a course for drinking drivers, and, if available and
5 appropriate, a reality education substance ~~abuse~~ use disorder
6 prevention program pursuant to [section 321J.24](#).

7 Sec. 1071. Section 321J.2, subsection 7, paragraphs a and b,
8 Code 2023, are amended to read as follows:

9 *a.* All persons convicted of an offense under [subsection 2](#)
10 shall be ordered, at the person's expense, to undergo, prior
11 to sentencing, a substance ~~abuse~~ use disorder evaluation. The
12 court shall order the person to follow the recommendations
13 proposed in the substance ~~abuse~~ use disorder evaluation as
14 provided in [section 321J.3](#).

15 *b.* Where the program is available and is appropriate for
16 the convicted person, a person convicted of an offense under
17 subsection 2 shall be ordered to participate in a reality
18 education substance ~~abuse~~ use disorder prevention program as
19 provided in [section 321J.24](#).

20 Sec. 1072. Section 321J.3, Code 2023, is amended to read as
21 follows:

22 **321J.3 Substance ~~abuse~~ use disorder evaluation or treatment**
23 **— rules.**

24 1. *a.* In addition to orders issued pursuant to section
25 321J.2, subsections 3, 4, and 5, and [section 321J.17](#), the court
26 shall order any defendant convicted under [section 321J.2](#) to
27 follow the recommendations proposed in the substance ~~abuse~~
28 use disorder evaluation for appropriate substance ~~abuse~~ use
29 disorder treatment for the defendant. Court-ordered substance
30 ~~abuse~~ use disorder treatment is subject to the periodic
31 reporting requirements of [section 125.86](#).

32 *b.* If a defendant is committed by the court to a substance
33 ~~abuse~~ use disorder treatment facility, the administrator of the

34 facility shall report to the court when it is determined that
35 the defendant has received the maximum benefit of treatment
1 at the facility and the defendant shall be released from the
2 facility. The time for which the defendant is committed for
3 treatment shall be credited against the defendant's sentence.

4 c. The court may prescribe the length of time for the
5 evaluation and treatment or it may request that the community
6 college or other approved provider conducting the course
7 for drinking drivers which the person is ordered to attend
8 or the treatment program to which the person is committed
9 immediately report to the court when the person has received
10 maximum benefit from the course for drinking drivers or
11 treatment program or has recovered from the person's addiction,
12 dependency, or tendency to chronically ~~abuse~~ use alcohol or
13 drugs.

14 d. Upon successfully completing a course for drinking
15 drivers or an ordered substance ~~abuse~~ use disorder treatment
16 program, a court may place the person on probation for six
17 months and as a condition of probation, the person shall
18 attend a program providing posttreatment services relating to
19 substance ~~abuse~~ use disorder as approved by the court.

20 e. A person committed under [this section](#) who does not
21 possess sufficient income or estate to make payment of the
22 costs of the treatment in whole or in part shall be considered
23 a state patient and the costs of treatment shall be paid as
24 provided in [section 125.44](#).

25 f. A defendant who fails to carry out the order of the
26 court shall be confined in the county jail for twenty days in
27 addition to any other imprisonment ordered by the court or may
28 be ordered to perform unpaid community service work, and shall
29 be placed on probation for one year with a violation of this
30 probation punishable as contempt of court.

31 g. In addition to any other condition of probation, the
32 person shall attend a program providing substance ~~abuse~~ use
33 disorder prevention services or posttreatment services related

34 to substance ~~abuse~~ use disorder as ordered by the court. The
 35 person shall report to the person's probation officer as
 1 ordered concerning proof of attendance at the treatment program
 2 or posttreatment program ordered by the court. Failure to
 3 attend or complete the program shall be considered a violation
 4 of probation and is punishable as contempt of court.

5 2. *a.* Upon a second or subsequent offense in violation of
 6 section 321J.2, the court upon hearing may commit the defendant
 7 for inpatient treatment of alcoholism or drug addiction
 8 or dependency to any hospital, institution, or community
 9 correctional facility in Iowa providing such treatment. The
 10 time for which the defendant is committed for treatment shall
 11 be credited against the defendant's sentence.

12 *b.* The court may prescribe the length of time for the
 13 evaluation and treatment or it may request that the hospital
 14 to which the person is committed immediately report to the
 15 court when the person has received maximum benefit from the
 16 program of the hospital or institution or has recovered from
 17 the person's addiction, dependency, or tendency to chronically
 18 ~~abuse~~ use alcohol or drugs.

19 *c.* A person committed under [this section](#) who does not
 20 possess sufficient income or estate to make payment of the
 21 costs of the treatment in whole or in part shall be considered
 22 a state patient and the costs of treatment shall be paid as
 23 provided in [section 125.44](#).

24 3. The state department of transportation, in cooperation
 25 with the judicial branch, shall adopt rules, pursuant to the
 26 procedure in [section 125.33](#), regarding the assignment of
 27 persons ordered under [section 321J.17](#) to submit to substance
 28 ~~abuse~~ use disorder evaluation and treatment. The rules shall
 29 be applicable only to persons other than those committed to
 30 the custody of the director of the department of corrections
 31 under [section 321J.2](#). The rules shall be consistent with the
 32 practices and procedures of the judicial branch in sentencing
 33 persons to substance ~~abuse~~ use disorder evaluation and

34 treatment under [section 321J.2](#). The rules shall include the
35 requirement that the treatment programs utilized by a person
1 pursuant to an order of the department of transportation meet
2 the licensure standards of the department of ~~public~~ health
3 and human services for substance ~~abuse~~ use disorder treatment
4 programs under [chapter 125](#). The rules shall also include
5 provisions for payment of costs by the offenders, including
6 insurance reimbursement on behalf of offenders, or other forms
7 of funding, and shall also address reporting requirements of
8 the facility, consistent with the provisions of [sections 125.84](#)
9 and [125.86](#). The department of transportation shall be entitled
10 to treatment information contained in reports to the department
11 of transportation, notwithstanding any provision of [chapter 125](#)
12 that would restrict department access to treatment information
13 and records.

14 Sec. 1073. Section 321J.17, subsection 2, paragraph b, Code
15 2023, is amended to read as follows:

16 *b.* The court or department may request that the community
17 college or substance ~~abuse~~ use disorder treatment providers
18 licensed under [chapter 125](#) or other approved provider
19 conducting the course for drinking drivers that the person is
20 ordered to attend immediately report to the court or department
21 that the person has successfully completed the course for
22 drinking drivers. The court or department may request that the
23 treatment program which the person attends periodically report
24 on the defendant's attendance and participation in the program,
25 as well as the status of treatment or rehabilitation.

26 Sec. 1074. Section 321J.22, subsections 2, 4, and 5, Code
27 2023, are amended to read as follows:

28 2. *a.* The course provided according to [this section](#) shall
29 be offered on a regular basis at each community college as
30 defined in [section 260C.2](#), or by substance ~~abuse~~ use disorder
31 treatment programs licensed under [chapter 125](#), or may be
32 offered at a state correctional facility listed in section
33 904.102. However, a community college shall not be required to

34 offer the course if a substance ~~abuse~~ use disorder treatment
35 program licensed under [chapter 125](#) offers the course within the
1 merged area served by the community college.

2 *b.* Enrollment in the courses is not limited to persons
3 ordered to enroll, attend, and successfully complete the
4 course required under [sections 321J.2](#) and [321J.17](#), subsection
5 2. However, any person under age eighteen who is required to
6 attend the courses for violation of [section 321J.2](#) or [321J.17](#)
7 must attend a course offered by a substance ~~abuse~~ use disorder
8 treatment program licensed under [chapter 125](#).

9 *c.* The course required by [this section](#) shall be:

10 (1) Taught by a community college under the supervision
11 of the department of education or by a substance ~~abuse~~ use
12 disorder treatment program licensed under [chapter 125](#), and may
13 be offered at a state correctional facility.

14 (2) Approved by the department of education, in
15 consultation with the community colleges, substance ~~abuse~~
16 use disorder treatment programs licensed under [chapter 125](#),
17 the department of ~~public~~ health and human services, and the
18 department of corrections.

19 *d.* The department of education may approve a provider of
20 a course for drinking drivers offered outside this state upon
21 proof to the department's satisfaction that the course is
22 comparable to those offered by community colleges, substance
23 ~~abuse~~ use disorder treatment programs licensed under [chapter](#)
24 [125](#), and state correctional facilities as provided in this
25 section. The department shall comply with the requirements of
26 subsection 5 regarding such approved providers.

27 *e.* The department of education shall establish reasonable
28 fees to defray the expense of obtaining classroom space,
29 instructor salaries, and class materials for courses offered
30 both by community colleges and by substance ~~abuse~~ use
31 disorder treatment programs licensed under [chapter 125](#), or
32 for classes offered at a state correctional facility, and
33 for administrative expenses incurred by the department of

34 education in implementing [subsection 5](#) on behalf of in-state
35 and out-of-state offenders.

1 *f.* A person shall not be denied enrollment in a course by
2 reason of the person's indigency.

3 4. The department of education, substance ~~abuse~~ use
4 disorder treatment programs licensed under [chapter 125](#),
5 and state correctional facilities shall prepare for their
6 respective courses a list of the locations of the courses
7 taught under [this section](#), the dates and times taught, the
8 procedure for enrollment, and the schedule of course fees. The
9 list shall be kept current and a copy of the list shall be sent
10 to each court having jurisdiction over offenses provided in
11 this chapter.

12 5. The department of education, substance ~~abuse~~ use
13 disorder treatment programs licensed under [chapter 125](#), and
14 state correctional facilities shall maintain enrollment,
15 attendance, successful and nonsuccessful completion data for
16 their respective courses on the persons ordered to enroll,
17 attend, and successfully complete a course for drinking
18 drivers. This data shall be forwarded to the court by the
19 department of education, substance ~~abuse~~ use disorder treatment
20 programs licensed under [chapter 125](#), and the department of
21 corrections.

22 Sec. 1075. Section 321J.23, subsection 5, Code 2023, is
23 amended to read as follows:

24 5. The reality education substance ~~abuse~~ use disorder
25 prevention program provides guidelines for the operation of an
26 intensive program to discourage recidivism.

27 Sec. 1076. Section 321J.24, subsection 1, paragraphs b and
28 c, Code 2023, are amended to read as follows:

29 *b.* "Participant" means a person who is ordered by the court
30 to participate in the reality education substance ~~abuse~~ use
31 disorder prevention program.

32 *c.* "Program" means the reality education substance ~~abuse~~ use
33 disorder prevention program.

34 Sec. 1077. Section 321J.24, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. A reality education substance ~~abuse~~ use disorder
2 prevention program is established in those judicial
3 districts where the chief judge of the judicial district
4 authorizes participation in the program. Upon a conviction
5 or adjudication for a violation of [section 321J.2](#), or the
6 entry of a deferred judgment concerning a violation of section
7 321J.2, the court or juvenile court may order participation in
8 the reality education substance ~~abuse~~ use disorder prevention
9 program as a term and condition of probation or disposition
10 in addition to any other term or condition of probation or
11 disposition required or authorized by law. The court or
12 juvenile court shall require the defendant or delinquent child
13 to abstain from consuming any controlled substance, alcoholic
14 liquor, wine, or beer while participating in the program.

15 Sec. 1078. Section 321J.24, subsection 5, paragraph a,
16 subparagraph (2), Code 2023, is amended to read as follows:

17 (2) A facility for the treatment of persons with
18 ~~substance-related disorders~~ a substance use disorder as defined
19 in [section 125.2](#), under the supervision of appropriately
20 licensed medical personnel.

21 Sec. 1079. Section 321J.25, Code 2023, is amended to read
22 as follows:

23 **321J.25 Youthful offender substance ~~abuse~~ use disorder**
24 **awareness program.**

25 1. As used in [this section](#), unless the context otherwise
26 requires:

27 a. "*Participant*" means a person whose driver's license or
28 operating privilege has been revoked for a violation of section
29 321J.2A.

30 b. "*Program*" means a substance ~~abuse~~ use disorder awareness
31 program provided under a contract entered into between the
32 provider and the Iowa department of ~~public~~ health and human
33 services under [chapter 125](#).

34 *c.* "Program coordinator" means a person assigned the duty
35 to coordinate a participant's activities in a program by the
1 program provider.

2 2. A substance ~~abuse~~ use disorder awareness program is
3 established in each of the regions established by the director
4 of ~~public health and human services~~ public health and human services pursuant to section
5 125.12. The program shall consist of an insight class and
6 a substance ~~abuse~~ use disorder evaluation, which shall be
7 attended by the participant, to discuss issues related to the
8 potential consequences of substance ~~abuse~~ use disorder. The
9 parent or parents of the participant shall also be encouraged
10 to participate in the program. The program provider shall
11 consult with the participant or the parents of the participant
12 in the program to determine the timing and appropriate level
13 of participation for the participant and any participation by
14 the participant's parents. The program may also include a
15 supervised educational tour by the participant to any or all
16 of the following:

17 *a.* A hospital or other emergency medical care facility
18 which regularly receives victims of motor vehicle accidents,
19 to observe treatment of appropriate victims of motor vehicle
20 accidents involving intoxicated drivers, under the supervision
21 of a registered nurse, physician, paramedic, or emergency
22 medical technician.

23 *b.* A facility for the treatment of persons with
24 ~~substance-related disorders~~ a substance use disorder as defined
25 in [section 125.2](#), under the supervision of appropriately
26 licensed medical personnel.

27 *c.* If approved by the state or county medical examiner, a
28 morgue or a similar facility to receive appropriate educational
29 material and instruction concerning damage caused by the
30 consumption of alcohol or other drugs, under the supervision of
31 the county medical examiner or deputy medical examiner.

32 3. If the program includes a tour, the program coordinator
33 shall explain and discuss the experiences which may be

34 encountered during the tour to the participant. If the program
35 coordinator determines at any time before or during a tour that
1 the tour may be traumatic or otherwise inappropriate for the
2 participant, the program coordinator shall terminate the tour
3 without prejudice to the participant.

4 4. Upon the revocation of the driver's license or operating
5 privileges of a person who is fourteen years of age or older
6 for a violation of [section 321J.2A](#), if the person has had no
7 previous revocations under either [section 321J.2](#) or section
8 321J.2A, a person may participate in the substance abuse
9 use disorder awareness program. The state department of
10 transportation shall notify a potential program participant
11 of the possibility and potential benefits of attending a
12 program and shall notify a potential program participant of the
13 availability of programs which exist in the area in which the
14 person resides. The state department of transportation shall
15 consult with the Iowa department of ~~public~~ health and human
16 services to determine what programs are available in various
17 areas of the state.

18 5. Program providers and facilities toured during the
19 program are not liable for any civil damages resulting from
20 injury to the participant, or civil damages caused by the
21 participant during or from any activities related to a tour,
22 except for willful or grossly negligent acts intended to, or
23 reasonably expected to result in, such injury or damage.

24 6. The program provider shall determine fees to be paid by
25 participants in the program. The program fees shall be paid on
26 a sliding scale, based upon the ability of a participant and a
27 participant's family to pay the fees, and shall not exceed one
28 hundred dollars per participant. The program provider shall
29 use the fees to pay all costs associated with the program.

30 Sec. 1080. Section 324A.1, subsection 6, Code 2023, is
31 amended to read as follows:

32 6. "*Transportation*" means the movement of individuals
33 in a four or more wheeled motorized vehicle designed to

34 carry passengers, including a car, van, or bus, between one
35 geographic point and another geographic point. "Transportation"
1 does not include emergency or incidental transportation or
2 transportation conducted by the department of health and human
3 services at its institutions.

4 Sec. 1081. Section 324A.4, subsection 2, paragraph a, Code
5 2023, is amended to read as follows:

6 a. Upon request, the department shall provide assistance
7 to political subdivisions, state agencies, and organizations
8 affected by this chapter for federal aid applications for urban
9 and rural transit system program aid. The department, in
10 cooperation with the regional planning agencies, shall maintain
11 current information reflecting the amount of federal, state,
12 and local aid received by the public and private nonprofit
13 organizations providing public transit services and the purpose
14 for which the aid is received. The department shall biennially
15 prepare a report to be submitted to the general assembly and
16 the governor prior to December 15 of even-numbered years. The
17 report shall recommend methods to increase transportation
18 coordination and improve the efficiency of federal, state,
19 and local government programs used to finance public transit
20 services and may address other topics as appropriate. The
21 department of health and human services, ~~the department on~~
22 ~~aging,~~ and the officers and agents of the other affected state
23 and local government units shall provide input as requested by
24 the department.

25 Sec. 1082. Section 324A.5, unnumbered paragraph 1, Code
26 2023, is amended to read as follows:

27 The department of health and human services, ~~department on~~
28 ~~aging,~~ and the officers and agents of other state and local
29 governmental units shall assist the department in carrying out
30 section 324A.4, subsections 1 and 2, insofar as the functions
31 of these respective officers and departments are concerned
32 with the health, welfare and safety of any recipient of
33 transportation services.

34 Sec. 1083. Section 331.304, subsection 9, Code 2023, is
35 amended to read as follows:

1 9. A county shall not adopt or enforce any ordinance
2 imposing any registration or licensing system or registration
3 or license fees for or relating to owner-occupied manufactured
4 or mobile homes including the lots, lands, or manufactured
5 home community or mobile home park upon or in which they are
6 located. A county shall not adopt or enforce any ordinance
7 imposing any registration or licensing system, or registration
8 or license fees, or safety or sanitary standards for rental
9 manufactured or mobile homes unless similar registration or
10 licensing system, or registration or license fees, or safety
11 or sanitary standards are required for other rental properties
12 intended for human habitation. [This subsection](#) does not
13 preclude the investigation and abatement of a nuisance or the
14 enforcement of a tiedown system, or the enforcement of any
15 regulations of the ~~state~~ council on health and human services
16 or local board of health if those regulations apply to other
17 rental properties or to owner-occupied housing intended for
18 human habitation.

19 Sec. 1084. Section 331.321, subsection 1, paragraph f, Code
20 2023, is amended to read as follows:

21 *f.* The members of the ~~service area~~ advisory board in
22 accordance with [section 217.43](#).

23 Sec. 1085. Section 331.323, subsection 1, paragraph a,
24 subparagraph (9), Code 2023, is amended to read as follows:

25 (9) Executive officer of the ~~service area~~ advisory board in
26 accordance with section 217.43.

27 Sec. 1086. Section 331.382, subsections 3 and 6, Code 2023,
28 are amended to read as follows:

29 3. The power to legislate in regard to chemical substance
30 ~~abuse~~ use is subject to [section 125.40](#).

31 6. The power to operate juvenile detention and shelter care
32 homes is subject to approval of the homes by the director of
33 ~~the department of~~ health and human services or the director's

34 designee, as provided in [section 232.142](#).

35 Sec. 1087. Section 331.388, Code 2023, is amended to read
1 as follows:

2 **331.388 Definitions.**

3 As used in this part, unless the context otherwise requires:

4 1. "*Children's behavioral health services*" means the same as
5 defined in [section 225C.2](#).

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

8 3. "*Director*" means the director of health and human
9 services.

10 ~~3.~~ 4. "*Disability services*" means the same as defined in
11 [section 225C.2](#).

12 ~~4.~~ 5. "*Population*" means, as of July 1 of the fiscal year
13 preceding the fiscal year in which the population figure is
14 applied, the population shown by the latest preceding certified
15 federal census or the latest applicable population estimate
16 issued by the United States census bureau, whichever is most
17 recent.

18 ~~5.~~ 6. "*Regional administrator*" means the administrative
19 office, organization, or entity formed by agreement of the
20 counties participating in a region to function on behalf of
21 those counties in accordance with this part.

22 ~~6.~~ 7. "*Serious emotional disturbance*" means the same as
23 defined in [section 225C.2](#).

24 ~~7.~~ 8. "*State board*" means the children's system state board
25 created in [section 225C.51](#).

26 ~~8.~~ 9. "*State commission*" means the mental health and
27 disability services commission created in [section 225C.5](#).

28 Sec. 1088. Section 331.389, subsections 1 and 2, Code 2023,
29 are amended to read as follows:

30 1. Local access to mental health and disability services
31 shall be provided by a regional service system comprised of
32 mental health and disability services regions approved by the
33 director ~~of the department~~. It is the intent of the general

34 assembly that the residents of this state should have access to
35 needed mental health and disability services regardless of the
1 location of their residence.

2 2. The director ~~of human services~~ shall approve a region
3 meeting the requirements of [subsection 3](#).

4 Sec. 1089. Section 331.390, subsection 2, paragraph c, Code
5 2023, is amended to read as follows:

6 c. The membership of the governing board shall not include
7 employees of the department ~~of human services~~ or a nonelected
8 employee of a county.

9 Sec. 1090. Section 331.391, subsection 4, paragraph b, Code
10 2023, is amended to read as follows:

11 b. Each region shall certify to the department ~~of human~~
12 ~~services~~ on or before December 1, 2021, and each December 1
13 thereafter, the amount of the region's cash flow amount in
14 the combined account at the conclusion of the most recently
15 completed fiscal year.

16 Sec. 1091. Section 331.393, subsection 2, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:

18 Each region shall submit to the department an annual
19 service and budget plan approved by the region's governing
20 board and subject to approval by the director ~~of human~~
21 ~~services~~. Provisions for approval by the director ~~of human~~
22 ~~services'~~ approval of the annual service and budget plan,
23 and any amendments to the plan, and other requirements shall
24 be specified in rule adopted by the state commission. The
25 provisions addressed in the annual plan shall include but are
26 not limited to all of the following:

27 Sec. 1092. Section 331.393, subsection 4, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 The region shall have in effect a policies and procedures
30 manual for the regional service system. The manual shall be
31 approved by the region's governing board and is subject to
32 approval by the director ~~of human services~~. An approved manual
33 shall remain in effect subject to amendment. An amendment

34 to the manual shall be submitted to the department at least
35 forty-five days prior to the date of implementation of the
1 amendment. Prior to implementation of an amendment to the
2 manual, the amendment must be approved by the director of ~~human~~
3 ~~services~~ in consultation with the state commission. The manual
4 shall include but is not limited to all of the following:

5 Sec. 1093. Section 331.393, subsections 5 and 8, Code 2023,
6 are amended to read as follows:

7 5. The provisions of a regional service system management
8 plan shall include measures to address the needs of persons
9 who have two or more co-occurring mental health, intellectual
10 or other developmental disability, brain injury, or
11 ~~substance-related~~ substance use disorders and individuals with
12 specialized needs. Implementation of measures to meet the
13 needs of persons with a developmental disability other than
14 intellectual disability, brain injury, or ~~substance-related~~
15 ~~disorders~~ a substance use disorder is contingent upon
16 identification of a funding source to meet those needs and
17 implementation of provisions to engage the entity under
18 contract with the state to provide services to address
19 ~~substance-related~~ substance use disorders within the regional
20 service system.

21 8. If a region determines that the region cannot provide
22 services for the fiscal year in accordance with the regional
23 plan and remain in compliance with applicable budgeting
24 requirements, the region may implement a waiting list for
25 the services. The procedures for establishing and applying
26 a waiting list shall be specified in the regional plan. If
27 a region implements a waiting list for services, the region
28 shall notify the department of ~~human services~~. The department
29 shall maintain on the department's internet site an up-to-date
30 listing of the regions that have implemented a waiting list and
31 the services affected by each waiting list.

32 Sec. 1094. Section 331.394, subsection 1, paragraph a, Code
33 2023, is amended to read as follows:

34 *a.* “*County of residence*” means the county in this state in
35 which, at the time a person applies for or receives services,
1 the person is living and has established an ongoing presence
2 with the declared, good faith intention of living in the
3 county for a permanent or indefinite period of time. The
4 county of residence of a person who is a homeless person is
5 the county where the homeless person usually sleeps. A person
6 maintains residency in the county or state in which the person
7 last resided while the person is present in another county or
8 this state receiving services in a hospital, a correctional
9 facility, a halfway house for community-based corrections or
10 ~~substance-related~~ substance use disorder treatment, a nursing
11 facility, an intermediate care facility for persons with an
12 intellectual disability, or a residential care facility, or for
13 the purpose of attending a college or university.

14 Sec. 1095. Section 331.394, subsection 3, Code 2023, is
15 amended to read as follows:

16 3. If a service authorization or other services-related
17 decision made by a regional administrator concerning a person
18 varies from the type and amount of service identified to be
19 necessary for the person in a clinical determination made by a
20 mental health professional and the mental health professional
21 believes that failure to provide the type and amount of service
22 identified could cause an immediate danger to the person’s
23 health or safety, the person may request an expedited review
24 of the regional administrator’s decision to be made by the
25 department of ~~human services~~. An expedited review held in
26 accordance with **this subsection** is subject to the following
27 procedures:

28 *a.* The request for the expedited review shall be filed
29 within five business days of receiving the notice of decision
30 by the regional administrator. The request must be in writing,
31 plainly state the request for an expedited review in the
32 caption and body of the request, and be supported by written
33 documentation from the mental health professional who made the

34 clinical determination stating how the notice of decision on
35 services could cause an immediate danger to the person's health
1 or safety.

2 *b.* The expedited review shall be performed by a designee
3 of the director who is a mental health professional, ~~who is~~
4 ~~either the administrator of the division of mental health and~~
5 ~~disability services of the department of human services or the~~
6 ~~administrator's designee.~~ If the administrator is not a mental
7 health professional, the expedited review shall be performed
8 by a ~~designee of the administrator who is a mental health~~
9 ~~professional~~ and is free of any conflict of interest to perform
10 the expedited review. The expedited review shall be performed
11 within two business days of the time the request is filed. If
12 the reviewer determines the information submitted in connection
13 with the request is inadequate to perform the review, the
14 reviewer shall request the submission of additional information
15 and the review shall be performed within two business days of
16 the time that adequate information is submitted. The regional
17 administrator and the person, with the assistance of the mental
18 health professional who made the clinical determination, shall
19 each provide a brief statement of facts, conclusions, and
20 reasons for the decision made. Supporting clinical information
21 shall also be attached. All information related to the
22 proceedings and any related filings shall be considered to be
23 mental health information subject to [chapter 228](#).

24 *c.* The ~~administrator or~~ director's designee shall issue
25 an order, including a brief statement of findings of fact,
26 conclusions of law, and policy reasons for the order, to
27 justify the decision made concerning the expedited review.
28 If the decision concurs with the contention that there is an
29 immediate danger to the person's health or safety, the order
30 shall identify the type and amount of service which shall be
31 provided for the person. The ~~administrator or~~ director's
32 designee shall give such notice as is practicable to persons
33 who are required to comply with the order. The order is

34 effective when issued.

35 *d.* The decision of the ~~administrator or~~ director's designee
1 shall be considered a final agency action and is subject to
2 judicial review in accordance with [section 17A.19](#). The record
3 for judicial review consists of any documents regarding the
4 matter that were considered or prepared by the ~~administrator or~~
5 director's designee. The ~~administrator or~~ director's designee
6 shall maintain these documents as the official record of the
7 decision. If the matter is appealed to the district court, the
8 record shall be filed as confidential.

9 Sec. 1096. Section 331.396, subsection 1, paragraphs c and
10 d, Code 2023, are amended to read as follows:

11 *c.* The person has had at any time during the preceding
12 twelve-month period a mental health, behavioral, or emotional
13 disorder or, in the opinion of a mental health professional,
14 may now have such a diagnosable disorder. The diagnosis
15 shall be made in accordance with the criteria provided in
16 the diagnostic and statistical manual of mental disorders,
17 fourth edition, text revision, published by the American
18 psychiatric association, and shall not include the manual's
19 "V" codes identifying conditions other than a disease or
20 injury. The diagnosis shall also not include ~~substance-related~~
21 substance use disorders, dementia, antisocial personality, or
22 developmental disabilities, unless co-occurring with another
23 diagnosable mental illness.

24 *d.* The person's eligibility for individualized services
25 shall be determined in accordance with the standardized
26 functional assessment methodology approved for mental health
27 services by the director ~~of human services~~ in consultation with
28 the state commission.

29 Sec. 1097. Section 331.396, subsection 2, paragraph e, Code
30 2023, is amended to read as follows:

31 *e.* The person's eligibility for individualized services
32 shall be determined in accordance with the standardized
33 functional assessment methodology approved for intellectual

34 disability and developmental disability services by the
35 director ~~of human services~~.

1 Sec. 1098. Section 331.396, subsection 3, paragraph d, Code
2 2023, is amended to read as follows:

3 d. The person's eligibility for individualized services
4 shall be determined in accordance with a standardized
5 functional assessment methodology approved for this purpose by
6 the director ~~of human services~~.

7 Sec. 1099. Section 331.397, subsection 2, paragraph a,
8 subparagraph (2), Code 2023, is amended to read as follows:

9 (2) Subject to the available appropriations, the director
10 ~~of human services~~ shall ensure the core service domains listed
11 in [subsections 4 and 5](#) are covered services for the medical
12 assistance program under [chapter 249A](#) to the greatest extent
13 allowable under federal regulations. The medical assistance
14 program shall reimburse Medicaid enrolled providers for
15 Medicaid covered services under [subsections 4 and 5](#) when
16 the services are medically necessary, the Medicaid enrolled
17 provider submits an appropriate claim for such services, and
18 no other third-party payer is responsible for reimbursement of
19 such services. Within funds available, the region shall pay
20 for such services for eligible persons when payment through the
21 medical assistance program or another third-party payment is
22 not available, unless the person is on a waiting list for such
23 payment or it has been determined that the person does not meet
24 the eligibility criteria for any such service.

25 Sec. 1100. Section 331.397, subsection 3, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:

27 Pursuant to recommendations made by the director ~~of human~~
28 ~~services~~, the state commission shall adopt rules as required
29 by [section 225C.6](#) to define the services included in the core
30 service domains listed in [this section](#). The rules shall
31 provide service definitions, service provider standards,
32 service access standards, and service implementation dates, and
33 shall provide consistency, to the extent possible, with similar

34 service definitions under the medical assistance program.

35 Sec. 1101. Section 331.397A, subsection 2, paragraph a,
1 subparagraph (2), Code 2023, is amended to read as follows:

2 (2) Subject to the available appropriations, the director
3 ~~of human services~~ shall ensure the behavioral health core
4 service domains listed in [subsection 4](#) are covered services
5 for the medical assistance program under [chapter 249A](#) to the
6 greatest extent allowable under federal regulations. The
7 medical assistance program shall reimburse Medicaid enrolled
8 providers for Medicaid covered services under [subsection 4](#) when
9 the services are medically necessary, the Medicaid enrolled
10 provider submits an appropriate claim for such services, and
11 no other third-party payor is responsible for reimbursement
12 of such services. Within the funds available, the region
13 shall pay for such services for eligible children when payment
14 through the medical assistance program or another third-party
15 payment is not available, unless the child is on a waiting list
16 for such payment or it has been determined that the child does
17 not meet the eligibility criteria for any such service.

18 Sec. 1102. Section 331.397A, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. Pursuant to recommendations made by the state board, the
21 ~~department of human services~~ shall adopt rules to define the
22 services included in the core domains listed in [this section](#).
23 The rules shall provide service definitions, service provider
24 standards, service access standards, and service implementation
25 dates, and shall provide consistency, to the extent possible,
26 with similar service definitions under the medical assistance
27 program.

28 Sec. 1103. Section 331.398, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. The financing of a ~~regional~~ mental health and disability
31 services regional service system is limited to a fixed budget
32 amount. The fixed budget amount shall be the amount identified
33 in a regional service system management plan and budget for the

34 fiscal year.

35 Sec. 1104. Section 331.402, subsection 2, paragraph b, Code
1 2023, is amended to read as follows:

2 *b.* Enter into an agreement with the ~~state~~ department of
3 health and human services for assistance in accordance with
4 section 249A.12.

5 Sec. 1105. Section 331.424, subsection 1, paragraph
6 a, subparagraph (1), subparagraph division (a), unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:

8 The costs of inpatient or outpatient substance ~~abuse~~ use
9 disorder admission, commitment, transportation, care, and
10 treatment at any of the following:

11 Sec. 1106. Section 331.756, subsections 26 and 39, Code
12 2023, are amended to read as follows:

13 26. At the request of the director of ~~public~~ health and
14 human services, commence legal action to enjoin the unlawful
15 use of radiation-emitting equipment as provided in section
16 136C.5.

17 39. Appear on behalf of the ~~administrator of the division~~
18 ~~of mental health and disability services~~ director of the
19 ~~department of~~ health and human services in support of an
20 application to transfer a person with mental illness who
21 becomes incorrigible and dangerous from a state ~~hospital for~~
22 ~~persons with mental illness~~ mental health institute to the
23 Iowa medical and classification center as provided in section
24 226.30.

25 Sec. 1107. Section 331.910, Code 2023, is amended to read
26 as follows:

27 **331.910 Interstate contracts for mental health and**
28 **~~substance-related~~ substance use disorder treatment.**

29 1. *Purpose.* The purpose of **this section** is to enable
30 appropriate care and treatment to be provided to a person with
31 a ~~substance-related~~ substance use disorder or a mental illness,
32 across state lines from the person's state of residence, in
33 qualified hospitals, centers, and facilities.

34 2. *Definitions.* For the purposes of [this section](#):

35 a. "*Bordering state*" means Illinois, Minnesota, Missouri,
1 Nebraska, South Dakota, or Wisconsin.

2 b. "*Receiving agency*" means a public or private hospital,
3 mental health center, substance ~~abuse~~ use disorder treatment
4 and rehabilitation facility, or detoxification center, which
5 provides substance ~~abuse~~ use disorder or mental health care
6 and treatment to a person from a state other than the state in
7 which a hospital, center, or facility is located.

8 c. "*Receiving state*" means the state in which a receiving
9 agency is located.

10 d. "*Region*" means a mental health and disability services
11 region formed in accordance with [section 331.389](#).

12 e. "*Sending agency*" means a state or regional agency
13 located in a state which sends a person to a receiving state
14 for substance ~~abuse~~ use disorder or mental health care and
15 treatment under [this section](#).

16 f. "*Sending state*" means the state in which a sending agency
17 is located.

18 3. *Voluntary civil commitments.*

19 a. A region may contract with a receiving agency in a
20 bordering state to secure substance ~~abuse~~ use disorder or
21 mental health care and treatment under [this subsection](#) for
22 persons who receive substance ~~abuse~~ use disorder or mental
23 health care and treatment pursuant to [section 125.33](#), [125.91](#),
24 [229.2](#), or [229.22](#) through a region.

25 b. [This subsection](#) shall not apply to a person who is any
26 of the following:

27 (1) Serving a criminal sentence.

28 (2) On probation or parole.

29 (3) The subject of a presentence investigation.

30 c. A region may contract with a sending agency in a
31 bordering state to provide care and treatment under this
32 subsection for residents of the bordering state in approved
33 substance ~~abuse~~ use disorder and mental health care and

34 treatment hospitals, centers, and facilities in this state,
 35 except that care and treatment shall not be provided for
 1 residents of the bordering state who are involved in criminal
 2 proceedings substantially similar to the involvement described
 3 in paragraph "b".

4 4. *Involuntary civil commitments.*

5 a. A person who is detained, committed, or placed on an
 6 involuntary basis under [section 125.75](#), [125.91](#), [229.6](#), or
 7 [229.22](#) may be civilly committed and treated in another state
 8 pursuant to a contract under [this subsection](#).

9 b. A person who is detained, committed, or placed on
 10 an involuntary basis under the civil commitment laws of a
 11 bordering state substantially similar to [section 125.75](#),
 12 [125.91](#), [229.6](#), or [229.22](#) may be civilly committed and treated
 13 in this state pursuant to a contract under [this subsection](#).

14 c. A law enforcement officer acting under the authority of a
 15 sending state may transport a person to a receiving agency that
 16 provides substance ~~abuse~~ use disorder or mental health care and
 17 treatment pursuant to a contract under [this subsection](#) and may
 18 transport the person back to the sending state under the laws
 19 of the sending state.

20 d. Court orders valid under the law of the sending state
 21 are granted recognition and reciprocity in the receiving state
 22 for a person covered by a contract under [this subsection](#) to
 23 the extent that the court orders relate to civil commitment
 24 for substance ~~abuse~~ use disorder or mental health care and
 25 treatment. Such care and treatment may include care and
 26 treatment for co-occurring ~~substance-related~~ substance use and
 27 mental health disorders. Such court orders are not subject to
 28 legal challenge in the courts of the receiving state.

29 e. A person who is detained, committed, or placed under the
 30 laws of a sending state and who is transferred to a receiving
 31 state under [this subsection](#) shall be considered to be in the
 32 legal custody of the authority responsible for the person under
 33 the laws of the sending state with respect to the involuntary

34 civil commitment of the person due to a mental illness or a
35 ~~substance-related~~ substance use disorder.

1 *f.* While in the receiving state pursuant to a contract
2 under this subsection, a person detained, committed, or placed
3 under the laws of a sending state shall be subject to all laws
4 and regulations of the receiving state, except those laws and
5 regulations with respect to the involuntary civil commitment
6 of the person due to a mental illness or ~~substance-related~~
7 substance use disorder. A person shall not be sent to a
8 receiving state pursuant to a contract under this subsection
9 until the receiving state has enacted a law recognizing the
10 validity and applicability of this subsection.

11 *g.* If a person receiving care and treatment pursuant to
12 a contract under this subsection escapes from the receiving
13 agency and the person at the time of the escape is subject to
14 involuntary civil commitment under the laws of the sending
15 state, the receiving agency shall use all reasonable means to
16 recapture the escapee. The receiving agency shall immediately
17 report the escape of the person to the sending agency. The
18 receiving state has the primary responsibility for, and the
19 authority to direct, the pursuit, retaking, and prosecution of
20 escaped persons within its borders and is liable for the cost
21 of such action to the extent that it would be liable for costs
22 if its own resident escaped.

23 *h.* Responsibility for payment for the cost of care and
24 treatment under this subsection shall remain with the sending
25 agency.

26 5. A contract entered into under this section shall, at a
27 minimum, meet all of the following requirements:

28 *a.* Describe the care and treatment to be provided.

29 *b.* Establish responsibility for the costs of the care and
30 treatment, except as otherwise provided in subsection 4.

31 *c.* Establish responsibility for the costs of transporting
32 individuals receiving care and treatment under this section.

33 *d.* Specify the duration of the contract.

34 e. Specify the means of terminating the contract.

35 f. Identify the goals to be accomplished by the placement
1 of a person under [this section](#).

2 6. [This section](#) shall apply to all of the following:

3 a. Detoxification services that are unrelated to substance
4 ~~abuse~~ use disorder or mental health care and treatment
5 regardless of whether the care and treatment are provided on a
6 voluntary or involuntary basis.

7 b. Substance ~~abuse~~ use disorder and mental health care and
8 treatment contracts that include emergency care and treatment
9 provided to a resident of this state in a bordering state.

10 Sec. 1108. Section 347.7, subsection 4, paragraph a, Code
11 2023, is amended to read as follows:

12 a. The tax levy authorized by [this section](#) for operation
13 and maintenance of the hospital may be available in whole or in
14 part to any county with or without a county hospital organized
15 under [this chapter](#), to be used to enhance rural health services
16 in the county. However, the tax levied may be expended for
17 enhancement of rural health care services only following a
18 local planning process. The ~~Iowa~~ department of ~~public~~ health
19 and human services shall establish guidelines to be followed
20 by counties in implementing the local planning process which
21 shall require legal notice, public hearings, and a referendum
22 in accordance with [this subsection](#) prior to the authorization
23 of any new levy or a change in the use of a levy. The notice
24 shall describe the new levy or the change in the use of the
25 levy, indicate the date and location of the hearing, and shall
26 be published at least once each week for two consecutive weeks
27 in a newspaper having general circulation in the county. The
28 hearing shall not take place prior to two weeks after the
29 second publication.

30 Sec. 1109. Section 347.16, subsection 2, Code 2023, is
31 amended to read as follows:

32 2. Free care and treatment shall be furnished in a county
33 public hospital to any sick or injured person who fulfills

34 the residency requirements under section 47.4, subsection
35 1, paragraph "d", Code 1993, in the county maintaining the
1 hospital, and who is indigent. The board of hospital trustees
2 shall determine whether a person is indigent and entitled
3 to free care under **this subsection**, or may delegate that
4 determination to the general assistance director or the office
5 of the department of health and human services in that county,
6 subject to guidelines the board may adopt in conformity with
7 applicable statutes.

8 Sec. 1110. Section 347B.14, Code 2023, is amended to read
9 as follows:

10 **347B.14 Effect of approval of plans.**

11 When plans for construction or modification of a county care
12 facility have been properly approved by the ~~Iowa~~ department of
13 public health and human services or other appropriate state
14 agency, the facility constructed in accord with the plans so
15 approved shall not for a period of at least ten years from
16 completion of the construction or modification be considered
17 deficient or ineligible for licensing by reason of failure
18 to meet any regulation or standard established subsequent to
19 approval of the construction and modification plans, unless a
20 clear and present danger exists that would adversely affect the
21 residents of the facility.

22 Sec. 1111. Section 351.40, Code 2023, is amended to read as
23 follows:

24 **351.40 Quarantine.**

25 If a local board of health believes rabies to be epidemic, or
26 believes there is a threat of epidemic, in its jurisdiction,
27 it may declare a quarantine in all or part of the area under
28 its jurisdiction and such declaration shall be reported to the
29 ~~Iowa~~ department of public health and human services. During
30 the period of quarantine, any person owning or having a dog in
31 the person's possession in the quarantined area shall keep such
32 animal securely enclosed or on a leash for the duration of the
33 quarantine period.

34 Sec. 1112. Section 356.37, Code 2023, is amended to read as
35 follows:

1 **356.37 Confinement and detention report — design proposals.**

2 The ~~division of~~ subunit of the department of health and
3 human services responsible for criminal and juvenile justice
4 ~~planning of the department of human rights~~, in consultation
5 with the department of corrections, the Iowa county attorneys
6 association, the Iowa state sheriff's association, the
7 Iowa peace officers association, a statewide organization
8 representing rural property taxpayers, the Iowa league of
9 cities, and the Iowa board of supervisors association, shall
10 prepare a report analyzing the confinement and detention
11 needs of jails and facilities established pursuant to this
12 chapter and [chapter 356A](#). The report for each type of jail or
13 facility shall include but is not limited to an inventory of
14 prisoner space, daily prisoner counts, options for detention
15 of prisoners with mental illness or substance ~~abuse~~ use
16 disorder service needs, and the compliance status under section
17 356.36 for each jail or facility. The report shall contain an
18 inventory of recent jail or facility construction projects in
19 which voters have approved the issuance of general obligation
20 bonds, essential county purpose bonds, revenue bonds, or bonds
21 issued pursuant to [chapter 423B](#). The report shall be revised
22 periodically as directed by the ~~administrator of the division~~
23 ~~of criminal and juvenile justice planning~~ director of health
24 and human services. The first submission of the report shall
25 include recommendations on offender data needed to estimate
26 jail space needs in the next two, three, and five years, on a
27 county, geographic region, and statewide basis, which may be
28 based upon information submitted pursuant to [section 356.49](#).

29 Sec. 1113. Section 356.48, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. A person confined to a jail or in the custody of a peace
32 officer, who bites another person, who causes an exchange of
33 bodily fluids with another person, or who causes any bodily

34 secretion to be cast upon another person, shall submit to the
35 withdrawal of a bodily specimen for testing to determine if
1 the person is infected with a contagious or infectious disease
2 as defined in [section 141A.2](#). The bodily specimen to be taken
3 shall be determined by the attending physician of the jail
4 or the county medical examiner. The specimen taken shall be
5 sent to the state hygienic laboratory ~~at the state university~~
6 ~~at Iowa City~~ or some other laboratory approved by the Iowa
7 department of ~~public~~ public health and human services. If a person
8 to be tested pursuant to [this section](#) refuses to submit to the
9 withdrawal of a bodily specimen, the sheriff, person in charge
10 of the jail, or any potentially infected person may file an
11 application with the district court for an order compelling
12 the person that may have caused an infection to submit to the
13 withdrawal and, if infected, to receive available treatment.
14 An order authorizing the withdrawal of a specimen for testing
15 may be issued only by a district judge or district associate
16 judge upon application by the sheriff, person in charge of the
17 jail, or any other potentially infected person.

18 Sec. 1114. Section 358.24, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. A sanitary district adjoining a border of the state and
21 owning and operating a sewage disposal plant, may contract with
22 the governing body of any legal entity in an adjacent area
23 in another state, to process the sewage from the area. The
24 contract shall be subject to approval of the Iowa department of
25 ~~public~~ public health and human services.

26 Sec. 1115. Section 364.3, subsection 5, Code 2023, is
27 amended to read as follows:

28 5. A city shall not adopt or enforce any ordinance imposing
29 any registration or licensing system or registration or license
30 fees for or relating to owner-occupied manufactured or mobile
31 homes including the lots, lands, or manufactured home community
32 or mobile home park upon or in which they are located. A
33 city shall not adopt or enforce any ordinance imposing any

34 registration or licensing system, or registration or license
35 fees, or safety or sanitary standards for rental manufactured
1 or mobile homes unless a similar registration or licensing
2 system, or registration or license fees, or safety or sanitary
3 standards are required for other rental properties intended
4 for human habitation. **This subsection** does not preclude the
5 investigation and abatement of a nuisance or the enforcement of
6 a tiedown system, or the enforcement of any regulations of the
7 state council on health and human services or local board of
8 health if those regulations apply to other rental properties or
9 to owner-occupied housing intended for human habitation.

10 Sec. 1116. Section 403A.23, Code 2023, is amended to read
11 as follows:

12 **403A.23 Eligibility of persons receiving public assistance.**

13 Any statute to the contrary notwithstanding, no person
14 otherwise eligible to be a tenant in a municipal housing
15 project, shall be declared ineligible ~~therefor~~ or denied
16 occupancy ~~therein~~ in the municipal housing project merely
17 because the person is receiving in some form public assistance
18 ~~such as~~ including but not limited to federal supplemental
19 security income or state supplementary ~~payments,~~ assistance as
20 defined by **section 249.1**, ~~or welfare assistance,~~ unemployment
21 compensation, or social security ~~payments,~~ etc.

22 Sec. 1117. Section 411.6, subsection 16, paragraph c, Code
23 2023, is amended to read as follows:

24 *c.* A member eligible to commence receiving a disability
25 benefit on or after July 1, 2000, may be ineligible to receive
26 a disability retirement benefit if the system determines that
27 the member's alcoholism or drug addiction was a contributing
28 factor material to the determination of the member's
29 disability. Upon a determination that the member's alcoholism
30 or drug addiction was a contributing factor in the member's
31 disability, the system shall direct the member to undergo
32 substance ~~abuse~~ use disorder treatment that the medical board
33 determines is appropriate to treat the member's alcoholism

34 or drug addiction. After the end of a twenty-four-month
 35 period following the member's first month of entitlement to a
 1 disability benefit, the system shall reevaluate the member's
 2 disability. If the system determines that the member failed to
 3 comply with the treatment program prescribed by this paragraph
 4 and that the member would not be disabled but for the member's
 5 alcoholism or drug addiction, the member's entitlement to a
 6 disability benefit under [this chapter](#) shall terminate effective
 7 the first day of the first month following the month the member
 8 is notified of the system's determination.

9 Sec. 1118. Section 421.17, subsections 20 and 21, Code 2023,
 10 are amended to read as follows:

11 20. To cooperate with ~~the child support recovery unit~~
 12 services created in [chapter 252B](#) to establish and maintain
 13 a process to implement the provisions of section 252B.5,
 14 subsection 9. The department of revenue shall forward to
 15 individuals meeting the criteria under section 252B.5,
 16 subsection 9, paragraph "a", a notice by first class mail that
 17 the individual is obligated to file a state estimated tax form
 18 and to remit a separate child support payment.

19 a. Individuals notified shall submit a state estimated tax
 20 form on a quarterly basis.

21 b. The individual shall pay monthly, the lesser of the total
 22 delinquency or one hundred fifty percent of the current or most
 23 recent monthly obligation.

24 c. The individual shall remit the payment to the department
 25 of revenue separate from any tax liability payments, identify
 26 the payment as a support payment, and make the payment payable
 27 to the collection services center. The department shall
 28 forward all payments received pursuant to [this section](#) to the
 29 collection services center established pursuant to chapter
 30 252B, for processing and disbursement. The department of
 31 revenue may establish a process for ~~the child support recovery~~
 32 unit services or the collection services center to directly
 33 receive the payments. For purposes of crediting the support

34 payments pursuant to [sections 252B.14](#) and [598.22](#), payments
35 received by the department of revenue and forwarded to the
1 collection services center shall be credited as if received
2 directly by the collection services center.

3 *d.* The notice shall provide that, as an alternative to the
4 provisions of paragraph *"b"*, the individual may contact ~~the~~
5 child support ~~recovery unit~~ services to formalize a repayment
6 plan and obtain an exemption from the quarterly filing
7 requirement when payments are made pursuant to the repayment
8 plan or to contest the balance due listed in the notice.

9 *e.* The department of revenue, in cooperation with ~~the~~ child
10 support ~~recovery unit~~ services, may adopt rules, if necessary,
11 to implement [this subsection](#).

12 21. To provide information contained in state individual
13 tax returns to ~~the~~ child support ~~recovery unit~~ services
14 for the purposes of establishment or enforcement of support
15 obligations. The department of revenue and child support
16 ~~recovery unit~~ services may exchange information in a manual or
17 automated fashion. The department of revenue, in cooperation
18 with ~~the~~ child support ~~recovery unit~~ services, may adopt rules,
19 if necessary, to implement [this subsection](#).

20 Sec. 1119. Section 422.7, subsection 42, paragraph a,
21 subparagraph (6), Code 2023, is amended to read as follows:

22 (6) Subtract to the extent included the amount of a
23 recruitment and retention bonus, not to exceed one thousand
24 dollars, received by a child care worker through the
25 recruitment and retention bonus program administered by the
26 department of health and human services.

27 Sec. 1120. Section 422.12A, subsection 1, paragraph a, Code
28 2023, is amended to read as follows:

29 *a.* *"Adoption"* means the permanent placement in this state of
30 a child by the department of health and human services, by an
31 adoption service provider as defined in [section 600A.2](#), or by
32 an agency that meets the provisions of the interstate compact
33 in [section 232.158](#).

34 Sec. 1121. Section 422.12A, subsection 5, Code 2023, is
35 amended to read as follows:

1 5. The department of revenue and the department of health
2 and human services shall each adopt rules to jointly administer
3 this section.

4 Sec. 1122. Section 422.12K, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. The department of health and human services may authorize
7 payment of moneys from the child abuse prevention program fund
8 in accordance with [section 235A.2](#).

9 Sec. 1123. Section 422D.6, subsection 3, paragraph b, Code
10 2023, is amended to read as follows:

11 *b.* Nondisposable essential ambulance equipment, as defined
12 by rule by the ~~Iowa~~ department of ~~public~~ health and human
13 services.

14 Sec. 1124. Section 423.3, subsection 18, paragraphs b, c, d,
15 and g, Code 2023, are amended to read as follows:

16 *b.* Residential facilities licensed by the department of
17 health and human services pursuant to [chapter 237](#), other than
18 those maintained by individuals as defined in section 237.1,
19 subsection 7.

20 *c.* Rehabilitation facilities that provide accredited
21 rehabilitation services to persons with disabilities which are
22 accredited by the commission on accreditation of rehabilitation
23 facilities or the council on quality and leadership and adult
24 day care services approved for reimbursement by the ~~state~~
25 department of health and human services.

26 *d.* Community mental health centers accredited by the
27 department of health and human services pursuant to chapter
28 225C.

29 *g.* Substance ~~abuse~~ use disorder treatment or prevention
30 programs that receive block grant funding from the ~~Iowa~~
31 department of ~~public~~ health and human services.

32 Sec. 1125. Section 423.3, subsection 18, paragraph f,
33 unnumbered paragraph 1, Code 2023, is amended to read as

34 follows:

35 Home and community-based services providers certified to
1 offer Medicaid waiver services by the department of health and
2 human services that are any of the following:

3 Sec. 1126. Section 423.3, subsections 31 and 58, Code 2023,
4 are amended to read as follows:

5 31. a. The sales price of tangible personal property or
6 specified digital products sold to and of services furnished
7 to a tribal government ~~as defined in section 216A.161~~, or the
8 sales price of tangible personal property or specified digital
9 products sold to and of services furnished, and used for public
10 purposes sold to a tax-certifying or tax-levying body of the
11 state or a governmental subdivision of the state, including the
12 following: regional transit systems, as defined in section
13 324A.1; the state board of regents; department of health
14 and human services; state department of transportation; any
15 municipally owned solid waste facility which sells all or part
16 of its processed waste as fuel to a municipally owned public
17 utility; and all divisions, boards, commissions, agencies,
18 or instrumentalities of state, federal, county, municipal,
19 or tribal government which have no earnings going to the
20 benefit of an equity investor or stockholder, except any of the
21 following:

22 ~~a.~~ (1) The sales price of tangible personal property or
23 specified digital products sold to, or of services furnished,
24 and used by or in connection with the operation of any
25 municipally owned public utility engaged in selling gas,
26 electricity, heat, pay television service, or communication
27 service to the general public.

28 ~~b.~~ (2) The sales price of furnishing of sewage services to
29 a county or municipality on behalf of nonresidential commercial
30 operations.

31 ~~c.~~ (3) The furnishing of solid waste collection and
32 disposal service to a county or municipality on behalf of
33 nonresidential commercial operations located within the county

34 or municipality.

35 b. For the purposes of this subsection, "tribal government"
1 means the governing body of a federally recognized Indian
2 tribe.

3 58. The sales price from the sale of items purchased with
4 ~~coupons, food stamps, electronic benefits transfer cards a~~
5 supplemental nutrition assistance program benefit transfer
6 instrument as defined in section 234.13, or other methods
7 method of payment authorized by the United States department
8 of agriculture, and issued under the federal Food Stamp Act of
9 1977, 7 U.S.C. §2011 et seq. or under the federal supplemental
10 nutritional assistance program established in 7 U.S.C. §2013.

11 Sec. 1127. Section 423.4, subsection 1, paragraph a,
12 subparagraphs (4) and (9), Code 2023, are amended to read as
13 follows:

14 (4) A tax-certifying or tax-levying body or governmental
15 subdivision of the state, including the state board of regents,
16 ~~state the~~ department of health and human services, and the
17 state department of transportation.

18 (9) A tribal government ~~as defined in section 216A.161,~~
19 and any instrumentalities of the tribal government which do
20 not have earnings going to the benefit of an equity investor
21 or stockholder. For the purposes of this subparagraph, "tribal
22 government" means the governing body of a federally recognized
23 Indian tribe.

24 Sec. 1128. Section 425.2, subsection 3, Code 2023, is
25 amended to read as follows:

26 3. In case the owner of the homestead is in active service
27 in the armed forces of this state or of the United States,
28 or is sixty-five years of age or older, or is disabled, the
29 statement and designation may be signed and delivered by any
30 member of the owner's family, by the owner's guardian or
31 conservator, or by any other person who may represent the owner
32 under power of attorney. If the owner of the homestead is
33 married, the spouse may sign and deliver the statement and

34 designation. The director of health and human services or
35 the director's designee may make application for the benefits
1 of this subchapter as the agent for and on behalf of persons
2 receiving assistance under chapter 249.

3 Sec. 1129. Section 425.16, subsection 2, paragraph b, Code
4 2023, is amended to read as follows:

5 b. The reimbursement of rent constituting property taxes
6 paid under this subchapter shall be administered by the
7 department of health and human services as provided in this
8 subchapter.

9 Sec. 1130. Section 425.17, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. "*Gross rent*" means rental paid at arm's length for the
12 right of occupancy of a homestead or manufactured or mobile
13 home, including rent for space occupied by a manufactured or
14 mobile home not to exceed one acre. If the department of
15 health and human services determines that the landlord and
16 tenant have not dealt with each other at arm's length, and the
17 department of health and human services is satisfied that the
18 gross rent charged was excessive, the department of health and
19 human services shall adjust the gross rent to a reasonable
20 amount as determined by the department of health and human
21 services.

22 Sec. 1131. Section 425.18, Code 2023, is amended to read as
23 follows:

24 **425.18 Right to file a claim.**

25 The right to file a claim for reimbursement or credit under
26 this subchapter may be exercised by the claimant or on behalf
27 of a claimant by the claimant's legal guardian, spouse, or
28 attorney, or by the executor or administrator of the claimant's
29 estate. If a claimant dies after having filed a claim for
30 reimbursement for rent constituting property taxes paid, the
31 amount of the reimbursement may be paid to another member of
32 the household as determined by the department of health and
33 human services. If the claimant was the only member of the

34 household, the reimbursement may be paid to the claimant's
35 executor or administrator, but if neither is appointed and
1 qualified within one year from the date of the filing of
2 the claim, the reimbursement shall escheat to the state. If
3 a claimant dies after having filed a claim for credit for
4 property taxes due, the amount of credit shall be paid as if
5 the claimant had not died.

6 Sec. 1132. Section 425.19, Code 2023, is amended to read as
7 follows:

8 **425.19 Claim and credit or reimbursement.**

9 Subject to the limitations provided in [this subchapter](#), a
10 claimant may annually claim a credit for property taxes due
11 during the fiscal year next following the base year or claim
12 a reimbursement for rent constituting property taxes paid in
13 the base year. The amount of the credit for property taxes
14 due for a homestead shall be paid on June 15 of each year
15 from the elderly and disabled property tax credit fund under
16 section 425.39, subsection 1, by the director of revenue to
17 the county treasurer who shall credit the money received
18 against the amount of the property taxes due and payable on the
19 homestead of the claimant and the amount of the reimbursement
20 for rent constituting property taxes paid shall be paid by the
21 director of health and human services to the claimant from the
22 reimbursement fund under [section 425.39, subsection 2](#), on or
23 before December 31 of each year.

24 Sec. 1133. Section 425.20, subsections 1 and 3, Code 2023,
25 are amended to read as follows:

26 1. A claim for reimbursement for rent constituting property
27 taxes paid shall not be paid or allowed, unless the claim is
28 filed with and in the possession of the department of health
29 and human services on or before June 1 of the year following
30 the base year.

31 3. In case of sickness, absence, or other disability of
32 the claimant or if, in the judgment of the director of revenue
33 or the director of health and human services, as applicable,

34 good cause exists and the claimant requests an extension, the
35 director of health and human services may extend the time for
1 filing a claim for reimbursement and the director of revenue
2 may extend the time for filing a claim for credit. However,
3 any further time granted shall not extend beyond December 31
4 of the year following the year in which the claim was required
5 to be filed. Claims filed as a result of **this subsection** shall
6 be filed with the director of health and human services or the
7 director of revenue, as applicable, who shall provide for the
8 reimbursement of the claim to the claimant.

9 Sec. 1134. Section 425.25, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. The director of health and human services shall make
12 available suitable forms with instructions for claimants of the
13 reimbursement for rent constituting property taxes paid. The
14 claim shall be in a form as the director of health and human
15 services may prescribe. The director of revenue shall devise a
16 reimbursement table with amounts rounded to the nearest even
17 whole dollar and provide such table to the director of health
18 and human services. Reimbursements in the amount of less than
19 one dollar shall not be paid.

20 Sec. 1135. Section 425.26, subsection 2, unnumbered
21 paragraph 1, Code 2023, is amended to read as follows:

22 Every claimant for reimbursement of rent constituting
23 property taxes paid shall give the department of health and
24 human services, in support of the claim, reasonable proof of:

25 Sec. 1136. Section 425.26, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. The department of revenue or the department of health and
28 human services may require any additional proof necessary to
29 support a claim.

30 Sec. 1137. Section 425.27, subsection 1, paragraph b, Code
31 2023, is amended to read as follows:

32 *b.* The department of health and human services is
33 responsible for the audit of claims for reimbursement for rent

34 constituting property taxes paid under [this subchapter](#).

35 Sec. 1138. Section 425.27, subsection 3, Code 2023, is
1 amended to read as follows:

2 3. If on the audit of a claim for reimbursement for rent
3 constituting property taxes paid under [this subchapter](#), the
4 department of health and human services determines the amount
5 of the claim to have been incorrectly calculated or that the
6 claim is not allowable, the department of health and human
7 services shall recalculate the claim and notify the claimant
8 of the recalculation or denial and the reasons for it. The
9 recalculation of the claim shall be final unless appealed
10 to the director of health and human services within thirty
11 days from the date of notice of recalculation or denial. The
12 director of health and human services shall grant a hearing,
13 and upon hearing determine the correct claim, if any, and
14 notify the claimant of the decision by mail. The department of
15 health and human services shall not adjust a claim after three
16 years from October 31 of the year in which the claim was filed.
17 If the claim for reimbursement has been paid, the amount may be
18 recovered by the department of health and human services. The
19 decision of the director of health and human services shall be
20 final unless appealed as provided in [section 425.31](#).

21 Sec. 1139. Section 425.27, subsection 4, paragraph b, Code
22 2023, is amended to read as follows:

23 *b.* For the purpose of administering the reimbursement for
24 rent constituting property taxes paid, including the duties of
25 the director of health and human services and the department of
26 health and human services under [this subchapter](#), the director
27 of health and human services shall have the same powers as
28 those described in [section 422.70](#).

29 Sec. 1140. Section 425.28, subsections 2, 3, and 4, Code
30 2023, are amended to read as follows:

31 2. A claimant for reimbursement of rent constituting
32 property taxes paid shall expressly waive any right to
33 confidentiality relating to all income tax information

34 obtainable by the department of health and human services.

35 3. For the effective administration of this subchapter, the
1 department of revenue and the department of health and human
2 services shall share information obtained by each department
3 from claimants under this subchapter.

4 4. In addition to the sharing of information under
5 subsection 3, the department of health and human services may
6 release information pertaining to a person's eligibility or
7 claim for or receipt of rent reimbursement to an employee of
8 the department of inspections and appeals in the employee's
9 official conduct of an audit or investigation.

10 Sec. 1141. Section 425.29, subsection 3, Code 2023, is
11 amended to read as follows:

12 3. In the case of a claim for reimbursement disallowed by
13 the department of health and human services, the department of
14 health and human services may impose penalties described in
15 section 421.27. The department of health and human services
16 shall send a notice of disallowance of the claim.

17 Sec. 1142. Section 425.31, subsections 2, 3, and 4, Code
18 2023, are amended to read as follows:

19 2. Judicial review of the actions of the director of health
20 and human services or the department of health and human
21 services under this subchapter may be sought in accordance with
22 the terms of chapter 17A and the rules of the department of
23 health and human services.

24 3. For cause and upon a showing by the director of revenue
25 or the director of health and human services, as applicable,
26 that collection of the amount in dispute is in doubt, the
27 court may order the petitioner to file with the clerk a bond
28 for the use of the respondent, with sureties approved by the
29 clerk, equal to the amount appealed from, conditioned that the
30 petitioner shall perform the orders of the court.

31 4. An appeal may be taken by the claimant or the director
32 of revenue or the director of health and human services, as
33 applicable, to the supreme court of this state irrespective of

34 the amount involved.

35 Sec. 1143. Section 425.33, subsection 1, Code 2023, is
1 amended to read as follows:

2 1. If upon petition by a claimant the department of health
3 and human services determines that a landlord has increased the
4 claimant's rent primarily because the claimant is eligible for
5 reimbursement under this subchapter, the department of health
6 and human services shall request the landlord by mail to reduce
7 the rent appropriately.

8 Sec. 1144. Section 425.33, subsection 2, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 In determining whether a landlord has increased a
11 claimant's rent primarily because the claimant is eligible for
12 reimbursement under this subchapter, the department of health
13 and human services shall consider the following factors:

14 Sec. 1145. Section 425.33, subsection 3, Code 2023, is
15 amended to read as follows:

16 3. If the landlord fails to comply with the request of the
17 department of health and human services within fifteen days
18 after the request is mailed, the department of health and human
19 services shall order the rent reduced by an appropriate amount.

20 Sec. 1146. Section 425.34, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. If the department of health and human services orders a
23 landlord to reduce rent to a claimant, then upon the request
24 of the landlord the department of health and human services
25 shall hold a prompt hearing of the matter, to be conducted in
26 accordance with the rules of the department. The department of
27 health and human services shall give notice of the decision by
28 mail to the claimant and to the landlord.

29 Sec. 1147. Section 425.37, Code 2023, is amended to read as
30 follows:

31 **425.37 Rules.**

32 The director of revenue and the director of health and human
33 services shall each adopt rules in accordance with chapter

34 17A for the interpretation and proper administration of this
35 subchapter and each department's applicable powers and duties
1 under [this subchapter](#), including rules to prevent and disallow
2 duplication of benefits and to prevent any unreasonable
3 hardship or advantage to any person.

4 Sec. 1148. Section 425.39, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The elderly and disabled rent reimbursement fund is
7 created. There is appropriated annually from the general fund
8 of the state to the department of health and human services
9 to be credited to the elderly and disabled rent reimbursement
10 fund, from funds not otherwise appropriated, an amount
11 sufficient to implement [this subchapter](#) for reimbursement for
12 rent constituting property taxes paid for claimants described
13 in [section 425.17, subsection 2](#), paragraph "a", subparagraph
14 (1).

15 Sec. 1149. Section 425.40, Code 2023, is amended to read as
16 follows:

17 **425.40 Low-income fund created.**

18 1. A low-income tax credit and reimbursement fund is
19 created. Within the low-income tax credit and reimbursement
20 fund, a rent reimbursement account is created under the control
21 of the department of health and human services and a tax
22 credit account is created under the control of the department
23 of revenue. Amounts appropriated to the fund shall first be
24 credited to the rent reimbursement account.

25 2. a. The director of health and human services shall use
26 amounts credited to the rent reimbursement account for a fiscal
27 year to pay all claims for reimbursement of rent constituting
28 property taxes paid for claimants described in [section 425.17](#),
29 subsection 2, paragraph "a", subparagraph (2). If the amount
30 appropriated for purposes of [this section](#) for a fiscal year
31 and credited to the rent reimbursement account is insufficient
32 to pay all claims in full, the director of health and human
33 services shall pay all such claims on a pro rata basis.

34 **b.** If the amount appropriated for purposes of **this section**
35 for a fiscal year and credited to the rent reimbursement
1 account exceeds the amount necessary to pay in full all
2 reimbursement claims for the fiscal year, the department of
3 health and human services shall transfer such excess amount
4 to the department of revenue for deposit in the tax credit
5 account. The department of revenue shall use any amounts
6 credited to the tax credit account for a fiscal year to pay to
7 the counties all claims for credit for property taxes due for
8 the fiscal year, or if such amount is insufficient, to pay to
9 the counties all such claims on a pro rata basis.

10 **3.** In order for the director of revenue or the director
11 of health and human services to carry out the requirements of
12 subsection 2, notwithstanding any provision to the contrary in
13 this subchapter, claims for reimbursement for rent constituting
14 property taxes paid filed before May 1 of the fiscal year
15 shall be eligible to be paid in full during the fiscal year
16 and those claims filed on or after May 1 of the fiscal year
17 shall be eligible to be paid during the following fiscal year
18 and the director of revenue is not required to make payments
19 to counties for the property tax credit before June 15 of the
20 fiscal year.

21 Sec. 1150. Section 426B.1, Code 2023, is amended to read as
22 follows:

23 **426B.1 Appropriations — property tax relief fund.**

24 **1.** A property tax relief fund is created in the state
25 treasury under the authority of the department of health
26 and human services. The fund shall be separate from the
27 general fund of the state and shall not be considered part
28 of the general fund of the state except in determining the
29 cash position of the state for payment of state obligations.
30 The moneys in the fund are not subject to the provisions of
31 section 8.33 and shall not be transferred, used, obligated,
32 appropriated, or otherwise encumbered except as provided in
33 this chapter. Moneys in the fund may be used for cash flow

34 purposes, provided that any moneys so allocated are returned
35 to the fund by the end of each fiscal year. However, the
1 fund shall be considered a special account for the purposes
2 of [section 8.53](#), relating to elimination of any GAAP deficit.
3 For the purposes of [this chapter](#), unless the context otherwise
4 requires, "*property tax relief fund*" means the property tax
5 relief fund created in [this section](#).

6 2. Moneys shall be distributed from the property tax relief
7 fund to the mental health and disability services regional
8 service system for mental health and ~~disabilities~~ disability
9 services, in accordance with the appropriations made to the
10 fund and other statutory requirements.

11 Sec. 1151. Section 426B.2, Code 2023, is amended to read as
12 follows:

13 **426B.2 Property tax relief fund payments.**

14 The director of health and human services shall draw
15 warrants on the property tax relief fund, payable to
16 the regional administrator in the amount due to a mental
17 health and disability services region in accordance with
18 statutory requirements, and mail the warrants to the regional
19 administrator in July and January of each year.

20 Sec. 1152. Section 426B.4, Code 2023, is amended to read as
21 follows:

22 **426B.4 Rules.**

23 The mental health and disability services commission shall
24 consult with regional administrators and the director of health
25 and human services in prescribing forms and adopting rules
26 pursuant to [chapter 17A](#) to administer [this chapter](#).

27 Sec. 1153. Section 427.9, Code 2023, is amended to read as
28 follows:

29 **427.9 Suspension of taxes, assessments, and rates or charges,**
30 **including interest, fees, and costs.**

31 If a person is a recipient of federal supplementary security
32 income or state supplementary assistance, as defined in
33 section 249.1, or is a resident of a health care facility, as

34 defined by [section 135C.1](#), which is receiving payment from
 35 the department of health and human services for the person's
 1 care, the person shall be deemed to be unable to contribute to
 2 the public revenue. The director of health and human services
 3 shall notify a person receiving such assistance of the tax
 4 suspension provision and shall provide the person with evidence
 5 to present to the appropriate county board of supervisors which
 6 shows the person's eligibility for tax suspension on parcels
 7 owned, possessed, or upon which the person is paying taxes
 8 as a purchaser under contract. The board of supervisors so
 9 notified, without the filing of a petition and statement as
 10 specified in [section 427.8](#), shall order the county treasurer to
 11 suspend the collection of all the taxes, special assessments,
 12 and rates or charges, including interest, fees, and costs,
 13 assessed against the parcels and remaining unpaid by the person
 14 or contractually payable by the person, for such time as the
 15 person remains the owner or contractually prospective owner
 16 of the parcels, and during the period the person receives
 17 assistance as described in [this section](#). The county board of
 18 supervisors shall annually send to the department of health
 19 and human services the names and social security numbers of
 20 persons receiving a tax suspension pursuant to [this section](#).
 21 The department shall verify the continued eligibility for tax
 22 suspension of each name on the list and shall return the list
 23 to the board of supervisors. The director of health and human
 24 services shall advise the person that the person may apply for
 25 an additional property tax credit pursuant to sections 425.16
 26 through 425.37 which shall be credited against the amount of
 27 the taxes suspended.

28 Sec. 1154. Section 432.13, Code 2023, is amended to read as
 29 follows:

30 **432.13 Premium tax exemption — ~~hawk-i~~ Hawki program — state**
 31 **employee benefits.**

32 1. Premiums collected by participating insurers under
 33 chapter 514I are exempt from premium tax.

34 2. Premiums received for benefits acquired on behalf of
35 state employees by the department of administrative services
1 pursuant to [section 8A.402, subsection 1](#), and by the state
2 board of regents pursuant to [chapter 262](#), are exempt from
3 premium tax.

4 Sec. 1155. Section 453A.13, subsection 2, paragraph c, Code
5 2023, is amended to read as follows:

6 c. The department, or a city or county, shall submit
7 a duplicate of any application for a retail permit to the
8 alcoholic beverages division of the department of commerce
9 within thirty days of the issuance. The alcoholic beverages
10 division of the department of commerce shall submit the current
11 list of all retail permits issued to the ~~Iowa~~ department of
12 ~~public health and human services~~ by the last day of each
13 quarter of a state fiscal year.

14 Sec. 1156. Section 453A.35A, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. Moneys in the fund shall be used only for purposes
17 related to health care, substance ~~abuse~~ use disorder treatment
18 and prevention, and tobacco use prevention, cessation, and
19 control.

20 Sec. 1157. Section 453A.47A, subsection 6, Code 2023, is
21 amended to read as follows:

22 6. *Issuance.* Cities may issue retail permits to retailers
23 located within their respective limits. County boards of
24 supervisors may issue retail permits to retailers located in
25 their respective counties, outside of the corporate limits of
26 cities. The city or county shall submit a duplicate of any
27 application for a retail permit to the alcoholic beverages
28 division of the department of commerce within thirty days of
29 issuance of a permit. The alcoholic beverages division of the
30 department of commerce shall submit the current list of all
31 retail permits issued to the ~~Iowa~~ department of ~~public health~~
32 and human services by the last day of each quarter of a state
33 fiscal year.

34 Sec. 1158. Section 455B.190A, subsection 3, paragraph b,
35 subparagraph (5), Code 2023, is amended to read as follows:

1 (5) The director of ~~public~~ public health and human services or the
2 director's designee.

3 Sec. 1159. Section 455B.335A, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. The director shall require that a person who operates
6 or proposes to operate a waste incinerator which provides for
7 the incineration of pathological radioactive materials conduct
8 dispersion modeling, under the direction of the ~~Iowa~~ department
9 of ~~public~~ public health and human services, for radiological isotopes
10 to measure the emission levels of alpha and gamma rays. The
11 director shall allow a three-month period during which time the
12 operator or person proposing operation of such an incinerator
13 shall conduct the required dispersion modeling. In order to
14 initiate or continue such incineration, the results of the
15 modeling shall provide that the existing incinerator meets
16 or the proposed incinerator will meet the emission standards
17 established by the United States environmental protection
18 agency for a selected isotope.

19 Sec. 1160. Section 455B.427, subsection 2, paragraph c,
20 Code 2023, is amended to read as follows:

21 c. A summary of serious health problems in the immediate
22 vicinity of the site and health problems deemed by the director
23 in cooperation with the ~~Iowa~~ department of ~~public~~ public health and
24 human services to be related to conditions at the site.

25 Sec. 1161. Section 455B.427, subsection 3, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:

27 In developing and maintaining the annual report, the
28 director shall assess the relative priority of the need for
29 action at each site to remedy environmental and health problems
30 resulting from the presence of hazardous wastes or hazardous
31 substances at the sites. In making assessments of relative
32 priority, the director, in cooperation with the ~~Iowa~~ department
33 of ~~public~~ public health and human services on matters relating to

34 public health, shall place every site in one of the following
35 classifications:

1 Sec. 1162. Section 455B.427, subsection 5, Code 2023, is
2 amended to read as follows:

3 5. The director shall work with the Iowa department of
4 public health and human services when assessing the effects of
5 a hazardous waste or hazardous substance disposal site on human
6 health.

7 Sec. 1163. Section 455E.11, subsection 2, paragraph a,
8 subparagraph (2), subparagraph division (a), subparagraph
9 subdivision (i), Code 2023, is amended to read as follows:

10 (i) Eight thousand dollars shall be transferred to the Iowa
11 department of public health and human services for departmental
12 duties required under section sections 135.11, ~~subsections 18~~
13 ~~and 19~~, and ~~section~~ 139A.21.

14 Sec. 1164. Section 455E.11, subsection 2, paragraph b,
15 subparagraph (1), Code 2023, is amended to read as follows:

16 (1) Nine thousand dollars of the account is appropriated
17 to the Iowa department of public health and human services for
18 carrying out the departmental duties under section sections
19 ~~135.11, subsections 18 and 19~~, and ~~section~~ 139A.21.

20 Sec. 1165. Section 455E.11, subsection 2, paragraph
21 b, subparagraph (2), subparagraph division (b), unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 Two percent is appropriated annually to the department and,
24 except for administrative expenses, is transferred to the Iowa
25 department of public health and human services for the purpose
26 of administering grants to counties and conducting oversight of
27 county-based programs for the testing of private rural water
28 supply wells, private rural water supply well sealing, and the
29 proper closure of private rural abandoned wells and cisterns.
30 Not more than thirty-five percent of the moneys is appropriated
31 annually for grants to counties for the purpose of conducting
32 programs of private rural water supply testing, private rural
33 water supply well sealing, the proper closure of private rural

34 abandoned wells and cisterns, or any combination thereof.

35 An amount agreed to by the department of natural resources
1 and the Iowa department of public health and human services
2 shall be retained by the department of natural resources for
3 administrative expenses.

4 Sec. 1166. Section 455E.11, subsection 2, paragraph c,
5 subparagraph (1), Code 2023, is amended to read as follows:

6 (1) The moneys collected pursuant to section 455F.7
7 and moneys collected pursuant to section 29C.8A which are
8 designated for deposit shall be deposited in the household
9 hazardous waste account. Two thousand dollars is appropriated
10 annually to the Iowa department of public health and human
11 services to carry out departmental duties under section
12 sections 135.11, subsections 18 and 19, and section 139A.21.

13 The remainder of the account shall be used to fund the efforts
14 of the department to support a collection system for household
15 hazardous materials, including public education programs,
16 training, and consultation of local governments in the
17 establishment and operation of permanent collection systems,
18 and the management of collection sites, education programs,
19 and other activities pursuant to chapter 455F, including the
20 administration of the household hazardous materials retailer
21 permit program by the department of revenue.

22 Sec. 1167. Section 455E.11, subsection 2, paragraph d,
23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) One thousand dollars is appropriated annually to
25 the Iowa department of public health and human services to
26 carry out departmental duties under section sections 135.11,
27 subsections 18 and 19, and section 139A.21.

28 Sec. 1168. Section 462A.14, subsection 2, paragraph a,
29 subparagraph (4), Code 2023, is amended to read as follows:

30 (4) Assignment to substance abuse use disorder evaluation
31 and treatment, pursuant to subsection 12, and a course for
32 drinking drivers.

33 Sec. 1169. Section 462A.14, subsection 2, paragraph b,

34 subparagraph (4), Code 2023, is amended to read as follows:

35 (4) Assignment to substance ~~abuse~~ use disorder evaluation
1 and treatment, pursuant to subsections 12 and 13, and a course
2 for drinking drivers.

3 Sec. 1170. Section 462A.14, subsection 2, paragraph c,
4 subparagraph (4), Code 2023, is amended to read as follows:

5 (4) Assignment to substance ~~abuse~~ use disorder evaluation
6 and treatment, pursuant to subsections 12 and 13, and a course
7 for drinking drivers.

8 Sec. 1171. Section 462A.14, subsection 2, paragraphs d and
9 e, Code 2023, are amended to read as follows:

10 *d.* A class "D" felony for any offense under this
11 section resulting in serious injury to persons other than
12 the defendant, if the court determines that the person who
13 committed the offense caused the serious injury, and shall
14 be imprisoned for a determinate sentence of not more than
15 five years but not less than thirty days, or committed to the
16 custody of the director of the department of corrections, and
17 assessed a fine of not less than two thousand five hundred
18 dollars nor more than seven thousand five hundred dollars. A
19 person convicted of a felony offense may be committed to the
20 custody of the director of the department of corrections, who
21 shall assign the person to a facility pursuant to section
22 904.513. The court shall also order that the person not
23 operate a motorboat or sailboat for one year in addition to
24 any other period of time the defendant would have been ordered
25 not to operate if no injury had occurred in connection with
26 the violation. The court shall also assign the defendant to
27 substance ~~abuse~~ use disorder evaluation and treatment pursuant
28 to subsections 12 and 13, and a course for drinking drivers.

29 *e.* A class "B" felony for any offense under this section
30 resulting in the death of persons other than the defendant, if
31 the court determines that the person who committed the offense
32 caused the death, and shall be imprisoned for a determinate
33 sentence of not more than twenty-five years, or committed to

34 the custody of the director of the department of corrections.
35 A person convicted of a felony offense may be committed to
1 the custody of the director of the department of corrections,
2 who shall assign the person to a facility pursuant to section
3 904.513. The court shall also order that the person not
4 operate a motorboat or sailboat for six years. The court shall
5 also assign the defendant to substance ~~abuse~~ use disorder
6 evaluation and treatment pursuant to subsections 12 and 13, and
7 a course for drinking drivers.

8 Sec. 1172. Section 462A.14, subsection 12, Code 2023, is
9 amended to read as follows:

10 12. *a.* All substance ~~abuse~~ use disorder evaluations
11 required under this section shall be completed at the
12 defendant's expense.

13 *b.* In addition to assignment to substance ~~abuse~~ use disorder
14 evaluation and treatment under this section, the court shall
15 order any defendant convicted under this section to follow the
16 recommendations proposed in the substance ~~abuse~~ use disorder
17 evaluation for appropriate substance ~~abuse~~ use disorder
18 treatment for the defendant. Court-ordered substance ~~abuse~~
19 use disorder treatment is subject to the periodic reporting
20 requirements of section 125.86.

21 *c.* If a defendant is committed by the court to a substance
22 ~~abuse~~ use disorder treatment facility, the administrator of the
23 facility shall report to the court when it is determined that
24 the defendant has received the maximum benefit of treatment
25 at the facility and the defendant shall be released from the
26 facility. The time for which the defendant is committed for
27 treatment shall be credited against the defendant's sentence.

28 *d.* The court may prescribe the length of time for the
29 evaluation and treatment or the court may request that the
30 community college or licensed substance ~~abuse~~ use disorder
31 program conducting the course for drinking drivers which the
32 defendant is ordered to attend or the treatment program to
33 which the defendant is committed immediately report to the

34 court when the defendant has received maximum benefit from
35 the course for drinking drivers or treatment program or has
1 recovered from the defendant's addiction, dependency, or
2 tendency to chronically ~~abuse~~ use alcohol or drugs.

3 e. Upon successfully completing a course for drinking
4 drivers or an ordered substance ~~abuse~~ use disorder treatment
5 program, a court may place the defendant on probation for six
6 months and as a condition of probation, the defendant shall
7 attend a program providing posttreatment services relating to
8 substance ~~abuse~~ use disorder as approved by the court.

9 f. A defendant committed under [this section](#) who does not
10 possess sufficient income or estate to make payment of the
11 costs of the treatment in whole or in part shall be considered
12 a state patient and the costs of treatment shall be paid as
13 provided in [section 125.44](#).

14 g. A defendant who fails to carry out the order of the
15 court shall be confined in the county jail for twenty days in
16 addition to any other imprisonment ordered by the court or may
17 be ordered to perform unpaid community service work, and shall
18 be placed on probation for one year with a violation of this
19 probation punishable as contempt of court.

20 h. In addition to any other condition of probation, the
21 defendant shall attend a program providing substance ~~abuse~~ use
22 disorder prevention services or posttreatment services related
23 to substance ~~abuse~~ use disorder as ordered by the court. The
24 defendant shall report to the defendant's probation officer as
25 ordered concerning proof of attendance at the treatment program
26 or posttreatment program ordered by the court. Failure to
27 attend or complete the program shall be considered a violation
28 of probation and is punishable as contempt of court.

29 Sec. 1173. Section 466B.3, subsection 4, paragraph c, Code
30 2023, is amended to read as follows:

31 c. The director of ~~the department of public health and human~~
32 services or the director's designee.

33 Sec. 1174. Section 470.5, Code 2023, is amended to read as

34 follows:

35 **470.5 Exceptions.**

1 This chapter does not apply to buildings used on January 1,
2 1980, by the division of adult corrections of the department
3 of health and human services as maximum security detention
4 facilities or to the renovation of property nominated to, or
5 entered in the national register of historic places, designated
6 by statute, or included in an established list of historic
7 places compiled by the historical division of the department of
8 cultural affairs.

9 Sec. 1175. Section 476.20, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. The board shall establish rules requiring a regulated
12 public utility furnishing gas or electricity to include in
13 the utility's notice of pending disconnection of service a
14 written statement advising the customer that the customer
15 may be eligible to participate in the low income home energy
16 assistance program or weatherization assistance program
17 administered by the ~~division of community action agencies~~
18 of the department of health and human rights services. The
19 written statement shall list the address and telephone number
20 of the local agency which is administering the customer's low
21 income home energy assistance program and the weatherization
22 assistance program. The written statement shall also state
23 that the customer is advised to contact the public utility
24 to settle any of the customer's complaints with the public
25 utility, but if a complaint is not settled to the customer's
26 satisfaction, the customer may file the complaint with the
27 board. The written statement shall include the address
28 and phone number of the board. If the notice of pending
29 disconnection of service applies to a residence, the written
30 statement shall advise that the disconnection does not apply
31 from November 1 through April 1 for a resident who is a "head
32 of household", as defined in [section 422.4](#), and who has been
33 certified to the public utility by the local agency which is

34 administering the low income home energy assistance program and
35 weatherization assistance program as being eligible for either
1 the low income home energy assistance program or weatherization
2 assistance program, and that if such a resident resides within
3 the serviced residence, the customer should promptly have
4 the qualifying resident notify the local agency which is
5 administering the low income home energy assistance program and
6 weatherization assistance program. The board shall establish
7 rules requiring that the written notice contain additional
8 information as it deems necessary and appropriate.

9 Sec. 1176. Section 476.51, subsection 5, Code 2023, is
10 amended to read as follows:

11 5. Civil penalties collected pursuant to [this section](#) from
12 utilities providing water, electric, or gas service shall
13 be forwarded by the chief operating officer of the board to
14 the treasurer of state to be credited to the general fund of
15 the state and to be used only for the low income home energy
16 assistance program and the weatherization assistance program
17 administered by the ~~division of community action agencies of~~
18 the department of health and human rights services. Civil
19 penalties collected pursuant to [this section](#) from utilities
20 providing telecommunications service shall be forwarded to
21 the treasurer of state to be credited to the department of
22 commerce revolving fund created in [section 546.12](#) to be used
23 only for consumer education programs administered by the board.
24 Penalties paid by a rate-regulated public utility pursuant to
25 this section shall be excluded from the utility's costs when
26 determining the utility's revenue requirement, and shall not be
27 included either directly or indirectly in the utility's rates
28 or charges to customers.

29 Sec. 1177. Section 476.66, subsection 6, Code 2023, is
30 amended to read as follows:

31 6. The rules established by the utilities board shall
32 require an annual report to be filed for each fund. The
33 utilities board shall compile an annual statewide report of the

34 fund results. ~~The division of community action agencies of the~~
35 department of health and human rights services shall prepare
1 an annual report of the unmet need for energy assistance
2 and weatherization. Both reports shall be submitted to the
3 appropriations committees of the general assembly on the first
4 day of the following session.

5 Sec. 1178. Section 477C.5, subsection 2, paragraph c, Code
6 2023, is amended to read as follows:

7 c. One representative from the office of deaf services of
8 the department of health and human rights services.

9 Sec. 1179. Section 478.29, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. A person who violates a provision of this chapter is
12 subject to a civil penalty, which may be levied by the board,
13 of not more than one hundred dollars per violation or one
14 thousand dollars per day of a continuing violation, whichever
15 is greater. Civil penalties collected pursuant to this section
16 shall be forwarded by the chief operating officer of the board
17 to the treasurer of state to be credited to the general fund of
18 the state and appropriated to the ~~division of community action~~
19 ~~agencies of the~~ department of health and human rights services
20 for purposes of the low income home energy assistance program
21 and the weatherization assistance program.

22 Sec. 1180. Section 479.31, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. A person who violates this chapter or any rule or
25 order issued pursuant to this chapter shall be subject to
26 a civil penalty levied by the board in accordance with 49
27 C.F.R. §190.223. Each day that the violation continues shall
28 constitute a separate offense. Civil penalties collected
29 pursuant to this section shall be forwarded by the chief
30 operating officer of the board to the treasurer of state to be
31 credited to the general fund of the state and appropriated to
32 the ~~division of community action agencies of the~~ department
33 of health and human rights services for purposes of the low

34 income home energy assistance program and the weatherization
35 assistance program.

1 Sec. 1181. Section 479B.21, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. A person who violates this chapter or any rule or
4 order issued pursuant to this chapter shall be subject to a
5 civil penalty levied by the board in an amount not to exceed
6 one thousand dollars for each violation. Each day that the
7 violation continues shall constitute a separate offense.
8 However, the maximum civil penalty shall not exceed two hundred
9 thousand dollars for any related series of violations. Civil
10 penalties collected pursuant to this section shall be forwarded
11 by the chief operating officer of the board to the treasurer
12 of state to be credited to the general fund of the state and
13 appropriated to the ~~division of community action agencies of~~
14 ~~the department of~~ health and human rights services for purposes
15 of the low income home energy assistance program and the
16 weatherization assistance program.

17 Sec. 1182. Section 483A.24, subsections 7 and 15, Code 2023,
18 are amended to read as follows:

19 7. A license shall not be required of minor pupils of the
20 Iowa braille and sight saving school, Iowa school for the deaf,
21 or of minor residents of other state institutions under the
22 control of ~~an administrator of a division of~~ the department
23 of health and human services. In addition, a person who is
24 on active duty with the armed forces of the United States,
25 on authorized leave from a duty station located outside of
26 this state, and a resident of the state of Iowa shall not be
27 required to have a license to hunt or fish in this state. The
28 military person shall carry the person's leave papers and a
29 copy of the person's current earnings statement showing a
30 deduction for Iowa income taxes while hunting or fishing. In
31 lieu of carrying the person's earnings statement, the military
32 person may also claim residency if the person is registered to
33 vote in this state. If a deer or wild turkey is taken, the

34 military person shall immediately contact a state conservation
35 officer to obtain an appropriate tag to transport the animal.

1 A license shall not be required of residents of county care
2 facilities or any person who is receiving supplementary
3 assistance under [chapter 249](#).

4 15. The department may issue a permit, subject to conditions
5 established by the department, which authorizes patients of a
6 substance ~~abuse~~ use disorder facility, residents of health care
7 facilities licensed under [chapter 135C](#), tenants of elder group
8 homes licensed under [chapter 231B](#), tenants of assisted living
9 program facilities licensed under [chapter 231C](#), participants
10 who attend adult day services programs licensed under chapter
11 231D, participants in services funded under a federal home and
12 community-based services waiver implemented under the medical
13 assistance program as defined in [chapter 249A](#), and persons
14 cared for in juvenile shelter care homes as provided for in
15 chapter 232 to fish without a license as a supervised group.
16 A person supervising a group pursuant to [this subsection](#) may
17 fish with the group pursuant to the permit and is not required
18 to obtain a fishing license.

19 Sec. 1183. Section 505.16, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. The insurance commissioner shall approve rules for
22 carrying out [this section](#) including rules relating to the
23 preparation of information to be provided before and after a
24 test and the protection of confidentiality of personal and
25 medical records of insurance applicants and policyholders.
26 The rules shall require a person engaged in the business
27 of insurance who receives results of a positive human
28 immunodeficiency virus test of an insurance applicant or
29 policyholder to report those results to a physician or
30 alternative testing site of the applicant's or policyholder's
31 choice, or if the applicant or policyholder does not choose a
32 physician or alternative testing site to receive the results,
33 to the Iowa department of public health and human services.

34 Sec. 1184. Section 505.25, Code 2023, is amended to read as
35 follows:

1 505.25 Information provided to medical assistance program,
2 ~~hawk-i~~ Hawki program, and child support ~~recovery unit~~ services.

3 A carrier, as defined in [section 514C.13](#), shall enter into
4 a health insurance data match program with the department of
5 health and human services for the sole purpose of comparing the
6 names of the carrier's insureds with the names of recipients of
7 the medical assistance program under [chapter 249A](#), individuals
8 under the purview of ~~the child support recovery unit~~ services
9 pursuant to [chapter 252B](#), or enrollees of the ~~hawk-i~~ Hawki
10 program under [chapter 514I](#).

11 Sec. 1185. Section 505.34, Code 2023, is amended to read as
12 follows:

13 505.34 Medical assistance and ~~hawk-i~~ Hawki programs —
14 applicability of subtitle.

15 1. The medical assistance program under [chapter 249A](#) and
16 the healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program
17 under [chapter 514I](#) shall not be subject to [this subtitle](#) unless
18 otherwise provided by law.

19 2. A managed care organization acting pursuant to a contract
20 with the department of health and human services to administer
21 the medical assistance program under [chapter 249A](#), or the
22 healthy and well kids in the Iowa (~~hawk-i~~) (Hawki) program
23 under [chapter 514I](#), shall not be subject to [this subtitle](#)
24 unless otherwise provided by law.

25 Sec. 1186. Section 508C.5, subsection 13, paragraph f, Code
26 2023, is amended to read as follows:

27 *f.* An entity whose only business in this state is operating
28 as a managed care organization. For purposes of this
29 paragraph, "*managed care organization*" means an entity that is
30 under contract with the Iowa department of health and human
31 services to provide services to Medicaid recipients and that
32 also meets the definition of "*health maintenance organization*"
33 in [section 514B.1](#).

34 Sec. 1187. Section 509.1, subsection 7, Code 2023, is
35 amended to read as follows:

1 7. A policy issued to the department of health and human
2 services, which shall be deemed the policyholder, to insure
3 eligible persons for medical assistance, or for both mandatory
4 medical assistance and optional medical assistance, as defined
5 by [chapter 249A](#) as hereafter amended.

6 Sec. 1188. Section 509.3A, subsection 12, Code 2023, is
7 amended to read as follows:

8 12. The ~~hawk-i~~ Hawki program authorized by [chapter 514I](#).

9 Sec. 1189. Section 510B.1, subsections 9 and 22, Code 2023,
10 are amended to read as follows:

11 9. "*Health carrier*" means an entity subject to the
12 insurance laws and regulations of this state, or subject
13 to the jurisdiction of the commissioner, including an
14 insurance company offering sickness and accident plans, a
15 health maintenance organization, a nonprofit health service
16 corporation, or a plan established pursuant to [chapter 509A](#) for
17 public employees. "*Health carrier*" does not include any of the
18 following:

19 a. The department of health and human services.

20 b. A managed care organization acting pursuant to a contract
21 with the department of health and human services to administer
22 the medical assistance program under [chapter 249A](#) or the
23 healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under
24 [chapter 514I](#).

25 c. A policy or contract providing a prescription drug
26 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

27 d. A plan offered or maintained by a multiple employer
28 welfare arrangement established under [chapter 513D](#) before
29 January 1, 2022.

30 22. "*Third-party payor*" means any entity other than a
31 covered person or a health care provider that is responsible
32 for any amount of reimbursement for a prescription drug
33 benefit. "*Third-party payor*" includes health carriers and other

34 entities that provide a plan of health insurance or health
35 care benefits. *“Third-party payor”* does not include any of the
1 following:

2 a. The department of health and human services.

3 b. A managed care organization acting pursuant to a contract
4 with the department of health and human services to administer
5 the medical assistance program under [chapter 249A](#) or the
6 healthy and well kids in Iowa (~~hawk-i~~) (Hawki) program under
7 chapter 514I.

8 c. A policy or contract providing a prescription drug
9 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

10 Sec. 1190. Section 513B.2, subsection 8, paragraph 1, Code
11 2023, is amended to read as follows:

12 1. The ~~hawk-i~~ Hawki program authorized by [chapter 514I](#).

13 Sec. 1191. Section 513C.3, subsection 12, paragraph d, Code
14 2023, is amended to read as follows:

15 d. Loss of eligibility for the ~~hawk-i~~ Hawki program
16 authorized in [chapter 514I](#).

17 Sec. 1192. Section 514.1, subsection 2, paragraph c, Code
18 2023, is amended to read as follows:

19 c. *“Subscriber”* means an individual who enters into a
20 contract for health care services with a corporation subject
21 to [this chapter](#) and includes a person eligible for mandatory
22 medical assistance or optional medical assistance as defined
23 under [chapter 249A](#), with respect to whom the department of
24 health and human services has entered into a contract with a
25 firm operating under [this chapter](#).

26 Sec. 1193. Section 514A.3B, subsection 3, paragraph 1, Code
27 2023, is amended to read as follows:

28 1. The ~~hawk-i~~ Hawki program authorized by [chapter 514I](#).

29 Sec. 1194. Section 514B.3, subsection 1, paragraph m, Code
30 2023, is amended to read as follows:

31 m. A description of the procedures and programs to be
32 implemented to meet the requirements for quality of health
33 care as determined by the director of ~~public~~ health and human

34 services under section 514B.4.

35 Sec. 1195. Section 514B.3, subsection 3, Code 2023, is
1 amended to read as follows:

2 3. Upon receipt of an application for a certificate of
3 authority, the commissioner shall immediately transmit copies
4 of the application and accompanying documents to the director
5 of public health and human services and the affected regional
6 health planning council, as authorized by Pub. L. No. 89-749,
7 42 U.S.C. §246(b)2b, for their nonbinding consultation and
8 advice.

9 Sec. 1196. Section 514B.4A, Code 2023, is amended to read
10 as follows:

11 **514B.4A Direct provision of health care services.**

12 1. An application for a certificate of authority to
13 provide health care services, directly, shall be forwarded
14 by the commissioner to the director of public health and
15 human services for review, comment, and recommendation, with
16 respect to the health care services to be provided directly, to
17 assure that the applicant has demonstrated the willingness and
18 potential ability to provide the health care services through
19 adequate personnel and facilities.

20 2. Rules proposed by the commissioner for adoption
21 for the direct provision of health care services by a
22 health maintenance organization, shall be forwarded by the
23 commissioner to the director of public health and human
24 services for review, comment, and recommendation, prior to
25 submission to the administrative rules coordinator pursuant to
26 section 17A.4.

27 3. The director of public health and human services shall
28 respond to the commissioner, with respect to an application
29 or proposed rule, with any comments or recommendations within
30 thirty days of the forwarding of the application or proposed
31 rules to the director of public health and human services.

32 Sec. 1197. Section 514B.32, subsection 5, Code 2023, is
33 amended to read as follows:

34 5. The provisions of this chapter shall be applicable to a
35 managed care organization acting pursuant to a contract with
1 the department of health and human services to administer the
2 medical assistance program under chapter 249A, or the healthy
3 and well kids in Iowa (~~hawk-i~~) (Hawki) program under chapter
4 514I, only with respect to licensure and solvency standards
5 as evidenced by the managed care organization obtaining
6 and maintaining a certificate of authority, and maintaining
7 compliance with the solvency standards set forth in this
8 chapter.

9 Sec. 1198. Section 514B.33, subsection 5, paragraph a, Code
10 2023, is amended to read as follows:

11 a. For purposes of this section, "*limited service*
12 *organization*" means an organization providing dental care
13 services, vision care services, mental health services,
14 substance ~~abuse~~ use disorder services, pharmaceutical services,
15 podiatric care services, or such other services as may be
16 determined by the commissioner.

17 Sec. 1199. Section 514C.9, subsection 3, paragraph b, Code
18 2023, is amended to read as follows:

19 b. Enroll a child who is eligible for coverage under the
20 applicable terms and conditions of the health benefit plan and
21 the standard enrollment guidelines of the insurer, without
22 regard to any time of enrollment restriction, under dependent
23 coverage upon application by the obligee or other legal
24 custodian of the child or by the department of health and human
25 services in the event an obligor required by a court order or
26 administrative order fails to apply for coverage for the child.

27 Sec. 1200. Section 514C.9, subsection 4, Code 2023, is
28 amended to read as follows:

29 4. A group health plan shall establish reasonable
30 procedures to determine whether a child is covered under a
31 qualified medical child support order issued pursuant to
32 chapter 252E. The procedures shall be in writing, provide for
33 prompt notice of each person specified in the medical child

34 support order as eligible to receive benefits under the group
35 health plan upon receipt by the plan of the medical child
1 support order, and allow an obligee or other legal custodian
2 of the child under [chapter 252E](#) to designate a representative
3 for receipt of copies of notices in regard to the medical child
4 support order that are sent to the obligee or other legal
5 custodian of the child and the department of health and human
6 services' child support ~~recovery unit~~ services.

7 Sec. 1201. Section 514C.18, subsection 1, paragraph b,
8 subparagraph (2), Code 2023, is amended to read as follows:

9 (2) The diabetes self-management training and education
10 program is certified by the Iowa department of ~~public~~ health
11 and human services. The department shall consult with the
12 American diabetes association, Iowa affiliate, in developing
13 the standards for certification of diabetes education programs
14 that cover at least ten hours of initial outpatient diabetes
15 self-management training within a continuous twelve-month
16 period and up to two hours of follow-up training for each
17 subsequent year for each individual diagnosed by a physician or
18 physician assistant with any type of diabetes mellitus.

19 Sec. 1202. Section 514C.27, Code 2023, is amended to read
20 as follows:

21 **514C.27 Mental illness and substance ~~abuse~~ use disorder**
22 **treatment coverage for veterans.**

23 1. Notwithstanding the uniformity of treatment requirements
24 of [section 514C.6](#), a group policy or contract providing for
25 third-party payment or prepayment of health or medical expenses
26 issued by a carrier, as defined in [section 513B.2](#), shall
27 provide coverage benefits to an insured who is a veteran for
28 treatment of mental illness and substance ~~abuse~~ use disorder if
29 either of the following is satisfied:

30 a. The policy or contract is issued to an employer who
31 on at least fifty percent of the employer's working days
32 during the preceding calendar year employed more than fifty
33 full-time equivalent employees. In determining the number

34 of full-time equivalent employees of an employer, employers
35 who are affiliated or who are able to file a consolidated tax
1 return for purposes of state taxation shall be considered one
2 employer.

3 **b.** The policy or contract is issued to a small employer as
4 defined in [section 513B.2](#), and such policy or contract provides
5 coverage benefits for the treatment of mental illness and
6 substance ~~abuse~~ use disorder.

7 **2.** Notwithstanding the uniformity of treatment requirements
8 of [section 514C.6](#), a plan established pursuant to [chapter 509A](#)
9 for public employees shall provide coverage benefits to an
10 insured who is a veteran for treatment of mental illness and
11 substance ~~abuse~~ use disorder as defined in [subsection 3](#).

12 **3.** For purposes of this section:

13 **a.** "*Mental illness*" means mental disorders as defined by the
14 commissioner by rule.

15 **b.** "*Substance ~~abuse~~ use disorder*" means a pattern of
16 pathological use of alcohol or a drug that causes impairment
17 in social or occupational functioning, or that produces
18 physiological dependency evidenced by physical tolerance or by
19 physical symptoms when the alcohol or drug is withdrawn.

20 **c.** "*Veteran*" means the same as defined in [section 35.1](#).

21 **4.** The commissioner, by rule, shall define "*mental illness*"
22 consistent with definitions provided in the most recent edition
23 of the American psychiatric association's diagnostic and
24 statistical manual of mental disorders, as the definitions may
25 be amended from time to time. The commissioner may adopt the
26 definitions provided in such manual by reference.

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

34 insurance, or automobile medical payment insurance, or
35 individual accident and sickness policies issued to individuals
1 or to individual members of a member association.

2 6. A carrier or plan established pursuant to [chapter 509A](#)
3 may manage the benefits provided through common methods,
4 including but not limited to providing payment of benefits or
5 providing care and treatment under a capitated payment system,
6 prospective reimbursement rate system, utilization control
7 system, incentive system for the use of least restrictive and
8 least costly levels of care, a preferred provider contract
9 limiting choice of specific providers, or any other system,
10 method, or organization designed to assure services are
11 medically necessary and clinically appropriate.

12 7. *a.* A group policy or contract or plan covered under this
13 section shall not impose an aggregate annual or lifetime limit
14 on mental illness or substance ~~abuse~~ use disorder coverage
15 benefits unless the policy or contract or plan imposes an
16 aggregate annual or lifetime limit on substantially all medical
17 and surgical coverage benefits.

18 *b.* A group policy or contract or plan covered under this
19 section that imposes an aggregate annual or lifetime limit on
20 substantially all medical and surgical coverage benefits shall
21 not impose an aggregate annual or lifetime limit on mental
22 illness or substance ~~abuse~~ use disorder coverage benefits which
23 is less than the aggregate annual or lifetime limit imposed on
24 substantially all medical and surgical coverage benefits.

25 8. A group policy or contract or plan covered under this
26 section shall at a minimum allow for thirty inpatient days
27 and fifty-two outpatient visits annually. The policy or
28 contract or plan may also include deductibles, coinsurance,
29 or copayments, provided the amounts and extent of such
30 deductibles, coinsurance, or copayments applicable to other
31 medical or surgical services coverage under the policy or
32 contract or plan are the same. It is not a violation of this
33 section if the policy or contract or plan excludes entirely

34 from coverage benefits for the cost of providing the following:

35 *a.* Care that is substantially custodial in nature.

1 *b.* Services and supplies that are not medically necessary or
2 clinically appropriate.

3 *c.* Experimental treatments.

4 9. This section applies to third-party payment provider
5 policies or contracts and plans established pursuant to chapter
6 509A delivered, issued for delivery, continued, or renewed in
7 this state on or after January 1, 2011.

8 Sec. 1203. Section 514E.1, subsection 6, paragraph k, Code
9 2023, is amended to read as follows:

10 *k.* The ~~hawk~~ Hawki program authorized by [chapter 514I](#).

11 Sec. 1204. Section 514F.7, subsection 1, paragraph h, Code
12 2023, is amended to read as follows:

13 *h.* "*Health carrier*" means an entity subject to the
14 insurance laws and regulations of this state, or subject
15 to the jurisdiction of the commissioner, including an
16 insurance company offering sickness and accident plans, a
17 health maintenance organization, a nonprofit health service
18 corporation, a plan established pursuant to [chapter 509A](#)
19 for public employees, or any other entity providing a plan
20 of health insurance, health care benefits, or health care
21 services. "*Health carrier*" does not include a managed care
22 organization as defined in [441 IAC 73.1](#) when the managed care
23 organization is acting pursuant to a contract with the Iowa
24 department of health and human services to provide services to
25 Medicaid recipients.

26 Sec. 1205. Section 514F.8, subsection 1, paragraph g, Code
27 2023, is amended to read as follows:

28 *g.* "*Health carrier*" means an entity subject to the
29 insurance laws and regulations of this state, or subject
30 to the jurisdiction of the commissioner, including an
31 insurance company offering sickness and accident plans, a
32 health maintenance organization, a nonprofit health service
33 corporation, a plan established pursuant to [chapter 509A](#)

34 for public employees, or any other entity providing a plan
35 of health insurance, health care benefits, or health care
1 services. "Health carrier" does not include the department
2 of health and human services, or a managed care organization
3 acting pursuant to a contract with the department of health
4 and human services to administer the medical assistance
5 program under [chapter 249A](#) or the healthy and well kids in Iowa
6 ~~(hawk-i)~~ (Hawki) program under [chapter 514I](#).

7 Sec. 1206. Section 514H.2, subsection 2, Code 2023, is
8 amended to read as follows:

9 2. The insurance division of the department of commerce
10 shall administer the program in cooperation with the ~~division~~
11 ~~responsible for medical services within the~~ department
12 of health and human services. Each agency shall take all
13 necessary actions, including filing an appropriate medical
14 assistance state plan amendment to the state Medicaid plan to
15 take full advantage of the benefits and features of the Deficit
16 Reduction Act of 2005.

17 Sec. 1207. Section 514H.5, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. When the ~~division responsible for medical services~~
20 ~~within the~~ department of health and human services determines
21 whether an individual is eligible for medical assistance
22 under [chapter 249A](#), the ~~division~~ department shall make an
23 asset disregard adjustment for any individual who meets the
24 requirements of [section 514H.3](#). The asset disregard shall
25 be available after benefits of the qualified long-term care
26 insurance policy have been applied to the cost of qualified
27 long-term care services as required under [this chapter](#).

28 Sec. 1208. Section 514H.7, subsection 3, Code 2023, is
29 amended to read as follows:

30 3. The insurance division, in cooperation with the
31 department of health and human services, shall adopt rules
32 to provide an asset disregard to individuals who are covered
33 by a long-term care insurance policy prior to November 17,

34 2005, consistent with the Iowa long-term care asset disregard
35 incentive program.

1 Sec. 1209. Section 514H.8, Code 2023, is amended to read as
2 follows:

3 **514H.8 Reciprocal agreements to extend asset disregard.**

4 ~~The division responsible for medical services within~~
5 ~~the department of health and human services~~ may enter into
6 reciprocal agreements with other states to extend the asset
7 disregard under [section 514H.5](#) to Iowa residents who had
8 purchased or were covered by qualified long-term care insurance
9 policies in other states.

10 Sec. 1210. Section 514H.9, Code 2023, is amended to read as
11 follows:

12 **514H.9 Rules.**

13 The insurance division of the department of commerce in
14 cooperation with the department of health and human services
15 shall adopt rules pursuant to [chapter 17A](#) as necessary to
16 administer [this chapter](#).

17 Sec. 1211. Section 514I.1, subsections 2 and 4, Code 2023,
18 are amended to read as follows:

19 2. It is the intent of the general assembly that the program
20 be implemented and administered in compliance with Tit. XXI
21 of the federal Social Security Act. If, as a condition of
22 receiving federal funds for the program, federal law requires
23 implementation and administration of the program in a manner
24 not provided in [this chapter](#), during a period when the general
25 assembly is not in session, the department, with the approval
26 of the ~~hawk-i~~ Hawki board, shall proceed to implement and
27 administer those provisions, subject to review by the next
28 regular session of the general assembly.

29 4. It is the intent of the general assembly that the
30 ~~hawk-i~~ Hawki program be an integral part of the continuum of
31 health insurance coverage and that the program be developed
32 and implemented in such a manner as to facilitate movement of
33 families between health insurance providers and to facilitate

34 the transition of families to private sector health insurance
35 coverage.

1 Sec. 1212. Section 514I.2, Code 2023, is amended to read as
2 follows:

3 **514I.2 Definitions.**

4 As used in [this chapter](#), unless the context otherwise
5 requires:

6 1. *“Benchmark benefit package”* means any of the following:

7 a. The standard blue cross/blue shield preferred provider
8 option service benefit plan, described in and offered under 5
9 U.S.C. §8903(1).

10 b. A health benefits coverage plan that is offered and
11 generally available to state employees in this state.

12 c. The plan of a health maintenance organization as defined
13 in 42 U.S.C. §300e, with the largest insured commercial,
14 nonmedical assistance enrollment of covered lives in the state.

15 2. *“Cost sharing”* means the payment of a premium or
16 copayment as provided for by Tit. XXI of the federal Social
17 Security Act and [section 514I.10](#).

18 3. *“Department”* means the department of health and human
19 services.

20 4. *“Director”* means the director of health and human
21 services.

22 5. *“Eligible child”* means an individual who meets the
23 criteria for participation in the program under [section 514I.8](#).

24 6. *“~~Hawk-i~~ Hawki board”* or *“board”* means the entity which
25 adopts rules and establishes policy for, and directs the
26 department regarding, the ~~hawk-i~~ Hawki program.

27 7. *“~~Hawk-i~~ Hawki program”* or *“program”* means the healthy and
28 well kids in Iowa program created in [this chapter](#) to provide
29 health insurance coverage to eligible children.

30 8. *“Health insurance coverage”* means health insurance
31 coverage as defined in 42 U.S.C. §300gg-91.

32 9. *“Participating insurer”* means any of the following:

33 a. An entity licensed by the division of insurance of the

34 department of commerce to provide health insurance in Iowa that
35 has contracted with the department to provide health insurance
1 coverage to eligible children under [this chapter](#).

2 *b.* A managed care organization acting pursuant to a contract
3 with the department ~~of human services~~ to administer the ~~hawk-i~~
4 Hawki program.

5 10. "*Qualified child health plan*" or "*plan*" means health
6 insurance coverage provided by a participating insurer under
7 this chapter.

8 Sec. 1213. Section 514I.3, Code 2023, is amended to read as
9 follows:

10 **514I.3 ~~Hawk-i~~ Hawki program — established.**

11 1. The ~~hawk-i~~ Hawki program, a statewide program designed to
12 improve the health of children and to provide health insurance
13 coverage to eligible children on a regional basis which
14 complies with Tit. XXI of the federal Social Security Act, is
15 established and shall be implemented January 1, 1999.

16 2. Health insurance coverage under the program shall be
17 provided by participating insurers and through qualified child
18 health plans.

19 3. The department ~~of human services~~ is designated to receive
20 the state and federal funds appropriated or provided for the
21 program, and to submit and maintain the state plan for the
22 program, which is approved by the centers for Medicare and
23 Medicaid services of the United States department of health and
24 human services.

25 4. Nothing in [this chapter](#) shall be construed or is intended
26 as, or shall imply, a grant of entitlement for services to
27 persons who are eligible for participation in the program based
28 upon eligibility consistent with the requirements of this
29 chapter. Any state obligation to provide services pursuant to
30 this chapter is limited to the extent of the funds appropriated
31 or provided for [this chapter](#).

32 5. Participating insurers under [this chapter](#) are not
33 subject to the requirements of [chapters 513B](#) and [513C](#).

34 6. Health care coverage provided under this chapter in
35 accordance with Tit. XXI of the federal Social Security Act
1 shall be recognized as prior creditable coverage for the
2 purposes of private individual and group health insurance
3 coverage.

4 Sec. 1214. Section 514I.4, subsection 1, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:

6 The director, with the approval of the ~~hawk-i~~ Hawki board,
7 shall implement this chapter. The director shall do all of the
8 following:

9 Sec. 1215. Section 514I.5, Code 2023, is amended to read as
10 follows:

11 **514I.5 ~~Hawk-i~~ Hawki board.**

12 1. A ~~hawk-i~~ Hawki board for the ~~hawk-i~~ Hawki program is
13 established. The board shall meet not less than six and
14 not more than twelve times annually, for the purposes of
15 establishing policy for, directing the department on, and
16 adopting rules for the program. The board shall consist of
17 seven voting members and four ex officio, nonvoting members,
18 including all of the following:

19 a. The commissioner of insurance, or the commissioner's
20 designee.

21 b. The director of the department of education, or the
22 director's designee.

23 c. The director of ~~public~~ health and human services, or the
24 director's designee.

25 d. Four public members appointed by the governor and
26 subject to confirmation by the senate. The public members
27 shall be members of the general public who have experience,
28 knowledge, or expertise in the subject matter embraced within
29 this chapter.

30 e. Two members of the senate and two members of the house of
31 representatives, serving as ex officio, nonvoting members. The
32 legislative members of the board shall be appointed one each
33 by the majority leader of the senate, after consultation with

34 the president of the senate, and by the minority leader of the
35 senate, and by the speaker of the house of representatives,
1 after consultation with the majority leader of the house of
2 representatives, and by the minority leader of the house
3 of representatives. Legislative members shall receive
4 compensation pursuant to [section 2.12](#).

5 2. Members appointed by the governor shall serve two-year
6 staggered terms as designated by the governor, and legislative
7 members of the board shall serve two-year terms. The filling
8 of positions reserved for the public representatives,
9 vacancies, membership terms, payment of compensation and
10 expenses, and removal of the members are governed by chapter
11 69. Members of the board are entitled to receive reimbursement
12 of actual expenses incurred in the discharge of their duties.
13 Public members of the board are also eligible to receive
14 compensation as provided in [section 7E.6](#). A majority of the
15 voting members constitutes a quorum and the affirmative vote
16 of a majority of the voting members is necessary for any
17 substantive action to be taken by the board. The members
18 shall select a chairperson on an annual basis from among the
19 membership of the board.

20 3. The board shall approve any contract entered into
21 pursuant to [this chapter](#). All contracts entered into pursuant
22 to [this chapter](#) shall be made available to the public.

23 4. The department of ~~human services~~ shall act as support
24 staff to the board.

25 5. The board may receive and accept grants, loans, or
26 advances of funds from any person and may receive and accept
27 from any source contributions of money, property, labor, or any
28 other thing of value, to be held, used, and applied for the
29 purposes of the program.

30 6. The ~~hawk-i~~ Hawki board shall do all of the following:

31 a. Define, in consultation with the department, the regions
32 of the state for which plans are offered in a manner as to
33 ensure access to services for all children participating in the

34 program.

35 *b.* Approve the benefit package design, review the benefit
1 package design on a periodic basis, and make necessary changes
2 in the benefit design to reflect the results of the periodic
3 reviews.

4 *c.* Develop, with the assistance of the department, an
5 outreach plan, and provide for periodic assessment of the
6 effectiveness of the outreach plan. The plan shall provide
7 outreach to families of children likely to be eligible
8 for assistance under the program, to inform them of the
9 availability of and to assist the families in enrolling
10 children in the program. The outreach efforts may include, but
11 are not limited to, solicitation of cooperation from programs,
12 agencies, and other persons who are likely to have contact
13 with eligible children, including but not limited to those
14 associated with the educational system, and the development
15 of community plans for outreach and marketing. Other state
16 agencies shall assist the department in data collection related
17 to outreach efforts to potentially eligible children and their
18 families.

19 *d.* In consultation with the clinical advisory committee,
20 assess the initial health status of children participating in
21 the program, establish a baseline for comparison purposes, and
22 develop appropriate indicators to measure the subsequent health
23 status of children participating in the program.

24 *e.* Review, in consultation with the department, and take
25 necessary steps to improve interaction between the program and
26 other public and private programs which provide services to the
27 population of eligible children.

28 *f.* By January 1, annually, prepare, with the assistance
29 of the department, and submit a report to the governor,
30 the general assembly, and the council on health and human
31 services, concerning the board's activities, findings, and
32 recommendations.

33 *g.* Solicit input from the public regarding the program and

34 related issues and services.

35 *h.* Establish and consult with a clinical advisory committee
1 to make recommendations to the board regarding the clinical
2 aspects of the ~~hawk-i~~ Hawki program.

3 *i.* Prescribe the elements to be included in a health
4 improvement program plan required to be developed by a
5 participating insurer. The elements shall include but are not
6 limited to health maintenance and prevention and health risk
7 assessment.

8 *j.* Establish an advisory committee to make recommendations
9 to the board and to the general assembly by January 1 annually
10 concerning the provision of health insurance coverage to
11 children with special health care needs. The committee shall
12 include individuals with experience in, knowledge of, or
13 expertise in this area. The recommendations shall address, but
14 are not limited to, all of the following:

15 (1) The definition of the target population of children
16 with special health care needs for the purposes of determining
17 eligibility under the program.

18 (2) Eligibility options for and assessment of children with
19 special health care needs for eligibility.

20 (3) Benefit options for children with special health care
21 needs.

22 (4) Options for enrollment of children with special health
23 care needs in and disenrollment of children with special health
24 care needs from qualified child health plans utilizing a
25 capitated fee form of payment.

26 (5) The appropriateness and quality of care for children
27 with special health care needs.

28 (6) The coordination of health services provided for
29 children with special health care needs under the program with
30 services provided by other publicly funded programs.

31 *k.* Develop options and recommendations to allow children
32 eligible for the ~~hawk-i~~ Hawki program to participate in
33 qualified employer-sponsored health plans through a premium

34 assistance program. The options and recommendations shall
35 ensure reasonable alignment between the benefits and costs
1 of the ~~hawk-i~~ Hawki program and the employer-sponsored
2 health plans consistent with federal law. In addition, the
3 board shall implement the premium assistance program options
4 described under the federal Children's Health Insurance Program
5 Reauthorization Act of 2009, Pub. L. No. 111-3, for the ~~hawk-i~~
6 Hawki program.

7 7. The ~~hawk-i~~ Hawki board, in consultation with the
8 department of ~~human services~~, shall adopt rules which address,
9 but are not limited to addressing, all of the following:

10 a. Implementation and administration of the program.

11 b. Qualifying standards for selecting participating insurers
12 for the program.

13 c. The benefits to be included in a qualified child health
14 plan which are those included in a benchmark or benchmark
15 equivalent plan and which comply with Tit. XXI of the federal
16 Social Security Act. Benefits covered shall include but are
17 not limited to all of the following:

18 (1) Inpatient hospital services including medical,
19 surgical, intensive care unit, mental health, and substance
20 ~~abuse~~ use disorder services.

21 (2) Nursing care services including skilled nursing
22 facility services.

23 (3) Outpatient hospital services including emergency room,
24 surgery, lab, and x-ray services and other services.

25 (4) Physician services, including surgical and medical, and
26 including office visits, newborn care, well-baby and well-child
27 care, immunizations, urgent care, specialist care, allergy
28 testing and treatment, mental health visits, and substance
29 ~~abuse~~ use disorder visits.

30 (5) Ambulance services.

31 (6) Physical therapy.

32 (7) Speech therapy.

33 (8) Durable medical equipment.

- 34 (9) Home health care.
- 35 (10) Hospice services.
- 1 (11) Prescription drugs.
- 2 (12) Dental services including preventive services.
- 3 (13) Medically necessary hearing services.
- 4 (14) Vision services including corrective lenses.
- 5 (15) Translation and interpreter services as specified
- 6 pursuant to the federal Children's Health Insurance Program
- 7 Reauthorization Act of 2009, Pub. L. No. 111-3.
- 8 (16) Chiropractic services.
- 9 (17) Occupational therapy.

10 *d.* Presumptive eligibility criteria for the program.
11 Beginning January 1, 2010, presumptive eligibility shall be
12 provided for eligible children.

13 *e.* The amount of any cost sharing under the program which
14 shall be assessed based on family income and which complies
15 with federal law.

16 *f.* The reasons for disenrollment including, but not limited
17 to, nonpayment of premiums, eligibility for medical assistance
18 or other insurance coverage, admission to a public institution,
19 relocation from the area, and change in income.

20 *g.* Conflict of interest provisions applicable to
21 participating insurers and between public members of the board
22 and participating insurers.

23 *h.* Penalties for breach of contract or other violations of
24 requirements or provisions under the program.

25 *i.* A mechanism for participating insurers to report any
26 rebates received to the department.

27 *j.* The data to be maintained by the department including
28 data to be collected for the purposes of quality assurance
29 reports.

30 *k.* The use of provider guidelines in assessing the
31 well-being of children, which may include the use of the bright
32 futures for infants, children, and adolescents program as
33 developed by the federal maternal and child health bureau and

34 the American academy of pediatrics guidelines for well-child
35 care.

1 8. a. The ~~hawk-i~~ Hawki board may provide approval to the
2 director to contract with participating insurers to provide
3 dental-only services. In determining whether to provide
4 such approval to the director, the board shall take into
5 consideration the impact on the overall program of single
6 source contracting for dental services.

7 b. The ~~hawk-i~~ Hawki board may provide approval to the
8 director to contract with participating insurers to provide
9 the supplemental dental-only coverage to otherwise eligible
10 children who have private health care coverage as specified in
11 the federal Children's Health Insurance Program Reauthorization
12 Act of 2009, Pub. L. No. 111-3.

13 9. The ~~hawk-i~~ Hawki board shall monitor the capacity of
14 Medicaid managed care organizations acting pursuant to a
15 contract with the department to administer the ~~hawk-i~~ Hawki
16 program to specifically and appropriately address the unique
17 needs of children and children's health delivery.

18 Sec. 1216. Section 514I.8, subsection 2, unnumbered
19 paragraph 1, Code 2023, is amended to read as follows:

20 A child may participate in the ~~hawk-i~~ Hawki program if the
21 child meets all of the following criteria:

22 Sec. 1217. Section 514I.8A, Code 2023, is amended to read
23 as follows:

24 **514I.8A ~~Hawk-i~~ Hawki — all income-eligible children.**

25 The department shall provide coverage to individuals
26 under nineteen years of age who meet the income eligibility
27 requirements for the ~~hawk-i~~ Hawki program and for whom federal
28 financial participation is or becomes available for the cost
29 of such coverage.

30 Sec. 1218. Section 514I.9, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. The ~~hawk-i~~ Hawki board shall review the benefits package
33 annually and shall determine additions to or deletions from the

34 benefits package offered. The ~~hawk-i~~ Hawki board shall submit
35 the recommendations to the general assembly for any amendment
1 to the benefits package.

2 Sec. 1219. Section 514I.11, Code 2023, is amended to read
3 as follows:

4 **514I.11 ~~Hawk-i~~ Hawki trust fund.**

5 1. A ~~hawk-i~~ Hawki trust fund is created in the state
6 treasury under the authority of the department ~~of human~~
7 ~~services~~, in which all appropriations and other revenues of the
8 program such as grants, contributions, and participant payments
9 shall be deposited and used for the purposes of the program.
10 The moneys in the fund shall not be considered revenue of the
11 state, but rather shall be funds of the program.

12 2. The trust fund shall be separate from the general fund
13 of the state and shall not be considered part of the general
14 fund of the state. The moneys in the trust fund are not
15 subject to [section 8.33](#) and shall not be transferred, used,
16 obligated, appropriated, or otherwise encumbered, except to
17 provide for the purposes of [this chapter](#) and except as provided
18 in [subsection 4](#). Notwithstanding [section 12C.7](#), subsection
19 2, interest or earnings on moneys deposited in the trust fund
20 shall be credited to the trust fund.

21 3. Moneys in the fund are appropriated to the department and
22 shall be used to offset any program costs.

23 4. The department may transfer moneys appropriated from
24 the fund to be used for the purpose of expanding health care
25 coverage to children under the medical assistance program.

26 5. The department shall provide periodic updates to the
27 general assembly regarding expenditures from the fund.

28 Sec. 1220. Section 523A.301, Code 2023, is amended to read
29 as follows:

30 **523A.301 Definition.**

31 As used in [sections 523A.302](#) and [523A.303](#), "*director*" means
32 the director of health and human services.

33 Sec. 1221. Section 523A.303, subsection 2, paragraph e,

34 Code 2023, is amended to read as follows:

35 e. A notice in substantially the following form complies
1 with [this subsection](#):

2 TO: THE DIRECTOR OF HEALTH AND HUMAN SERVICES

3 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER)

4 You are hereby notified that (name of deceased), who had an
5 irrevocable burial trust fund, has died, that final payment
6 for cemetery merchandise, funeral merchandise, and funeral
7 services has been made, and that (remaining amount) remains in
8 the irrevocable burial trust fund.

9 The above-named seller must receive a written response
10 regarding any claim by the director within sixty days after the
11 mailing of this notice to the director.

12 If the above-named seller does not receive a written response
13 regarding a claim by the director within sixty days after the
14 mailing of this notice, the seller may dispose of the remaining
15 funds in accordance with [section 523A.303](#), Code of Iowa.

16 Sec. 1222. Section 523A.303, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. Upon receipt of the seller's written notice, the director
19 shall determine if a debt is due the department of health and
20 human services pursuant to [section 249A.53](#). If the director
21 determines that a debt is owing, the director shall provide
22 a written response to the seller within sixty days after the
23 mailing of the seller's notice. If the director does not
24 respond with a claim within the sixty-day period, any claim
25 made by the director shall not be enforceable against the
26 seller, the trust, or a trustee.

27 Sec. 1223. Section 523I.214, Code 2023, is amended to read
28 as follows:

29 **523I.214 Violations of law — referrals to the Iowa**
30 **department of public health and human services.**

31 If the commissioner discovers a violation of a provision
32 of [this chapter](#) or any other state law or rule concerning the
33 disposal or transportation of human remains, the commissioner

34 shall forward all evidence in the possession of the
35 commissioner concerning such a violation to the Iowa department
1 of ~~public~~ public health and human services for such proceedings as
2 the Iowa department of ~~public~~ public health and human services deems
3 appropriate.

4 Sec. 1224. Section 523I.701, subsection 6, Code 2023, is
5 amended to read as follows:

6 6. The lawn crypt shall be installed in compliance with any
7 applicable law or rule adopted by the Iowa department of ~~public~~
8 health and human services.

9 Sec. 1225. Section 541A.1, Code 2023, is amended to read as
10 follows:

11 **541A.1 Definitions.**

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

14 1. "*Account holder*" means an individual who is the owner of
15 an individual development account.

16 ~~2. "*Administrator*" means the division of community action~~
17 ~~agencies of the department of human rights.~~

18 ~~3.~~ 2. "*Charitable contributor*" means a nonprofit
19 association described in section 501(c)(3) of the Internal
20 Revenue Code which makes a deposit to an individual development
21 account and which is exempt from taxation under section 501(a)
22 of the Internal Revenue Code.

23 3. "*Commission*" means the commission on community action
24 agencies created in section 216A.92A.

25 4. "*Department*" means the department of health and human
26 services.

27 5. "*Director*" means the director of health and human
28 services.

29 ~~4.~~ 6. "*Federal poverty level*" means the first poverty
30 income guidelines published in the calendar year by the United
31 States department of health and human services.

32 ~~5.~~ 7. "*Financial institution*" means a financial institution
33 approved by the ~~administrator~~ director as an investment

34 mechanism for individual development accounts.

35 ~~6.~~ 8. "*Household income*" means the annual household
1 income of an account holder or prospective account holder,
2 as determined in accordance with rules adopted by the
3 ~~administrator~~ director.

4 ~~7.~~ 9. "*Individual contributor*" means an individual who
5 makes a deposit to an individual development account and is not
6 the account holder or a charitable contributor.

7 ~~8.~~ 10. "*Individual development account*" means either of the
8 following:

9 a. A financial instrument that is certified to have the
10 characteristics described in [section 541A.2](#) by the operating
11 organization.

12 b. A financial instrument that is certified by the
13 operating organization to have the characteristics described
14 in and funded by a federal individual development account
15 program under which federal and state funding contributed to
16 match account holder deposits is deposited by an operating
17 organization in accordance with federal law and regulations,
18 and which includes but is not limited to any of the programs
19 implemented under the following federal laws:

20 (1) The federal Personal Responsibility and Work
21 Opportunity Act of 1996, 42 U.S.C. §604(h).

22 (2) The federal Assets for Independence Act, Pub. L. No.
23 105-285, Tit. IV.

24 ~~9.~~ 11. "*Operating organization*" means an agency selected
25 by the ~~administrator~~ department for involvement in operating
26 individual development accounts directed to a specific target
27 population.

28 ~~10.~~ 12. "*Source of principal*" means any of the sources of
29 a deposit to an individual development account under section
30 541A.2, subsection 2.

31 Sec. 1226. Section 541A.2, subsection 7, Code 2023, is
32 amended to read as follows:

33 7. Subject to obtaining any necessary federal waivers, the

34 department of ~~human services~~ shall not consider moneys in an
35 individual development account and any earnings on the moneys
1 in determining the eligibility or need of an individual for
2 benefits or assistance or the amount of benefits or assistance
3 under the family investment program under **chapter 239B**, the
4 promoting independence and self-sufficiency through employment
5 job opportunities and basic skills program, or any other
6 program administered by the department of ~~human services~~.

7 Sec. 1227. Section 541A.3, Code 2023, is amended to read as
8 follows:

9 **541A.3 Individual development accounts — state savings match**
10 **and tax provisions.**

11 All of the following state savings match and tax provisions
12 shall apply to an individual development account:

13 1. *a.* Payment by the state of a state savings match on
14 amounts of up to two thousand dollars that an account holder
15 deposits in the account holder's account.

16 *b.* Moneys transferred to an individual development account
17 from another individual development account and a state savings
18 match received by the account holder in accordance with this
19 section shall not be considered an account holder deposit for
20 purposes of determining a state savings match.

21 *c.* Payment of a state savings match either shall be
22 made directly to the account holder or to an operating
23 organization's central reserve account for later distribution
24 to the account holder in the most appropriate manner as
25 determined by the ~~administrator~~ department.

26 *d.* Subject to the limitation in paragraph "a", the state
27 savings match shall be equal to one hundred percent of
28 the amount deposited by the account holder. However, the
29 ~~administrator~~ department may limit, reduce, delay, or otherwise
30 revise state savings match payment provisions as necessary to
31 restrict the payments to the funding available.

32 2. Income earned by an individual development account is
33 not subject to state tax, in accordance with the provisions of

34 section 422.7, subsection 17.

35 3. Amounts transferred between individual development
1 accounts are not subject to state tax.

2 4. The ~~administrator~~ department shall coordinate the filing
3 of claims for a state savings match authorized under subsection
4 1, between account holders and operating organizations. Claims
5 approved by the ~~administrator~~ department may be paid to each
6 account holder, for an aggregate amount for distribution to the
7 holders of the accounts in a particular financial institution,
8 or to an operating organization's central reserve account
9 for later distribution to the account holders depending on
10 the efficiency for issuing the state savings match payments.
11 Claims shall be initially filed with the ~~administrator~~
12 department on or before a date established by the ~~administrator~~
13 department. Claims approved by the ~~administrator~~ department
14 shall be paid from the individual development account state
15 savings match fund.

16 Sec. 1228. Section 541A.5, Code 2023, is amended to read as
17 follows:

18 **541A.5 Rules.**

19 1. The commission ~~on community action agencies created~~
20 ~~in [section 216A.92A](#)~~, in consultation with the department of
21 administrative services, shall adopt administrative rules to
22 administer [this chapter](#).

23 2. *a.* The rules adopted by the commission shall include
24 but are not limited to provision for transfer of an individual
25 development account to a different financial institution than
26 originally approved by the ~~administrator~~ department, if the
27 different financial institution has an agreement with the
28 account's operating organization.

29 *b.* The rules for determining household income may provide
30 categorical eligibility for prospective account holders who are
31 enrolled in programs with income eligibility restrictions that
32 are equal to or less than the maximum household income allowed
33 for payment of a state match under [section 541A.3](#).

34 c. Subject to the availability of funding, the commission
35 may adopt rules implementing an individual development account
1 program for refugees. Rules shall identify purposes authorized
2 for withdrawals to meet the special needs of refugee families.

3 3. The ~~administrator~~ department shall utilize a request for
4 proposals process for selection of operating organizations and
5 approval of financial institutions.

6 Sec. 1229. Section 541A.6, Code 2023, is amended to read as
7 follows:

8 **541A.6 Compliance with federal requirements.**

9 The commission ~~on community action agencies~~ shall adopt
10 rules for compliance with federal individual development
11 account requirements under the federal Personal Responsibility
12 and Work Opportunity Reconciliation Act of 1996, §103, as
13 codified in 42 U.S.C. §604(h), under the federal Assets
14 for Independence Act, Pub. L. No. 105-285, Tit. IV, or with
15 any other federal individual development account program
16 requirements for drawing federal funding. Any rules adopted
17 under [this section](#) shall not apply the federal individual
18 development account program requirements to an operating
19 organization which does not utilize federal funding for the
20 accounts with which it is connected or to an account holder who
21 does not receive temporary assistance for needy families block
22 grant or other federal funding.

23 Sec. 1230. Section 541A.7, Code 2023, is amended to read as
24 follows:

25 **541A.7 Individual development account state match fund.**

26 1. An individual development account state match fund
27 is created in the state treasury under the authority of the
28 ~~administrator~~ department. Notwithstanding [section 8.33](#),
29 moneys appropriated to the fund shall not revert to any other
30 fund. Notwithstanding [section 12C.7, subsection 2](#), interest
31 or earnings on moneys deposited in the fund shall be credited
32 to the fund.

33 2. Moneys available in the fund for a fiscal year are

34 appropriated to the ~~administrator~~ department to be used
35 to provide the state match for account holder deposits in
1 accordance with [section 541A.3](#). At least eighty-five percent
2 of the amount appropriated shall be used for state match
3 payments and the remainder may be used for the administrative
4 costs of the operating organization. Administrative costs
5 include but are not limited to accounting services, curriculum
6 costs for financial education or asset-specific training, and
7 costs for technical assistance contractors.

8 Sec. 1231. Section 589.26, Code 2023, is amended to read as
9 follows:

10 **589.26 Land transfers by the department of health and human**
11 **services legalized.**

12 Every deed, release or other instrument in writing
13 purporting to transfer any interest in land held or claimed by
14 the department of health and human services or a predecessor
15 agency, which is signed by a departmental official, and which
16 was filed of record more than ten years earlier, in the office
17 of the auditor or recorder or clerk of the district court of
18 any county is legalized and shall be good and valid in law
19 and in equity as fully as if the record expressly showed that
20 it in all respects complied with and was fully authorized as
21 provided in any statute pertaining to such instrument, any
22 other provision of law to the contrary notwithstanding.

23 Sec. 1232. Section 595.4, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. Previous to the issuance of any license to marry, the
26 parties desiring the license shall sign and file a verified
27 application with the county registrar which application
28 either may be mailed to the parties at their request or
29 may be signed by them at the office of the county registrar
30 in the county in which the license is to be issued. The
31 application shall include the social security number of each
32 applicant and shall set forth at least one affidavit of some
33 competent and disinterested person stating the facts as to

34 age and qualification of the parties. Upon the filing of the
35 application for a license to marry, the county registrar shall
1 file the application in a record kept for that purpose and
2 shall take all necessary steps to ensure the confidentiality of
3 the social security number of each applicant. All information
4 included on an application may be provided as mutually agreed
5 upon by the ~~division of records and~~ state registrar of vital
6 statistics and the child support recovery unit services,
7 including by automated exchange.

8 Sec. 1233. Section 598.7, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. The district court may, on its own motion or on the
11 motion of any party, order the parties to participate in
12 mediation in any dissolution of marriage action or other
13 domestic relations action. Mediation performed under this
14 section shall comply with the provisions of [chapter 679C](#).
15 The provisions of [this section](#) shall not apply if the action
16 involves a child support or medical support obligation enforced
17 by ~~the child support recovery unit~~ services. The provisions
18 of [this section](#) shall not apply to actions which involve elder
19 abuse pursuant to [chapter 235F](#) or domestic abuse pursuant
20 to [chapter 236](#). The provisions of [this section](#) shall not
21 affect a judicial district's or court's authority to order
22 settlement conferences pursuant to rules of civil procedure.
23 The court shall, on application of a party, grant a waiver
24 from any court-ordered mediation under [this section](#) if the
25 party demonstrates that a history of domestic abuse exists as
26 specified in [section 598.41, subsection 3](#), paragraph "j".

27 Sec. 1234. Section 598.21B, subsection 1, paragraphs c and
28 d, Code 2023, are amended to read as follows:

29 c. It is the intent of the general assembly that, to the
30 extent possible within the requirements of federal law, the
31 court and ~~the child support recovery unit~~ services consider the
32 individual facts of each judgment or case in the application
33 of the guidelines and determine the support obligation

34 accordingly. It is also the intent of the general assembly
35 that in the supreme court's review of the guidelines, the
1 supreme court shall do both of the following:

2 (1) Emphasize the ability of a court to apply the guidelines
3 in a just and appropriate manner based upon the individual
4 facts of a judgment or case.

5 (2) In determining monthly child support payments, consider
6 other children for whom either parent is legally responsible
7 for support and other child support obligations actually paid
8 by either party pursuant to a court or administrative order.

9 *d.* The guidelines prescribed by the supreme court shall
10 be used by the department of health and human services in
11 determining child support payments under sections 252C.2
12 and 252C.4. A variation from the guidelines shall not be
13 considered by the department without a record or written
14 finding, based on stated reasons, that the guidelines would be
15 unjust or inappropriate as determined under criteria prescribed
16 by the supreme court.

17 Sec. 1235. Section 598.21B, subsection 2, paragraph e, Code
18 2023, is amended to read as follows:

19 *e. Special circumstances justifying variation from*
20 *guidelines.* Unless the special circumstances of the case
21 justify a deviation, the court or ~~the~~ child support ~~recovery~~
22 ~~unit~~ services shall establish a monthly child support payment
23 in accordance with the guidelines for a parent who is nineteen
24 years of age or younger, who has not received a high school
25 or high school equivalency diploma, and to whom each of the
26 following apply:

27 (1) The parent is attending a school or program described as
28 follows or has been identified as one of the following:

29 (a) The parent is in full-time attendance at an accredited
30 school and is pursuing a course of study leading to a high
31 school diploma.

32 (b) The parent is attending an instructional program
33 leading to a high school equivalency diploma.

34 (c) The parent is attending a career and technical education
35 program approved pursuant to [chapter 258](#).

1 (d) The parent has been identified by the director of
2 special education of the area education agency as a child
3 requiring special education as defined in [section 256B.2](#).

4 (2) The parent provides proof of compliance with the
5 requirements of subparagraph (1) to ~~the child support recovery~~
6 ~~unit services~~, if ~~the unit child support services~~ is providing
7 services under [chapter 252B](#), or if ~~the unit child support~~
8 ~~services~~ is not providing services pursuant to [chapter 252B](#), to
9 the court as the court may direct. Failure to provide proof of
10 compliance under this subparagraph or proof of compliance under
11 section 598.21G is grounds for modification of the support
12 order using the uniform child support guidelines and imputing
13 an income to the parent equal to a forty-hour workweek at the
14 state minimum wage, unless the parent's education, experience,
15 or actual earnings justify a higher income.

16 Sec. 1236. Section 598.21C, subsection 2, paragraph b, Code
17 2023, is amended to read as follows:

18 *b.* This basis for modification is applicable to petitions
19 filed on or after July 1, 1992, notwithstanding whether
20 the guidelines prescribed by [section 598.21B](#) were used in
21 establishing the current amount of support. Upon application
22 for a modification of an order for child support for which
23 services are being received pursuant to [chapter 252B](#), the
24 court shall set the amount of child support based upon the
25 most current child support guidelines established pursuant
26 to [section 598.21B](#), including provisions for medical support
27 pursuant to [chapter 252E](#). ~~The child~~ Child support ~~recovery~~
28 ~~unit services~~ shall, in submitting an application for
29 modification, adjustment, or alteration of an order for
30 support, employ additional criteria and procedures as provided
31 in [chapter 252H](#) and as established by rule.

32 Sec. 1237. Section 598.21C, subsections 3, 5, and 7, Code
33 2023, are amended to read as follows:

34 3. *Applicable law.* Unless otherwise provided pursuant to
 35 28 U.S.C. §1738B, a modification of a support order entered
 1 under [chapter 234, 252A, 252C, 600B, this chapter](#), or any
 2 other support chapter or proceeding between parties to the
 3 order is void unless the modification is approved by the
 4 court, after proper notice and opportunity to be heard is
 5 given to all parties to the order, and entered as an order
 6 of the court. If support payments have been assigned to the
 7 department of health and human services pursuant to section
 8 234.39, [239B.6](#), or [252E.11](#), or if services are being provided
 9 pursuant to [chapter 252B](#), the department is a party to the
 10 support order. Modifications of orders pertaining to child
 11 custody shall be made pursuant to [chapter 598B](#). If the petition
 12 for a modification of an order pertaining to child custody asks
 13 either for joint custody or that joint custody be modified to
 14 an award of sole custody, the modification, if any, shall be
 15 made pursuant to [section 598.41](#).

16 5. *Retroactivity of modification.* Judgments for child
 17 support or child support awards entered pursuant to this
 18 chapter, [chapter 234, 252A, 252C, 252F, 600B](#), or any other
 19 chapter of the Code which are subject to a modification
 20 proceeding may be retroactively modified only from three
 21 months after the date the notice of the pending petition for
 22 modification is served on the opposing party. The three-month
 23 limitation applies to a modification action pending on or after
 24 July 1, 1997. The prohibition of retroactive modification does
 25 not bar ~~the child support recovery unit~~ services from obtaining
 26 orders for accrued support for previous time periods. Any
 27 retroactive modification which increases the amount of child
 28 support or any order for accrued support under [this subsection](#)
 29 shall include a periodic payment plan. A retroactive
 30 modification shall not be regarded as a delinquency unless
 31 there are subsequent failures to make payments in accordance
 32 with the periodic payment plan.

33 7. *Modification by child support ~~recovery unit~~*

34 services. Notwithstanding any other provision of law to the
 35 contrary, when an application for modification or adjustment
 1 of support is submitted by ~~the child support recovery unit~~
 2 services, the sole issues which may be considered by the
 3 court in that action are the application of the guidelines
 4 in establishing the amount of support pursuant to section
 5 598.21B, and provision for medical support under chapter
 6 252E. When an application for a cost-of-living alteration
 7 of support is submitted by ~~the child support recovery unit~~
 8 services pursuant to [section 252H.24](#), the sole issue which may
 9 be considered by the court in the action is the application of
 10 the cost-of-living alteration in establishing the amount of
 11 child support. Issues related to custody, visitation, or other
 12 provisions unrelated to support shall be considered only under
 13 a separate application for modification.

14 Sec. 1238. Section 598.21G, Code 2023, is amended to read
 15 as follows:

16 **598.21G Minor parent — parenting classes.**

17 In any order or judgment entered under [this chapter](#) or
 18 chapter 234, [252A](#), [252C](#), [252F](#), or [600B](#), or under any other
 19 chapter which provides for temporary or permanent support
 20 payments, if the parent ordered to pay support is less than
 21 eighteen years of age, one of the following shall apply:

22 1. If ~~the child support recovery unit~~ services is
 23 providing services pursuant to [chapter 252B](#), the court, or
 24 ~~the administrator as defined in [section 252C.1](#)~~, department of
 25 health and human services shall order the parent ordered to pay
 26 support to attend parenting classes which are approved by the
 27 department of health and human services.

28 2. If ~~the child support recovery unit~~ services is not
 29 providing services pursuant to [chapter 252B](#), the court may
 30 order the parent ordered to pay support to attend parenting
 31 classes which are approved by the court.

32 Sec. 1239. Section 598.22A, subsection 4, Code 2023, is
 33 amended to read as follows:

34 4. Payment of accrued support debt due the department of
35 health and human services shall be credited pursuant to section
1 252B.3, subsection 5.

2 Sec. 1240. Section 598.22B, Code 2023, is amended to read
3 as follows:

4 **598.22B Information required in order or judgment.**

5 This section applies to all initial or modified orders
6 for paternity or support entered under this chapter, chapter
7 234, 252A, 252C, 252F, 252H, 252K, or 600B, or under any other
8 chapter, and any subsequent order to enforce such support
9 orders.

10 1. All such orders or judgments shall direct each party
11 to file with the clerk of court or ~~the child support recovery~~
12 ~~unit~~ services, as appropriate, upon entry of the order, and to
13 update as appropriate, information on location and identity of
14 the party, including social security number, residential and
15 mailing addresses, electronic mail address, telephone number,
16 driver's license number, and name, address, and telephone
17 number of the party's employer. The order shall also include a
18 provision that the information filed will be disclosed and used
19 pursuant to this section. The party shall file the information
20 with the clerk of court, or, if all support payments are to
21 be directed to the collection services center as provided in
22 section 252B.14, subsection 2, and section 252B.16, with ~~the~~
23 ~~child support recovery unit~~ services.

24 2. All such orders or judgments shall include a statement
25 that in any subsequent child support action initiated by ~~the~~
26 ~~child support recovery unit~~ services or between the parties,
27 upon sufficient showing that diligent effort has been made to
28 ascertain the location of such a party, ~~the unit~~ child support
29 services or the court shall deem due process requirements for
30 notice and service of process to be met with respect to the
31 party, upon delivery of written notice to the most recent
32 residential or employer address filed with the clerk of court
33 or ~~unit~~ child support services pursuant to subsection 1.

34 3. a. Information filed pursuant to [subsection 1](#) shall not
35 be a public record.

1 b. Information filed with the clerk of court pursuant
2 to [subsection 1](#) shall be available to ~~the~~ child support
3 ~~recovery unit~~ services, upon request. Beginning October 1,
4 1998, information filed with the clerk of court pursuant to
5 subsection 1 shall be provided by the clerk of court to ~~the~~
6 child support ~~recovery unit~~ services pursuant to section
7 252B.24.

8 c. Information filed with the clerk of court shall be
9 available, upon request, to a party unless the party filing
10 the information also files an affidavit alleging the party has
11 reason to believe that release of the information may result in
12 physical or emotional harm to the affiant or child. However,
13 even if an affidavit has been filed, any information provided
14 by the clerk of court to ~~the~~ child support ~~recovery unit~~
15 services shall be disclosed by ~~the unit~~ child support services
16 as provided in [section 252B.9](#).

17 d. Information provided to ~~the unit~~ child support services
18 shall only be disclosed as provided in [section 252B.9](#).

19 Sec. 1241. Section 598.23A, subsection 2, paragraph b,
20 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
21 to read as follows:

22 The contemnor shall keep a record of and provide the
23 following information to the court at the court's request, or
24 to ~~the~~ child support ~~recovery unit~~ ~~established pursuant to~~
25 ~~chapter 252B~~ services created in section 252B.2, at the unit's
26 request of child support services, when ~~the unit~~ child support
27 services is providing enforcement services pursuant to chapter
28 252B:

29 Sec. 1242. Section 598.23A, subsection 2, paragraph c,
30 subparagraph (3), Code 2023, is amended to read as follows:

31 (3) The court order under this paragraph shall be vacated
32 only after verification is provided to the court that the
33 contemnor has satisfied all accrued obligations owing and that

34 the contemnor has satisfied all terms established by the court
35 and when the person entitled to receive support payments, or
1 ~~the child support recovery unit services~~ when the unit child
2 support services is providing enforcement services pursuant
3 to [chapter 252B](#), has been provided ten days' notice and an
4 opportunity to object.

5 Sec. 1243. Section 598.26, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. Until a decree of dissolution has been entered, the
8 record and evidence shall be closed to all but the court,
9 its officers, and ~~the child support recovery unit services~~
10 of the department of health and human services pursuant to
11 section 252B.9. However, the payment records of a temporary
12 support order maintained by the clerk of the district court
13 are public records and may be released upon request. Payment
14 records shall not include address or location information. No
15 other person shall permit a copy of any of the testimony, or
16 pleading, or the substance of any testimony or pleading, to be
17 made available to any person other than a party to the action
18 or a party's attorney. Nothing in [this subsection](#) shall be
19 construed to prohibit publication of the original notice as
20 provided by the rules of civil procedure.

21 Sec. 1244. Section 598.34, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 If public assistance is provided by the department of
24 health and human services to or on behalf of a dependent child
25 or a dependent child's caretaker, there is an assignment by
26 operation of law to the department of any and all rights in,
27 title to, and interest in any support obligation, payment, and
28 arrearages owed to or for the child or caretaker not to exceed
29 the amount of public assistance paid for or on behalf of the
30 child or caretaker as follows:

31 Sec. 1245. Section 598.34, subsection 3, Code 2023, is
32 amended to read as follows:

33 3. The clerk shall furnish the department with copies

34 of all orders or decrees and temporary or domestic abuse
35 orders addressing support when the parties are receiving
1 public assistance or services are otherwise provided by the
2 child support ~~recovery unit~~ services pursuant to chapter
3 252B. Unless otherwise specified in the order, an equal and
4 proportionate share of any child support awarded shall be
5 presumed to be payable on behalf of each child subject to the
6 order or judgment for purposes of an assignment under this
7 section.

8 Sec. 1246. Section 600.2, Code 2023, is amended to read as
9 follows:

10 **600.2 Definitions.**

11 1. ~~"Child", "parent", "parent-child relationship",~~
12 ~~"termination of parental rights", "biological parent",~~
13 ~~"stepparent", "guardian", "custodian", "guardian ad litem",~~
14 ~~"minor", "adoption service provider", "certified adoption~~
15 ~~investigator", "adult", "agency", "department", "court", and~~
16 ~~"juvenile court"~~ "Adoption service provider", "adult", "agency",
17 "biological parent", "certified adoption investigator", "child",
18 "court", "custodian", "department", "guardian", "guardian ad
19 litem", "juvenile court", "minor", "parent", "parent-child
20 relationship", "stepparent", and "termination of parental rights"
21 mean the same as defined in [section 600A.2](#).

22 2. "Investigator" means a natural person who is certified or
23 approved by the department of ~~human services~~, after inspection
24 by the department of inspections and appeals, as being capable
25 of conducting an investigation under [section 600.8](#).

26 Sec. 1247. Section 600.7A, Code 2023, is amended to read as
27 follows:

28 **600.7A Adoption services provided by or through the**
29 **department of ~~human services~~ — selection of adoptive parent**
30 **criteria.**

31 The department of ~~human services~~ shall adopt rules which
32 provide that if adoption services are provided by or through
33 the department, notwithstanding any other selection of

34 adoptive parent criteria, the overriding criterion shall be a
35 preference for placing a child in a stable home environment as
1 expeditiously as possible.

2 Sec. 1248. Section 600.8, subsection 2, paragraph c, Code
3 2023, is amended to read as follows:

4 c. If the person making the investigation does not approve
5 a prospective adoption petitioner under paragraph "a" of this
6 subsection, the person investigated may appeal the disapproval
7 as a contested case to the director of health and human
8 services. Judicial review of any adverse decision by the
9 director may be sought pursuant to [chapter 17A](#).

10 Sec. 1249. Section 600.16A, subsection 5, Code 2023, is
11 amended to read as follows:

12 5. Notwithstanding [subsection 2](#), a termination of parental
13 rights order issued pursuant to [this chapter](#), [section 600A.9](#),
14 or any other chapter shall be disclosed to the child support
15 ~~recovery unit~~ services, upon request, without court order.

16 Sec. 1250. Section 600.16B, Code 2023, is amended to read
17 as follows:

18 **600.16B Fees.**

19 The supreme court shall prescribe and the department of
20 ~~human services~~ shall adopt rules, to defray the actual cost of
21 the provision of information or the opening of records pursuant
22 to [section 600.16](#) or [600.16A](#).

23 Sec. 1251. Section 600.17, unnumbered paragraph 1, Code
24 2023, is amended to read as follows:

25 The department of ~~human services~~ shall, within the limits of
26 funds appropriated to the department of ~~human services~~ and any
27 gifts or grants received by the department for this purpose,
28 provide financial assistance to any person who adopts a child
29 with physical or mental disabilities or an older or otherwise
30 hard-to-place child, if the adoptive parent has the capability
31 of providing a suitable home for the child but the need for
32 special services or the costs of maintenance are beyond the
33 economic resources of the adoptive parent.

34 Sec. 1252. Section 600.17, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. The department ~~of human services~~ shall make adoption
2 presubsidy and adoption subsidy payments to adoptive parents at
3 the beginning of the month for the current month.

4 Sec. 1253. Section 600.18, Code 2023, is amended to read as
5 follows:

6 **600.18 Determination of assistance.**

7 1. Any prospective adoptive parent desiring financial
8 assistance shall state this fact in the petition for adoption.
9 The department ~~of human services~~ shall investigate the person
10 petitioning for adoption and the child and shall file with the
11 juvenile court or court a statement of whether the department
12 will provide assistance as provided in [section 600.17](#), this
13 section, and [sections 600.19 through 600.22](#), the estimated
14 amount, extent, and duration of assistance, and any other
15 information the juvenile court or court may order.

16 2. If the department ~~of human services~~ is unable to
17 determine that an insurance policy will cover the costs of
18 special services, it shall proceed as if no policy existed, for
19 the purpose of determining eligibility to receive assistance.
20 The department shall, to the amount of financial assistance
21 given, be subrogated to the rights of the adoptive parent in
22 the insurance contract.

23 Sec. 1254. Section 600.22, Code 2023, is amended to read as
24 follows:

25 **600.22 Rules.**

26 The department ~~of human services~~ shall adopt rules in
27 accordance with the provisions of [chapter 17A](#), which are
28 necessary for the administration of sections 600.17 through
29 600.21 and [600.23](#).

30 Sec. 1255. Section 600.23, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. *Purpose.* The department ~~of human services~~ may enter
33 into interstate agreements with state agencies of other states

34 for the protection of children on behalf of whom adoption
35 subsidy is being provided by the department ~~of human services~~
1 and to provide procedures for interstate children's adoption
2 assistance payments, including medical payments.

3 Sec. 1256. Section 600.23, subsection 2, paragraphs a and b,
4 Code 2023, are amended to read as follows:

5 a. The ~~Iowa~~ department ~~of human services~~ may enter into
6 interstate agreements with state agencies of other states for
7 the provision of medical services to adoptive families who
8 participate in the subsidized adoption or adoption assistance
9 program.

10 b. The ~~Iowa~~ department ~~of human services~~ may develop,
11 participate in the development of, negotiate, and enter into
12 one or more interstate compacts on behalf of this state with
13 other states to implement one or more of the purposes set forth
14 in [this section](#). When so entered into, and for so long as it
15 shall remain in force, such a compact shall have the force and
16 effect of law.

17 Sec. 1257. Section 600.23, subsection 4, paragraphs a, b,
18 and c, Code 2023, are amended to read as follows:

19 a. A child with special needs residing in this state who is
20 the subject of an adoption assistance agreement with another
21 state shall be entitled to receive a medical assistance card
22 from this state upon the filing of a certified copy of the
23 adoption assistance agreement obtained from the adoption
24 assistance state. In accordance with regulations of the ~~Iowa~~
25 department ~~of human services~~, the adoptive parents shall be
26 required at least annually to show that the agreement is still
27 in force or has been renewed.

28 b. The ~~Iowa~~ department ~~of human services~~ shall consider the
29 holder of a medical assistance card pursuant to [this section](#) as
30 any other holder of a medical assistance card under the laws
31 of this state and shall process and make payment on claims
32 on account of such holder in the same manner and pursuant to
33 the same conditions and procedures as for other recipients of

34 medical assistance.

35 c. The ~~Iowa department of human services~~ shall provide
1 coverage and benefits for a child who is in another state and
2 who is covered by an adoption subsidy agreement made prior
3 to July 1, 1987, by the ~~Iowa department of human services~~
4 for the coverage or benefits, if any, not provided by the
5 residence state. The adoptive parents acting for the child may
6 submit evidence of payment for services or benefit amounts not
7 payable in the residence state and shall be reimbursed for such
8 expense. However, reimbursement shall not be made for services
9 or benefit amounts covered under any insurance or other third
10 party medical contract or arrangement held by the child or the
11 adoptive parents. The additional coverages and benefit amounts
12 provided pursuant to [this subsection](#) shall be for services to
13 the cost of which there is no federal contribution, or which,
14 if federally aided, are not provided by the residence state.
15 Such regulations shall include procedures to be followed in
16 obtaining prior approvals for services in those instances where
17 required for the assistance.

18 Sec. 1258. Section 600A.2, subsections 5 and 9, Code 2023,
19 are amended to read as follows:

20 5. "*Certified adoption investigator*" means a person who is
21 certified and approved by the department of ~~human services~~,
22 after inspection by the department of inspections and appeals,
23 as being capable of conducting an investigation under section
24 600.8.

25 9. "*Department*" means the state department of health and
26 ~~human services or its subdivisions~~.

27 Sec. 1259. Section 600A.4, subsection 2, paragraph d,
28 subparagraph (2), Code 2023, is amended to read as follows:

29 (2) If accepted, the counseling shall be provided after
30 the birth of the child and prior to the signing of a release
31 of custody or the filing of a petition for termination of
32 parental rights as applicable. Counseling shall be provided
33 only by a person who is qualified under rules adopted by the

34 department of ~~human services~~ which shall include a requirement
35 that the person complete a minimum number of hours of training
1 in the area of adoption-related counseling approved by the
2 department. If counseling is accepted, the counselor shall
3 provide an affidavit, which shall be attached to the release of
4 custody, when practicable, certifying that the counselor has
5 provided the biological parent with the requested counseling
6 and documentation that the person is qualified to provide the
7 requested counseling as prescribed by this paragraph "d". The
8 requirements of this paragraph "d" do not apply to a release
9 of custody which is executed for the purposes of a stepparent
10 adoption.

11 Sec. 1260. Section 600A.8, subsection 8, paragraph a, Code
12 2023, is amended to read as follows:

13 a. The parent has been determined to be a person with a
14 ~~substance-related~~ substance use disorder as defined in section
15 125.2 and the parent has committed a second or subsequent
16 domestic abuse assault pursuant to [section 708.2A](#).

17 Sec. 1261. Section 600B.38, subsections 1 and 3, Code 2023,
18 are amended to read as follows:

19 1. If public assistance is provided by the department of
20 health and human services to or on behalf of a dependent child
21 or a dependent child's caretaker, there is an assignment by
22 operation of law to the department of any and all rights in,
23 title to, and interest in any support obligation, payment, and
24 arrearages owed to or on behalf of the child or caretaker, not
25 to exceed the amount of public assistance paid for or on behalf
26 of the child or caretaker as follows:

27 a. For family investment program assistance, [section 239B.6](#)
28 shall apply.

29 b. For foster care services, [section 234.39](#) shall apply.

30 c. For medical assistance, [section 252E.11](#) shall apply.

31 3. The clerk shall furnish the department with copies of
32 all orders or decrees and temporary or domestic abuse orders
33 addressing support when the parties are receiving public

34 assistance or services are otherwise provided by ~~the~~ child
35 support ~~recovery unit~~ services. Unless otherwise specified
1 in the order, an equal and proportionate share of any child
2 support awarded shall be presumed to be payable on behalf of
3 each child subject to the order or judgment for purposes of an
4 assignment under this section.

5 Sec. 1262. Section 600B.41A, subsection 3, paragraph c,
6 subparagraph (1), Code 2023, is amended to read as follows:

7 (1) If enforcement services are being provided by ~~the~~
8 child support ~~recovery unit~~ services pursuant to chapter 252B,
9 notice shall also be served on ~~the~~ child support ~~recovery unit~~
10 services.

11 Sec. 1263. Section 600B.41A, subsection 11, Code 2023, is
12 amended to read as follows:

13 11. Participation of ~~the~~ child support ~~recovery unit~~
14 services created in section 252B.2 in an action brought under
15 this section shall be limited as follows:

16 a. ~~The unit~~ Child support services shall only participate
17 in actions if services are being provided by ~~the unit~~ child
18 support services pursuant to chapter 252B.

19 b. When services are being provided by ~~the unit~~ child
20 support services under chapter 252B, ~~the unit~~ child support
21 services may enter an administrative order for blood and
22 genetic tests pursuant to chapter 252F.

23 c. ~~The unit~~ Child support services is not responsible for or
24 required to provide for or assist in obtaining blood or genetic
25 tests in any case in which services are not being provided by
26 ~~the unit~~ child support services.

27 d. ~~The unit~~ Child support services is not responsible for
28 the costs of blood or genetic testing conducted pursuant to an
29 action brought under this section.

30 e. Pursuant to section 252B.7, subsection 4, an attorney
31 employed by ~~the unit~~ child support services represents the
32 state in any action under this section. ~~The unit's~~ Child
33 support services' attorney is not the legal representative of

34 the mother, the established father, or the child in any action
35 brought under [this section](#).

1 Sec. 1264. Section 600C.1, subsection 3, paragraph c,
2 subparagraph (2), subparagraph division (f), Code 2023, is
3 amended to read as follows:

4 (f) ~~Drug abuse~~ Substance use disorder.

5 Sec. 1265. Section 602.4201, subsection 3, paragraph h,
6 Code 2023, is amended to read as follows:

7 h. Involuntary commitment or treatment of persons with
8 ~~substance-related disorders~~ a substance use disorder.

9 Sec. 1266. Section 602.6111, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. Any party, except the child support ~~recovery unit~~
12 services, filing a petition, complaint, answer, appearance,
13 first motion, or any document with the clerk of the district
14 court to establish or modify an order for child support
15 under [chapter 236](#), [252A](#), [252K](#), [598](#), or [600B](#) shall provide the
16 clerk of the district court with the date of birth and social
17 security number of the child.

18 Sec. 1267. Section 602.6405, subsection 2, paragraph b,
19 Code 2023, is amended to read as follows:

20 b. Magistrates shall forward copies of citations issued
21 for violations of [section 453A.2](#), [subsection 2](#), and of their
22 dispositions to the clerk of the district court. The clerk of
23 the district court shall maintain records of citations issued
24 and the dispositions of citations, and shall forward a copy of
25 the records to the Iowa department of ~~public health~~ and human
26 services.

27 Sec. 1268. Section 602.8102, subsections 33, 43, and 47,
28 Code 2023, are amended to read as follows:

29 33. Furnish to the Iowa department of ~~public health~~ and
30 human services a certified copy of a judgment relating to the
31 suspension or revocation of a professional license.

32 43. Submit to the director of the ~~division of child and~~
33 ~~family services of the department of~~ health and human services

34 a duplicate of the findings of the court related to adoptions
35 as provided in [section 235.3, subsection 7](#).

1 47. Record support payments made pursuant to an order
2 entered under [chapter 252A, 252F, 598, or 600B](#), or under a
3 comparable statute of another state or foreign country as
4 defined in [chapter 252K](#), and through setoff of a state or
5 federal income tax refund or rebate, as if the payments were
6 received and disbursed by the clerk; forward support payments
7 received under [section 252A.6](#) to the department of health
8 and human services and furnish copies of orders and decrees
9 awarding support to parties receiving welfare public assistance
10 as provided in [section 252A.13](#).

11 Sec. 1269. Section 602.8103, subsection 4, paragraph j,
12 Code 2023, is amended to read as follows:

13 *j.* Court reporters' notes and certified transcripts of
14 those notes in mental health hearings under [section 229.12](#) and
15 substance ~~abuse~~ use disorder hearings under [section 125.82](#),
16 ninety days after the respondent has been discharged from
17 involuntary custody.

18 Sec. 1270. Section 602.8108, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. The clerk of the district court shall remit to the
21 state court administrator, not later than the fifteenth day of
22 each month, all moneys collected from the surcharge provided
23 in [section 911.1](#) during the preceding calendar month. The
24 state court administrator shall allocate and deposit each
25 month forty-six percent in the juvenile detention home fund in
26 [section 232.142](#), thirty-two percent in the victim compensation
27 fund established in [section 915.94](#), twenty percent in the
28 criminalistics laboratory fund established in [section 691.9](#),
29 and two percent in the ~~drug abuse resistance~~ substance use
30 disorder education fund established in [section 80E.4](#).

31 Sec. 1271. Section 613.17, subsection 2, paragraph b, Code
32 2023, is amended to read as follows:

33 *b.* A person or entity that owns, manages, or is otherwise

34 responsible for the premises on which an automated external
35 defibrillator is located if the person or entity maintains the
1 automated external defibrillator in a condition for immediate
2 and effective use at all times, subject to standards developed
3 by the department of public health and human services by rule.

4 Sec. 1272. Section 622.10, subsection 6, paragraph a, Code
5 2023, is amended to read as follows:

6 a. The fee charged for the cost of producing the requested
7 records or images shall be based upon the actual cost
8 of production. If the written request and accompanying
9 patient's waiver, if required, authorizes the release of
10 all of the patient's records for the requested time period,
11 including records relating to the patient's mental health,
12 substance ~~abuse~~ use disorder, and acquired immune deficiency
13 syndrome-related conditions, the amount charged shall not
14 exceed the rates established by the workers' compensation
15 commissioner for copies of records in workers' compensation
16 cases. If requested, the provider shall include an affidavit
17 certifying that the records or images produced are true and
18 accurate copies of the originals for an additional fee not to
19 exceed ten dollars.

20 Sec. 1273. Section 622A.7, Code 2023, is amended to read as
21 follows:

22 **622A.7 Rules.**

23 The supreme court, after consultation with the department
24 of health and human ~~rights~~ services and other appropriate
25 departments, shall adopt rules governing the qualifications and
26 compensation of interpreters or translators appearing in legal
27 proceedings under this chapter. However, an administrative
28 agency which is subject to chapter 17A may adopt rules
29 differing from those of the supreme court governing the
30 qualifications and compensation of interpreters or translators
31 appearing in proceedings before that agency.

32 Sec. 1274. Section 622B.1, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. The supreme court, after consultation with the
35 department of health and human rights services, shall adopt
1 rules governing the qualifications and compensation of sign
2 language interpreters appearing in a legal proceeding or before
3 an administrative agency under this chapter. However, an
4 administrative agency which is subject to chapter 17A may adopt
5 rules differing from those of the supreme court governing the
6 qualifications and compensation of sign language interpreters
7 appearing in proceedings before that agency.

8 Sec. 1275. Section 622B.4, Code 2023, is amended to read as
9 follows:

10 **622B.4 List.**

11 The office of deaf services of the department of health
12 and human rights services shall prepare and continually
13 update a listing of qualified and available sign language
14 interpreters. The courts and administrative agencies shall
15 maintain a directory of qualified interpreters for deaf and
16 hard-of-hearing persons as furnished by the department of
17 health and human rights services. The office of deaf services
18 of the department of health and human services shall maintain
19 a list of sign language interpreters which shall be made
20 available to a court, administrative agency, or interested
21 parties to an action using the services of a sign language
22 interpreter.

23 Sec. 1276. Section 626.29, Code 2023, is amended to read as
24 follows:

25 **626.29 Distress warrant by director of revenue, director of**
26 **inspections and appeals, or director of workforce development.**

27 In the service of a distress warrant issued by the director
28 of revenue for the collection of taxes administered by or debts
29 to be collected by the department of revenue, in the service of
30 a distress warrant issued by the director of inspections and
31 appeals for the collection of overpayment debts owed to the
32 department of health and human services, or in the service of a
33 distress warrant issued by the director of the department of

34 workforce development for the collection of employment security
35 contributions, the property of the taxpayer or the employer in
1 the possession of another, or debts due the taxpayer or the
2 employer, may be reached by garnishment.

3 Sec. 1277. Section 633.231, Code 2023, is amended to read
4 as follows:

5 **633.231 Notice in intestate estates — medical assistance**
6 **claims.**

7 1. Upon opening administration of an intestate estate,
8 the administrator shall, in accordance with [section 633.410](#),
9 provide by electronic transmission on a form approved by
10 the department of health and human services to the entity
11 designated by the department of health and human services,
12 a notice of opening administration of the estate and of
13 the appointment of the administrator, which shall include a
14 notice to file claims with the clerk or to provide electronic
15 notification to the administrator that the department has no
16 claim within six months from the date of sending this notice,
17 or thereafter be forever barred.

18 2. The notice shall be in substantially the following form:

19 In the District Court of Iowa
20 in and for County.

21 In the Estate of Probate No.

22, Deceased

23 NOTICE OF OPENING
24 ADMINISTRATION OF
25 ESTATE, OF APPOINTMENT OF
26 ADMINISTRATOR, AND
27 NOTICE TO CREDITOR

28 To the Department of Health and Human Services Who May Be
29 Interested in the Estate of, Deceased, who died on or
30 about (date):

31 You are hereby notified that on the .. day of ... (month),
32 ... (year), an intestate estate was opened in the above-named
33 court and that was appointed administrator of the

34 estate.

35 You are further notified that the birthdate of the
1 deceased is ... and the deceased's social security number
2 is ...-...-.... The name of the spouse is The
3 birthdate of the spouse is ... and the spouse's social
4 security number is ...-...-...., and that the spouse of the
5 deceased is alive as of the date of this notice, or deceased as
6 of (date).

7 You are further notified that the deceased was/was not a
8 disabled or a blind child of the medical assistance recipient
9 by the name of, who had a birthdate of ... and a social
10 security number of ...-...-...., and the medical assistance
11 debt of that medical assistance recipient was waived pursuant
12 to section 249A.53, subsection 2, paragraph "a", subparagraph
13 (1), and is now collectible from this estate pursuant to
14 section 249A.53, subsection 2, paragraph "b".

15 Notice is hereby given that if the department of health
16 and human services has a claim against the estate for the
17 deceased person or persons named in this notice, the claim
18 shall be filed with the clerk of the above-named district
19 court, as provided by law, duly authenticated, for allowance,
20 within six months from the date of sending this notice and,
21 unless otherwise allowed or paid, the claim is thereafter
22 forever barred. If the department does not have a claim, the
23 department shall return the notice to the administrator with
24 notification stating the department does not have a claim
25 within six months from the date of sending this notice.

26 Dated this .. day of ... (month), ... (year)

27
28 Administrator of the estate
29
30 Address

31
32 Attorney for the administrator
33

34 Address

35 Sec. 1278. Section 633.304A, Code 2023, is amended to read
1 as follows:

2 **633.304A Notice of probate of will — medical assistance**
3 **claims.**

4 1. On admission of a will to probate, the executor shall,
5 in accordance with section 633.410, provide by electronic
6 transmission on a form approved by the department of health and
7 human services to the entity designated by the department of
8 health and human services, a notice of admission of the will
9 to probate and of the appointment of the executor, which shall
10 include a notice to file claims with the clerk or to provide
11 electronic notification to the executor that the department
12 has no claim within six months of sending this notice, or
13 thereafter be forever barred.

14 2. The notice shall be in substantially the following form:

15 In the District Court of Iowa
16 in and for County.
17 Probate No.
18 In the Estate of NOTICE OF PROBATE OF WILL,
19, Deceased OF APPOINTMENT OF
20 EXECUTOR, AND
21 NOTICE TO CREDITORS

22 To the Department of Health and Human Services, Who May Be
23 Interested in the Estate of, Deceased, who died on or
24 about (date):

25 You are hereby notified that on the .. day of ...(month),
26 ...(year), the last will and testament of, deceased,
27 bearing date of the .. day of ... (month), ... (year) was
28 admitted to probate in the above-named court and that
29 was appointed executor of the estate.

30 You are further notified that the birthdate of the
31 deceased is ... and the deceased's social security number is
32 ...-...-.... The name of the spouse is The birthdate
33 of the spouse is ... and the spouse's social security number

34 is ...-...-....., and that the spouse of the deceased is alive
35 as of the date of this notice, or deceased as of (date).

1 You are further notified that the deceased was/was not a
2 disabled or a blind child of the medical assistance recipient
3 by the name of, who had a birthdate of and a social
4 security number of ...-...-....., and the medical assistance
5 debt of that medical assistance recipient was waived pursuant
6 to [section 249A.53, subsection 2](#), paragraph "a", subparagraph
7 (1), and is now collectible from this estate pursuant to
8 section 249A.53, subsection 2, paragraph "b".

9 Notice is hereby given that if the department of health
10 and human services has a claim against the estate for the
11 deceased person or persons named in this notice, the claim
12 shall be filed with the clerk of the above-named district
13 court, as provided by law, duly authenticated, for allowance
14 within six months from the date of sending this notice and,
15 unless otherwise allowed or paid, the claim is thereafter
16 forever barred. If the department does not have a claim,
17 the department shall return the notice to the executor with
18 notification that the department does not have a claim within
19 six months from the date of sending this notice.

20 Dated this .. day of ... (month), ... (year)

21

22 Executor of estate

23

24 Address

25

26 Attorney for executor

27

28 Address

29 Sec. 1279. Section 633.336, Code 2023, is amended to read
30 as follows:

31 **633.336 Damages for wrongful death.**

32 When a wrongful act produces death, damages recovered as a
33 result of the wrongful act shall be disposed of as personal

34 property belonging to the estate of the deceased; however, if
 35 the damages include damages for loss of services and support
 1 of a deceased spouse, parent, or child, the damages shall be
 2 apportioned by the court among the surviving spouse, children,
 3 and parents of the decedent in a manner as the court may deem
 4 equitable consistent with the loss of services and support
 5 sustained by the surviving spouse, children, and parents
 6 respectively. Any recovery by a parent for the death of a
 7 child shall be subordinate to the recovery, if any, of the
 8 spouse or a child of the decedent. If the decedent leaves
 9 a spouse, child, or parent, damages for wrongful death shall
 10 not be subject to debts and charges of the decedent's estate,
 11 except for amounts to be paid to the department of health
 12 and human services for payments made for medical assistance
 13 pursuant to [chapter 249A](#), paid on behalf of the decedent from
 14 the time of the injury which gives rise to the decedent's death
 15 up until the date of the decedent's death.

16 Sec. 1280. Section 633.356, subsection 3, paragraph a,
 17 subparagraph (9), Code 2023, is amended to read as follows:

18 (9) That no debt is owed to the department of health and
 19 human services for reimbursement of Medicaid benefits; or if
 20 debt is owed, that the debt will be paid to the extent of funds
 21 received pursuant to the affidavit.

22 Sec. 1281. Section 633.356, subsection 8, paragraph b, Code
 23 2023, is amended to read as follows:

24 *b.* When the department of health and human services is
 25 entitled to money or property of a decedent pursuant to section
 26 249A.53, subsection 2, and no affidavit has been presented by
 27 a successor as defined in [subsection 2](#), paragraph "a" or "b",
 28 within ninety days of the date of the decedent's death, the
 29 funds in the account or other property, up to the amount of
 30 the claim of the department, shall be paid to the department
 31 upon presentation by the department or an entity designated by
 32 the department of an affidavit to the holder of the decedent's
 33 property. Such affidavit shall include the information

34 specified in [subsection 3](#), except that the department may
35 submit proof of payment of funeral expenses as verification
1 of the decedent's death instead of a certified copy of the
2 decedent's death certificate. The amount of the department's
3 claim shall also be included in the affidavit, which shall
4 entitle the department to receive the funds as a successor.
5 The department shall issue a refund within sixty days to any
6 claimant with a superior priority pursuant to [section 633.425](#),
7 if notice of such claim is given to the department, or to the
8 entity designated by the department to receive notice, within
9 one year of the department's receipt of funds. This paragraph
10 shall apply to funds or property of the decedent transferred
11 to the custody of the treasurer of state as unclaimed property
12 pursuant to [chapter 556](#).

13 Sec. 1282. Section 633.410, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. Notwithstanding [subsection 1](#), claims for debts created
16 under [section 249A.53, subsection 2](#), relating to the recovery
17 of medical assistance payments shall be barred under this
18 section unless filed with the clerk within six months after
19 sending notice by electronic transmission, on the form
20 prescribed in [section 633.231](#) for intestate estates or on the
21 form prescribed in [section 633.304A](#) for testate estates, to
22 the entity designated by the department of health and human
23 services to receive notice.

24 Sec. 1283. Section 633.564, subsection 3, Code 2023, is
25 amended to read as follows:

26 3. The judicial branch, in conjunction with the department
27 of public safety, the department of health and human services,
28 and the state chief information officer, shall establish
29 procedures for electronic access to the single contact
30 repository established pursuant to [section 135C.33](#) necessary to
31 conduct background checks requested under [subsection 1](#).

32 Sec. 1284. Section 633.641, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. The conservator shall report to the department of health
35 and human services the protected person's assets and income,
1 if the protected person is receiving medical assistance under
2 chapter 249A. Such reports shall be made upon establishment of
3 a conservatorship for an individual applying for or receiving
4 medical assistance, upon application for benefits on behalf
5 of the protected person, upon annual or semiannual review of
6 continued medical assistance eligibility, when any significant
7 change in the protected person's assets or income occurs, or
8 as otherwise requested by the department of health and human
9 services. Written reports shall be provided to the department
10 of health and human services office for the county in which the
11 protected person resides or the office in which the protected
12 person's medical assistance is administered.

13 Sec. 1285. Section 633B.120, subsection 2, paragraph f,
14 Code 2023, is amended to read as follows:

15 f. The person makes, or has actual knowledge that another
16 person has made, a report to the department of health and human
17 services stating a good-faith belief that the principal may be
18 subject to physical or financial abuse, neglect, exploitation,
19 or abandonment by the agent or a person acting for or with the
20 agent.

21 Sec. 1286. Section 633C.1, Code 2023, is amended to read as
22 follows:

23 **633C.1 Definitions.**

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

26 1. "*Available monthly income*" means in reference to a
27 medical assistance income trust beneficiary, any income
28 received directly by the beneficiary, not from the trust,
29 that counts as income in determining eligibility for medical
30 assistance and any amounts paid to or otherwise made available
31 to the beneficiary by the trustee pursuant to section 633C.3,
32 subsection 1, paragraph "b", or **section 633C.3, subsection 2,**
33 paragraph "b".

34 2. "*Beneficiary*" means the original beneficiary of a medical
35 assistance special needs trust or medical assistance income
1 trust, whose assets funded the trust.

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

4 ~~3.~~ 4. "*Institutionalized individual*" means an individual
5 receiving nursing facility services, a level of care in any
6 institution equivalent to nursing facility services, or home
7 and community-based services under the medical assistance home
8 and community-based services waiver program.

9 ~~4.~~ 5. "*Maximum monthly medical assistance payment rate for*
10 *services in an intermediate care facility for persons with an*
11 *intellectual disability*" means the allowable rate established by
12 the department of ~~human services~~ and as published in the Iowa
13 administrative bulletin.

14 ~~5.~~ 6. "*Medical assistance*" means medical assistance as
15 defined in [section 249A.2](#).

16 ~~6.~~ 7. "*Medical assistance income trust*" means a trust or
17 similar legal instrument or device that meets the criteria of
18 42 U.S.C. §1396p(d)(4)(B)(i)-(ii).

19 ~~7.~~ 8. "*Medical assistance special needs trust*" means a trust
20 or similar legal instrument or device that meets the criteria
21 of 42 U.S.C. §1396p(d)(4)(A) or (C).

22 ~~8.~~ 9. "*Statewide average charge for state mental health*
23 *institute care*" means the statewide average charge for such
24 care as calculated by the department of ~~human services~~ and as
25 published in the Iowa administrative bulletin.

26 ~~9.~~ 10. "*Statewide average charge for nursing facility*
27 *services*" means the statewide average charge for such care,
28 excluding charges by Medicare-certified, skilled nursing
29 facilities, as calculated by the department of ~~human services~~
30 and as published in the Iowa administrative bulletin.

31 ~~10.~~ 11. "*Statewide average charge to private-pay patients*
32 *for psychiatric medical institutions for children care*" means
33 the statewide average charge for such care as calculated by

34 the department of ~~human services~~ and as published in the Iowa
35 administrative bulletin.

1 ~~11.~~ 12. "*Total monthly income*" means in reference to a
2 medical assistance income trust beneficiary, income received
3 directly by the beneficiary, not from the trust, that counts
4 as income in determining eligibility for medical assistance,
5 income of the beneficiary received by the trust that would
6 otherwise count as income in determining the beneficiary's
7 eligibility for medical assistance, and income or earnings of
8 the trust received by the trust.

9 Sec. 1287. Section 633C.5, Code 2023, is amended to read as
10 follows:

11 **633C.5 Cooperation.**

12 1. The department of ~~human services~~ shall cooperate with
13 the trustee of a medical assistance special needs trust or a
14 medical assistance income trust in determining the appropriate
15 disposition of the trust under [sections 633C.2](#) and [633C.3](#).

16 2. The trustee of a medical assistance special needs trust
17 or medical assistance income trust shall cooperate with the
18 department of ~~human services~~ in supplying information regarding
19 a trust established under [this chapter](#).

20 Sec. 1288. Section 642.2, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. Notwithstanding [subsections 2, 3, 6, and 7](#), any moneys
23 owed to the child support obligor by the state, with the
24 exception of unclaimed property held by the treasurer of
25 state pursuant to [chapter 556](#), and payments owed to the child
26 support obligor through the Iowa public employees' retirement
27 system are subject to garnishment, attachment, execution, or
28 assignment by ~~the child support recovery unit~~ [services](#) if ~~the~~
29 child support ~~recovery unit~~ [services](#) is providing enforcement
30 services pursuant to [chapter 252B](#). Any moneys that are
31 determined payable by the treasurer pursuant to section 556.20,
32 subsection 2, to the child support obligor shall be subject
33 to setoff pursuant to [section 8A.504](#), notwithstanding any

34 administrative rule pertaining to ~~the~~ child support ~~recovery~~
35 ~~unit~~ services limiting the amount of the offset.

1 Sec. 1289. Section 669.2, subsection 4, paragraph a, Code
2 2023, is amended to read as follows:

3 a. "*Employee of the state*" includes any one or more
4 officers, agents, or employees of the state or any state
5 agency, including members of the general assembly, and persons
6 acting on behalf of the state or any state agency in any
7 official capacity, temporarily or permanently in the service of
8 the state of Iowa, whether with or without compensation, but
9 does not include a contractor doing business with the state.
10 Professional personnel, including physicians, osteopathic
11 physicians and surgeons, osteopathic physicians, optometrists,
12 dentists, nurses, physician assistants, and other medical
13 personnel, who render services to patients or inmates of state
14 institutions under the jurisdiction of the department of health
15 and human services or the Iowa department of corrections,
16 and employees of the department of veterans affairs, are to
17 be considered employees of the state, whether the personnel
18 are employed on a full-time basis or render services on
19 a part-time basis on a fee schedule or other arrangement.
20 Criminal defendants while performing unpaid community service
21 ordered by the district court, board of parole, or judicial
22 district department of correctional services, or an inmate
23 providing services pursuant to a [chapter 28E](#) agreement entered
24 into pursuant to [section 904.703](#), and persons supervising
25 those inmates under and according to the terms of the chapter
26 28E agreement, are to be considered employees of the state.
27 Members of the Iowa national guard performing duties in
28 a requesting state pursuant to [section 29C.21](#) are to be
29 considered employees of the state solely for the purpose of
30 claims arising out of those duties in the event that the
31 requesting state's tort claims coverage does not extend to
32 such members of the Iowa national guard or is less than that
33 provided under Iowa law.

34 Sec. 1290. Section 674.3, Code 2023, is amended to read as
35 follows:

1 **674.3 Petition copy.**

2 A copy of the petition shall be filed by the clerk of court
3 with the ~~division for records and~~ state registrar of vital
4 statistics of the Iowa department of public health and human
5 services.

6 Sec. 1291. Section 674.7, Code 2023, is amended to read as
7 follows:

8 **674.7 Copy to Iowa department of public health and human**
9 **services.**

10 When the court grants a decree of change of name, the clerk
11 of the court shall furnish the petitioner with a certified copy
12 of the decree and mail an abstract of a decree requiring a name
13 change to be reflected on a birth certificate to the state
14 registrar of vital statistics of the Iowa department of public
15 health and human services on a form provided by the state
16 registrar.

17 Sec. 1292. Section 686D.2, subsection 11, paragraph e, Code
18 2023, is amended to read as follows:

19 e. Any state agency, including the department of public
20 health and human services.

21 Sec. 1293. Section 691.5, Code 2023, is amended to read as
22 follows:

23 **691.5 State medical examiner.**

24 The office and position of state medical examiner is
25 established for administrative purposes within the Iowa
26 department of public health and human services. Other state
27 agencies shall cooperate with the state medical examiner in
28 the use of state-owned facilities when appropriate for the
29 performance of nonadministrative duties of the state medical
30 examiner. The state medical examiner shall be a physician
31 and surgeon or osteopathic physician and surgeon, be licensed
32 to practice medicine in the state of Iowa, and be board
33 certified or eligible to be board certified in anatomic and

34 forensic pathology by the American board of pathology. The
35 state medical examiner shall be appointed by and serve at the
1 pleasure of the director of public health and human services
2 upon the advice of and in consultation with the director of
3 public safety and the governor. The state medical examiner,
4 in consultation with the director of public health and human
5 services, shall be responsible for developing and administering
6 the medical examiner's budget and for employment of medical
7 examiner staff and assistants. The state medical examiner
8 may be a faculty member of the university of Iowa college of
9 medicine or the college of law at the university of Iowa, and
10 any of the examiner's assistants or staff may be members of the
11 faculty or staff of the university of Iowa college of medicine
12 or the college of law at the university of Iowa.

13 Sec. 1294. Section 691.6, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. To adopt rules pursuant to [chapter 17A](#) and subject to the
16 approval of the director of public health and human services.

17 Sec. 1295. Section 691.6, subsection 10, Code 2023, is
18 amended by striking the subsection.

19 Sec. 1296. Section 691.6A, Code 2023, is amended to read as
20 follows:

21 **691.6A Deputy state medical examiner — creation and duties.**

22 The position of deputy state medical examiner is created
23 within the office of the state medical examiner. The deputy
24 state medical examiner shall report to and be responsible to
25 the state medical examiner. The deputy state medical examiner
26 shall meet the qualification criteria established in section
27 691.5 for the state medical examiner and shall be subject to
28 rules adopted by the state medical examiner as provided in
29 section 691.6, subsection 3. The state medical examiner and
30 the deputy state medical examiner shall function as a team,
31 providing peer review as necessary, fulfilling each other's job
32 responsibilities during times of absence, and working jointly
33 to provide services and education to county medical examiners,

34 law enforcement officials, hospital pathologists, and other
35 individuals and entities. The deputy medical examiner may
1 be, but is not required to be, a full-time salaried faculty
2 member of the department of pathology of the university of Iowa
3 college of medicine. If the medical examiner is a full-time
4 salaried faculty member of the department of pathology of the
5 university of Iowa college of medicine, the Iowa department
6 of public health and human services and the state board of
7 regents shall enter into a **chapter 28E** agreement to define the
8 activities and functions of the deputy medical examiner, and
9 to allocate deputy medical examiner costs, consistent with the
10 requirements of **this section**.

11 Sec. 1297. Section 691.6B, subsection 1, paragraph b, Code
12 2023, is amended to read as follows:

13 *b.* Advise the state medical examiner concerning the
14 assurance of effective coordination of the functions and
15 operations of the office of the state medical examiner with the
16 needs and interests of the departments of public safety and
17 public health and human services.

18 Sec. 1298. Section 691.6B, subsection 2, paragraph c, Code
19 2023, is amended to read as follows:

20 *c.* The director of public health and human services or the
21 director's designee.

22 Sec. 1299. Section 691.7, Code 2023, is amended to read as
23 follows:

24 **691.7 Commissioner to accept federal or private grants.**

25 The commissioner of public safety may accept federal
26 or private funds or grants to aid in the establishment or
27 operation of the state criminalistics laboratory, and the
28 director of public health and human services or the state board
29 of regents may accept federal or private funds or grants to
30 aid in the establishment or operation of the position of state
31 medical examiner.

32 Sec. 1300. Section 692.15, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. If it comes to the attention of a sheriff, police
35 department, or other law enforcement agency that a public
1 offense or delinquent act has been committed in its
2 jurisdiction, the law enforcement agency shall report
3 information concerning the public offense or delinquent act to
4 the department on a form to be furnished by the department not
5 more than thirty-five days from the time the public offense
6 or delinquent act first comes to the attention of the law
7 enforcement agency. The reports shall be used to generate
8 crime statistics. The department shall submit statistics to
9 the governor, the general assembly, and the ~~division of subunit~~
10 of the department of health and human services responsible for
11 criminal and juvenile justice planning ~~of the department of~~
12 ~~human rights~~ on a quarterly and yearly basis.

13 Sec. 1301. Section 707.6A, subsection 1D, Code 2023, is
14 amended to read as follows:

15 1D. Where the program is available and appropriate for
16 the defendant, the court shall also order the defendant to
17 participate in a reality education substance ~~abuse~~ use disorder
18 prevention program as provided in [section 321J.24](#).

19 Sec. 1302. Section 708.3A, subsections 1, 2, 3, and 4, Code
20 2023, are amended to read as follows:

21 1. A person who commits an assault, as defined in section
22 708.1, against a peace officer, jailer, correctional staff,
23 member or employee of the board of parole, health care
24 provider, employee of the department of health and human
25 services, employee of the department of revenue, national
26 guard member engaged in national guard duty or state active
27 duty, civilian employee of a law enforcement agency, civilian
28 employee of a fire department, or fire fighter, whether paid
29 or volunteer, with the knowledge that the person against
30 whom the assault is committed is a peace officer, jailer,
31 correctional staff, member or employee of the board of parole,
32 health care provider, employee of the department of health and
33 human services, employee of the department of revenue, national

34 guard member engaged in national guard duty or state active
35 duty, civilian employee of a law enforcement agency, civilian
1 employee of a fire department, or fire fighter and with the
2 intent to inflict a serious injury upon the peace officer,
3 jailer, correctional staff, member or employee of the board
4 of parole, health care provider, employee of the department
5 of health and human services, employee of the department of
6 revenue, national guard member engaged in national guard duty
7 or state active duty, civilian employee of a law enforcement
8 agency, civilian employee of a fire department, or fire
9 fighter, is guilty of a class "D" felony.

10 2. A person who commits an assault, as defined in section
11 708.1, against a peace officer, jailer, correctional staff,
12 member or employee of the board of parole, health care
13 provider, employee of the department of health and human
14 services, employee of the department of revenue, national
15 guard member engaged in national guard duty or state active
16 duty, civilian employee of a law enforcement agency, civilian
17 employee of a fire department, or fire fighter, whether paid
18 or volunteer, who knows that the person against whom the
19 assault is committed is a peace officer, jailer, correctional
20 staff, member or employee of the board of parole, health care
21 provider, employee of the department of health and human
22 services, employee of the department of revenue, national
23 guard member engaged in national guard duty or state active
24 duty, civilian employee of a law enforcement agency, civilian
25 employee of a fire department, or fire fighter and who uses or
26 displays a dangerous weapon in connection with the assault, is
27 guilty of a class "D" felony.

28 3. A person who commits an assault, as defined in section
29 708.1, against a peace officer, jailer, correctional staff,
30 member or employee of the board of parole, health care
31 provider, employee of the department of health and human
32 services, employee of the department of revenue, national
33 guard member engaged in national guard duty or state active

34 duty, civilian employee of a law enforcement agency, civilian
 35 employee of a fire department, or fire fighter, whether paid
 1 or volunteer, who knows that the person against whom the
 2 assault is committed is a peace officer, jailer, correctional
 3 staff, member or employee of the board of parole, health care
 4 provider, employee of the department of health and human
 5 services, employee of the department of revenue, national
 6 guard member engaged in national guard duty or state active
 7 duty, civilian employee of a law enforcement agency, civilian
 8 employee of a fire department, or fire fighter, and who causes
 9 bodily injury or mental illness, is guilty of an aggravated
 10 misdemeanor.

11 4. Any other assault, as defined in [section 708.1](#), committed
 12 against a peace officer, jailer, correctional staff, member
 13 or employee of the board of parole, health care provider,
 14 employee of the department of health and human services,
 15 employee of the department of revenue, national guard member
 16 engaged in national guard duty or state active duty, civilian
 17 employee of a law enforcement agency, civilian employee of a
 18 fire department, or fire fighter, whether paid or volunteer,
 19 by a person who knows that the person against whom the assault
 20 is committed is a peace officer, jailer, correctional staff,
 21 member or employee of the board of parole, health care
 22 provider, employee of the department of health and human
 23 services, employee of the department of revenue, national
 24 guard member engaged in national guard duty or state active
 25 duty, civilian employee of a law enforcement agency, civilian
 26 employee of a fire department, or fire fighter, is a serious
 27 misdemeanor.

28 Sec. 1303. Section 708.3A, subsection 5, paragraph b, Code
 29 2023, is amended to read as follows:

30 *b. "Employee of the department of health and human services"*
 31 means a person who is an employee of an institution controlled
 32 by the director of health and human services that is listed in
 33 section 218.1, or who is an employee of the civil commitment

34 unit for sex offenders operated by the department of health and
35 human services. A person who commits an assault under this
1 section against an employee of the department of health and
2 human services at a department of health and human services
3 institution or unit is presumed to know that the person against
4 whom the assault is committed is an employee of the department
5 of health and human services.

6 Sec. 1304. Section 709.16, subsection 2, paragraph b,
7 subparagraphs (2) and (5), Code 2023, are amended to read as
8 follows:

9 (2) Institutions controlled by the department of health and
10 human services listed in section 218.1.

11 (5) Facilities for the treatment of persons with
12 ~~substance-related disorders~~ a substance use disorder as defined
13 in section 125.2.

14 Sec. 1305. Section 710.8, subsection 3, Code 2023, is
15 amended to read as follows:

16 3. A person shall not harbor a runaway child with the intent
17 of allowing the runaway child to remain away from home against
18 the wishes of the child's parent, guardian, or custodian.
19 However, the provisions of this subsection do not apply to
20 a shelter care home which is licensed or approved by the
21 department of health and human services.

22 Sec. 1306. Section 714G.8, subsection 5, Code 2023, is
23 amended to read as follows:

24 5. The department of health and human services or its agents
25 or assignees acting to investigate fraud under the medical
26 assistance program.

27 Sec. 1307. Section 715A.11, subsection 5, Code 2023, is
28 amended to read as follows:

29 5. A person who violates this section is guilty of a simple
30 misdemeanor for a first offense and a serious misdemeanor for
31 each subsequent offense. The court may require a substance
32 ~~abuse~~ use disorder evaluation and treatment through a program
33 licensed by the Iowa department of public health and human

34 services in lieu of or in addition to other penalties. Any
35 substance ~~abuse~~ use disorder evaluation required under this
1 subsection shall be completed at the expense of the defendant.

2 Sec. 1308. Section 724.31, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. A person who is subject to the disabilities imposed
5 by 18 U.S.C. §922(d)(4) and (g)(4) because of an order or
6 judgment that occurred under the laws of this state may
7 petition the court that issued the order or judgment or the
8 court in the county where the person resides for relief from
9 the disabilities imposed under 18 U.S.C. §922(d)(4) and (g)(4).
10 A copy of the petition shall also be served on the director of
11 health and human services and the county attorney at the county
12 attorney's office of the county in which the original order
13 occurred, and the director or the county attorney may appear,
14 support, object to, and present evidence relevant to the relief
15 sought by the petitioner.

16 Sec. 1309. Section 725.1, subsection 1, paragraph b, Code
17 2023, is amended to read as follows:

18 b. If the person who sells or offers for sale the person's
19 services as a partner in a sex act is under the age of eighteen,
20 the county attorney may elect, in lieu of filing a petition
21 alleging that the person has committed a delinquent act,
22 to refer that person to the department of health and human
23 services for the possible filing of a petition alleging that
24 the person is a child in need of assistance.

25 Sec. 1310. Section 730.5, subsection 1, paragraph g, Code
26 2023, is amended to read as follows:

27 g. "*Medical review officer*" means a licensed physician,
28 osteopathic physician, chiropractor, nurse practitioner, or
29 physician assistant authorized to practice in any state of the
30 United States, who is responsible for receiving laboratory
31 results generated by an employer's drug or alcohol testing
32 program, and who has knowledge of substance ~~abuse~~ use disorders
33 and has appropriate medical training to interpret and evaluate

34 an individual's confirmed positive test result together
35 with the individual's medical history and any other relevant
1 biomedical information.

2 Sec. 1311. Section 730.5, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. *Testing optional.* This section does not require or
5 create a legal duty on an employer to conduct drug or alcohol
6 testing and the requirements of this section shall not be
7 construed to encourage, discourage, restrict, limit, prohibit,
8 or require such testing. In addition, an employer may
9 implement and require drug or alcohol testing at some but not
10 all of the work sites of the employer and the requirements of
11 this section shall only apply to the employer and employees who
12 are at the work sites where drug or alcohol testing pursuant to
13 this section has been implemented. A cause of action shall not
14 arise in favor of any person against an employer or agent of an
15 employer based on the failure of the employer to establish a
16 program or policy on substance ~~abuse~~ use disorder prevention
17 or to implement any component of testing as permitted by this
18 section.

19 Sec. 1312. Section 730.5, subsection 7, paragraph f, Code
20 2023, is amended to read as follows:

21 f. All confirmatory drug testing shall be conducted at a
22 laboratory certified by the United States department of health
23 and human services' substance abuse and mental health services
24 administration or approved under rules adopted by the Iowa
25 department of ~~public~~ public health and human services.

26 Sec. 1313. Section 730.5, subsection 9, paragraph c,
27 subparagraph (2), Code 2023, is amended to read as follows:

28 (2) If an employer does not have an employee assistance
29 program, the employer must maintain a resource file of alcohol
30 and other ~~drug-abuse~~ substance use disorder programs certified
31 by the Iowa department of ~~public~~ public health and human services,
32 mental health providers, and other persons, entities, or
33 organizations available to assist employees with personal or

34 behavioral problems. The employer shall provide all employees
35 information about the existence of the resource file and a
1 summary of the information contained within the resource file.
2 The summary should contain, but need not be limited to, all
3 information necessary to access the services listed in the
4 resource file.

5 Sec. 1314. Section 730.5, subsection 9, paragraph g,
6 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
7 to read as follows:

8 Upon receipt of a confirmed positive alcohol test
9 which indicates an alcohol concentration greater than the
10 concentration level established by the employer pursuant to
11 this section, and if the employer has at least fifty employees,
12 and if the employee has been employed by the employer for
13 at least twelve of the preceding eighteen months, and if
14 rehabilitation is agreed upon by the employee, and if the
15 employee has not previously violated the employer's substance
16 ~~abuse use disorder~~ prevention policy pursuant to [this section](#),
17 the written policy shall provide for the rehabilitation of the
18 employee pursuant to [subsection 10](#), paragraph "a", subparagraph
19 (1), and the apportionment of the costs of rehabilitation as
20 provided by this paragraph "g".

21 Sec. 1315. Section 730.5, subsection 9, paragraph h, Code
22 2023, is amended to read as follows:

23 *h.* In order to conduct drug or alcohol testing under this
24 section, an employer shall require supervisory personnel of
25 the employer involved with drug or alcohol testing under this
26 section to attend a minimum of two hours of initial training
27 and to attend, on an annual basis thereafter, a minimum of one
28 hour of subsequent training. The training shall include, but
29 is not limited to, information concerning the recognition of
30 evidence of employee alcohol and other ~~drug abuse~~ substance
31 use disorder, the documentation and corroboration of employee
32 alcohol and other ~~drug abuse~~ substance use disorder, and the
33 referral of employees ~~who abuse alcohol or other drugs~~ with a

34 substance use disorder to the employee assistance program or
35 to the resource file maintained by the employer pursuant to
1 paragraph "c", subparagraph (2).

2 Sec. 1316. Section 730.5, subsection 11, paragraph d, Code
3 2023, is amended to read as follows:

4 *d.* Termination or suspension of any substance ~~abuse~~ use
5 disorder prevention or testing program or policy.

6 Sec. 1317. Section 730.5, subsection 12, paragraph b,
7 subparagraph (1), Code 2023, is amended to read as follows:

8 (1) The employer discloses the test results to a person
9 other than the employer, an authorized employee, agent, or
10 representative of the employer, the tested employee or the
11 tested applicant for employment, an authorized substance ~~abuse~~
12 use disorder treatment program or employee assistance program,
13 or an authorized agent or representative of the tested employee
14 or applicant.

15 Sec. 1318. Section 730.5, subsection 13, paragraph d,
16 subparagraph (1), subparagraph division (e), Code 2023, is
17 amended to read as follows:

18 (e) To a substance ~~abuse~~ use disorder evaluation or
19 treatment facility or professional for the purpose of
20 evaluation or treatment of the employee.

21 Sec. 1319. Section 730.5, subsection 16, Code 2023, is
22 amended to read as follows:

23 16. *Reports.* A laboratory doing business for an employer
24 who conducts drug or alcohol tests pursuant to [this section](#)
25 shall file an annual report with the ~~Iowa~~ department of ~~public~~
26 health and human services by March 1 of each year concerning
27 the number of drug or alcohol tests conducted on employees who
28 work in this state pursuant to [this section](#), and the number
29 of positive and negative results of the tests, during the
30 previous calendar year. In addition, the laboratory shall
31 include in its annual report the specific basis for each test
32 as authorized in [subsection 8](#), the type of drug or drugs which
33 were found in the positive drug tests, and all significant

34 available demographic factors relating to the positive test
35 pool.

1 Sec. 1320. Section 804.31, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. When a person is detained for questioning or arrested
4 for an alleged violation of a law or ordinance and there is
5 reason to believe that the person is deaf or hard-of-hearing,
6 the peace officer making the arrest or taking the person
7 into custody or any other officer detaining the person shall
8 determine if the person is a deaf or hard-of-hearing person as
9 defined in [section 622B.1](#). If the officer so determines, the
10 officer, at the earliest possible time and prior to commencing
11 any custodial interrogation of the person, shall procure a
12 qualified interpreter in accordance with [section 622B.2](#) and the
13 rules adopted by the supreme court under [section 622B.1](#) unless
14 the deaf or hard-of-hearing person knowingly, voluntarily,
15 and intelligently waives the right to an interpreter in
16 writing by executing a form prescribed by the department of
17 health and human rights services and the Iowa county attorneys
18 association. The interpreter shall interpret the officer's
19 warnings of constitutional rights and protections and all other
20 warnings, statements, and questions spoken or written by any
21 officer, attorney, or other person present and all statements
22 and questions communicated in sign language by the deaf or
23 hard-of-hearing person.

24 Sec. 1321. Section 811.2, subsection 1, paragraph b, Code
25 2023, is amended to read as follows:

26 *b.* Any bailable defendant who is charged with unlawful
27 possession, manufacture, delivery, or distribution of a
28 controlled substance or other drug under [chapter 124](#) and is
29 ordered released shall be required, as a condition of that
30 release, to submit to a substance ~~abuse~~ use disorder evaluation
31 and follow any recommendations proposed in the evaluation for
32 appropriate substance ~~abuse~~ use disorder treatment. However,
33 if a bailable defendant is charged with manufacture, delivery,

34 possession with the intent to manufacture or deliver, or
35 distribution of methamphetamine, its salts, optical isomers,
1 and salts of its optical isomers, the defendant shall, in
2 addition to a substance ~~abuse~~ use disorder evaluation, remain
3 under supervision and be required to undergo random drug tests
4 as a condition of release.

5 Sec. 1322. Section 812.6, subsection 2, paragraph b, Code
6 2023, is amended to read as follows:

7 b. A defendant who does not pose a danger to the public
8 peace or safety, but is otherwise being held in custody, or
9 who refuses to cooperate with treatment, shall be committed to
10 the custody of the director of health and human services at a
11 department of health and human services facility for treatment
12 designed to restore the defendant to competency. The costs of
13 the treatment pursuant to this paragraph shall be borne by the
14 department of health and human services.

15 Sec. 1323. Section 901.3, subsection 1, paragraph h, Code
16 2023, is amended to read as follows:

17 h. Whether the defendant has a history of mental health
18 issues or a substance ~~abuse~~ problems use disorder. If so, the
19 investigator shall inquire into the treatment options available
20 in both the community of the defendant and the correctional
21 system.

22 Sec. 1324. Section 901.3, subsection 2, Code 2023, is
23 amended to read as follows:

24 2. All local and state mental and correctional
25 institutions, courts, and police agencies shall furnish to the
26 investigator on request the defendant's criminal record and
27 other relevant information. The originating source of specific
28 mental health or substance ~~abuse~~ use disorder information
29 including the histories, treatment, and use of medications
30 shall not be released to the presentence investigator unless
31 the defendant authorizes the release of such information.
32 If the defendant refuses to release the information, the
33 presentence investigator may note the defendant's refusal

34 to release mental health or substance ~~abuse~~ use disorder
35 information in the presentence investigation report and rely
1 upon other mental health or substance ~~abuse~~ use disorder
2 information available to the presentence investigator.
3 With the approval of the court, a physical examination or
4 psychiatric evaluation of the defendant may be ordered, or
5 the defendant may be committed to an inpatient or outpatient
6 psychiatric facility for an evaluation of the defendant's
7 personality and mental health. The results of any such
8 examination or evaluation shall be included in the report of
9 the investigator.

10 Sec. 1325. Section 901.4, Code 2023, is amended to read as
11 follows:

12 **901.4 Presentence investigation report confidential —**
13 **access.**

14 The presentence investigation report is confidential and the
15 court shall provide safeguards to ensure its confidentiality,
16 including but not limited to sealing the report, which may
17 be opened only by further court order. The defendant's
18 attorney and the attorney for the state shall have access to
19 the presentence investigation report at least three days prior
20 to the date set for sentencing. The defendant's appellate
21 attorney and the appellate attorney for the state shall have
22 access to the presentence investigation report upon request
23 and without the necessity of a court order. The report shall
24 remain confidential except upon court order. However, the
25 court may conceal the identity of the person who provided
26 confidential information. The report of a medical examination
27 or psychological or psychiatric evaluation shall be made
28 available to the attorney for the state and to the defendant
29 upon request. The reports are part of the record but shall
30 be sealed and opened only on order of the court. If the
31 defendant is committed to the custody of the Iowa department
32 of corrections and is not a class "A" felon, an employee
33 of the department, if authorized by the director of the

34 department, an employee of a judicial district department
35 of correctional services, if authorized by the director of
1 the judicial district department of correctional services,
2 and an employee of the board of parole, if authorized by the
3 chairperson or a member of the board of parole, shall have
4 access to the presentence investigation report. Pursuant to
5 section 904.602, the presentence investigation report may also
6 be released by ordinary or electronic mail by the department of
7 corrections or a judicial district department of correctional
8 services to another jurisdiction for the purpose of providing
9 interstate probation and parole compact or interstate compact
10 for adult offender supervision services or evaluations, or
11 to a substance ~~abuse~~ use disorder or mental health services
12 provider when referring a defendant for services. The
13 defendant or the defendant's attorney may file with the
14 presentence investigation report, a denial or refutation of the
15 allegations, or both, contained in the report. The denial or
16 refutation shall be included in the report.

17 Sec. 1326. Section 901.4A, Code 2023, is amended to read as
18 follows:

19 **901.4A Substance ~~abuse~~ use disorder evaluation.**

20 Upon a plea of guilty, a verdict of guilty, or a special
21 verdict upon which a judgment of conviction may be rendered,
22 the court may order the defendant to submit to and complete
23 a substance ~~abuse~~ use disorder evaluation, if the court
24 determines that there is reason to believe that the defendant
25 regularly ~~abuses~~ uses alcohol or other controlled substances
26 and may be in need of treatment. An order made pursuant to this
27 section may be made in addition to any other sentence or order
28 of the court.

29 Sec. 1327. Section 901.5, subsection 8, Code 2023, is
30 amended to read as follows:

31 8. The court may order the defendant to complete any
32 treatment indicated by a substance ~~abuse~~ use disorder
33 evaluation ordered pursuant to [section 901.4A](#) or any other

34 section.

35 Sec. 1328. Section 901B.1, subsection 1, paragraph c,
1 subparagraph (5), Code 2023, is amended to read as follows:

2 (5) A substance ~~abuse~~ use disorder treatment facility
3 as established and operated by the Iowa department of ~~public~~
4 health and human services or the department of corrections.

5 Sec. 1329. Section 901B.1, subsection 3, paragraph c, Code
6 2023, is amended to read as follows:

7 c. A copy of the program and plan shall be filed with
8 the chief judge of the judicial district, the department of
9 corrections, and the ~~division of~~ subunit of the department of
10 health and human services responsible for criminal and juvenile
11 justice planning of the department of human rights.

12 Sec. 1330. Section 904.108, subsection 1, paragraph d, Code
13 2023, is amended to read as follows:

14 d. Establish and maintain acceptable standards of treatment,
15 training, education, and rehabilitation in the various
16 state penal and corrective institutions which shall include
17 habilitative services and treatment for offenders with an
18 intellectual disability. For the purposes of this paragraph,
19 "*habilitative services and treatment*" means medical, mental
20 health, social, educational, counseling, and other services
21 which will assist a person with an intellectual disability
22 to become self-reliant. However, the director may also
23 provide rehabilitative treatment and services to other persons
24 who require the services. The director shall identify all
25 individuals entering the correctional system who are persons
26 with an intellectual disability, as defined in [section 4.1](#).
27 Identification shall be made by a qualified professional in the
28 area of intellectual disability. In assigning an offender with
29 an intellectual disability, or an offender with an inadequately
30 developed intelligence or with impaired mental abilities, to
31 a correctional facility, the director shall consider both
32 the program needs and the security needs of the offender.
33 The director shall consult with the department of health

34 and human services in providing habilitative services and
35 treatment to offenders with mental illness or an intellectual
1 disability. The director may enter into agreements with the
2 department of health and human services to utilize mental
3 health institutions and share staff and resources for purposes
4 of providing habilitative services and treatment, as well as
5 providing other special needs programming. Any agreement to
6 utilize mental health institutions and to share staff and
7 resources shall provide that the costs of the habilitative
8 services and treatment shall be paid from state funds. Not
9 later than twenty days prior to entering into any agreement
10 to utilize mental health institution staff and resources,
11 other than the use of a building or facility, for purposes of
12 providing habilitative services and treatment, as well as other
13 special needs programming, the directors of the departments of
14 corrections and health and human services shall each notify the
15 chairpersons and ranking members of the joint appropriations
16 subcommittees that last handled the appropriation for their
17 respective departments of the pending agreement. Use of a
18 building or facility shall require approval of the general
19 assembly if the general assembly is in session or, if the
20 general assembly is not in session, the legislative council
21 may grant temporary authority, which shall be subject to final
22 approval of the general assembly during the next succeeding
23 legislative session.

24 Sec. 1331. Section 904.108, subsection 5, Code 2023, is
25 amended to read as follows:

26 5. The director may obtain assistance for the department
27 for construction, facility planning, and project accomplishment
28 with the department of administrative services and by
29 contracting under [chapter 28E](#) for data processing with the
30 department of health and human services or the department of
31 administrative services.

32 Sec. 1332. Section 904.201, subsection 3, paragraph a,
33 subparagraph (1), Code 2023, is amended to read as follows:

34 (1) Residents transferred from an institution under the
35 jurisdiction of the department of health and human services or
1 the Iowa department of corrections.

2 Sec. 1333. Section 904.302, unnumbered paragraph 1, Code
3 2023, is amended to read as follows:

4 The director may appoint a farm operations administrator
5 for institutions under the control of the departments of
6 corrections and health and human services. If appointed, the
7 farm operations administrator, subject to the direction of the
8 director shall do all of the following:

9 Sec. 1334. Section 904.302, subsections 1, 3, and 8, Code
10 2023, are amended to read as follows:

11 1. Manage and supervise all farming and nursery operations
12 at institutions, farms and gardens of the departments of
13 corrections and health and human services.

14 3. Develop an annual operations plan for crop and
15 livestock production and utilization that will provide work
16 experience and contribute to developing vocational skills of
17 the institutions' inmates and residents. The department of
18 health and human services must approve the parts of the plan
19 that affect farm operations on property of institutions having
20 programs of the department of health and human services.

21 8. Pay property taxes levied against land leased by the
22 department of corrections or department of health and human
23 services as provided in [section 427.1, subsection 1](#).

24 Sec. 1335. Section 904.503, Code 2023, is amended to read
25 as follows:

26 **904.503 Transfers — persons with mental illness.**

27 1. *a.* The director may transfer at the expense of the
28 department an inmate of one institution to another institution
29 under the director's control if the director is satisfied that
30 the transfer is in the best interests of the institutions or
31 inmates.

32 *b.* The director may transfer at the expense of the
33 department an inmate under the director's jurisdiction from any

34 institution supervised by the director to another institution
35 under the control of ~~an administrator of a division of the~~
1 ~~department~~ director of health and human services with the
2 consent and approval of the ~~administrator~~ director of health
3 and human services and may transfer an inmate to any other
4 institution for mental or physical examination or treatment
5 retaining jurisdiction over the inmate when so transferred.

6 c. If the juvenile court waives its jurisdiction over a
7 child over thirteen and under eighteen years of age pursuant
8 to [section 232.45](#) so that the child may be prosecuted as an
9 adult and if the child is convicted of a public offense in the
10 district court and committed to the custody of the director
11 under [section 901.7](#), the director may request transfer of the
12 child to the state training school under [this section](#). If
13 the ~~administrator of a division of the department~~ director of
14 health and human services consents and approves the transfer,
15 the child may be retained in temporary custody by the state
16 training school until attaining the age of eighteen, at which
17 time the child shall be returned to the custody of the director
18 of the department of corrections to serve the remainder of
19 the sentence imposed by the district court. If the child
20 becomes a security risk or becomes a danger to other residents
21 of the state training school at any time before reaching
22 eighteen years of age, the ~~administrator of the division of~~
23 ~~the department~~ director of health and human services may
24 immediately return the child to the custody of the director of
25 the department of corrections to serve the remainder of the
26 sentence.

27 2. When the director has cause to believe that an inmate
28 in a state correctional institution is mentally ill, the
29 Iowa department of corrections may cause the inmate to be
30 transferred to the Iowa medical and classification center,
31 or to another appropriate facility within the department,
32 for examination, diagnosis, or treatment. The inmate shall
33 be confined at that center or facility or a state hospital

34 ~~for persons with mental illness~~ health institute until the
35 expiration of the inmate's sentence or until the inmate
1 is pronounced in good mental health. If the inmate is
2 pronounced in good mental health before the expiration of the
3 inmate's sentence, the inmate shall be returned to the state
4 correctional institution until the expiration of the inmate's
5 sentence.

6 3. When the director has reason to believe that a prisoner
7 in a state correctional institution, whose sentence has
8 expired, is mentally ill, the director shall cause examination
9 to be made of the prisoner by competent physicians who shall
10 certify to the director whether the prisoner is in good
11 mental health or mentally ill. The director may make further
12 investigation and if satisfied that the prisoner is mentally
13 ill, the director may cause the prisoner to be transferred
14 to one of the hospitals for persons with mental illness, or
15 may order the prisoner to be confined in the Iowa medical and
16 classification center.

17 Sec. 1336. Section 904.513, subsection 1, paragraph b,
18 subparagraphs (2) and (3), Code 2023, are amended to read as
19 follows:

20 (2) Offenders convicted of violating [chapter 321J](#),
21 sentenced to the custody of the director, and awaiting
22 placement in a community residential substance ~~abuse~~ use
23 disorder treatment program for such offenders shall be placed
24 in an institutional substance ~~abuse~~ use disorder program
25 for such offenders within sixty days of admission to the
26 institution or as soon as practical. When placing offenders
27 convicted of violating [chapter 321J](#) in community residential
28 substance ~~abuse~~ use disorder treatment programs for such
29 offenders, the department shall give priority as appropriate
30 to the placement of those offenders currently in institutional
31 substance ~~abuse~~ use disorder programs for such offenders. The
32 department shall work with each judicial district to enable
33 such offenders to enter community residential substance ~~abuse~~

34 use disorder treatment programs at a level comparable to their
35 prior institutional program participation.

1 (3) Assignment shall be for the purposes of risk
2 management and substance ~~abuse~~ use disorder treatment and may
3 include education or work programs when the offender is not
4 participating in other program components.

5 Sec. 1337. Section 904.513, subsection 3, Code 2023, is
6 amended to read as follows:

7 3. The department shall adopt rules for the implementation
8 of this section. The rules shall include the requirement
9 that the treatment programs established pursuant to this
10 chapter meet the licensure standards of the department of
11 public health and human services under chapter 125. The rules
12 shall also include provisions for the funding of the program
13 by means of self-contribution by the offenders, insurance
14 reimbursement on behalf of offenders, or other forms of
15 funding, program structure, criteria for the evaluation of
16 offenders and programs, and all other issues the director shall
17 deem appropriate.

18 Sec. 1338. Section 904.514, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. A person committed to an institution under the control of
21 the department who bites another person, who causes an exchange
22 of bodily fluids with another person, or who causes any bodily
23 secretion to be cast upon another person, shall submit to the
24 withdrawal of a bodily specimen for testing to determine if the
25 person is infected with a contagious infectious disease. The
26 bodily specimen to be taken shall be determined by the staff
27 physician of the institution. The specimen taken shall be
28 sent to the state hygienic laboratory ~~at the state university~~
29 ~~at Iowa City~~ or some other laboratory approved by the Iowa
30 department of public health and human services. If a person
31 to be tested pursuant to this section refuses to submit to the
32 withdrawal of a bodily specimen, application may be made by the
33 superintendent of the institution to the district court for an

34 order compelling the person to submit to the withdrawal and,
35 if infected, to available treatment. An order authorizing the
1 withdrawal of a specimen for testing may be issued only by a
2 district judge or district associate judge upon application by
3 the superintendent of the institution.

4 Sec. 1339. Section 904.706, subsections 3, 4, and 5, Code
5 2023, are amended to read as follows:

6 3. As used in [this section](#), "*department*" means the Iowa
7 department of corrections and the Iowa department of health and
8 human services.

9 4. The farm operations administrator appointed under
10 section 904.302 shall perform the functions described under
11 section 904.302 for agricultural operations on property of the
12 Iowa department of health and human services.

13 5. The Iowa department of health and human services shall
14 enter into an agreement under [chapter 28D](#) with the Iowa
15 department of corrections to implement [this section](#).

16 Sec. 1340. Section 904.809, subsection 5, paragraph c,
17 subparagraph (1), Code 2023, is amended to read as follows:

18 (1) An amount which the inmate may be legally obligated to
19 pay for the support of the inmate's dependents, which shall
20 be paid through the department of health and human services
21 collection services center, and which shall include an amount
22 for delinquent child support not to exceed fifty percent of net
23 earnings.

24 Sec. 1341. Section 904.905, subsection 1, paragraph a, Code
25 2023, is amended to read as follows:

26 a. An amount the inmate may be legally obligated to pay for
27 the support of the inmate's dependents, the amount of which
28 shall be paid to the dependents through the department of
29 health and human services ~~office or unit serving the county or~~
30 ~~city in which the dependents reside.~~

31 Sec. 1342. Section 905.4, subsection 9, Code 2023, is
32 amended to read as follows:

33 9. Arrange, by contract or on an alternative basis mutually

34 acceptable, and with approval of the director of the Iowa
 35 department of corrections or that director's designee for
 1 utilization of existing local treatment and service resources,
 2 including but not limited to employment, job training, general,
 3 special, or remedial education; psychiatric and marriage
 4 counseling; and ~~alcohol and drug abuse~~ substance use disorder
 5 treatment and counseling. It is the intent of [this chapter](#)
 6 that a district board shall approve the development and
 7 maintenance of such resources by its own staff only if the
 8 resources are otherwise unavailable to the district department
 9 within reasonable proximity to the community where these
 10 services are needed in connection with the community-based
 11 correctional program.

12 Sec. 1343. Section 905.12, subsection 1, paragraph a, Code
 13 2023, is amended to read as follows:

14 *a.* An amount the resident may be legally obligated to pay
 15 for the support of dependents, which shall be paid to the
 16 dependents directly or through the department of health and
 17 human services office or unit serving the county in which the
 18 dependents reside. For the purpose of this paragraph, "*legally*
 19 *obligated*" means under a court order.

20 Sec. 1344. Section 905.15, subsection 2, Code 2023, is
 21 amended to read as follows:

22 2. A person under supervision of a district department, who
 23 assaults another person as defined in [section 708.1](#), by biting,
 24 casting bodily fluids, or acting in a manner that results in
 25 the exchange of bodily fluids, shall submit to the withdrawal
 26 of a bodily specimen for testing to determine if the person
 27 is infected with a contagious infectious disease. The bodily
 28 specimen to be taken shall be determined by a physician. The
 29 specimen taken shall be sent to the state hygienic laboratory
 30 ~~at the state university at Iowa City~~ or some other laboratory
 31 approved by the department of public health and human services.
 32 If a person to be tested pursuant to [this section](#) refuses to
 33 submit to the withdrawal of a bodily specimen, application may

34 be made by the director to the district court for an order
35 compelling the person to submit to the withdrawal and, if
1 infected, to available treatment. An order authorizing the
2 withdrawal of a specimen for testing may be issued only by a
3 district judge or district associate judge upon application by
4 the director.

5 Sec. 1345. Section 907.5, subsection 1, paragraph e, Code
6 2023, is amended to read as follows:

7 e. The defendant's mental health and substance ~~abuse~~
8 use disorder history and treatment options available in the
9 community and the correctional system.

10 Sec. 1346. Section 915.29, Code 2023, is amended to read as
11 follows:

12 **915.29 Notification of victim of juvenile by department of**
13 **health and human services.**

14 1. The department of health and human services shall notify
15 a registered victim regarding a juvenile adjudicated delinquent
16 for a violent crime, committed to the custody of the department
17 of health and human services, and placed at the state training
18 school, of the following:

19 a. The date on which the juvenile is expected to be
20 temporarily released from the custody of the department of
21 health and human services, and whether the juvenile is expected
22 to return to the community where the registered victim resides.

23 b. The juvenile's escape from custody.

24 c. The recommendation by the department to consider the
25 juvenile for release or placement.

26 d. The date on which the juvenile is expected to be released
27 from a facility pursuant to a plan of placement.

28 2. The notification required pursuant to **this section**
29 may occur through the automated victim notification system
30 referred to in **section 915.10A** to the extent such information
31 is available for dissemination through the system.

32 Sec. 1347. Section 915.35, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. a. A child protection assistance team involving the
35 county attorney, law enforcement personnel, and personnel
1 of the department of health and human services shall be
2 established for each county by the county attorney. However,
3 by mutual agreement, two or more county attorneys may
4 establish a single child protection assistance team to cover a
5 multicounty area. A child protection assistance team, to the
6 greatest extent possible, may be consulted in cases involving a
7 forcible felony against a child who is less than age fourteen
8 in which the suspected offender is the person responsible
9 for the care of a child, as defined in [section 232.68](#). A
10 child protection assistance team may also be utilized in cases
11 involving a violation of [chapter 709](#) or [726](#) or other crime
12 committed upon a victim as defined in [subsection 1](#).

13 b. A child protection assistance team may also consult
14 with or include juvenile court officers, medical and mental
15 health professionals, physicians or other hospital-based health
16 professionals, court-appointed special advocates, guardians
17 ad litem, and members of a multidisciplinary team created by
18 the department of health and human services for child abuse
19 ~~investigations~~ assessments. A child protection assistance
20 team may work cooperatively with the early childhood Iowa area
21 board established under [chapter 256I](#). The child protection
22 assistance team shall work with the department of health and
23 human services in accordance with section 232.71B, subsection
24 3, in developing the protocols for prioritizing the actions
25 taken in response to child abuse assessments and for law
26 enforcement agencies working jointly with the department at
27 the local level in processes for child abuse assessments. The
28 department of justice may provide training and other assistance
29 to support the activities of a child protection assistance
30 team.

31 Sec. 1348. Section 915.37, subsection 2, Code 2023, is
32 amended to read as follows:

33 2. References in [this section](#) to a guardian ad litem shall

34 be interpreted to include references to a court appointed
35 special advocate as defined in [section 232.2](#), ~~subsection 10~~.

1 Sec. 1349. Section 915.40, subsection 5, Code 2023, is
2 amended to read as follows:

3 5. "*Department*" means the Iowa department of ~~public~~ health
4 and human services.

5 Sec. 1350. Section 915.45, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. In addition to any other information required to be
8 released under [chapter 229A](#), prior to the discharge of a person
9 committed under [chapter 229A](#), the director of health and human
10 services shall give written notice of the person's discharge
11 to any living victim of the person's activities or crime whose
12 address is known to the director or, if the victim is deceased,
13 to the victim's family, if the family's address is known.
14 Failure to notify shall not be a reason for postponement of
15 discharge. Nothing in [this section](#) shall create a cause of
16 action against the state or an employee of the state acting
17 within the scope of the employee's employment as a result of
18 the failure to notify pursuant to this action.

19 Sec. 1351. Section 915.46, subsection 4, paragraph b, Code
20 2023, is amended to read as follows:

21 b. The sexual assault forensic examiner program shall
22 provide didactic and clinical training opportunities consistent
23 with the sexual assault forensic examiner education guidelines
24 established by the international association of forensic
25 nurses, in collaboration with the Iowa department of ~~public~~
26 health and human services and the Iowa coalition against sexual
27 assault, in sufficient numbers and geographical locations
28 across the state to assist treatment facilities with training
29 sexual assault examiners and sexual assault nurse examiners.

30 Sec. 1352. Section 915.46, subsections 5 and 6, Code 2023,
31 are amended to read as follows:

32 5. The sexual assault forensic examiner program, in
33 collaboration with qualified medical providers, the Iowa

34 department of ~~public~~ public health and human services, and the
35 Iowa coalition against sexual assault, shall create uniform
1 materials that all treatment facilities and federally
2 qualified health centers are required to provide to patients
3 and non-offending parents or legal guardians, if applicable,
4 regarding medical forensic examination procedures, laws
5 regarding consent relating to medical forensic services, and
6 the benefits and risks of evidence collection, including
7 recommended time frames for evidence collection pursuant
8 to evidence-based research. These materials shall be made
9 available on the department of justice's internet site to all
10 treatment facilities and federally qualified health centers.

11 6. The sexual assault forensic examiner program, in
12 collaboration with qualified medical providers, the Iowa
13 department of ~~public~~ public health and human services, and the Iowa
14 coalition against sexual assault, shall create and update
15 statewide sexual assault examiner and sexual assault nurse
16 examiner protocols, shall provide technical assistance upon
17 request to health care professionals, and shall provide
18 expertise on best practices to health care professionals
19 relating to sexual assault forensic examinations.

20 Sec. 1353. Section 915.46, subsection 7, paragraph b, Code
21 2023, is amended to read as follows:

22 *b.* Members of the advisory committee shall include staff
23 members of the department of justice managing the sexual
24 assault forensic examiner program; representatives from the
25 department of ~~public~~ public health and human services as determined
26 by the director to be appropriate, the Iowa coalition against
27 sexual assault, the board of nursing, and other constituencies
28 as determined by the department of justice with an interest in
29 sexual assault forensic examinations; and the hospital medical
30 staff person involved with emergency services pursuant to
31 section 915.82.

32 Sec. 1354. Section 915.83, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. Request from the department of health and human services,
35 the department of workforce development and its division of
1 workers' compensation, the department of public safety, the
2 county sheriff departments, the municipal police departments,
3 the county attorneys, or other public authorities or agencies
4 reasonable assistance or data necessary to administer the crime
5 victim compensation program.

6 Sec. 1355. Section 915.84, subsections 4, 5, and 6, Code
7 2023, are amended to read as follows:

8 4. Notwithstanding [subsection 3](#), a victim under the age of
9 eighteen or dependent adult as defined in [section 235B.2](#) who
10 has been sexually abused or subjected to any other unlawful
11 sexual conduct under [chapter 709](#) or [726](#) or who has been
12 the subject of a forcible felony is not required to report
13 the crime to the local police department or county sheriff
14 department to be eligible for compensation if the crime was
15 allegedly committed upon a child by a person responsible for
16 the care of a child, as defined in section 232.68, subsection
17 8, or upon a dependent adult by a caretaker as defined
18 in [section 235B.2](#), and was reported to an employee of the
19 department of health and human services and the employee
20 verifies the report to the department.

21 5. When immediate or short-term medical services or mental
22 health services are provided to a victim under [section 915.35](#),
23 the department of health and human services shall file the
24 claim for compensation as provided in [subsection 4](#) for the
25 victim.

26 6. When immediate or short-term medical services to a victim
27 are provided pursuant to [section 915.35](#) by a professional
28 licensed or certified by the state to provide such services,
29 the professional shall file the claim for compensation,
30 unless the department of health and human services is required
31 to file the claim under [this section](#). The requirement to
32 report the crime to the local police department or county
33 sheriff department under [subsection 3](#) does not apply to this

34 subsection.

35 Sec. 1356. 2020 Iowa Acts, chapter 1064, section 16,
1 subsection 1, paragraph d, subparagraph (1), is amended to read
2 as follows:

3 (1) Any debt, which is assigned to the department of health
4 and human services, or which is owed to the department of
5 health and human services for unpaid premiums under section
6 249A.3, subsection 2, paragraph "a", subparagraph (1), or
7 which ~~the child support recovery unit~~ services is otherwise
8 attempting to collect, or which ~~the foster care recovery unit~~
9 services of the department of health and human services is
10 attempting to collect on behalf of a child receiving foster
11 care provided by the department of health and human services.

12 Sec. 1357. 2021 Iowa Acts, chapter 1098, section 92,
13 subsection 1, is amended by striking the subsection.

14 Sec. 1358. REPEAL. Chapter 136, Code 2023, is repealed.

15 Sec. 1359. REPEAL. 2022 Iowa Acts, chapter 1098, section
16 68, is repealed.

17 Sec. 1360. REPEAL. Sections 135.2, 135.3, 135.6, 135.7,
18 135.8, 135.9, 135.10, 216A.2, 217.7, 217.9, 217.10, 217.15,
19 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54, 222.6,
20 227.19, 231.22, and 234.2, Code 2023, are repealed.

21 Sec. 1361. CODE EDITOR DIRECTIVE. The Code editor is
22 directed to do all of the following:

23 1. Make changes in the structure of any Code chapter
24 including but not limited to chapter titles and subtitles to
25 correspond with the changes made in this division of this
26 Act in consultation with the department of health and human
27 services.

28 2. Make changes in any Code sections amended or enacted
29 by any other Act to correspond with the changes made in this
30 division of this Act if there appears to be no doubt as to
31 the proper method of making the changes and the changes would
32 not be contrary to or inconsistent with the purposes of this
33 division of this Act or any other Act.

34 3. Correct internal references in the Code and in enacted
35 legislation as necessary due to the enactment of this division
1 of this Act.

2 Sec. 1362. CONTINGENT EFFECTIVE DATE. The following takes
3 effect on the effective date of the rules adopted by the
4 department of revenue pursuant to chapter 17A implementing 2020
5 Iowa Acts, chapter 1064, other than transitional rules:

6 The section of this division of this Act amending 2020 Iowa
7 Acts, chapter 1064.

8 DIVISION II

9 DEPARTMENT OF ADMINISTRATIVE SERVICES

10 LIBRARY SERVICES

11 Sec. 1363. NEW SECTION. 8A.204 State librarian.

12 1. The director shall appoint the state librarian who
13 shall administer the duties of the department as it relates to
14 library services.

15 2. The state librarian shall do all of the following:

16 a. Organize, staff, and administer the department as it
17 relates to library services so as to render the greatest
18 benefit to libraries in the state.

19 b. Submit a biennial report to the governor on the
20 activities and an evaluation of the department as it relates to
21 library services and its programs and policies.

22 c. Control all library services-related property of the
23 department. The state librarian may dispose of, through
24 sale, conveyance, or exchange, any library materials that
25 may be obsolete or worn out or that may no longer be needed
26 or appropriate to the mission of the state library of Iowa.
27 These materials may be sold by the state library directly or
28 the library may sell the materials by consignment with an
29 outside entity. A state library fund is created in the state
30 treasury. Proceeds from the sale of the library materials
31 shall be remitted to the treasurer of state and credited to the
32 state library fund and shall be used for the purchase of books
33 and other library materials. Notwithstanding section 8.33, any

34 balance in the fund on June 30 of any fiscal year shall not
35 revert to the general fund of the state.

1 *d.* Perform other duties as assigned by the director or as
2 imposed by law.

3 Sec. 1364. Section 256.1, subsection 4, Code 2023, is
4 amended by striking the subsection.

5 Sec. 1365. Section 256.7, subsection 17, Code 2023, is
6 amended by striking the subsection.

7 Sec. 1366. Section 256.50, subsection 2, Code 2023, is
8 amended by striking the subsection.

9 Sec. 1367. Section 256.51, subsection 1, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:

11 ~~The division of library services is attached to the~~
12 ~~department of education for administrative purposes. The state~~
13 ~~librarian shall be responsible for the division's budgeting~~
14 ~~and related management functions in accordance with section~~
15 ~~256.52, subsection 3. The division department, as it relates~~
16 ~~to library services,~~ shall do all of the following:

17 Sec. 1368. Section 256.51, subsection 1, paragraph e, Code
18 2023, is amended to read as follows:

19 *e.* Develop and approve, in consultation with the area
20 education agency media centers and the commission, a biennial
21 unified plan of service and service delivery for the ~~division~~
22 ~~of library services~~ department.

23 Sec. 1369. Section 256.51, subsection 1, Code 2023, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. *m.* Provide for the improvement of library
26 services to all Iowa citizens and foster development and
27 cooperation among libraries.

28 Sec. 1370. Section 256.51, subsection 2, Code 2023, is
29 amended to read as follows:

30 2. The ~~division~~ department, as it relates to library
31 services, may do all of the following:

32 *a.* Enter into interstate library compacts on behalf of
33 the state of Iowa with any state which legally joins in the

34 compacts as provided in [section 256.70](#).

35 *b.* Receive and expend money for providing programs and
1 services. The ~~division~~ department may receive, accept, and
2 administer any moneys appropriated or granted to it, separate
3 from the general library fund, by the federal government or by
4 any other public or private agency.

5 *c.* Accept gifts, contributions, bequests, endowments,
6 or other moneys, including but not limited to the Westgate
7 endowment fund, for any or all purposes of the ~~division~~
8 department as it relates to library services. Interest earned
9 on moneys accepted under this paragraph shall be credited to
10 the fund or funds to which the gifts, contributions, bequests,
11 endowments, or other moneys have been deposited, and is
12 available for any or all purposes of the ~~division~~ department as
13 it relates to library services. The ~~division~~ department shall
14 report annually to the commission and the general assembly
15 regarding the gifts, contributions, bequests, endowments,
16 or other moneys accepted pursuant to this paragraph and the
17 interest earned on them.

18 Sec. 1371. Section 256.52, subsection 1, paragraph a,
19 unnumbered paragraph 1, Code 2023, is amended to read as
20 follows:

21 The state commission of libraries consists of one member
22 appointed by the supreme court, the director ~~of the department~~
23 ~~of education, or the director's designee~~, and the following
24 seven members who shall be appointed by the governor to serve
25 four-year terms beginning and ending as provided in section
26 69.19.

27 Sec. 1372. Section 256.52, subsection 3, Code 2023, is
28 amended by striking the subsection.

29 Sec. 1373. Section 256.52, subsection 4, Code 2023, is
30 amended to read as follows:

31 4. The commission shall adopt rules under [chapter 17A](#) for
32 carrying out the responsibilities of the ~~division~~ department as
33 it relates to library services duties of the department.

34 Sec. 1374. Section 256.52, subsection 5, Code 2023, is
35 amended by striking the subsection and inserting in lieu
1 thereof the following:

2 5. Advise the department and the state librarian concerning
3 the library services duties of the department.

4 Sec. 1375. Section 256.53, Code 2023, is amended to read as
5 follows:

6 **256.53 State publications.**

7 Upon issuance of a state publication in any format, a
8 state agency shall provide the ~~division~~ department with
9 an electronic version of the publication at no cost to the
10 ~~division~~ department.

11 Sec. 1376. Section 256.54, subsection 2, unnumbered
12 paragraph 1, Code 2023, is amended to read as follows:

13 The law library shall be administered by a law librarian
14 appointed by the state librarian subject to ~~chapter 8A,~~
15 subchapter IV, who shall do all of the following:

16 Sec. 1377. Section 256.55, unnumbered paragraph 1, Code
17 2023, is amended to read as follows:

18 A state data center is established in the ~~division~~
19 department. The state data center shall be administered by
20 the state data center coordinator, who shall do all of the
21 following:

22 Sec. 1378. Section 256.55, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. Perform other duties imposed by law or prescribed by the
25 ~~commission~~ department.

26 Sec. 1379. Section 256.57, Code 2023, is amended to read as
27 follows:

28 **256.57 Enrich Iowa program.**

29 1. An enrich Iowa program is established in the ~~division~~
30 department to provide direct state assistance to public
31 libraries, to support the open access and access plus programs,
32 to provide public libraries with an incentive to improve
33 library services that are in compliance with performance

34 measures, and to reduce inequities among communities in the
35 delivery of library services based on performance measures
1 adopted by rule by the commission. The commission shall
2 adopt rules governing the allocation of funds appropriated by
3 the general assembly for purposes of [this section](#) to provide
4 direct state assistance to eligible public libraries. A public
5 library is eligible for funds under [this chapter subchapter](#) if
6 it is in compliance with the commission's performance measures.

7 2. The amount of direct state assistance distributed to each
8 eligible public library shall be based on the following:

9 a. The level of compliance by the eligible public library
10 with the performance measures adopted by the commission as
11 provided in [this section](#).

12 b. The number of people residing within an eligible
13 library's geographic service area for whom the library provides
14 services.

15 c. The amount of other funding the eligible public library
16 received in the previous fiscal year for providing services to
17 rural residents and to contracting communities.

18 3. Moneys received by a public library pursuant to this
19 section shall supplement, not supplant, any other funding
20 received by the library.

21 4. For purposes of [this section](#), "*eligible public library*"
22 means a public library that meets all of the following
23 requirements:

24 a. Submits to the ~~division~~ department all of the following:

25 (1) The report provided for under section 256.51,
26 subsection 1, paragraph "h".

27 (2) An application and accreditation report, in a format
28 approved by the ~~commission~~ department, that provides evidence
29 of the library's compliance with at least one level of the
30 standards established in accordance with section 256.51,
31 subsection 1, paragraph "k".

32 (3) Any other application or report the ~~division~~ department
33 deems necessary for the implementation of the enrich Iowa

34 program.

35 *b.* Participates in the library resource and information
1 sharing programs established by the state library.

2 *c.* Is a public library established by city ordinance or a
3 library district as provided in [chapter 336](#).

4 5. Each eligible public library shall maintain a
5 separate listing within its budget for payments received and
6 expenditures made pursuant to [this section](#), and shall annually
7 submit this listing to the ~~division~~ department.

8 6. By January 15, annually, the ~~division~~ department shall
9 submit a program evaluation report to the general assembly
10 and the governor detailing the uses and the impacts of funds
11 allocated under [this section](#).

12 7. A public library that receives funds in accordance with
13 this section shall have an internet use policy in place, which
14 may or may not include internet filtering. The library shall
15 submit a report describing the library's internet use efforts
16 to the ~~division~~ department.

17 8. A public library that receives funds in accordance
18 with [this section](#) shall provide open access, the reciprocal
19 borrowing program, as a service to its patrons, at a
20 reimbursement rate determined by the state library.

21 9. Funds appropriated for purposes of [this section](#) shall not
22 be used by the ~~division~~ department for administrative purposes.

23 Sec. 1380. Section 256.58, Code 2023, is amended to read as
24 follows:

25 **256.58 Library support network.**

26 1. A library support network is established in the ~~division~~
27 department to offer services and programs for libraries,
28 including but not limited to individualized, locally delivered
29 consulting and training, and to facilitate resource sharing and
30 innovation through the use of technology, administer enrich
31 Iowa programs, advocate for libraries, promote excellence
32 and innovation in library services, encourage governmental
33 subdivisions to provide local financial support for local

34 libraries, and ensure the consistent availability of quality
35 service to all libraries throughout the state, regardless of
1 location or size.

2 2. The organizational structure to deliver library support
3 network services shall include district offices. The district
4 offices shall serve as a basis for providing field services
5 to local libraries in the counties comprising the district.
6 The ~~division~~ department shall determine which counties are
7 served by each district office. The number of district offices
8 established to provide services pursuant to [this section](#) shall
9 be six.

10 Sec. 1381. Section 256.59, Code 2023, is amended to read as
11 follows:

12 **256.59 Specialized library services.**

13 The specialized library services unit is established in
14 the ~~division~~ department to provide information services to
15 the three branches of state government and to offer focused
16 information services to the general public in the areas of Iowa
17 law, Iowa state documents, and Iowa history and culture.

18 Sec. 1382. Section 256.62, subsections 1, 3, and 4, Code
19 2023, are amended to read as follows:

20 1. The state librarian shall convene a library services
21 advisory panel to advise and recommend to the ~~commission~~ and
22 ~~the division~~ department evidence-based best practices, to
23 assist the ~~commission and division~~ department to determine
24 service priorities and launch programs, articulate the needs
25 and interests of Iowa librarians, and share research and
26 professional development information.

27 3. The library services advisory panel shall meet at least
28 twice annually and shall submit its recommendations in a report
29 to the ~~commission~~ department and the state librarian at least
30 once annually. The report shall be timely submitted to allow
31 for consideration of the recommendations prior to program
32 planning and budgeting for the following fiscal year.

33 4. Members of the library services advisory panel shall

34 receive actual and necessary expenses incurred in the
35 performance of their duties. Expenses shall be paid from funds
1 appropriated to the department ~~for purposes of the division.~~

2 Sec. 1383. Section 256.70, unnumbered paragraph 1, Code
3 2023, is amended to read as follows:

4 ~~The division of library services of the department of~~
5 ~~education~~ is hereby authorized to enter into interstate
6 library compacts on behalf of the state of Iowa with any state
7 bordering on Iowa which legally joins therein in substantially
8 the following form and the contracting states agree that:

9 Sec. 1384. Section 256.71, Code 2023, is amended to read as
10 follows:

11 **256.71 Administrator.**

12 ~~The administrator of the division of library services~~ state
13 librarian shall be the compact administrator. The compact
14 administrator shall receive copies of all agreements entered
15 into by the state or its political subdivisions and other
16 states or political subdivisions; consult with, advise and aid
17 such governmental units in the formulation of such agreements;
18 make such recommendations to the governor, legislature,
19 governmental agencies and units as the administrator deems
20 desirable to effectuate the purposes of this compact and
21 consult and cooperate with the compact administrators of other
22 party states.

23 Sec. 1385. CODE EDITOR DIRECTIVE — LIBRARY SERVICES.

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

- 26 a. Section 256.50 to section 8A.201.
- 27 b. Section 256.51 to section 8A.202.
- 28 c. Section 256.52 to section 8A.203.
- 29 d. Section 256.53 to section 8A.205.
- 30 e. Section 256.54 to section 8A.206.
- 31 f. Section 256.55 to section 8A.207.
- 32 g. Section 256.56 to section 8A.208.
- 33 h. Section 256.57 to section 8A.209.

- 34 i. Section 256.58 to section 8A.210.
35 j. Section 256.59 to section 8A.211.
1 k. Section 256.62 to section 8A.221.
2 l. Section 256.69 to section 8A.222.
3 m. Section 256.70 to section 8A.231.
4 n. Section 256.71 to section 8A.232.
5 o. Section 256.72 to section 8A.233.
6 p. Section 256.73 to section 8A.234.
7 2. The Code editor is directed to rename subchapter II and
8 designate parts in chapter 8A as follows:
9 a. Subchapter II shall be entitled "Library Services" and
10 include sections 8A.201 through 8A.234.
11 b. Subchapter II, part 1, shall be entitled "General
12 Provisions" and include sections 8A.201 through 8A.211.
13 c. Subchapter II, part 2, shall be entitled "Library
14 Services Advisory Panel and Local Financial Support" and
15 include sections 8A.221 through 8A.222.
16 d. Subchapter II, new part 3, shall be entitled "Library
17 Compact" and include sections 8A.231 through 8A.234.
18 3. The Code editor may modify subchapter and part titles if
19 necessary and is directed to correct internal references in the
20 Code as necessary due to enactment of this section.

21 STATE RECORDS AND ARCHIVES

22 Sec. 1386. Section 163.37, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. Such records shall be maintained for a length of time as
25 required by and pursuant to chapter 305 8A, subchapter VI, and
26 at the point of concentration and shall be made available for
27 inspection by the department at reasonable times.

28 Sec. 1387. Section 305.1, Code 2023, is amended to read as
29 follows:

30 305.1 Citation.

31 This ~~chapter~~ subchapter shall be known and may be cited as
32 the "*State Archives and Records Act*".

33 Sec. 1388. Section 305.2, unnumbered paragraph 1, Code

34 2023, is amended to read as follows:

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

2 Sec. 1389. Section 305.3, subsection 2, Code 2023, is
3 amended by striking the subsection.

4 Sec. 1390. Section 305.3, subsection 8, Code 2023, is
5 amended to read as follows:

6 8. ~~The director of the department of administrative~~
7 ~~services.~~

8 Sec. 1391. Section 305.7, Code 2023, is amended to read as
9 follows:

10 **305.7 ~~Administration~~ Commission administration.**

11 The department ~~of cultural affairs~~, through the state
12 archives and records program, is the primary agency responsible
13 for providing administrative personnel and services for the
14 commission.

15 Sec. 1392. Section 305.8, subsection 1, paragraphs e, f, and
16 g, Code 2023, are amended to read as follows:

17 e. Adopt and maintain an interagency records manual
18 containing the rules governing records management, as well as
19 records series retention and disposition schedules, guidelines,
20 and other information relating to implementation of this
21 chapter subchapter.

22 f. Make recommendations, in consultation with the department
23 ~~of administrative services~~, to the governor and the general
24 assembly for the continued reduction of printed reports
25 throughout state government in a manner that protects the
26 public's right to access such reports.

27 g. Provide advice, counsel, and services to the legislative,
28 judicial, and executive branch agencies subject to this ~~chapter~~
29 subchapter on the care and management of state government
30 records.

31 Sec. 1393. Section 305.8, subsection 2, paragraph a, Code
32 2023, is amended to read as follows:

33 a. Examine records in the possession, constructive

34 possession, or control of state agencies to carry out the
35 purposes of this chapter subchapter.

1 Sec. 1394. Section 305.9, subsection 1, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 ~~The department of cultural affairs~~ shall do all of the
4 following as it relates to state records and archives:

5 Sec. 1395. Section 305.9, subsection 1, paragraphs a and j,
6 Code 2023, are amended to read as follows:

7 ~~a. Provide~~ Administer the state archives and records
8 program and provide administrative support to the state records
9 commission through the state archives and records program.
10 ~~j. Provide~~ advice, counsel, and services to the legislative,
11 judicial, and executive branch agencies subject to this ~~chapter~~
12 subchapter on the care and management of state government
13 records.

14 Sec. 1396. Section 305.9, subsection 1, paragraph 1,
15 subparagraph (2), Code 2023, is amended to read as follows:

16 (2) Upon request, the state archivist shall make a certified
17 copy of any record in the legal custody or in the physical
18 custody of the state archivist, or a certified transcript of
19 any record if reproduction is inappropriate because of legal or
20 physical considerations. If a copy or transcript is properly
21 authenticated, it has the same legal effect as though certified
22 by the officer from whose office it was transferred or by the
23 secretary of state. ~~The department of cultural affairs~~ shall
24 establish reasonable fees for certified copies or certified
25 transcripts of records in the legal custody or physical custody
26 of the state archivist.

27 Sec. 1397. Section 305.9, subsection 2, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 ~~The department of cultural affairs~~ may do any of the
30 following as it relates to state records and archives:

31 Sec. 1398. Section 305.10, subsection 1, paragraphs d and j,
32 Code 2023, are amended to read as follows:

33 ~~d. Comply~~ with requests from the state records commission

34 or the state archives and records program to examine records
35 in the possession, constructive possession, or control of the
1 agency in order to carry out the purposes of this ~~chapter~~
2 subchapter.

3 *j.* Provide for compliance with [this ~~chapter~~ subchapter](#) and
4 the rules adopted by the state records commission.

5 Sec. 1399. Section 305.14, Code 2023, is amended to read as
6 follows:

7 **305.14 Liability precluded.**

8 No member of the commission or head of an agency shall
9 be held liable for damages or loss, or civil or criminal
10 liability, because of the destruction of public records
11 pursuant to the provisions of [this ~~chapter~~ subchapter](#) or any
12 other law authorizing their destruction.

13 Sec. 1400. Section 305.15, Code 2023, is amended to read as
14 follows:

15 **305.15 Exemptions — duties of state department of
16 transportation and state board of regents.**

17 The state department of transportation and the agencies and
18 institutions under the control of the state board of regents
19 are exempt from the state records manual and the provisions
20 of [this ~~chapter~~ subchapter](#). However, the state department of
21 transportation and the state board of regents shall adopt rules
22 pursuant to [chapter 17A](#) for their employees, agencies, and
23 institutions that are consistent with the objectives of this
24 ~~chapter~~ subchapter. The rules shall be approved by the state
25 records commission.

26 Sec. 1401. Section 305.16, subsections 1 and 3, Code 2023,
27 are amended to read as follows:

28 1. *Membership.* The board shall consist of nine members
29 appointed by the governor for three-year staggered terms.
30 Members shall be eligible for reappointment. The members shall
31 have experience in a field of research or an activity that
32 administers or makes extensive use of historical records. The
33 majority of the members shall have professional qualifications

34 and experience in the administration of government records,
35 historical records, or archives. The ~~administrator of the~~
1 ~~historical division of the department of cultural affairs~~
2 director shall serve as an ex officio member of the board.

3 3. *Administration.* The department ~~of cultural affairs,~~
4 through the state archives and records program, is the primary
5 agency responsible for providing administrative personnel and
6 services for the board.

7 Sec. 1402. CODE EDITOR DIRECTIVE — STATE RECORDS AND
8 ARCHIVES.

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

- 11 a. Section 305.1 to section 8A.601.
- 12 b. Section 305.2 to section 8A.602.
- 13 c. Section 305.3 to section 8A.603.
- 14 d. Section 305.4 to section 8A.604.
- 15 e. Section 305.5 to section 8A.605.
- 16 f. Section 305.6 to section 8A.606.
- 17 g. Section 305.7 to section 8A.607.
- 18 h. Section 305.8 to section 8A.608.
- 19 i. Section 305.9 to section 8A.609.
- 20 j. Section 305.10 to section 8A.610.
- 21 k. Section 305.11 to section 8A.611.
- 22 l. Section 305.12 to section 8A.612.
- 23 m. Section 305.13 to section 8A.613.
- 24 n. Section 305.14 to section 8A.614.
- 25 o. Section 305.15 to section 8A.615.
- 26 p. Section 305.16 to section 8A.616.

27 2. The Code editor is directed to create a new subchapter
28 VI in chapter 8A as follows: Subchapter VI shall be entitled
29 "State Records and Archives" and include sections 8A.601
30 through 8A.616.

31 3. The Code editor may modify subchapter titles if necessary
32 and is directed to correct internal references in the Code as
33 necessary due to enactment of this section.

34

HISTORICAL RESOURCES

35 Sec. 1403. NEW SECTION. 8A.702 Departmental duties —
1 historical resources.

2 The duties of the department as it relates to the historical
3 resources of the state shall include all of the following:

4 1. Develop a comprehensive, coordinated, and efficient
5 policy to preserve, research, interpret, and promote to the
6 public an awareness and understanding of local, state, and
7 regional history.

8 2. Administer and care for historical sites under the
9 authority of the department, and maintain collections within
10 these buildings.

11 a. Except for the state board of regents, a state agency
12 which owns, manages, or administers a historical site must
13 enter into an agreement with the department under chapter 28E
14 to ensure the proper management, maintenance, and development
15 of the site.

16 b. For the purposes of this section, "*historical site*"
17 means any district, site, building, or structure listed on the
18 national register of historic sites or identified as eligible
19 for such status by the state historic preservation officer
20 or that is identified according to established criteria by
21 the state historic preservation officer as significant in
22 national, state, and local history, architecture, engineering,
23 archaeology, or culture.

24 3. Encourage and assist local, county, and state
25 organizations and museums devoted to historical purposes.

26 4. Develop standards and criteria for the acquisition of
27 historic properties and for the preservation, restoration,
28 maintenance, operation, and interpretation of properties under
29 the jurisdiction of the department.

30 5. Implement tourism-related art and history projects as
31 directed by the general assembly.

32 6. Encourage the use of volunteers throughout the
33 department as it relates to the historical resources of

34 the state, especially for purposes of restoring books and
35 manuscripts.

1 7. Publish matters of historical value to the public.

2 8. Buy or receive by other means historical materials
3 including but not limited to artifacts, art, books,
4 manuscripts, and images. Such materials are not personal
5 property under sections 8A.321 and 8A.324 and shall be
6 received and cared for under the rules of the department. The
7 department may sell or otherwise dispose of those materials
8 according to the rules of the department and be credited for
9 any revenues credited by the disposal less the costs incurred.

10 9. Administer the historical resource development program
11 established in section 8A.712.

12 10. Administer, preserve, and interpret the battle
13 flag collection assembled by the state in consultation and
14 coordination with the department of veterans affairs. A
15 portion of the battle flag collection shall be on display at
16 the state capitol and the state historical building at all
17 times, unless on loan approved by the department.

18 11. Establish, maintain, and administer a digital
19 collection of historical manuscripts, documents, records,
20 reports, images, and artifacts and make the collection
21 available to the public through an online research center.

22 12. Perform such duties as required under chapter 305B.

23 Sec. 1404. Section 218.22, Code 2023, is amended to read as
24 follows:

25 **218.22 Record privileged.**

26 Except with the consent of the administrator in charge
27 of an institution, or on an order of a court of record, the
28 record provided in [section 218.21](#) shall be accessible only to
29 the administrator of the division of the department of human
30 services in control of such institution, the director of the
31 department of human services and to assistants and proper
32 clerks authorized by such administrator or the administrator's
33 director. The administrator of the division of such

34 institution is authorized to permit the ~~division of library~~
35 ~~services of the department of education and the historical~~
1 ~~division of the department of cultural affairs~~ administrative
2 services to copy or reproduce by any photographic, photostatic,
3 microfilm, microcard or other process which accurately
4 reproduces a durable medium for reproducing the original and
5 to destroy in the manner described by law such records of
6 residents designated in [section 218.21](#).

7 Sec. 1405. Section 303.5, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 The ~~state historical society administrator~~ director may:

10 Sec. 1406. Section 303.5, subsection 1, Code 2023, is
11 amended to read as follows:

12 1. Make and sign any agreements and perform any acts which
13 are necessary, desirable, or proper to carry out the purpose
14 of the ~~division~~ department as it relates to the historical
15 resources of the state.

16 Sec. 1407. Section 303.7, Code 2023, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **303.7 State historical society.**

19 1. As used in this subchapter, "*state historical society*"
20 means a membership organization of the department that is open
21 to members of the general public who are interested in the
22 history of the state.

23 2. The state historical society board of trustees shall
24 recommend to the director rules for membership of the general
25 public in the state historical society, including rules
26 relating to membership fees. Members shall be persons who
27 indicate an interest in the history, progress, and development
28 of the state and who pay the prescribed fee. The members
29 of the state historical society may meet at least one time
30 per year to further the understanding of the history of this
31 state. The members of the society shall not determine policy
32 for the department as it relates to the historical resources
33 of the state but may advise the director and perform functions

34 to stimulate interest in the history of this state among the
35 general public. The society may perform other activities
1 related to history which are not contrary to this subchapter.

2 3. Unless designated otherwise, an application for
3 membership in the state historical society, or a gift, bequest,
4 devise, endowment, or grant to the state historical society or
5 the department as it relates to the historical resources of the
6 state shall be presumed to be to or in the department.

7 4. Notwithstanding section 633.63, the board may enter into
8 agreements authorizing nonprofit foundations acting solely for
9 the support of the state historical society or the department
10 to administer the membership program of the state historical
11 society and funds of the state historical society or the
12 department as it relates to the historical resources of the
13 state.

14 Sec. 1408. Section 303.8, subsection 1, paragraphs b and c,
15 Code 2023, are amended to read as follows:

16 *b.* Make recommendations to the ~~division administrator~~
17 director on historically related matters.

18 *c.* Review and recommend to the director or the director's
19 designee policy decisions regarding the ~~division~~ department as
20 it relates to the historical resources of the state.

21 Sec. 1409. Section 303.8, Code 2023, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 3. The department may:

24 *a.* By rule, establish advisory groups necessary for the
25 receipt of federal funds or grants or the administration of
26 any of the department's programs relating to the historical
27 resources of the state.

28 *b.* Develop and implement fee-based educational programming
29 opportunities, including preschool programs, related to arts,
30 history, and other cultural matters for Iowans of all ages.

31 Sec. 1410. Section 303.9, subsections 1 and 3, Code 2023,
32 are amended to read as follows:

33 1. All funds received by the department relating to the

34 historical resources of the state, including but not limited
 35 to gifts, endowments, funds from the sale of memberships in
 1 the state historical society, funds from the sale of mementos
 2 and other items relating to Iowa history as authorized under
 3 subsection 2, interest generated by the life membership
 4 trust fund, and fees, shall be credited to the account of
 5 the department and are appropriated to the department to
 6 be invested or used for programs and purposes under the
 7 authority of the department as it relates to the historical
 8 resources of the state. Interest earned on funds credited to
 9 the department, except funds appropriated to the department
 10 from the general fund of the state, shall be credited to the
 11 department. Section 8.33 does not apply to funds credited to
 12 the department under this section.

13 3. Notwithstanding section 633.63, the state historical
 14 society board of trustees may authorize nonprofit foundations
 15 acting solely for the support of the ~~state historical society~~
 16 ~~of Iowa~~ department as it relates to the historical resources of
 17 the state to accept and administer trusts deemed by the board
 18 to be beneficial to the ~~division's~~ department's operations
 19 under this subchapter. The board and the foundation may act
 20 as trustees in such instances.

21 Sec. 1411. Section 303.9A, Code 2023, is amended to read as
 22 follows:

23 **303.9A Iowa heritage fund.**

24 1. An Iowa heritage fund is created in the state treasury
 25 to be administered by the ~~state historical society~~ department.
 26 The fund shall consist of all moneys allocated to the fund by
 27 the treasurer of state.

28 2. Moneys in the fund shall be used in accordance with the
 29 following:

30 a. Ninety percent shall be retained by the ~~state historical~~
 31 ~~society~~ department and used to maintain and expand Iowa's
 32 history curriculum, to provide teacher training in Iowa
 33 history, and to support museum exhibits, historic sites, and

34 adult education programs.

35 **b.** Five percent shall be retained by the ~~state historical~~
1 ~~society~~ department to be used for start-up costs for the one
2 hundred seventy-fifth and two hundredth anniversaries of Iowa
3 statehood.

4 **c.** Five percent shall be retained by the ~~state historical~~
5 ~~society~~ department to be used for the promotion of the sale
6 of the Iowa heritage registration plate issued under section
7 321.34.

8 Sec. 1412. Section 303.10, Code 2023, is amended to read as
9 follows:

10 **303.10 Acceptance and use of money grants.**

11 All federal grants to and the federal receipts of the
12 agencies receiving funds under ~~this chapter~~ subchapter are
13 appropriated for the purpose set forth in the federal grants
14 or receipts.

15 Sec. 1413. Section 303.11, Code 2023, is amended to read as
16 follows:

17 **303.11 Gifts.**

18 1. The ~~division~~ department may accept gifts and bequests
19 which shall be used in accordance with the desires of the donor
20 if expressed. Funds contained in an endowment fund for either
21 the department of history and archives or the state historical
22 society existing on July 1, 1974, remain an endowment of the
23 ~~division~~ department. Gifts shall be accepted only on behalf
24 of the ~~division~~ department, and gifts to a part, branch, or
25 section of the ~~division~~ department are presumed to be gifts to
26 the ~~division~~ department.

27 2. If publication of a book is financed by the endowment
28 fund, ~~this chapter~~ subchapter does not prevent the return of
29 moneys from sales of the book to the endowment fund.

30 Sec. 1414. Section 303.16, subsections 1 and 2, Code 2023,
31 are amended to read as follows:

32 1. The ~~historical division~~ department shall administer a
33 program of grants and loans for historical resource development

34 throughout the state, subject to funds for such grants and
35 loans being made available through the appropriations process
1 or otherwise provided by law.

2 2. The purpose of the historical resource development
3 program is to preserve, conserve, interpret, and enhance
4 historical resources that will encourage and support the
5 economic and cultural health and development of the state and
6 the communities in which the resources are located. For this
7 purpose, the ~~division~~ department may make grants and loans as
8 otherwise provided by law with funds as may be made available
9 by applicable law.

10 Sec. 1415. Section 303.16, subsection 6, paragraphs b, f,
11 and g, Code 2023, are amended to read as follows:

12 *b.* A portion of the applicant's operating expenses may
13 be used as a cash match or in-kind match as specified by the
14 ~~division's~~ department's rules.

15 *f.* Grants under this program may be given only after review
16 and recommendation by the state historical society board of
17 trustees. The ~~division~~ department may contract with lending
18 institutions chartered in this state to act as agents for the
19 administration of loans under the program, in which case, the
20 lending institution may have the right of final approval of
21 loans, subject to the ~~division's~~ department's administrative
22 rules. If the ~~division~~ department does not contract with
23 a lending institution, loans may be made only after review
24 and recommendation by the state historical society board of
25 trustees.

26 *g.* The ~~division~~ department shall not award grants or loans
27 to be used for goods or services obtained outside the state,
28 unless the proposed recipient demonstrates that it is neither
29 feasible nor prudent to obtain the goods or services within the
30 state.

31 Sec. 1416. Section 303.16, subsections 8 and 9, Code 2023,
32 are amended to read as follows:

33 8. The ~~division~~ department may use ten percent of the annual

34 ~~appropriation~~ allocation to the ~~division~~ historical resource
35 grant and loan fund established in this section pursuant
1 to section 455A.19, but in no event more than seventy-five
2 thousand dollars, for administration of the grant and loan
3 program.

4 9. a. (1) The ~~division~~ department may establish a
5 historical resource grant and loan fund composed of any
6 money appropriated by the general assembly for that purpose,
7 funds allocated pursuant to [section 455A.19](#), and of any other
8 moneys available to and obtained or accepted by the ~~division~~
9 department from the federal government or private sources for
10 placement in that fund. Each loan made under [this section](#)
11 shall be for a period not to exceed ten years, shall bear
12 interest at a rate determined by the state historical board,
13 and shall be repayable to the revolving loan fund in equal
14 yearly installments due March 1 of each year the loan is in
15 effect. The interest rate upon loans for which payment is
16 delinquent shall accelerate immediately to the current legal
17 usury limit. Applicants are eligible for not more than one
18 hundred thousand dollars in loans outstanding at any time under
19 this program. A single lending institution contracting with
20 the ~~division~~ department pursuant to [this section](#) shall not hold
21 more than five hundred thousand dollars worth of outstanding
22 loans under the program.

23 (2) Any applicant, who is otherwise eligible, who receives
24 a direct or indirect appropriation from the general assembly
25 for a project or portion of a project is ineligible for a
26 historical resources development grant for that same project
27 during the fiscal year for which the appropriation is made.
28 For purposes of this paragraph, "*project*" includes any related
29 activities, including but not limited to construction,
30 restoration, supplies, equipment, consulting, or other
31 services.

32 b. The ~~division~~ department may:

33 (1) Contract and adopt administrative rules necessary to

34 carry out the provisions of this section, but the ~~division~~
35 department shall not in any manner directly or indirectly
1 pledge the credit of the state of Iowa.

2 (2) Authorize payment from the historical resource grant
3 and loan fund, from fees and from any income received by
4 investments of money in the fund for costs, commissions,
5 attorney fees and other reasonable expenses related to
6 and necessary for making and protecting direct loans under
7 this section, and for the recovery of moneys loaned or the
8 management of property acquired in connection with such loans.

9 Sec. 1417. Section 303.16, subsection 10, paragraph b, Code
10 2023, is amended to read as follows:

11 b. A country schools historical resource preservation
12 grant program is therefore established to be administered by
13 the ~~historical division~~ department for the preservation of
14 one-room and two-room buildings once used as country schools.
15 In developing grant approval criteria, the ~~division~~ department
16 shall place a priority on the educational uses planned for the
17 country school building, which may include, but are not limited
18 to, historical interpretation and use as a teaching museum or
19 as an operational classroom accessible to a school district
20 or accredited nonpublic school for provisional instructional
21 purposes.

22 Sec. 1418. Section 305B.5, Code 2023, is amended to read as
23 follows:

24 **305B.5 Notice of injury or loss.**

25 A museum shall give a lender or claimant prompt notice of
26 any known injury to or loss of property on loan on a form for
27 notice of injury loss adopted by rule by the department of
28 administrative services. ~~The department of cultural affairs~~
29 ~~shall adopt by rule a form for notice of injury or loss, no~~
30 ~~later than January 1, 1989, and shall distribute the rule~~
31 ~~and form to all identified museums in Iowa within sixty days~~
32 ~~after adoption of the rule.~~ The notice shall be mailed to the
33 lender's or claimant's last known address in event of injury

34 or loss of property on loan to the museum. Published notice of
35 injury or loss of undocumented property shall not be required.

1 Sec. 1419. Section 305B.8, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. The department of ~~cultural affairs~~ administrative
4 services shall adopt by rule a form for notice of intent to
5 preserve an interest in property on loan to a museum. The
6 form shall satisfy the requirements of [subsection 1](#) and shall
7 notify the claimant of the rights and procedures to preserve an
8 interest in museum property. The form shall also facilitate
9 recordkeeping and record retrieval by a museum. At a minimum
10 the form shall provide a place for recording evidence of
11 receipt of a notice by a museum, including the date of receipt,
12 signature of the person receiving the notice, and the date on
13 which a copy of the receipt is returned to the claimant.

14 Sec. 1420. Section 305B.11, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. The department of ~~cultural affairs~~ administrative
17 services may by rule determine the minimum form and substance
18 of recordkeeping by museums with regard to museum property to
19 implement [this chapter](#).

20 Sec. 1421. Section 321.34, subsection 25, paragraph b, Code
21 2023, is amended to read as follows:

22 *b.* An owner referred to in [subsection 12](#), upon written
23 application to the department, may order special registration
24 plates with a civil war sesquicentennial processed emblem. The
25 special plate fees collected by the director under subsection
26 12, paragraphs "a" and "c", from the issuance and annual
27 validation of letter-number designated and personalized civil
28 war sesquicentennial plates shall be paid monthly to the
29 treasurer of state and deposited in the road use tax fund. The
30 treasurer of state shall transfer monthly from the statutory
31 allocations fund created under [section 321.145, subsection 2](#),
32 to the department of ~~cultural affairs~~ administrative services
33 the amount of the special fees collected under subsection

34 12, paragraph "a", in the previous month for civil war
35 sesquicentennial plates, and such funds are appropriated to the
1 department of ~~cultural affairs~~ administrative services to be
2 used for the Iowa battle flag project.

3 Sec. 1422. Section 423.3, subsection 34, Code 2023, is
4 amended to read as follows:

5 34. The sales price from sales of mementos and other items
6 relating to Iowa history and historic sites by the department
7 of ~~cultural affairs~~ administrative services on the premises of
8 property under its control and at the state capitol.

9 Sec. 1423. Section 427.16, subsection 7, paragraph b, Code
10 2023, is amended to read as follows:

11 b. A historical site as defined in section ~~303.2~~ 8A.702.

12 Sec. 1424. Section 455A.19, subsection 1, paragraph f, Code
13 2023, is amended to read as follows:

14 f. Five percent shall be allocated to the historical
15 resource grant and loan fund established pursuant to section
16 303.16. The department of ~~cultural affairs~~ administrative
17 services shall use the moneys allocated to this fund to
18 implement historical resource development programs as provided
19 under section 303.16.

20 Sec. 1425. Section 904.601, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. The director shall keep the following record
23 of every person committed to any of the department's
24 institutions: Name, residence, sex, age, place of birth,
25 occupation, civil condition, date of entrance or commitment,
26 date of discharge, whether a discharge is final, condition of
27 the person when discharged, the name of the institutions from
28 which and to which the person has been transferred, and if the
29 person is dead, the date and cause of death. The director may
30 permit the ~~division of library services of the department of~~
31 ~~education and the historical division of the department of~~
32 ~~cultural affairs~~ administrative services to copy or reproduce
33 by any photographic, photostatic, microfilm, microcard, or

34 other process which accurately reproduces in a durable medium
35 and to destroy in the manner described by law the records of
1 inmates required by this paragraph.

2 Sec. 1426. 2012 Iowa Acts, chapter 1136, section 27,
3 subsection 1, is amended to read as follows:

4 1. A battle flag restoration fund is created and established
5 as a separate and distinct fund in the state treasury under the
6 control of the department of ~~cultural affairs~~ administrative
7 services. The moneys in the fund are appropriated to the
8 department for purposes of continuing the project recommended
9 by the Iowa battle flag advisory committee to stabilize the
10 condition of the battle flag collection. Moneys in the fund
11 shall not be subject to appropriation for any other purpose by
12 the general assembly, but shall be used only for the purposes
13 of the battle flag restoration fund.

14 Sec. 1427. CODE EDITOR DIRECTIVE — HISTORICAL RESOURCES.

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

- 17 a. Section 303.4 to section 8A.703.
- 18 b. Section 303.5 to section 8A.704.
- 19 c. Section 303.6 to section 8A.705.
- 20 d. Section 303.7 to section 8A.706.
- 21 e. Section 303.8 to section 8A.707.
- 22 f. Section 303.9 to section 8A.708.
- 23 g. Section 303.9A to section 8A.709.
- 24 h. Section 303.10 to section 8A.710.
- 25 i. Section 303.11 to section 8A.711.
- 26 j. Section 303.16 to section 8A.712.

27 2. The Code editor is directed to create a new subchapter
28 VII in chapter 8A as follows: Subchapter VII shall be entitled
29 "Historical Resources" and include sections 8A.702 through
30 8A.712.

31 3. The Code editor may modify subchapter titles if necessary
32 and is directed to correct internal references in the Code as
33 necessary due to enactment of this section.

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DIVISION III

DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

ORGANIZATION — GENERAL PROVISIONS

Sec. 1428. 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. 1429. 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. 1430. 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. 1431. Section 10A.103, Code 2023, is amended to read as follows:

34 **10A.103 Purpose of the department.**

35 The department is created for the purpose of coordinating
1 and conducting various audits, appeals, hearings, inspections,
2 ~~and investigations, and licensing activities~~ related to the
3 operations of the executive branch of state government, and
4 administering the laws relating to employment safety, labor
5 standards, and workers' compensation.

6 Sec. 1432. Section 10A.104, subsections 2 and 5, Code 2023,
7 are amended to read as follows:

8 2. Appoint the administrators of the divisions within
9 the department and all other personnel deemed necessary for
10 the administration of **this chapter**, except the state public
11 defender, assistant state public defenders, administrator
12 of the racing and gaming commission, labor commissioner,
13 workers' compensation commissioner, director of the Iowa
14 state civil rights commission, and members of the employment
15 appeal board, and administrator of the child advocacy board
16 ~~created in **section 237.16**~~. All persons appointed and employed
17 in the department are covered by the provisions of chapter
18 8A, subchapter IV, but persons not appointed by the director
19 are exempt from the merit system provisions of chapter 8A,
20 subchapter IV.

21 5. ~~Adopt~~ Except for rules required or authorized by law
22 to be adopted by another entity, adopt rules deemed necessary
23 for the implementation and administration of **this chapter** in
24 accordance with **chapter 17A**.

25 Sec. 1433. Section 10A.104, Code 2023, is amended by adding
26 the following new subsections:

27 NEW SUBSECTION. 15. To adopt rules, in consultation with
28 the state fire marshal, designating a fee to be assessed
29 to each building, structure, or facility for which a fire
30 safety inspection or plan review is required by law. The fee
31 designated by rule shall be set in an amount that is reasonably
32 related to the costs of conducting the applicable inspection
33 or plan review. The fees collected shall be deposited in the

34 general fund of the state.

35 NEW SUBSECTION. 16. Serve as the state building code
1 commissioner pursuant to section 103A.4 and administer chapters
2 101, 101A, 101B, 103, 103A, 104A, 104B, and 105.

3 NEW SUBSECTION. 17. Establish, publish, and enforce
4 rules not inconsistent with law for the enforcement of those
5 provisions of Title IV, subtitle 2, the administration and
6 supervision of which are imposed upon the department.

7 NEW SUBSECTION. 18. Enforce the law relative to
8 "Health-related Professions", Title IV, subtitle 3, excluding
9 chapter 147A.

10 NEW SUBSECTION. 19. Regulate and supervise real estate
11 appraisers under chapter 543D and real estate appraisal
12 management companies under chapter 543E.

13 Sec. 1434. Section 10A.106, Code 2023, is amended to read
14 as follows:

15 **10A.106 Divisions of the department.**

16 1. The department is comprised of the ~~following divisions:~~

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

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

19 ~~c. Health facilities, workers' compensation division, and~~
20 other divisions as appropriate.

21 2. The allocation of departmental duties to the divisions of
22 the department in ~~sections 10A.402, 10A.702,~~ sections 10A.202,
23 10A.301, and 10A.801 does not prohibit the director from
24 reallocating departmental duties within the department.

25 Sec. 1435. NEW SECTION. **10A.109 Statutory board,**
26 **commission, committee, or council — teleconference option.**

27 Any statutorily established board, commission, committee,
28 or council established under the purview of the department
29 relative to "Health-related Professions", Title IV, subtitle
30 3, excluding chapter 147A, shall provide for a teleconference
31 option for board, commission, committee, or council members to
32 participate in official meetings.

33 Sec. 1436. Section 10A.402, unnumbered paragraph 1, Code

34 2023, is amended to read as follows:

35 The ~~administrator~~ director shall coordinate the ~~division's~~
1 department's conduct of various audits and investigations as
2 provided by law including but not limited to the following:

3 Sec. 1437. Section 10A.403, Code 2023, is amended to read
4 as follows:

5 **10A.403 Investigators — peace officer status.**

6 Investigators of the ~~division~~ department shall have the
7 powers and authority of peace officers when acting within the
8 scope of their responsibilities to conduct investigations as
9 specified in [section 10A.402, subsection 5](#). An investigator
10 shall not carry a weapon to perform responsibilities as
11 described in [this section](#).

12 Sec. 1438. Section 10A.601, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. A full-time employment appeal board is created within the
15 department of inspections, ~~and appeals, and licensing,~~ to hear
16 and decide contested cases under [chapter 8A, subchapter IV](#), and
17 chapters 80, [88](#), [91C](#), [96](#), and [97B](#).

18 Sec. 1439. Section 10A.702, unnumbered paragraph 1, Code
19 2023, is amended to read as follows:

20 The ~~administrator~~ director shall coordinate the ~~division's~~
21 department's conduct of various inspections and investigations
22 as otherwise provided by law including, but not limited to, all
23 of the following:

24 Sec. 1440. Section 10A.702, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. Inspections and other licensing procedures relative to
27 the hospice program, hospitals, and health care facilities.
28 The ~~division~~ department is designated as the sole licensing
29 authority for these programs and facilities.

30 Sec. 1441. Section 10A.801, subsection 1, unnumbered
31 paragraph 1, Code 2023, is amended to read as follows:

32 For purposes of [this article subchapter](#), unless the context
33 otherwise requires:

34 Sec. 1442. Section 10A.801, subsection 1, paragraph b, Code
35 2023, is amended to read as follows:

1 b. "Division" means the administrative hearings division of
2 the department of inspections, and appeals, and licensing.

3 Sec. 1443. Section 84A.1, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. ~~a.~~ The director of the department of workforce
6 development shall, subject to the requirements of section
7 84A.1B, prepare, administer, and control the budget of the
8 department and its divisions and shall approve the employment
9 of all personnel of the department and its divisions.

10 ~~b. The director of the department of workforce development~~
11 ~~shall direct the administrative and compliance functions and~~
12 ~~control the docket of the division of workers' compensation.~~

13 Sec. 1444. Section 84A.5, subsections 4 and 5, Code 2023,
14 are amended by striking the subsections.

15 Sec. 1445. REPEAL. Sections 10A.401 and 10A.701, Code 2023,
16 are repealed.

17 Sec. 1446. CODE EDITOR DIRECTIVE.

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

- 20 a. Section 135.61 to section 10A.711.
- 21 b. Section 135.62 to section 10A.712.
- 22 c. Section 135.63 to section 10A.713.
- 23 d. Section 135.64 to section 10A.714.
- 24 e. Section 135.65 to section 10A.715.
- 25 f. Section 135.66 to section 10A.716.
- 26 g. Section 135.67 to section 10A.717.
- 27 h. Section 135.68 to section 10A.718.
- 28 i. Section 135.69 to section 10A.719.
- 29 j. Section 135.70 to section 10A.720.
- 30 k. Section 135.71 to section 10A.721.
- 31 l. Section 135.72 to section 10A.722.
- 32 m. Section 135.73 to section 10A.723.
- 33 n. Section 135.74 to section 10A.724.

34 o. Section 135.75 to section 10A.725.

35 p. Section 135.76 to section 10A.726.

1 q. Section 135.78 to section 10A.727.

2 r. Section 135.79 to section 10A.728.

3 s. Section 135.83 to section 10A.729.

4 2. The Code editor is directed to rename and retitle article
5 I of chapter 10A as follows:

6 Subchapter I GENERAL PROVISIONS

7 3. The Code editor is directed to rename and retitle article
8 IV of chapter 10A as follows:

9 Subchapter IV INVESTIGATIONS

10 4. The Code editor is directed to rename article VI of
11 chapter 10A as subchapter VI.

12 5. The Code editor is directed to rename and retitle article
13 VII of chapter 10A and designate parts as follows:

14 a. Subchapter VII shall be entitled HEALTH FACILITIES and
15 include sections 10A.702 through 10A.729.

16 b. Subchapter VII, part 1, shall be entitled GENERAL
17 PROVISIONS and include section 10A.702.

18 c. Subchapter VII, part 2, shall be entitled HEALTH
19 FACILITIES COUNCIL and include sections 10A.711 through
20 10A.729.

21 6. The Code editor is directed to rename article VIII of
22 chapter 10A as subchapter VIII.

23 7. The Code editor shall correct internal references in the
24 Code and in any enacted legislation as necessary due to the
25 enactment of this section.

26 LABOR SERVICES

27 Sec. 1447. NEW SECTION. 10A.200 Definitions.

28 As used in this subchapter, unless the context otherwise
29 requires:

30 1. "Commissioner" means the labor commissioner appointed
31 pursuant to section 10A.203, or the commissioner's designee.

32 2. "Division" means the division of labor services of the
33 department of inspections, appeals, and licensing.

34 Sec. 1448. NEW SECTION. 10A.202 Labor services —
35 responsibilities.

1 1. The division is responsible for the administration of
2 the laws of this state under chapters 88 and 89B and sections
3 85.67A and 85.68, and such other duties assigned to the
4 division or commissioner. The executive head of the division
5 is the commissioner, appointed pursuant to section 10A.203.

6 2. The department is responsible for the administration of
7 the laws of this state under chapters 88A, 88B, 89, 89A, 90A,
8 91A, 91C, 91D, 91E, 92, and such other labor-services duties
9 assigned to the department or director.

10 Sec. 1449. Section 73A.21, subsection 1, paragraphs a and b,
11 Code 2023, are amended by striking the paragraphs.

12 Sec. 1450. Section 73A.21, subsections 5, 6, 8, and 9, Code
13 2023, are amended to read as follows:

14 5. The ~~commissioner~~ director and the ~~division~~ department
15 shall administer and enforce **this section**, and the ~~commissioner~~
16 director shall adopt rules for the administration and
17 enforcement of this section ~~as provided in section 91.6~~.

18 6. The ~~commissioner~~ director shall have the following
19 powers and duties for the purposes of **this section**:

20 a. The ~~commissioner~~ director may hold hearings and
21 investigate charges of violations of **this section**.

22 b. The ~~commissioner~~ director may, consistent with due
23 process of law, enter any place of employment to inspect
24 records concerning labor force residency, to question
25 an employer or employee, and to investigate such facts,
26 conditions, or matters as are deemed appropriate in determining
27 whether any person has violated the provisions of **this section**.
28 The ~~commissioner~~ director shall only make such an entry in
29 response to a written complaint.

30 c. The ~~commissioner~~ director shall develop a written
31 complaint form applicable to **this section** and make it available
32 in ~~division~~ department offices and on the ~~department of~~
33 ~~workforce development's~~ department's internet site.

34 *d.* The ~~commissioner~~ director may sue for injunctive relief
35 against the awarding of a contract, the undertaking of a public
1 improvement, or the continuation of a public improvement in
2 response to a violation of [this section](#).

3 *e.* The ~~commissioner~~ director may investigate and ascertain
4 the residency of a worker engaged in any public improvement in
5 this state.

6 *f.* The ~~commissioner~~ director may administer oaths, take
7 or cause to be taken deposition of witnesses, and require
8 by subpoena the attendance and testimony of witnesses and
9 the production of all books, registers, payrolls, and other
10 evidence relevant to a matter under investigation or hearing.

11 *g.* The ~~commissioner~~ director may employ qualified personnel
12 as are necessary for the enforcement of [this section](#). Such
13 personnel shall be employed pursuant to the merit system
14 provisions of [chapter 8A, subchapter IV](#).

15 *h.* The ~~commissioner~~ director shall require a contractor or
16 subcontractor to file, within ten days of receipt of a request,
17 any records enumerated in [subsection 7](#). If the contractor or
18 subcontractor fails to provide the requested records within ten
19 days, the ~~commissioner~~ director may direct, within fifteen days
20 after the end of the ten-day period, the fiscal or financial
21 office charged with the custody and disbursement of funds of
22 the public body that contracted for construction of the public
23 improvement or undertook the public improvement, to immediately
24 withhold from payment to the contractor or subcontractor
25 up to twenty-five percent of the amount to be paid to the
26 contractor or subcontractor under the terms of the contract
27 or written instrument under which the public improvement is
28 being performed. The amount withheld shall be immediately
29 released upon receipt by the public body of a notice from
30 the commissioner indicating that the request for records as
31 required by [this section](#) has been satisfied.

32 8. Any person or entity that violates the provisions of
33 this section is subject to a civil penalty in an amount not

34 to exceed one thousand dollars for each violation found in
 35 a first investigation by the ~~division~~ department, not to
 1 exceed five thousand dollars for each violation found in a
 2 second investigation by the ~~division~~ department, and not to
 3 exceed fifteen thousand dollars for a third or subsequent
 4 violation found in any subsequent investigation by the ~~division~~
 5 department. Each violation of **this section** for each worker and
 6 for each day the violation continues constitutes a separate and
 7 distinct violation. In determining the amount of the penalty,
 8 the ~~division~~ department shall consider the appropriateness of
 9 the penalty to the person or entity charged, upon determination
 10 of the gravity of the violations. The collection of these
 11 penalties shall be enforced in a civil action brought by the
 12 attorney general on behalf of the ~~division~~ department.

13 9. A party seeking review of the ~~division's~~ department's
 14 determination pursuant to **this section** may file a written
 15 request for an informal conference. The request must be
 16 received by the ~~division~~ department within fifteen days
 17 after the date of issuance of the ~~division's~~ department's
 18 determination. During the conference, the party seeking
 19 review may present written or oral information and arguments
 20 as to why the ~~division's~~ department's determination should be
 21 amended or vacated. The ~~division~~ department shall consider
 22 the information and arguments presented and issue a written
 23 decision advising all parties of the outcome of the conference.

24 Sec. 1451. Section 91.2, Code 2023, is amended to read as
 25 follows:

26 **91.2 ~~Appointment~~ Labor commissioner — appointment.**

27 The governor shall appoint, subject to confirmation by the
 28 senate, a labor commissioner who shall serve ~~for a period of~~
 29 ~~six years beginning and ending as provided in~~ **section 69.19 at**
 30 **the pleasure of the governor. If the office becomes vacant,**
 31 **the vacancy shall be filled in the same manner as provided for**
 32 **the original appointment.**

33 Sec. 1452. Section 91.4, Code 2023, is amended to read as

34 follows:

35 **91.4 Duties and powers — labor services.**

1 1. The duties of ~~said~~ the commissioner or director, as
2 applicable, pursuant to this subchapter shall be as follows:

3 a. To safely keep all records, papers, documents,
4 correspondence, and other property pertaining to or coming into
5 the commissioner's or director's hands by virtue of the office,
6 and deliver the same to the commissioner's or director's
7 successor, except as otherwise provided.

8 b. To collect, assort, and systematize statistical details
9 relating to programs of the division ~~of labor services~~ or
10 department under this subchapter.

11 c. To issue from time to time bulletins containing
12 information of importance to the industries of the state and
13 to the safety of wage earners.

14 d. To conduct and to cooperate with other interested persons
15 and organizations in conducting educational programs and
16 projects on employment safety.

17 e. 2. The commissioner shall serve as an ex officio
18 member of the state fire service and emergency response council
19 created in section 100B.1, or shall appoint a designee to serve
20 as an ex officio member of such council, to assist the council
21 in the development of rules relating to fire fighting training
22 standards and any other issues relating to occupational safety
23 and health standards for fire fighters.

24 ~~2. 3.~~ The director of the department of workforce
25 development, in consultation with the labor commissioner,
26 shall, at the time provided by law, make an annual report to
27 the governor setting forth in appropriate form the business and
28 expense of the division ~~of labor services~~ and department under
29 this subchapter for the preceding year, the number of remedial
30 actions taken under chapter 89A, the number of disputes or
31 violations processed by the division or department and the
32 disposition of the disputes or violations, and other matters
33 pertaining to the division or department under this subchapter

34 which are of public interest, together with recommendations for
 35 change or amendment of the laws in this chapter and chapters
 1 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and
 2 92, and ~~94A,~~ and ~~section~~ sections 85.67A, and 85.68, and the
 3 recommendations, if any, shall be transmitted by the governor
 4 to the first general assembly in session after the report is
 5 filed.

6 ~~3.~~ 4. The commissioner or director, as applicable, with the
 7 assistance of the office of the attorney general if requested
 8 by the commissioner or director, may commence a civil action
 9 in any court of competent jurisdiction to enforce the statutes
 10 under the commissioner's or director's jurisdiction under this
 11 subchapter.

12 ~~4.~~ 5. The division ~~of labor services~~ or department, as
 13 applicable, may sell documents printed by the division or
 14 department as it relates to this subchapter at cost according
 15 to rules established by the ~~labor~~ commissioner or director
 16 pursuant to chapter 17A. Receipts from the sale shall be
 17 deposited to the credit of the ~~division~~ department and may
 18 be used by the division for administrative expenses of the
 19 division and department under this subchapter.

20 ~~5.~~ 6. Except as provided in chapter 91A, the commissioner
 21 or director, as applicable, may recover interest, court costs,
 22 and any attorney fees incurred in recovering any amounts due
 23 under this subchapter. The recovery shall only take place
 24 after final agency action is taken under chapter 17A, or upon
 25 judicial review, after final disposition of the case by the
 26 court. Attorney fees recovered in an action brought under
 27 the jurisdiction of the commissioner or director under this
 28 subchapter shall be deposited in the general fund of the state.
 29 The commissioner ~~is~~ and director are exempt from the payment of
 30 any filing fee or other court costs including but not limited
 31 to fees paid to county sheriffs.

32 ~~6.~~ 7. The commissioner or director may establish rules
 33 pursuant to chapter 17A to assess and collect interest on fees,

34 penalties, and other amounts due the division or department,
35 as applicable, under this subchapter. The commissioner or
1 director may delay or, following written notice, deny the
2 issuance of a license, commission, registration, certificate,
3 or permit authorized under chapter 88A, 89, 89A, 90A, or
4 91C, ~~or 94A~~ if the applicant for the license, commission,
5 registration, certificate, or permit owes a liquidated debt to
6 the commissioner or director.

7 Sec. 1453. Section 91.5, Code 2023, is amended to read as
8 follows:

9 **91.5 Other duties — jurisdiction in general.**

10 ~~The~~ As provided by this subchapter, the commissioner
11 or director shall have jurisdiction and it shall be the
12 commissioner's or director's duty to supervise the enforcement
13 of:

14 1. All laws relating to safety appliances and inspection
15 thereof and health conditions in manufacturing and mercantile
16 establishments, workshops, machine shops, other industrial
17 concerns within the commissioner's jurisdiction and sanitation
18 and shelter for railway employees.

19 2. All laws of the state relating to child labor.

20 3. ~~All laws relating to employment agencies.~~

21 4. ~~Such other provisions of law as are now or shall~~
22 ~~hereafter be~~ relating to this subchapter within the
23 commissioner's or director's jurisdiction.

24 Sec. 1454. Section 91.6, Code 2023, is amended to read as
25 follows:

26 **91.6 Rules Labor commissioner — rules.**

27 The commissioner shall adopt rules pursuant to chapter 17A
28 for the purpose of administering this chapter ~~and all other~~
29 chapters under the commissioner's jurisdiction as provided in
30 section 10A.202, subsection 1.

31 Sec. 1455. Section 91.8, Code 2023, is amended to read as
32 follows:

33 **91.8 Traveling expenses.**

34 The director, commissioner, inspectors, and other employees
35 of the ~~office~~ division or department shall be allowed their
1 necessary traveling expenses while in the discharge of their
2 duties under this subchapter.

3 Sec. 1456. Section 91.9, Code 2023, is amended to read as
4 follows:

5 **91.9 Right to enter premises.**

6 The ~~labor~~ director, commissioner, and the inspectors shall
7 have the power to enter any factory or mill, workshop, mine,
8 store, railway facility, including locomotive or caboose,
9 business house, or public or private work, when the same is
10 open or in operation, for the purpose of gathering facts and
11 statistics such as are contemplated by this chapter subchapter,
12 and to examine into the methods of protection from danger to
13 employees, and the sanitary conditions in and around such
14 buildings and places, and make a record thereof.

15 Sec. 1457. Section 91.10, Code 2023, is amended to read as
16 follows:

17 **91.10 Power to secure evidence.**

18 The ~~labor~~ director or commissioner, ~~or the commissioner's~~
19 ~~designee~~ as applicable, may issue subpoenas, administer
20 oaths, and take testimony in all matters relating to the
21 duties required of ~~them~~ the director or commissioner under
22 this subchapter. Witnesses subpoenaed and testifying before
23 the director or commissioner ~~or the commissioner's designee~~
24 shall be paid the same fees as witnesses under section 622.69,
25 payment to be made out of the funds appropriated to the
26 department or division of labor services, as applicable.

27 Sec. 1458. Section 91.11, Code 2023, is amended to read as
28 follows:

29 **91.11 Prosecutions for violations — labor services.**

30 1. If the director or commissioner learns of any violation
31 of any law administered by the department or division under
32 this subchapter, the director or commissioner may give the
33 county attorney of the county in which the violation occurred

34 written notice of the facts, whereupon that officer shall
 35 institute the proper proceedings against the person charged
 1 with the offense.

2 2. If the director or commissioner is of the opinion
 3 that the violation is not willful, or is an oversight or of
 4 a trivial nature, the director or commissioner may at the
 5 director's or commissioner's discretion fix a time within
 6 which the violation shall be corrected and notify the owner,
 7 operator, superintendent, or person in charge. If the
 8 violation is corrected within the time fixed, then the director
 9 or commissioner shall not cause prosecution to be begun.

10 Sec. 1459. Section 91.15, Code 2023, is amended to read as
 11 follows:

12 **91.15 Definition of additional terms.**

13 The expressions "*factory*", "*mill*", "*workshop*", "*mine*",
 14 "*store*", "*railway*", "*business house*", and "*public or private*
 15 *work*", as used in [this chapter subchapter](#), shall be construed
 16 to mean any factory, mill, workshop, mine, store, railway,
 17 business house, or public or private work, where wage earners
 18 are employed for a compensation.

19 Sec. 1460. Section 91.16, Code 2023, is amended to read as
 20 follows:

21 **91.16 Violations — penalties.**

22 Persons violating any of the provisions of this ~~chapter~~
 23 subchapter shall be punished as in [this section](#) provided,
 24 respectively:

25 1. Any owner, superintendent, manager, or person in charge
 26 of any factory, mill, workshop, store, mine, hotel, restaurant,
 27 cafe, railway, business house, or public or private work, who
 28 shall refuse to allow the ~~labor~~ director, commissioner, or any
 29 inspector or employee of the department or division of labor
 30 ~~services~~ to enter the same, or who shall hinder or deter the
 31 director, commissioner, inspector, or employee in collecting
 32 information which it is that person's duty to collect shall be
 33 guilty of a simple misdemeanor.

34 2. Any officer or employee of the department or division
35 ~~of labor services~~, or any person making unlawful use of names
1 or information obtained under this subchapter by virtue of the
2 person's office, shall be guilty of a serious misdemeanor.

3 3. Any owner, operator, or manager of a factory, mill,
4 workshop, mine, store, railway, business house, or public or
5 private work, who shall neglect or refuse for thirty days
6 after receipt of notice from the director or commissioner to
7 furnish any reports or returns the director or commissioner may
8 require to enable the director or commissioner to discharge the
9 director's or commissioner's duties under this subchapter shall
10 be guilty of a simple misdemeanor.

11 Sec. 1461. REPEAL. Section 91.1, Code 2023, is repealed.

12 Sec. 1462. CODE EDITOR DIRECTIVE.

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

- 15 a. Section 91.2 to section 10A.203.
- 16 b. Section 91.4 to section 10A.204.
- 17 c. Section 91.5 to section 10A.205.
- 18 d. Section 91.6 to section 10A.206.
- 19 e. Section 91.8 to section 10A.207.
- 20 f. Section 91.9 to section 10A.208.
- 21 g. Section 91.10 to section 10A.209.
- 22 h. Section 91.11 to section 10A.210.
- 23 i. Section 91.15 to section 10A.201.
- 24 j. Section 91.16 to section 10A.211.
- 25 k. Section 73A.21 to section 8A.311B.

26 2. The Code editor is directed to rename article II in
27 chapter 10A as follows:

28 Article II shall be subchapter II and shall be entitled
29 "Labor Services" and include sections 10A.200 through 10A.211.

30 3. The Code editor may modify subchapter titles if necessary
31 and is directed to correct internal references in the Code as
32 necessary due to enactment of this section.

33 WORKERS' COMPENSATION

34 Sec. 1463. NEW SECTION. 10A.301 **Definitions.**

35 As used in this subchapter, unless the context otherwise
1 requires:

2 1. "*Commissioner*" means the workers' compensation
3 commissioner appointed pursuant to section 86.1, or the
4 commissioner's designee.

5 2. "*Division*" means the division of workers' compensation of
6 the department of inspections, appeals, and licensing.

7 Sec. 1464. NEW SECTION. 10A.302 **Workers' compensation —**
8 **responsibilities.**

9 The division is responsible for the administration of the
10 laws of this state relating to workers' compensation under this
11 subchapter and chapters 85, 85A, 85B, and 87. The executive
12 head of the division is the workers' compensation commissioner,
13 appointed pursuant to section 86.1.

14 Sec. 1465. Section 86.1, Code 2023, is amended to read as
15 follows:

16 **86.1 Workers' compensation commissioner — term appointment.**

17 The governor shall appoint, subject to confirmation by the
18 senate, a workers' compensation commissioner ~~whose term of~~
19 ~~office who shall be six years beginning and ending as provided~~
20 ~~in [section 69.19](#) serve at the pleasure of the governor.~~ The
21 ~~workers' compensation commissioner shall maintain an office~~
22 ~~at the seat of government. If the office becomes vacant, the~~
23 ~~vacancy shall be filled in the same manner as provided for the~~
24 ~~original appointment.~~ The workers' compensation commissioner
25 must be a lawyer admitted to practice in this state.

26 Sec. 1466. Section 86.7, Code 2023, is amended to read as
27 follows:

28 **86.7 Interest in affected business.**

29 It shall be unlawful for the commissioner to be financially
30 interested in any business enterprise coming under or affected
31 by [this chapter subchapter](#) during the commissioner's term of
32 office, and if the commissioner violates this statute, it shall
33 be sufficient grounds for removal from office, and in such

34 case the governor shall at once declare the office vacant and
35 appoint another to fill the vacancy.

1 Sec. 1467. Section 86.8, subsection 1, paragraph a, Code
2 2023, is amended to read as follows:

3 a. Adopt and enforce rules necessary to implement this
4 ~~chapter~~ subchapter and chapters 85, 85A, 85B, and 87.

5 Sec. 1468. Section 86.9, subsections 1 and 2, Code 2023, are
6 amended to read as follows:

7 1. The director ~~of the department of workforce development,~~
8 in consultation with the commissioner, shall, at the time
9 provided by law, make an annual report to the governor setting
10 forth in appropriate form the business and expense of the
11 division of workers' compensation for the preceding year, the
12 number of claims processed by the division and the disposition
13 of the claims, and other matters pertaining to the division
14 which are of public interest, together with recommendations
15 for change or amendment of the laws in this ~~chapter~~ subchapter
16 and chapters 85, 85A, 85B, and 87, and the recommendations, if
17 any, shall be transmitted by the governor to the first general
18 assembly in session after the report is filed.

19 2. The commissioner, after consultation with the director
20 ~~of the department of workforce development,~~ may compile an
21 annual report setting forth the final decisions, rulings, and
22 orders of the division for the preceding year and setting forth
23 other matters or information which the commissioner considers
24 desirable for publication.

25 Sec. 1469. Section 86.13, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. If an employer or insurance carrier pays weekly
28 compensation benefits to an employee, the employer or insurance
29 carrier shall file with the workers' compensation commissioner
30 in the form and manner required by the workers' compensation
31 commissioner a notice of the commencement of the payments.
32 The payments establish conclusively that the employer and
33 insurance carrier have notice of the injury for which benefits

34 are claimed but the payments do not constitute an admission of
35 liability under this chapter subchapter or chapter 85, 85A, or
1 85B.

2 Sec. 1470. Section 86.13, subsection 4, paragraph a, Code
3 2023, is amended to read as follows:

4 a. If a denial, a delay in payment, or a termination of
5 benefits occurs without reasonable or probable cause or excuse
6 known to the employer or insurance carrier at the time of
7 the denial, delay in payment, or termination of benefits,
8 the workers' compensation commissioner shall award benefits
9 in addition to those benefits payable under this chapter
10 subchapter, or chapter 85, 85A, or 85B, up to fifty percent of
11 the amount of benefits that were denied, delayed, or terminated
12 without reasonable or probable cause or excuse.

13 Sec. 1471. Section 86.17, Code 2023, is amended to read as
14 follows:

15 **86.17 Hearings — presiding officer — venue.**

16 1. Notwithstanding the provisions of section 17A.11,
17 the workers' compensation commissioner or a deputy workers'
18 compensation commissioner shall preside over any contested case
19 proceeding brought under this chapter subchapter, or chapter
20 85, 85A, or 85B in the manner provided by chapter 17A. The
21 deputy commissioner or the commissioner may make such inquiries
22 in contested case proceedings as shall be deemed necessary, so
23 long as such inquiries do not violate any of the provisions of
24 section 17A.17.

25 2. Hearings in contested case proceedings under this
26 subchapter and chapters 85, and 85A and ~~this chapter~~ shall be
27 held in the judicial district where the injury occurred. By
28 written stipulation of the parties or by the order of a deputy
29 workers' compensation commissioner or the commissioner, a
30 hearing may be held elsewhere. If the injury occurred outside
31 this state, or if the proceeding is not one for benefits
32 resulting from an injury, hearings shall be held in Polk county
33 or as otherwise stipulated by the parties or by order of a

34 deputy workers' compensation commissioner or the workers'
35 compensation commissioner.

1 Sec. 1472. Section 86.18, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. Evidence, process and procedure in contested case
4 proceedings or appeal proceedings within the agency under this
5 ~~chapter, subchapter and~~ chapters 85 and 85A shall be as summary
6 as practicable consistent with the requirements of chapter 17A.

7 Sec. 1473. Section 86.19, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. The workers' compensation commissioner, or a deputy
10 commissioner, may appoint or may direct a party to furnish at
11 the party's initial expense a certified shorthand reporter
12 to be present and report, or to furnish mechanical means
13 to record, and if necessary, transcribe proceedings of any
14 contested case under this ~~chapter, subchapter and~~ chapters 85
15 and 85A and fix the reasonable amount of compensation for such
16 service. The charges shall be taxed as costs and the party
17 initially paying the expense of the presence or transcription
18 shall be reimbursed. The reporter shall faithfully and
19 accurately report the proceedings.

20 Sec. 1474. Section 86.24, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. Any party aggrieved by a decision, order, ruling, finding
23 or other act of a deputy commissioner in a contested case
24 proceeding arising under this chapter subchapter or chapter 85
25 or 85A may appeal to the workers' compensation commissioner
26 in the time and manner provided by rule. The hearing on an
27 appeal shall be in Polk county unless the workers' compensation
28 commissioner shall direct the hearing be held elsewhere.

29 Sec. 1475. Section 86.26, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. Judicial review of decisions or orders of the workers'
32 compensation commissioner may be sought in accordance
33 with chapter 17A. Notwithstanding chapter 17A, the Iowa

34 administrative procedure Act, petitions for judicial review
35 may be filed in the district court of the county in which the
1 hearing under [section 86.17](#) was held, the workers' compensation
2 commissioner shall transmit to the reviewing court the original
3 or a certified copy of the entire record of the contested case
4 which is the subject of the petition within thirty days after
5 receiving written notice from the party filing the petition
6 that a petition for judicial review has been filed, and an
7 application for stay of agency action during the pendency of
8 judicial review shall not be filed in the division of workers'
9 compensation ~~of the department of workforce development~~
10 but shall be filed with the district court. Such a review
11 proceeding shall be accorded priority over other matters
12 pending before the district court.

13 Sec. 1476. Section 86.29, Code 2023, is amended to read as
14 follows:

15 **86.29 The judicial review petition.**

16 Notwithstanding [chapter 17A](#), the Iowa administrative
17 procedure Act, in a petition for judicial review of a decision
18 of the workers' compensation commissioner in a contested case
19 under [this chapter subchapter](#) or [chapter 85](#), [85A](#), [85B](#), or [87](#),
20 the opposing party shall be named the respondent, and the
21 agency shall not be named as a respondent.

22 Sec. 1477. Section 86.39, Code 2023, is amended to read as
23 follows:

24 **86.39 Fees — approval.**

25 1. All fees or claims for legal, medical, hospital, and
26 burial services rendered under [this chapter subchapter](#) and
27 chapters [85](#), [85A](#), [85B](#), and [87](#) are subject to the approval of
28 the workers' compensation commissioner. For services rendered
29 in the district court and appellate courts, the attorney fee is
30 subject to the approval of a judge of the district court.

31 2. An attorney shall not recover fees for legal services
32 based on the amount of compensation voluntarily paid or agreed
33 to be paid to an employee for temporary or permanent disability

34 under ~~this chapter subchapter~~, or chapter 85, 85A, 85B, or
35 87. An attorney shall only recover a fee based on the amount
1 of compensation that the attorney demonstrates would not have
2 been paid to the employee but for the efforts of the attorney.
3 Any disputes over the recovery of attorney fees under this
4 subsection shall be resolved by the workers' compensation
5 commissioner.

6 Sec. 1478. Section 86.43, Code 2023, is amended to read as
7 follows:

8 **86.43 Judgment — modification.**

9 Upon the presentation to the court of a file-stamped copy
10 of a decision of the workers' compensation commissioner,
11 ending, diminishing, or increasing the compensation under the
12 provisions of ~~this chapter subchapter~~, the court shall revoke
13 or modify the decree or judgment to conform to such decision.

14 Sec. 1479. Section 86.44, Code 2023, is amended to read as
15 follows:

16 **86.44 Confidentiality.**

17 1. All verbal or written information relating to the subject
18 matter of an agreement and transmitted between any party to
19 a dispute and a mediator to resolve a dispute pursuant to
20 ~~this chapter subchapter~~ or chapter 85, 85A, or 85B, during
21 any stage of a mediation or a dispute resolution process
22 conducted by a mediator as provided in ~~this section~~, whether
23 reflected in notes, memoranda, or other work products in the
24 case files, is a confidential communication except as otherwise
25 expressly provided in ~~this chapter~~. Mediators involved in
26 a mediation or a dispute resolution process shall not be
27 examined in any judicial or administrative proceeding regarding
28 confidential communications and are not subject to judicial or
29 administrative process requiring the disclosure of confidential
30 communications.

31 2. For purposes of ~~this section~~, "mediator" means a chief
32 deputy workers' compensation commissioner or deputy workers'
33 compensation commissioner acting in the capacity to resolve a

34 dispute pursuant to ~~this chapter~~ subchapter or chapter 85, 85A,
35 or 85B, or an employee of the division of workers' compensation
1 involved during any stage of a process to resolve a dispute.

2 Sec. 1480. CODE EDITOR DIRECTIVE.

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

- 5 a. Section 86.1 to section 10A.303.
- 6 b. Section 86.2 to section 10A.304.
- 7 c. Section 86.3 to section 10A.305.
- 8 d. Section 86.4 to section 10A.306.
- 9 e. Section 86.5 to section 10A.307.
- 10 f. Section 86.6 to section 10A.308.
- 11 g. Section 86.7 to section 10A.309.
- 12 h. Section 86.8 to section 10A.310.
- 13 i. Section 86.9 to section 10A.311.
- 14 j. Section 86.10 to section 10A.312.
- 15 k. Section 86.11 to section 10A.313.
- 16 l. Section 86.12 to section 10A.314.
- 17 m. Section 86.13 to section 10A.315.
- 18 n. Section 86.13A to section 10A.316.
- 19 o. Section 86.14 to section 10A.317.
- 20 p. Section 86.17 to section 10A.318.
- 21 q. Section 86.18 to section 10A.319.
- 22 r. Section 86.19 to section 10A.320.
- 23 s. Section 86.24 to section 10A.321.
- 24 t. Section 86.26 to section 10A.322.
- 25 u. Section 86.27 to section 10A.323.
- 26 v. Section 86.29 to section 10A.324.
- 27 w. Section 86.32 to section 10A.325.
- 28 x. Section 86.38 to section 10A.326.
- 29 y. Section 86.39 to section 10A.327.
- 30 z. Section 86.40 to section 10A.328.
- 31 aa. Section 86.41 to section 10A.329.
- 32 ab. Section 86.42 to section 10A.330.
- 33 ac. Section 86.43 to section 10A.331.

34 ad. Section 86.44 to section 10A.332.

35 ae. Section 86.45 to section 10A.333.

1 2. The Code editor is directed to rename article III in
2 chapter 10A as follows:

3 Article III shall be subchapter III and shall be entitled
4 "Workers' Compensation" and include sections 10A.301 through
5 10A.333.

6 3. The Code editor may modify subchapter titles if necessary
7 and is directed to correct internal references in the Code as
8 necessary due to enactment of this section.

9 LICENSING AND REGULATION ACTIVITIES

10 Sec. 1481. NEW SECTION. 10A.502 **Responsibilities.**

11 The director shall coordinate the department's conduct of
12 various licensing and regulatory functions of the state under
13 the administrative authority of the department including but
14 not limited to all of the following:

15 1. Licensing and regulation of certain fire control and
16 building code-related activities and professions.

17 2. Licensing and regulation of certain health-related
18 professions.

19 3. Licensing and regulation of certain business and
20 commerce-related professions.

21 Sec. 1482. NEW SECTION. 10A.511 **Fire control duties.**

22 The duties of the director as it relates to fire control
23 shall be as follows:

24 1. To enforce all laws, and the rules and regulations of the
25 department concerned with all of the following:

26 a. The prevention of fires.

27 b. The storage, transportation, handling, and use of
28 flammable liquids, combustibles, fireworks, and explosives.

29 c. The storage, transportation, handling, and use of liquid
30 petroleum gas.

31 d. The electric wiring and heating, and adequate means of
32 exit in case of fire, from churches, schools, hotels, theaters,
33 amphitheaters, asylums, hospitals, health care facilities as

34 defined in section 135C.1, college buildings, lodge halls,
35 public meeting places, and all other structures in which
1 persons congregate from time to time, whether publicly or
2 privately owned.

3 2. To promote fire safety and reduction of loss by fire
4 through educational methods.

5 3. To promulgate fire safety rules in consultation with the
6 state fire marshal. The director shall have exclusive right
7 to promulgate fire safety rules as they apply to enforcement
8 or inspection requirements by the department, but the rules
9 shall be promulgated pursuant to chapter 17A. Wherever by
10 any statute the director or the department is authorized
11 or required to promulgate, proclaim, or amend rules and
12 minimum standards regarding fire hazards or fire safety or
13 protection in any establishment, building, or structure, the
14 rules and standards shall promote and enforce fire safety,
15 fire protection, and the elimination of fire hazards as the
16 rules may relate to the use, occupancy, and construction
17 of the buildings, establishments, or structures. The word
18 "*construction*" shall include but is not limited to electrical
19 wiring, plumbing, heating, lighting, ventilation, construction
20 materials, entrances and exits, and all other physical
21 conditions of the building which may affect fire hazards,
22 safety, or protection. The rules and minimum standards shall
23 be in substantial compliance except as otherwise specifically
24 provided in this chapter, with the standards of the national
25 fire protection association relating to fire safety as
26 published in the national fire codes.

27 4. To adopt rules designating a fee to be assessed to
28 each building, structure, or facility for which a fire safety
29 inspection or plan review by the director is required by law.
30 The fee designated by rule shall be set in an amount that is
31 reasonably related to the costs of conducting the applicable
32 inspection or plan review. The fees collected by the
33 department shall be deposited in the general fund of the state.

34 5. To administer the fire extinguishing system contractor,
35 alarm system contractor, and alarm system installer
1 certification program established in chapter 100C.

2 6. To order the suspension of the use of consumer fireworks,
3 display fireworks, or novelties, as described in section 727.2,
4 if the state fire marshal determines that the use of such
5 devices would constitute a threat to public safety.

6 Sec. 1483. NEW SECTION. 10A.512 **Inspections.**

7 The director, and the director's designated subordinates,
8 in the performance of their duties under this part, shall have
9 authority to enter any building or premises and to examine the
10 same and the contents thereof.

11 Sec. 1484. NEW SECTION. 10A.533 **Enforcement.**

12 1. If any local board, as defined in section 135.1, shall
13 fail to enforce the rules of the department under this part or
14 carry out the department's lawful directions under this part,
15 the department may enforce the same within the territorial
16 jurisdiction of such local board, and for that purpose it may
17 exercise all of the powers given by statute to the local board,
18 and may employ the necessary assistants to carry out its lawful
19 directions.

20 2. All expenses incurred by the department in determining
21 whether its rules are enforced by a local board under this
22 part, and in enforcing the same when a local board has failed
23 to do so, shall be paid in the same manner as the expenses of
24 enforcing such rules when enforced by the local board.

25 3. All peace officers of the state when called upon by the
26 department shall enforce the department's rules under this part
27 and execute the lawful orders of the department under this part
28 within their respective jurisdictions.

29 Sec. 1485. NEW SECTION. 10A.534 **Penalties.**

30 1. Any person who knowingly violates any provision of this
31 part, or of the rules of the department under this part, or
32 any lawful order, written or oral, of the department or of its
33 officers, or authorized agents under this part, shall be guilty

34 of a simple misdemeanor.

35 2. Any person resisting or interfering with the department,
1 its employees, or authorized agents, in the discharge of any
2 duty imposed by law under this part shall be guilty of a simple
3 misdemeanor.

4 Sec. 1486. Section 12.83, Code 2023, is amended to read as
5 follows:

6 **12.83 School infrastructure fund moneys — ~~state fire marshal~~**
7 **allocation to department of inspections, appeals, and licensing.**

8 During the term of the school infrastructure program
9 established in [section 292.2](#), up to fifty thousand dollars
10 of the moneys deposited each fiscal year in the school
11 infrastructure fund shall be allocated each fiscal year to the
12 department of ~~public safety~~ inspections, appeals, and licensing
13 for the use of the ~~state fire marshal~~ department. The funds
14 shall be used by the ~~state fire marshal~~ department solely
15 for the purpose of retaining an architect or architectural
16 firm to evaluate structures for which school infrastructure
17 program grant applications are made, to consult with school
18 district representatives, to review construction drawings and
19 blueprints, and to perform related duties at the direction of
20 the ~~state fire marshal~~ department to ensure the best possible
21 use of moneys received by a school district under the school
22 infrastructure program. The ~~state fire marshal~~ department
23 shall provide for the review of plans, drawings, and blueprints
24 in a timely manner.

25 Sec. 1487. Section 72.5, subsection 2, Code 2023, is amended
26 to read as follows:

27 2. The director of the economic development authority,
28 in consultation with the department of management, and the
29 state building code commissioner, ~~and state fire marshal,~~ shall
30 develop standards and methods to evaluate design development
31 documents and construction documents based upon life cycle cost
32 factors to facilitate fair and uniform comparisons between
33 design proposals and informed decision making by public bodies.

34 Sec. 1488. Section 88A.11, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. A concession booth, amusement device or ride which is
2 owned and operated by a nonprofit religious, educational or
3 charitable institution or association if such booth, device or
4 ride is located within a building subject to inspection by the
5 ~~state fire marshal~~ director or by any political subdivisions
6 of the state under its building, fire, electrical, and related
7 public safety ordinances.

8 Sec. 1489. Section 100.1, subsections 3, 4, 5, 6, and 7,
9 Code 2023, are amended by striking the subsections.

10 Sec. 1490. Section 100.1, subsection 8, Code 2023, is
11 amended to read as follows:

12 8. To recommend to the director of the department of
13 inspections, appeals, and licensing, that the director order
14 the suspension of the use of consumer fireworks, display
15 fireworks, or novelties, as described in [section 727.2](#), if the
16 fire marshal determines that the use of such devices would
17 constitute a threat to public safety.

18 Sec. 1491. Section 100.11, Code 2023, is amended to read as
19 follows:

20 **100.11 Fire escapes.**

21 It shall be the duty of the ~~fire marshal~~ director to enforce
22 all laws relating to fire escapes.

23 Sec. 1492. Section 100.12, Code 2023, is amended to read as
24 follows:

25 **100.12 Authority for inspection — orders.**

26 The chief of a fire department or an authorized subordinate
27 who is trained in fire prevention safety standards may enter
28 a building or premises at a reasonable hour to examine the
29 building or premises and its contents. The examining official
30 shall order the correction of a condition which is in violation
31 of [this chapter](#), a rule adopted under [this chapter](#), or a
32 city or county fire safety ordinance. The order shall be
33 in writing or, if the danger is imminent, orally followed by

34 a written order. The examining official shall enforce the
35 order in accordance with the applicable law or ordinance. At
1 the request of the examining official the ~~state fire marshal~~
2 director may assist in an enforcement action.

3 Sec. 1493. Section 100.13, Code 2023, is amended to read as
4 follows:

5 **100.13 Violations — orders.**

6 1. If a person has violated or is violating a provision of
7 this chapter or a rule adopted pursuant to **this chapter**, the
8 ~~state fire marshal~~ director, the chief of any fire department,
9 or the fire prevention officer of a fire department organized
10 under **chapter 400** may issue an order directing the person to
11 desist in the practice which constitutes the violation and
12 to take corrective action as necessary to ensure that the
13 violation will cease. The order shall be in writing and shall
14 specify a reasonable time by which the person shall comply
15 with the order. The person to whom the order is issued may
16 appeal the order as provided in **chapter 17A**. On appeal,
17 the administrative law judge may affirm, modify, or vacate
18 the order. Judicial review may be sought in accordance with
19 chapter 17A.

20 2. Notwithstanding any other provision of law to the
21 contrary, if the ~~state fire marshal~~ director determines that
22 an emergency exists respecting any matter affecting or likely
23 to affect the public safety, the ~~fire marshal~~ director may
24 issue any order necessary to terminate the emergency without
25 notice or hearing. An emergency order is binding and effective
26 immediately, until or unless the order is modified, vacated, or
27 stayed at an administrative hearing or by a district court.

28 Sec. 1494. Section 100.14, Code 2023, is amended to read as
29 follows:

30 **100.14 Legal proceedings — penalties — injunctive relief.**

31 At the request of the ~~state fire marshal~~ director, the
32 county attorney shall institute any legal proceedings on behalf
33 of the state necessary to obtain compliance or enforce the

34 penalty provisions of [this chapter](#) or rules or orders adopted
35 or issued pursuant to [this chapter](#), including, but not limited
1 to, a legal action for injunctive relief. The county attorney
2 or any other attorney acting on behalf of the chief of a fire
3 department or a fire prevention officer may institute legal
4 proceedings, including, but not limited to, a legal action for
5 injunctive relief, to obtain compliance or enforce the penalty
6 provisions or orders issued pursuant to [section 100.13](#).

7 Sec. 1495. Section 100.16, Code 2023, is amended to read as
8 follows:

9 **100.16 Judicial review — court costs.**

10 1. Judicial review of actions of the ~~fire marshal~~ director
11 may be sought in accordance with the terms of the Iowa
12 administrative procedure Act pursuant to [chapter 17A](#). If
13 legal proceedings have been instituted pursuant to section
14 100.14, all related issues which could otherwise be raised in
15 a proceeding for judicial review shall be raised in the legal
16 proceedings instituted pursuant to [section 100.14](#).

17 2. Upon judicial review of the ~~fire marshal's~~ director's
18 action, if the court affirms the agency action, the court
19 shall tax all court costs of the review proceeding against the
20 appellant. However, if the court reverses, revokes, or annuls
21 the ~~fire marshal's~~ director's action, the court shall tax all
22 court costs of the review proceeding against the agency. If
23 the ~~fire marshal's~~ director's action is modified or the matter
24 is remanded to the agency for further proceedings, the court
25 shall apportion the court costs within the discretion of the
26 court.

27 Sec. 1496. Section 100.18, subsections 2, 3, 4, 5, 6, and 7,
28 Code 2023, are amended to read as follows:

29 2. a. Except as provided in [subsection 4](#), multiple-unit
30 residential buildings and single-family dwellings the
31 construction of which is begun on or after July 1, 1991, shall
32 include the installation of smoke detectors in compliance with
33 the rules established by the ~~state fire marshal~~ director under

34 subsection 5.

35 **b.** The rules shall require the installation of smoke
1 detectors in existing single-family rental units and
2 multiple-unit residential buildings. Existing single-family
3 dwelling units shall be equipped with approved smoke detectors.
4 A person who files for a homestead credit pursuant to chapter
5 425 shall certify that the single-family dwelling unit for
6 which the credit is filed has a smoke detector installed in
7 compliance with [this section](#), or that one will be installed
8 within thirty days of the date the filing for the credit is
9 made. The ~~state fire marshal~~ director shall adopt rules and
10 establish appropriate procedures to administer [this subsection](#).

11 **c.** An owner or an owner's agent of a multiple-unit
12 residential building or single-family dwelling shall supply
13 light-emitting smoke detectors, upon request, for a tenant who
14 is deaf or hard of hearing.

15 **3. a.** Multiple-unit residential buildings and single-family
16 dwellings, the construction of which is begun on or after
17 July 1, 2018, and that have a fuel-fired heater or appliance,
18 a fireplace, or an attached garage, shall include the
19 installation of carbon monoxide alarms in compliance with the
20 rules established by the ~~state fire marshal~~ director under
21 subsection 5.

22 **b.** The rules shall require the installation of carbon
23 monoxide alarms in existing single-family rental units and
24 multiple-unit residential buildings that have a fuel-fired
25 heater or appliance, a fireplace, or an attached garage.
26 Existing single-family dwellings that have a fuel-fired heater
27 or appliance, a fireplace, or an attached garage shall be
28 equipped with approved carbon monoxide alarms. For purposes
29 of this paragraph, "*approved carbon monoxide alarm*" means a
30 carbon monoxide alarm that meets the standards established by
31 the underwriters' laboratories or is approved by the ~~state fire~~
32 ~~marshal~~ director as established by rule under [subsection 5](#). A
33 person who files for a homestead credit pursuant to [chapter 425](#)

34 shall certify that the single-family dwelling for which the
35 credit is filed and that has a fuel-fired heater or appliance,
1 a fireplace, or an attached garage, has carbon monoxide alarms
2 installed in compliance with [this section](#), or that such alarms
3 will be installed within thirty days of the date the filing
4 for the credit is made. The ~~state fire marshal~~ director shall
5 adopt rules and establish appropriate procedures to administer
6 this subsection.

7 c. An owner of a multiple-unit residential building or
8 a single-family rental unit that has a fuel-fired heater or
9 appliance, a fireplace, or an attached garage, or an owner's
10 agent, shall supply light-emitting carbon monoxide alarms, upon
11 request, for a tenant who is deaf or hard of hearing.

12 d. The owner of a building requiring the installation of
13 carbon monoxide alarms under [this subsection](#) shall install
14 a carbon monoxide alarm in a location as specified by rules
15 established by the ~~state fire marshal~~ director under subsection
16 5, taking into account the number and location of all fuel
17 sources in the building.

18 4. [This section](#) does not require the following:

19 a. The installation of smoke detectors in multiple-unit
20 residential buildings which, on July 1, 1981, are equipped
21 with heat detection devices or a sprinkler system with alarms
22 approved by the ~~state fire marshal~~ director.

23 b. The installation of smoke detectors in hotels, motels,
24 and dormitories equipped with an automatic smoke detection
25 system approved by the ~~state fire marshal~~ director.

26 5. The ~~state fire marshal~~ director shall enforce the
27 requirements of [subsections 2 and 3](#) and may implement a program
28 of inspections to monitor compliance with the provisions of
29 those subsections. Upon inspection, the ~~state fire marshal~~
30 director shall issue a written notice to the owner or manager
31 of a multiple-unit residential building or single-family
32 rental unit informing the owner or manager of compliance or
33 noncompliance with [this section](#). The ~~state fire marshal~~

34 director may contract with any political subdivision without
35 fee assessed to either the ~~state fire marshal~~ director or the
1 political subdivision, for the performance of the inspection
2 and notification responsibilities. The inspections authorized
3 under **this section** are limited to the placement, repair, and
4 operability of smoke detectors and carbon monoxide alarms. Any
5 broader inspection authority is not derived from **this section**.
6 The ~~state fire marshal~~ director shall adopt rules under chapter
7 17A as necessary to enforce **this section** including rules
8 concerning the placement of smoke detectors and carbon monoxide
9 alarms and the use of acceptable smoke detectors and carbon
10 monoxide alarms. The smoke detectors and carbon monoxide
11 alarms shall display a label or other identification issued
12 by an approved testing agency or another label specifically
13 approved by the ~~state fire marshal~~ director.

14 6. The inspection of a building or notification of
15 compliance or noncompliance under **this section** is not the basis
16 for a legal cause of action against the political subdivision,
17 ~~state fire marshal~~ director, the ~~fire marshal's~~ director's
18 subordinates, chiefs of local fire departments, building
19 inspectors, or other fire, building, or safety officials due
20 to a failure to discover a latent defect in the course of the
21 inspection.

22 7. If a smoke detector or carbon monoxide alarm is found
23 to be inoperable, the owner or manager of the multiple-unit
24 residential building or single-family rental unit shall correct
25 the situation within thirty days after written notification
26 to the owner or manager by the tenant, guest, roomer, ~~state~~
27 ~~fire marshal~~ director, ~~fire marshal's~~ director's subordinates,
28 chiefs of local fire departments, building inspectors, or other
29 fire, building, or safety officials. If the owner or manager
30 of a multiple-unit residential building or single-family rental
31 unit fails to correct the situation within the thirty days
32 the tenant, guest, or roomer may cause the smoke detector or
33 carbon monoxide alarm to be repaired or purchase and install

34 a smoke detector or carbon monoxide alarm required under this
35 section and may deduct the repair cost or purchase price from
1 the next rental payment or payments made by the tenant, guest,
2 or roomer. However, a lessor or owner may require a lessee,
3 tenant, guest, or roomer who has a residency of longer than
4 thirty days to provide the battery for a battery operated smoke
5 detector or carbon monoxide alarm.

6 Sec. 1497. Section 100.19, subsection 2, paragraph a, Code
7 2023, is amended to read as follows:

8 a. The ~~state fire marshal~~ director shall establish a
9 consumer fireworks seller license. An application for a
10 consumer fireworks seller license shall be made on a form
11 provided by the ~~state fire marshal~~ director. The ~~state fire~~
12 ~~marshal~~ director shall adopt rules consistent with [this section](#)
13 establishing minimum requirements for a retailer or community
14 group to be issued a consumer fireworks seller license.

15 Sec. 1498. Section 100.19, subsection 3, paragraph a,
16 unnumbered paragraph 1, Code 2023, is amended to read as
17 follows:

18 The ~~state fire marshal~~ director shall establish a fee
19 schedule for consumer fireworks seller licenses as follows:

20 Sec. 1499. Section 100.19, subsection 4, unnumbered
21 paragraph 1, Code 2023, is amended to read as follows:

22 The ~~state fire marshal~~ director shall adopt rules to:

23 Sec. 1500. Section 100.19, subsections 6, 7, and 8, Code
24 2023, are amended to read as follows:

25 6. a. The ~~state fire marshal~~ director shall adopt rules to
26 provide that a person's consumer fireworks seller license may
27 be revoked for the intentional violation of [this section](#). The
28 proceedings for revocation shall be held before the ~~division of~~
29 ~~the state fire marshal~~ department, which may revoke the license
30 or licenses involved as provided in paragraph "b".

31 b. (1) If, upon the hearing of the order to show cause, the
32 ~~division of the state fire marshal~~ department finds that the
33 licensee intentionally violated [this section](#), then the license

34 or licenses under which the licensed retailer or community
35 group sells first-class consumer fireworks or second-class
1 consumer fireworks, shall be revoked.

2 (2) Judicial review of actions of the ~~division of the state~~
3 ~~fire marshal~~ department may be sought in accordance with the
4 terms of the Iowa administrative procedure Act, [chapter 17A](#).
5 If the licensee has not filed a petition for judicial review
6 in district court, revocation shall date from the thirty-first
7 day following the date of the order of the ~~division of the~~
8 ~~state fire marshal~~ department. If the licensee has filed a
9 petition for judicial review, revocation shall date from the
10 thirty-first day following entry of the order of the district
11 court, if action by the district court is adverse to the
12 licensee.

13 (3) A new license shall not be issued to a person whose
14 license has been revoked, or to the business in control of the
15 premises on which the violation occurred if it is established
16 that the owner of the business had actual knowledge of the
17 violation resulting in the license revocation, for the period
18 of one year following the date of revocation.

19 7. a. A consumer fireworks fee fund is created in the
20 state treasury under the control of the ~~state fire marshal~~
21 director. Notwithstanding [section 12C.7](#), interest or earnings
22 on moneys in the consumer fireworks fee fund shall be credited
23 to the consumer fireworks fee fund. Moneys in the fund are
24 appropriated to the ~~state fire marshal~~ director to be used to
25 fulfill the responsibilities of the ~~state fire marshal~~ director
26 for the administration and enforcement of [this section](#) and
27 [section 100.19A](#) and to provide grants pursuant to paragraph "b".
28 The fund shall include the fees collected by the ~~state fire~~
29 ~~marshal~~ director under the fee schedule established pursuant to
30 subsection 3 and the fees collected by the ~~state fire marshal~~
31 director under [section 100.19A](#) for wholesaler registration.

32 b. The ~~state fire marshal~~ director shall establish a local
33 fire protection and emergency medical service providers grant

34 program to provide grants in the following order of priority:

35 (1) Local fire protection service providers and local
1 emergency medical service providers to establish or provide
2 fireworks safety education programming to members of the
3 public, and for the purchase of necessary enforcement,
4 protection, or emergency response equipment related to the sale
5 and use of consumer fireworks in this state.

6 (2) Local volunteer fire protection service providers for
7 the purchase of necessary enforcement, protection, or emergency
8 response equipment.

9 8. The ~~state fire marshal~~ director shall adopt rules for the
10 administration of [this section](#).

11 Sec. 1501. Section 100.19A, subsections 2 and 3, Code 2023,
12 are amended to read as follows:

13 2. The ~~state fire marshal~~ director shall adopt rules to
14 require all wholesalers to annually register with the ~~state~~
15 ~~fire marshal~~ director. The ~~state fire marshal~~ director
16 may also adopt rules to regulate the storage or transfer of
17 consumer fireworks by wholesalers and to require wholesalers
18 to maintain insurance.

19 3. The ~~state fire marshal~~ director shall establish an
20 annual registration fee of one thousand dollars for wholesalers
21 of consumer fireworks within the state. Registration fees
22 collected pursuant to [this section](#) shall be deposited in the
23 consumer fireworks fee fund created in [section 100.19](#).

24 Sec. 1502. Section 100.31, Code 2023, is amended to read as
25 follows:

26 100.31 Fire and tornado drills in schools — warning systems
27 — inspections.

28 1. It shall be the duty of the ~~state fire marshal~~ director
29 and the ~~fire marshal's~~ director's designated subordinates to
30 require all private and public school officials and teachers to
31 conduct not less than four fire drills and not less than four
32 tornado drills in all school buildings during each school year
33 when school is in session; and to require the officials and

34 teachers of all schools to keep all doors and exits of their
35 respective rooms and buildings unlocked when occupied during
1 school hours or when such areas are being used by the public at
2 other times. Not less than two drills of each type shall be
3 conducted between July 1 and December 31 of each year and not
4 less than two drills of each type shall be conducted between
5 January 1 and June 30 of each year.

6 2. Every school building with two or more classrooms
7 shall have a warning system for fires of a type approved by
8 the underwriters' laboratories and by the ~~state fire marshal~~
9 director. The warning system shall be used only for fire
10 drills or as a warning for emergency. Schools may modify
11 the fire warning system for use as a tornado warning system
12 or shall install a separate tornado warning system. Every
13 school building shall also be equipped with portable fire
14 extinguishers, with the type, size and number in accordance
15 with national fire protection association standards and
16 approved by the ~~state fire marshal~~ director.

17 3. The ~~state fire marshal~~ director or the ~~fire marshal's~~
18 director's deputies shall cause each public or private school,
19 college, or university to be inspected at least once every two
20 years to determine whether each school meets the fire safety
21 standards of this Code and is free from other fire hazards.
22 Provided, however, that cities which employ fire department
23 inspectors shall cause such inspections to be made.

24 Sec. 1503. Section 100.35, Code 2023, is amended to read as
25 follows:

26 **100.35 Rules of ~~marshal~~ director — penalties.**

27 1. The ~~fire marshal~~ director shall adopt, and may amend
28 rules under [chapter 17A](#), which include standards relating
29 to exits and exit lights, fire escapes, fire protection,
30 fire safety and the elimination of fire hazards, in and for
31 churches, schools, hotels, theaters, amphitheaters, hospitals,
32 health care facilities as defined in [section 135C.1](#), boarding
33 homes or housing, rest homes, dormitories, college buildings,

34 lodge halls, club rooms, public meeting places, places of
 35 amusement, apartment buildings, food establishments as defined
 1 in [section 137F.1](#), and all other buildings or structures in
 2 which persons congregate from time to time, whether publicly
 3 or privately owned. Violation of a rule adopted by the ~~fire~~
 4 ~~marshal~~ director is a simple misdemeanor. However, upon
 5 proof that the ~~fire-marshal~~ director gave written notice to
 6 the defendant of the violation, and proof that the violation
 7 constituted a clear and present danger to life, and proof that
 8 the defendant failed to eliminate the condition giving rise
 9 to the violation within thirty days after receipt of notice
 10 from the ~~fire-marshal~~ director, the penalty is that provided
 11 by law for a serious misdemeanor. Each day of the continuing
 12 violation of a rule after conviction of a violation of the rule
 13 is a separate offense. A conviction is subject to appeal as in
 14 other criminal cases.

15 2. Rules by the ~~fire-marshal~~ director affecting the
 16 construction of new buildings, additions to buildings or
 17 rehabilitation of existing buildings and related to fire
 18 protection, shall be substantially in accord with the
 19 provisions of the nationally recognized building and related
 20 codes adopted as the state building code pursuant to section
 21 103A.7 or with codes adopted by a local subdivision which are
 22 in substantial accord with the codes comprising the state
 23 building code.

24 3. The rules adopted by the ~~state fire-marshal~~ director
 25 under [this section](#) shall provide standards for fire resistance
 26 of cellulose insulation sold or used in this state, whether for
 27 public or private use. The rules shall provide for approval of
 28 the cellulose insulation by at least one nationally recognized
 29 independent testing laboratory.

30 Sec. 1504. Section 100.38, Code 2023, is amended to read as
 31 follows:

32 **100.38 Conflicting statutes.**

33 Provisions of [this chapter part](#) in conflict with the state

34 building code, as adopted pursuant to [section 103A.7](#), shall not
35 apply where the state building code has been adopted or when
1 the state building code applies throughout the state.

2 Sec. 1505. Section 100.39, subsections 1, 2, and 3, Code
3 2023, are amended to read as follows:

4 1. All buildings approved for construction after July 1,
5 1998, that exceed four stories in height, or seventy-five feet
6 above grade, shall require the installation of an approved
7 automatic fire extinguishing system designed and installed in
8 conformity with rules promulgated by the ~~state fire marshal~~
9 director pursuant to [this chapter part](#).

10 2. The requirements of [this section](#) shall not apply to the
11 following:

12 a. Any noncombustible elevator storage structure or any
13 noncombustible plant building with noncombustible contents.

14 b. Any combustible elevator storage structure that is
15 equipped with an approved drypipe, nonautomatic sprinkler and
16 automatic alarm system.

17 c. Buildings in existence or under construction on August
18 15, 1975. However, if subsequent to that date any building is
19 enlarged or altered beyond the height limitations applicable to
20 new buildings, such building in its entirety shall be subject
21 to all the provisions of [this section](#).

22 d. Any open parking garage structure which is in compliance
23 with rules adopted by the ~~state fire marshal~~ director.

24 3. Plans and installation of systems shall be approved by
25 the ~~state fire marshal~~ director, a designee of the ~~state fire~~
26 ~~marshal~~ director, or local authorities having jurisdiction.

27 Except where local fire protection regulations are more
28 stringent, the provisions of [this section](#) shall be applicable
29 to all buildings, whether privately or publicly owned. The
30 definition of terms shall be in conformity, insofar as
31 possible, with definitions found in the state building code
32 adopted pursuant to [section 103A.7](#).

33 Sec. 1506. Section 100.41, Code 2023, is amended to read as

34 follows:

35 **100.41 Authority to cite violations.**

1 Fire officials acting under the authority of this ~~chapter~~
2 part may issue citations in accordance with chapter 805, for
3 violations of this chapter part or a violation of a local fire
4 safety code.

5 Sec. 1507. Section 100C.1, Code 2023, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 8A. "*Department*" means the department of
8 inspections, appeals, and licensing.

9 NEW SUBSECTION. 8B. "*Director*" means the director of
10 the department of inspections, appeals, and licensing or the
11 director's designee.

12 Sec. 1508. Section 100C.1, subsection 14, Code 2023, is
13 amended to read as follows:

14 14. "*Responsible managing employee*" means one of the
15 following:

16 *a.* An owner, partner, officer, or manager employed full-time
17 by a fire extinguishing system contractor who is certified
18 by the national institute for certification in engineering
19 technologies at a level three in fire protection technology,
20 automatic sprinkler system layout, or another certification in
21 automatic sprinkler system layout recognized by rules adopted
22 by the ~~fire marshal~~ director pursuant to section 100C.7 or who
23 meets any other criteria established by rule.

24 *b.* An owner, partner, officer, or manager employed full-time
25 by an alarm system contractor who is certified by the national
26 institute for certification in engineering technologies in fire
27 alarm systems or security systems at a level established by the
28 ~~fire marshal~~ director by rule or who meets any other criteria
29 established by rule under this chapter. The rules may provide
30 for separate endorsements for fire alarm systems, security
31 alarm systems, and nurse call systems and may require separate
32 qualifications for each.

33 Sec. 1509. Section 100C.2, subsection 4, paragraph b, Code

34 2023, is amended to read as follows:

35 *b.* An employee or subcontractor of a certified alarm system
1 contractor who is an alarm system installer, and who is not
2 licensed pursuant to [chapter 103](#) shall obtain and maintain
3 certification as an alarm system installer and shall meet and
4 maintain qualifications established by the ~~state fire marshal~~
5 director by rule.

6 Sec. 1510. Section 100C.3, subsections 1, 3, and 5, Code
7 2023, are amended to read as follows:

8 1. A fire extinguishing system contractor, an alarm system
9 contractor, or an alarm system installer shall apply for a
10 certificate on a form prescribed by the ~~state fire marshal~~
11 director. The application shall be accompanied by a fee in an
12 amount prescribed by rule pursuant to [section 100C.7](#) and shall
13 include all of the following information, as applicable:

14 *a.* The name, address, and telephone number of the contractor
15 or installer and, in the case of an installer, the name and
16 certification number of the contractor by whom the installer is
17 employed, including all legal and fictitious names.

18 *b.* Proof of insurance coverage required by [section 100C.4](#).

19 *c.* The name and qualifications of the person designated as
20 the contractor's responsible managing employee and of persons
21 designated as alternate responsible managing employees.

22 *d.* Any other information deemed necessary by the ~~state fire~~
23 ~~marshal~~ director.

24 3. Upon receipt of a completed application and prescribed
25 fees, if the contractor or installer meets all requirements
26 established by [this chapter](#), the ~~state fire marshal~~ director
27 shall issue a certificate to the contractor or installer within
28 thirty days.

29 5. Any change in the information provided in the application
30 shall be promptly reported to the ~~state fire marshal~~ director.

31 When the employment of a responsible managing employee is
32 terminated, the contractor shall notify the ~~state fire marshal~~
33 director within thirty days after termination.

34 Sec. 1511. Section 100C.4, Code 2023, is amended to read as
35 follows:

1 **100C.4 Insurance.**

2 1. A fire extinguishing system contractor shall maintain
3 general and complete operations liability insurance for
4 the layout, installation, repair, alteration, addition,
5 maintenance, and inspection of automatic fire extinguishing
6 systems in an amount determined by the ~~state fire marshal~~
7 director by rule.

8 2. An alarm system contractor shall maintain general
9 and complete operations liability insurance for the layout,
10 installation, repair, alteration, addition, maintenance, and
11 inspection of alarm systems in an amount determined by the
12 ~~state fire marshal~~ director by rule.

13 Sec. 1512. Section 100C.5, Code 2023, is amended to read as
14 follows:

15 **100C.5 Suspension and revocation.**

16 1. The ~~state fire marshal~~ director shall suspend or revoke
17 the certificate of any contractor or installer who fails to
18 maintain compliance with the conditions necessary to obtain a
19 certificate. A certificate may also be suspended or revoked
20 if any of the following occur:

21 a. The employment or relationship of a responsible managing
22 employee with a contractor is terminated, unless the contractor
23 has included a qualified alternate on the application or an
24 application designating a new responsible managing employee is
25 filed with the ~~state fire marshal~~ director within six months
26 after the termination.

27 b. The contractor or installer fails to comply with any
28 provision of [this chapter](#).

29 c. The contractor or installer fails to comply with any
30 other applicable codes and ordinances.

31 2. If a certificate is suspended pursuant to [this section](#),
32 the certificate shall not be reinstated until the condition or
33 conditions which led to the suspension have been corrected.

34 3. The ~~state fire marshal~~ director shall adopt rules
35 pursuant to [section 100C.7](#) for the acceptance and processing
1 of complaints against certificate holders, for procedures to
2 suspend and revoke certificates, and for appeals of decisions
3 to suspend or revoke certificates.

4 Sec. 1513. Section 100C.7, Code 2023, is amended to read as
5 follows:

6 **100C.7 Administration — rules.**

7 The ~~state fire marshal~~ director shall administer this
8 chapter and, after consultation with the fire extinguishing
9 system contractors and alarm systems advisory board, shall
10 adopt rules pursuant to [chapter 17A](#) necessary for the
11 administration and enforcement of [this chapter](#).

12 Sec. 1514. Section 100C.8, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. The ~~state fire marshal~~ director may impose a civil
15 penalty of up to five hundred dollars on any person who
16 violates any provision of [this chapter](#) for each day a violation
17 continues. The ~~state fire marshal~~ director may adopt rules
18 necessary to enforce and collect any penalties imposed pursuant
19 to [this chapter](#).

20 Sec. 1515. Section 100C.9, Code 2023, is amended to read as
21 follows:

22 **100C.9 Deposit and use of moneys collected.**

23 1. All fees assessed pursuant to [this chapter](#) shall be
24 retained as repayment receipts by the ~~division of state fire~~
25 ~~marshal in the department of public safety~~ and such fees
26 received shall be used exclusively to offset the costs of
27 administering [this chapter](#).

28 2. Notwithstanding [section 8.33](#), fees collected by
29 the ~~division of state fire marshal~~ department that remain
30 unencumbered or unobligated at the close of the fiscal year
31 shall not revert but shall remain available for expenditure for
32 the purposes designated in succeeding fiscal years.

33 Sec. 1516. Section 100C.10, subsection 1, Code 2023, is

34 amended to read as follows:

35 1. A fire extinguishing system contractors and alarm
1 systems advisory board is established in the ~~division of state~~
2 ~~fire marshal of the~~ department of ~~public safety~~ and shall
3 advise the ~~division~~ department on matters pertaining to the
4 application and certification of contractors and installers
5 pursuant to [this chapter](#).

6 Sec. 1517. Section 100C.10, subsection 2, unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:

8 The board shall consist of eleven voting members appointed
9 by the ~~commissioner of public safety~~ director as follows:

10 Sec. 1518. Section 100C.10, subsections 3 and 4, Code 2023,
11 are amended to read as follows:

12 3. The state fire marshal, or the state fire marshal's
13 designee, the director, and the chairperson of the electrical
14 examining board created in [section 103.2](#) shall be nonvoting ex
15 officio members of the board.

16 4. ~~The commissioner shall initially appoint two members~~
17 ~~for two-year terms, two members for four-year terms, and three~~
18 ~~members for six-year terms. Following the expiration of the~~
19 ~~terms of initially appointed members, each~~ Each term thereafter
20 shall be for a period of six years. No member shall serve
21 more than two consecutive terms. If a position on the board
22 becomes vacant prior to the expiration of a member's term, the
23 member appointed to the vacancy shall serve the balance of the
24 unexpired term.

25 Sec. 1519. Section 100D.1, subsections 2 and 10, Code 2023,
26 are amended to read as follows:

27 2. "*Department*" means the department of ~~public safety~~
28 inspections, appeals, and licensing.

29 10. "*Responsible managing employee*" means an owner, partner,
30 officer, or manager employed full-time by a fire extinguishing
31 system contractor who is certified by the national institute
32 for certification in engineering technologies at a level three
33 in fire protection technology, automatic sprinkler system

34 layout, or another certification in automatic sprinkler system
35 layout recognized by rules adopted by the ~~fire marshal~~ director
1 pursuant to [section 100C.7](#) or who meets any other criteria
2 established by rule.

3 Sec. 1520. Section 100D.1, subsection 3, Code 2023, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 3. "*Director*" means the director of the department of
7 inspections, appeals, and licensing or the director's designee.

8 Sec. 1521. Section 100D.2, subsection 4, Code 2023, is
9 amended to read as follows:

10 4. Licenses shall be issued for a two-year period, and may
11 be renewed as established by the ~~state fire marshal~~ director
12 by rule.

13 Sec. 1522. Section 100D.3, Code 2023, is amended to read as
14 follows:

15 **100D.3 Fire protection system installer and maintenance**
16 **worker license.**

17 1. The ~~state fire marshal~~ director shall issue a fire
18 protection system installer and maintenance worker license to
19 an applicant who meets all of the following requirements:

20 a. Has completed a fire protection apprenticeship program
21 approved by the United States department of labor, or has
22 completed two years of full-time employment or the equivalent
23 thereof as a trainee.

24 b. Is employed by a fire extinguishing system contractor.
25 However, an applicant whose work on extinguishing systems will
26 be restricted to systems on property owned or controlled by the
27 applicant's employer may obtain a license if the employer is
28 not a certified contractor.

29 c. Has received a passing score on the national inspection,
30 testing, and certification star fire sprinkler mastery
31 exam or on an equivalent exam from a nationally recognized
32 third-party testing agency that is approved by the ~~state fire~~
33 ~~marshal~~ director, or is certified at level one by the national

34 institute for certification in engineering technologies and as
35 specified by rule by the ~~state fire marshal~~ director, or is
1 certified by another entity approved by the fire marshal.

2 2. The ~~state fire marshal~~ director shall issue a fire
3 protection system installer and maintenance worker license
4 with endorsements restricted to preengineered fire protection
5 systems to an applicant who does not meet the requirements of
6 subsection 1 but does meet the following requirements:

7 a. To be endorsed as a preengineered kitchen fire
8 extinguishing system installer, has successfully completed
9 training and an examination verified by a preengineered system
10 manufacturer, an agent of a preengineered system manufacturer,
11 or an organization that is approved by the ~~state fire marshal~~
12 director.

13 b. To be endorsed as a preengineered kitchen fire
14 extinguishing system maintenance worker, has successfully
15 completed training by the worker's employer or the system's
16 manufacturer and has passed a written or online examination for
17 preengineered kitchen fire extinguishing system maintenance
18 that is approved by the ~~state fire marshal~~ director.

19 c. To be endorsed as a preengineered industrial fire
20 extinguishing system installer, possesses a training and
21 examination certification from a preengineered system
22 manufacturer, an agent of a preengineered system manufacturer,
23 or an organization that is approved by the ~~state fire marshal~~
24 director.

25 d. To be endorsed as a preengineered industrial fire
26 extinguishing system maintenance worker, has been trained
27 by the worker's employer and has passed a written or online
28 examination for preengineered industrial fire extinguishing
29 system maintenance that is approved by the ~~state fire marshal~~
30 director.

31 3. The holder of a fire protection system installer and
32 maintenance worker license shall be responsible for license
33 fees, renewal fees, and continuing education hours.

34 4. The license of a fire protection system installer
35 and maintenance worker licensee who ceases to be employed
1 by a fire extinguishing system contractor shall continue to
2 be valid until it would otherwise expire, but the licensee
3 shall not perform work requiring licensure under [this chapter](#)
4 until the licensee is again employed by a fire extinguishing
5 system contractor. If the licensee becomes employed by a fire
6 extinguishing system contractor other than the contractor which
7 employed the licensee at the time the license was issued, the
8 licensee shall notify the ~~fire marshal~~ director and shall apply
9 for an amendment to the license. The ~~fire marshal~~ director
10 may establish by rule a fee for amending a license. This
11 subsection shall not extend the time period during which a
12 license is valid. [This subsection](#) does not apply to a licensee
13 whose work on extinguishing systems is restricted to systems on
14 property owned or controlled by the licensee's employer.

15 5. The ~~fire marshal~~ director, by rule, may restrict
16 the scope of work authorized by a license with appropriate
17 endorsements.

18 Sec. 1523. Section 100D.4, subsections 1 and 3, Code 2023,
19 are amended to read as follows:

20 1. An applicant for a fire protection system installer and
21 maintenance worker license or renewal of an active license
22 shall provide evidence of a public liability insurance policy
23 and surety bond in an amount determined sufficient by the ~~fire~~
24 ~~marshal~~ director by rule.

25 3. The insurance and surety bond shall be written by an
26 entity licensed to do business in this state and each licensee
27 shall maintain on file with the department a certificate
28 evidencing the insurance providing that the insurance or surety
29 bond shall not be canceled without the entity first giving
30 fifteen days written notice to the ~~fire marshal~~ director.

31 Sec. 1524. Section 100D.5, unnumbered paragraph 1, Code
32 2023, is amended to read as follows:

33 The ~~state fire marshal~~ director shall do all of the

34 following:

35 Sec. 1525. Section 100D.6, Code 2023, is amended to read as
1 follows:

2 **100D.6 Penalties.**

3 The ~~state fire marshal~~ director may impose a civil penalty
4 of up to five hundred dollars on any person who violates any
5 provision of [this chapter](#) for each day a violation continues.
6 The ~~state fire marshal~~ director may adopt rules necessary to
7 enforce and collect any penalties imposed pursuant to this
8 chapter.

9 Sec. 1526. Section 100D.7, Code 2023, is amended to read as
10 follows:

11 **100D.7 Deposit and use of moneys collected.**

12 1. The ~~state fire marshal~~ director shall set the license
13 fees and renewal fees for all licenses issued pursuant to this
14 chapter, by rule, based upon the actual costs of licensing.

15 2. All fees assessed pursuant to [this chapter](#) shall be
16 retained as repayment receipts by the ~~division of state fire~~
17 ~~marshal in the department of public safety~~ and such fees
18 received shall be used exclusively to offset the costs of
19 administering [this chapter](#).

20 3. Notwithstanding [section 8.33](#), fees collected by
21 the ~~division of state fire marshal~~ department that remain
22 unencumbered or unobligated at the close of the fiscal year
23 shall not revert but shall remain available for expenditure
24 for the purposes designated until the close of the succeeding
25 fiscal year.

26 Sec. 1527. Section 100D.10, Code 2023, is amended to read
27 as follows:

28 **100D.10 Reciprocal licenses.**

29 To the extent that another state provides for the licensing
30 of fire protection system installers and maintenance workers
31 or similar action, the ~~state fire marshal~~ director may issue
32 a fire protection system installer and maintenance worker
33 license, without examination, to a nonresident fire protection

34 system installer and maintenance worker who has been licensed
35 by such other state for at least three years provided such
1 other state grants the same reciprocal licensing privileges to
2 residents of Iowa who have obtained a fire protection system
3 installer and maintenance worker license upon payment by
4 the applicant of the required fee and upon furnishing proof
5 that the qualifications of the applicant are equal to the
6 qualifications of holders of similar licenses in this state.

7 Sec. 1528. Section 100D.13, subsections 1 and 2, Code 2023,
8 are amended to read as follows:

9 1. The ~~state fire marshal~~ director may issue a temporary
10 fire protection system installer and maintenance worker license
11 to a person, providing that all of the following conditions are
12 met:

13 a. The person is currently licensed or certified to perform
14 work as a fire protection system installer and maintenance
15 worker in another state.

16 b. The person meets any additional criteria for a temporary
17 license established by the ~~state fire marshal~~ director by rule.

18 c. The person provides all information required by the ~~state~~
19 ~~fire marshal~~ director.

20 d. The person has paid the fee for a temporary license,
21 which fee shall be established by the ~~state fire marshal~~
22 director by rule.

23 e. The person intends to perform work as a fire protection
24 system installer and maintenance worker only in areas of this
25 state which are covered by a disaster emergency declaration
26 issued by the governor pursuant to [section 29C.6](#).

27 2. A temporary license issued pursuant to [this section](#) shall
28 be valid for ninety days. The ~~state fire marshal~~ director may
29 establish criteria and procedures for the extension of such
30 licenses for additional periods, which in no event shall exceed
31 ninety days.

32 Sec. 1529. Section 101.1, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. The ~~state fire marshal~~ director is hereby empowered and
35 directed to formulate and adopt and from time to time amend or
1 revise and to promulgate, in conformity with and subject to the
2 conditions set forth in [this chapter](#), reasonable rules for the
3 safe transportation, storage, handling, and use of combustible
4 liquids, flammable liquids, liquefied petroleum gases, and
5 liquefied natural gases.

6 Sec. 1530. Section 101.1, subsection 2, Code 2023, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. *Ob.* "Director" means the director of the
9 department of inspections, appeals, and licensing or the
10 director's designee.

11 Sec. 1531. Section 101.5A, Code 2023, is amended to read as
12 follows:

13 **101.5A Shared public petroleum storage facilities.**

14 The ~~state fire marshal~~ director shall permit by rule the
15 shared ownership, operation, or cooperative use of a publicly
16 owned petroleum storage or dispensing facility by more than one
17 public agency or political subdivision in order to maximize the
18 opportunity for cooperation, to avoid unnecessary duplication
19 of facilities posing both an environmental and fire hazard,
20 and to minimize the cost of providing public services. Shared
21 or cooperative use is not a violation of [chapter 23A](#), even
22 if one public agency or political subdivision compensates
23 another public agency or political subdivision for the use or
24 for petroleum dispensed. A publicly owned petroleum storage
25 facility subject to [this section](#) may use aboveground or
26 underground storage tanks, or a combination of both.

27 Sec. 1532. Section 101.8, Code 2023, is amended to read as
28 follows:

29 **101.8 Assistance by local officials.**

30 The chief fire prevention officer of every city or village
31 having an established fire prevention department, the chief of
32 the fire department of every other city or village in which
33 a fire department is established, the mayor of every city in

34 which no fire department exists, the township clerk of every
35 township outside the limits of any city or village and all
1 other local officials upon whom fire prevention duties are
2 imposed by law shall assist the ~~state fire marshal~~ director in
3 the enforcement of the rules.

4 Sec. 1533. Section 101.9, Code 2023, is amended to read as
5 follows:

6 **101.9 Repairs ordered by ~~fire marshal~~ director.**

7 If the ~~state fire marshal~~ director has reasonable grounds
8 for believing after conducting tests that a leak exists in
9 a flammable or combustible liquid storage tank or in the
10 distribution system of a flammable or combustible liquid
11 storage tank the ~~state fire marshal~~ director shall issue a
12 written order to the owner or lessee of the storage tank or
13 distribution system requiring the storage tank and distribution
14 system be emptied and removed or repaired immediately upon
15 receipt of the written order.

16 Sec. 1534. Section 101.10, Code 2023, is amended to read as
17 follows:

18 **101.10 Assistance of department of natural resources.**

19 If the ~~state fire marshal~~ director has reasonable grounds
20 for believing that a leak constitutes a hazardous condition
21 which threatens the public health and safety, the ~~fire marshal~~
22 director may request the assistance of the department of
23 natural resources, and upon such request the department of
24 natural resources is empowered to eliminate the hazardous
25 condition as provided in chapter 455B, subchapter IV, part
26 4, the provisions of [section 455B.390, subsection 3](#), to the
27 contrary notwithstanding.

28 Sec. 1535. Section 101.12, subsections 1 and 2, Code 2023,
29 are amended to read as follows:

30 1. An aboveground flammable or combustible liquid storage
31 tank may be installed at a retail motor vehicle fuel outlet,
32 subject to rules adopted by the ~~state fire marshal~~ director.

33 2. Rules adopted by the ~~state fire marshal~~ director

34 pursuant to this section shall be in substantial compliance
35 with the applicable standards of the national fire protection
1 association.

2 Sec. 1536. Section 101.21, subsection 6, Code 2023, is
3 amended by striking the subsection.

4 Sec. 1537. Section 101.22, subsections 1, 2, 3, 4, and 7,
5 Code 2023, are amended to read as follows:

6 1. Except as provided in [subsection 2](#), the owner or operator
7 of an aboveground flammable or combustible liquid storage tank
8 existing on July 1, 2010, shall notify the ~~state fire marshal~~
9 director in writing by October 1, 2010, of the existence of
10 each tank and specify the age, size, type, location, and uses
11 of the tank.

12 2. The owner of an aboveground flammable or combustible
13 liquid storage tank taken out of operation on or before July 1,
14 2010, shall notify the ~~state fire marshal~~ director in writing
15 by October 1, 2010, of the existence of the tank unless the
16 owner knows the tank has been removed from the site. The
17 notice shall specify, to the extent known to the owner, the
18 date the tank was taken out of operation, the age of the
19 tank on the date taken out of operation, the size, type, and
20 location of the tank, and the type and quantity of substances
21 left stored in the tank on the date that it was taken out of
22 operation.

23 3. An owner or operator who brings into use an aboveground
24 flammable or combustible liquid storage tank after July 1,
25 2010, shall notify the ~~state fire marshal~~ director in writing
26 within thirty days of the existence of the tank and specify the
27 age, size, type, location, and uses of the tank.

28 4. The registration notice of the owner or operator to the
29 ~~state fire marshal~~ director under [subsections 1 through 3](#) shall
30 be accompanied by an annual fee of twenty dollars for each tank
31 included in the notice. All moneys collected shall be retained
32 by the department of ~~public safety~~ inspections, appeals, and
33 licensing and are appropriated for the use of the ~~state fire~~

34 ~~marshal~~ director. The annual renewal fee applies to all owners
35 or operators who file a registration notice with the state fire
1 marshal pursuant to [subsections 1 through 3](#).

2 7. a. The ~~state fire marshal~~ director shall furnish the
3 owner or operator of an aboveground flammable or combustible
4 liquid storage tank with a registration tag for each
5 aboveground flammable or combustible liquid storage tank
6 registered with the ~~state fire marshal~~ director.

7 b. The owner or operator shall affix the tag to the fill
8 pipe of each registered aboveground flammable or combustible
9 liquid storage tank.

10 Sec. 1538. Section 101.23, Code 2023, is amended to read as
11 follows:

12 **101.23 ~~State fire marshal~~ Director reporting rules.**

13 The ~~state fire marshal~~ director shall adopt rules pursuant
14 to [chapter 17A](#) relating to reporting requirements necessary to
15 enable the ~~state fire marshal~~ director to maintain an accurate
16 inventory of aboveground flammable or combustible liquid
17 storage tanks.

18 Sec. 1539. Section 101.24, Code 2023, is amended to read as
19 follows:

20 **101.24 Duties and powers of the ~~state fire marshal~~ director.**

21 The ~~state fire marshal~~ director shall:

22 1. Inspect and investigate the facilities and records of
23 owners and operators of aboveground flammable or combustible
24 liquid storage tanks with a capacity of fifteen thousand or
25 more gallons, as necessary to determine compliance with this
26 subchapter and the rules adopted pursuant to [this subchapter](#).
27 An inspection or investigation shall be conducted subject to
28 subsection 4. For purposes of developing a rule, maintaining
29 an accurate inventory, or enforcing [this subchapter](#), the
30 department of inspections, appeals, and licensing may:

31 a. Enter at reasonable times an establishment or other place
32 where an aboveground storage tank is located.

33 b. Inspect and obtain samples from any person of flammable

34 or combustible liquid or another regulated substance and
35 conduct monitoring or testing of the tanks, associated
1 equipment, contents, or surrounding soils, air, surface water,
2 and groundwater. Each inspection shall be commenced and
3 completed with reasonable promptness.

4 (1) If the ~~state fire marshal~~ director obtains a sample,
5 prior to leaving the premises, the ~~fire marshal~~ director
6 shall give the owner, operator, or agent in charge a receipt
7 describing the sample obtained and if requested a portion of
8 each sample equal in volume or weight to the portion retained.
9 If the sample is analyzed, a copy of the results of the
10 analysis shall be furnished promptly to the owner, operator,
11 or agent in charge.

12 (2) Documents or information obtained from a person under
13 this subsection shall be available to the public except as
14 provided in this subparagraph. Upon a showing satisfactory
15 to the ~~state fire marshal~~ director by a person that public
16 disclosure of documents or information, or a particular
17 part of the documents or information to which the ~~state fire~~
18 ~~marshal~~ director has access under [this subsection](#) would divulge
19 commercial or financial information entitled to protection as a
20 trade secret, the ~~state fire marshal~~ director shall consider
21 the documents or information or the particular portion of the
22 documents or information confidential. However, the documents
23 or information may be disclosed to officers, employees, or
24 authorized representatives of the United States charged with
25 implementing the federal Solid Waste Disposal Act, to employees
26 of the state of Iowa or of other states when the document or
27 information is relevant to the discharge of their official
28 duties, and when relevant in a proceeding under the federal
29 Solid Waste Disposal Act or [this subchapter](#).

30 2. Maintain an accurate inventory of aboveground flammable
31 or combustible liquid storage tanks.

32 3. Take any action allowed by law which, in the ~~state fire~~
33 ~~marshal's~~ director's judgment, is necessary to enforce or

34 secure compliance with [this subchapter](#) or any rule adopted
35 pursuant to [this subchapter](#).

1 4. Conduct investigations of complaints received directly,
2 referred by other agencies, or other investigations deemed
3 necessary. While conducting an investigation, the ~~state fire~~
4 ~~marshal~~ director may enter at any reasonable time in and upon
5 any private or public property to investigate any actual or
6 possible violation of [this subchapter](#) or the rules or standards
7 adopted under [this subchapter](#). However, the owner or person in
8 charge shall be notified.

9 a. If the owner or operator of any property refuses
10 admittance, or if prior to such refusal the ~~state fire marshal~~
11 director demonstrates the necessity for a warrant, the state
12 fire marshal may make application under oath or affirmation
13 to the district court of the county in which the property is
14 located for the issuance of a search warrant.

15 b. In the application the ~~state fire marshal~~ director shall
16 state that an inspection of the premises is mandated by the
17 laws of this state or that a search of certain premises, areas,
18 or things designated in the application may result in evidence
19 tending to reveal the existence of violations of public health,
20 safety, or welfare requirements imposed by statutes, rules, or
21 ordinances established by the state or a political subdivision
22 of the state. The application shall describe the area,
23 premises, or thing to be searched, give the date of the last
24 inspection if known, give the date and time of the proposed
25 inspection, declare the need for such inspection, recite that
26 notice of the desire to make an inspection has been given to
27 affected persons and that admission was refused if that be the
28 fact, and state that the inspection has no purpose other than
29 to carry out the purpose of the statute, rule, or ordinance
30 pursuant to which inspection is to be made. If an item of
31 property is sought by the ~~state fire marshal~~ director, it shall
32 be identified in the application.

33 c. If the court is satisfied from the examination of

34 the applicant, and of other witnesses, if any, and of the
35 allegations of the application of the existence of the grounds
1 of the application, or that there is probable cause to believe
2 in their existence, the court may issue a search warrant.

3 *d.* In making inspections and searches pursuant to the
4 authority of [this subchapter](#), the ~~state fire marshal~~ director
5 must execute the warrant as follows:

6 (1) Within ten days after its date.

7 (2) In a reasonable manner, and any property seized shall
8 be treated in accordance with the provisions of [chapters 808](#)
9 and [809](#).

10 (3) Subject to any restrictions imposed by the statute, rule
11 or ordinance pursuant to which inspection is made.

12 Sec. 1540. Section 101.25, Code 2023, is amended to read as
13 follows:

14 **101.25 Violations — orders.**

15 1. If substantial evidence exists that a person has
16 violated or is violating a provision of [this subchapter](#) or
17 a rule adopted under [this subchapter](#) the ~~state fire marshal~~
18 director may issue an order directing the person to desist
19 in the practice which constitutes the violation, and to take
20 corrective action as necessary to ensure that the violation
21 will cease, and may impose appropriate administrative penalties
22 pursuant to [section 101.26](#). The person to whom the order is
23 issued may appeal the order as provided in [chapter 17A](#). On
24 appeal, the administrative law judge may affirm, modify, or
25 vacate the order of the ~~state fire marshal~~ director.

26 2. However, if it is determined by the ~~state fire marshal~~
27 director that an emergency exists respecting any matter
28 affecting or likely to affect the public health, the ~~fire~~
29 ~~marshal~~ director may issue any order necessary to terminate
30 the emergency without notice and without hearing. The order
31 is binding and effective immediately and until the order is
32 modified or vacated at an administrative hearing or by a
33 district court.

34 3. The ~~state fire marshal~~ director may request the attorney
35 general to institute legal proceedings pursuant to section
1 101.26.

2 Sec. 1541. Section 101.26, Code 2023, is amended to read as
3 follows:

4 **101.26 Penalties — burden of proof.**

5 1. A person who violates **this subchapter** or a rule adopted
6 or order issued pursuant to **this subchapter** is subject to a
7 civil penalty not to exceed one hundred dollars for each day
8 during which the violation continues, up to a maximum of one
9 thousand dollars; however, if the tank is registered within
10 thirty days after the ~~state fire marshal~~ director issues a
11 cease and desist order pursuant to section 101.25, subsection
12 1, the civil penalty under **this section** shall not accrue. The
13 civil penalty is an alternative to a criminal penalty provided
14 under **this subchapter**.

15 2. A person who knowingly fails to notify or makes a false
16 statement, representation, or certification in a record,
17 report, or other document filed or required to be maintained
18 under **this subchapter**, or violates an order issued under this
19 subchapter, is guilty of an aggravated misdemeanor.

20 3. The attorney general, at the request of the ~~state fire~~
21 ~~marshal~~ director, shall institute any legal proceedings,
22 including an action for an injunction, necessary to enforce the
23 penalty provisions of **this subchapter** or to obtain compliance
24 with the provisions of **this subchapter** or rules adopted or
25 order pursuant to **this subchapter**. In any action, previous
26 findings of fact of the ~~state fire marshal~~ director after
27 notice and hearing are conclusive if supported by substantial
28 evidence in the record when the record is viewed as a whole.

29 4. In all proceedings with respect to an alleged violation
30 of **this subchapter** or a rule adopted or order issued by the
31 ~~state fire marshal~~ director pursuant to **this subchapter**, the
32 burden of proof is upon the ~~state fire marshal~~ director.

33 5. If the attorney general has instituted legal proceedings

34 in accordance with [this section](#), all related issues which could
35 otherwise be raised by the alleged violator in a proceeding for
1 judicial review under [section 101.27](#) shall be raised in the
2 legal proceedings instituted in accordance with [this section](#).

3 Sec. 1542. Section 101.27, Code 2023, is amended to read as
4 follows:

5 **101.27 Judicial review.**

6 Except as provided in [section 101.26, subsection 5](#),
7 judicial review of an order or other action of the ~~state fire~~
8 ~~marshal~~ director may be sought in accordance with [chapter 17A](#).
9 Notwithstanding [chapter 17A](#), the Iowa administrative procedure
10 Act, petitions for judicial review may be filed in the district
11 court of the county in which the alleged offense was committed
12 or the final order was entered.

13 Sec. 1543. Section 101A.1, subsections 2, 6, and 7, Code
14 2023, are amended to read as follows:

15 2. "*Commercial license*" or "*license*" means a license issued
16 by the ~~state fire marshal~~ director pursuant to [this chapter](#).

17 6. "*Licensee*" means a person holding a commercial license
18 issued by the ~~state fire marshal~~ director pursuant to this
19 chapter.

20 7. "*Magazine*" means any building or structure, other than an
21 explosives manufacturing building, approved by the ~~state fire~~
22 ~~marshal~~ director or the ~~fire marshal's~~ director's designated
23 agent for the storage of explosive materials.

24 Sec. 1544. Section 101A.1, Code 2023, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 2A. "*Director*" means the director of
27 the department of inspections, appeals, and licensing or the
28 director's designee.

29 Sec. 1545. Section 101A.2, subsections 1 and 2, Code 2023,
30 are amended to read as follows:

31 1. The ~~state fire marshal~~ director shall issue commercial
32 licenses for the manufacture, importation, distribution, sale,
33 and commercial use of explosives to persons who, in the ~~state~~

34 ~~fire marshal's~~ director's discretion are of good character
35 and sound judgment, and have sufficient knowledge of the
1 use, handling, and storage of explosive materials to protect
2 the public safety. Licenses shall be issued for a period of
3 three years, but may be issued for shorter periods, and may be
4 revoked or suspended by the ~~state fire marshal~~ director for any
5 of the following reasons:

6 a. Falsification of information submitted in the application
7 for a license.

8 b. Proof that the licensee has violated any provisions of
9 this chapter or any rules prescribed by the ~~state fire marshal~~
10 director pursuant to the provisions of [this chapter](#).

11 c. The results of a national criminal history check
12 conducted pursuant to [subsection 3](#).

13 2. Licenses shall be issued by the ~~state fire marshal~~
14 director upon payment of a fee of sixty dollars, valid for a
15 period of three calendar years, commencing on January 1 of the
16 first year and terminating on December 31 of the third year.
17 However, an initial license may be issued during a calendar
18 year for the number of months remaining in such calendar year
19 and the following two years, computed to the first day of the
20 month when the application for the license is approved. The
21 license fee shall be charged on a pro rata basis for the number
22 of months remaining in the period of issue. Applications for
23 renewal of licenses shall be submitted within thirty days prior
24 to the license expiration date and shall be accompanied by
25 payment of the prescribed fee.

26 Sec. 1546. Section 101A.3, subsections 1 and 2, Code 2023,
27 are amended to read as follows:

28 1. User's permits to purchase, possess, transport, store,
29 and detonate explosive materials shall be issued by the sheriff
30 of the county or the chief of police of a city of ten thousand
31 population or more where the possession and detonation will
32 occur. If the possession and detonation are to occur in more
33 than one county or city, then such permits must be issued by

34 the sheriff or chief of police of each of such counties or
35 cities, except in counties and cities in which the explosives
1 are possessed for the sole purpose of transporting them
2 through such counties and cities. A permit shall not be issued
3 unless the sheriff or chief of police having jurisdiction is
4 satisfied that possession and detonation of explosive materials
5 is necessary to the applicant's business or to improve the
6 applicant's property. Permits shall be issued only to persons
7 who, in the discretion of the sheriff or chief of police, are
8 of good character and sound judgment, and have sufficient
9 knowledge of the use and handling of explosive materials to
10 protect the public safety. Applicants shall be subject to the
11 criminal history check provisions of section 101A.2, subsection
12 3. The ~~state fire marshal~~ director shall prescribe, have
13 printed, and distribute permit application forms to all local
14 permit issuing authorities.

15 2. The user's permit shall state the quantity of explosive
16 materials which the permittee may purchase, the amount the
17 permittee may have in possession at any one time, the amount
18 the permittee may detonate at any one time, and the period of
19 time during which the purchase, possession, and detonation
20 of explosive materials is authorized. The permit shall also
21 specify the place where detonation may occur, the location and
22 description of the place where the explosive materials will
23 be stored, if such be the case, and shall contain such other
24 information as may be required under the rules and regulations
25 of the ~~state fire marshal~~ director. The permit shall not
26 authorize purchase, possession, and detonation of a quantity of
27 explosive materials in excess of that which is necessary in the
28 pursuit of the applicant's business or the improvement of the
29 permittee's property, nor shall such purchase, possession, and
30 detonation be authorized for a period longer than is necessary
31 for the specified purpose. In no event shall the permit be
32 valid for more than thirty days from date of issuance but it
33 may be renewed upon proper showing of necessity.

34 Sec. 1547. Section 101A.4, subsection 1, Code 2023, is
35 amended to read as follows:

1 1. Judicial review of the action of the ~~state fire marshal~~
2 director may be sought in accordance with the terms of the Iowa
3 administrative procedure Act, [chapter 17A](#).

4 Sec. 1548. Section 101A.5, Code 2023, is amended to read as
5 follows:

6 **101A.5 Rules — director duties.**

7 1. The ~~state fire marshal~~ director shall adopt rules
8 pursuant to [chapter 17A](#) pertaining to the manufacture,
9 transportation, storage, possession, and use of explosive
10 materials. Rules adopted by the ~~state fire marshal~~ director
11 shall be compatible with, but not limited to, the national
12 fire protection association's pamphlet number 495 and federal
13 rules pertaining to commerce, possession, storage, and use of
14 explosive materials. Such rules shall do all of the following:

15 ~~1.~~ a. Prescribe reasonable standards for the safe
16 transportation and handling of explosive materials so as to
17 prevent accidental fires and explosions and prevent theft and
18 unlawful or unauthorized possession of explosive materials.

19 ~~2.~~ b. Prescribe procedures and methods of inventory so
20 as to assure accurate records of all explosive materials
21 manufactured or imported into the state and records of the
22 disposition of such explosive materials, including records of
23 the identity of persons to whom sales and transfers are made,
24 and the time and place of any loss or destruction of explosive
25 materials which might occur.

26 ~~3.~~ c. Prescribe reasonable standards for the safe
27 storage of explosive materials as may be necessary to prevent
28 accidental fires and explosions and prevent thefts and unlawful
29 or unauthorized possession of explosive materials.

30 ~~4.~~ d. Require such reports from licensees, permittees,
31 sheriffs, and chiefs of police as may be necessary for the
32 ~~state fire marshal~~ director to discharge the ~~fire marshal's~~
33 director's duties pursuant to [this chapter](#).

34 5. e. Prescribe the form and content of license and permit
35 applications.

1 6. 2. ~~Conduct~~ The director shall conduct such inspections
2 of licensees and permittees as may be necessary to enforce the
3 provisions of this chapter.

4 Sec. 1549. Section 101A.7, Code 2023, is amended to read as
5 follows:

6 **101A.7 Inspection of storage facility.**

7 1. The licensee's or permittee's explosives storage
8 facility shall be inspected at least once a year by a
9 representative of the ~~state fire marshal's office~~ department
10 of inspections, appeals, and licensing, except that the ~~state~~
11 ~~fire marshal~~ director may, at those mining operations licensed
12 and regulated by the United States department of labor, accept
13 an approved inspection report issued by the United States
14 department of labor, mine safety and health administration, for
15 the twelve-month period following the issuance of the report.
16 The ~~state fire marshal~~ director shall notify the appropriate
17 city or county governing board of licenses to be issued in
18 their respective jurisdictions pursuant to this chapter. The
19 notification shall contain the name of the applicant to be
20 licensed, the location of the facilities to be used in storing
21 explosives, the types and quantities of explosive materials to
22 be stored, and other information deemed necessary by either
23 the governing boards or the ~~state fire marshal~~ director. The
24 facility may be examined at other times by the sheriff of the
25 county where the facility is located or by the local police
26 authority if the facility is located within a city of over
27 ten thousand population and if the sheriff or city council
28 considers it necessary.

29 2. If the ~~state fire marshal~~ director finds the facility
30 to be improperly secured, the licensee or permittee shall
31 immediately correct the improper security and, if not so
32 corrected, the ~~state fire marshal~~ director shall immediately
33 confiscate the stored explosives. Explosives may be

34 confiscated by the county sheriff or local police authority
35 only if a situation that is discovered during an examination by
1 those authorities is deemed to present an immediate danger. If
2 the explosives are confiscated by the county sheriff or local
3 police authority, they shall be delivered to the ~~state fire~~
4 ~~marshal~~ director. The ~~state fire marshal~~ director shall hold
5 confiscated explosives for a period of thirty days under proper
6 security unless the period of holding is shortened pursuant to
7 this section.

8 3. If the licensee or permittee corrects the improper
9 security within the thirty-day period, the explosives shall
10 be returned to the licensee or permittee after correction and
11 after the licensee or permittee has paid to the state an amount
12 equal to the expense incurred by the state in storing the
13 explosives during the period of confiscation. The amount of
14 expense shall be determined by the ~~state fire marshal~~ director.

15 4. If the improper security is not corrected during the
16 thirty-day period, the ~~state fire marshal~~ director shall
17 dispose of the explosives and the license or permit shall be
18 canceled. A canceled license or permit shall not be reissued
19 for a period of two years from the date of cancellation.

20 Sec. 1550. Section 101A.8, Code 2023, is amended to read as
21 follows:

22 **101A.8 Report of theft or loss required.**

23 Any theft or loss of explosive materials, whether from
24 a storage magazine, a vehicle in which they are being
25 transported, or from a site on which they are being used,
26 or from any other location, shall immediately be reported by
27 the person authorized to possess such explosives to the local
28 police or county sheriff. The local police or county sheriff
29 shall immediately transmit a report of such theft or loss of
30 explosive materials to the ~~state fire marshal~~ director.

31 Sec. 1551. Section 101A.9, Code 2023, is amended to read as
32 follows:

33 **101A.9 Disposal regulated.**

34 No person shall abandon or otherwise dispose of any
35 explosives in any manner which might, as the result of such
1 abandonment or disposal, create any danger or threat of danger
2 to life or property. Any person in possession or control of
3 explosives shall, when the need for such explosives no longer
4 exists, dispose of them in accordance with rules prescribed by
5 the ~~state fire marshal~~ director.

6 Sec. 1552. Section 101A.10, Code 2023, is amended to read
7 as follows:

8 **101A.10 Persons and agencies exempt.**

9 This chapter shall not apply to the transportation and
10 use of explosive materials by the regular military or naval
11 forces of the United States, the duly organized militia of this
12 state, representatives of the ~~state fire marshal~~ director, the
13 state patrol, division of criminal investigation, local police
14 departments, sheriffs departments, and fire departments acting
15 in their official capacity; nor shall **this chapter** apply to
16 the transportation and use of explosive materials by any peace
17 officer to enforce provisions of **this chapter** when the peace
18 officer is acting pursuant to such authority, however, other
19 agencies of the state or any of its political subdivisions
20 desiring to purchase, possess, transport, or use explosive
21 materials for construction or other purposes shall be required
22 to obtain user's permits.

23 Sec. 1553. Section 101A.12, Code 2023, is amended to read
24 as follows:

25 **101A.12 Deposit and use of fees.**

26 The fees collected by the ~~state fire marshal~~ director in
27 issuing licenses pursuant to this chapter shall be deposited in
28 the state general fund.

29 Sec. 1554. Section 101A.14, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. Any person who violates the provisions of **section 101A.6,**
32 **101A.8** or **101A.9** or any of the rules adopted by the ~~state fire~~
33 ~~marshal~~ director pursuant to the provisions of **this chapter,**

34 commits a simple misdemeanor.

35 Sec. 1555. Section 101B.2, subsection 3, Code 2023, is
1 amended to read as follows:

2 3. "*Department*" means the department of ~~public safety~~
3 inspections, appeals, and licensing.

4 Sec. 1556. Section 101B.3, subsection 4, Code 2023, is
5 amended to read as follows:

6 4. The department of ~~public safety~~ shall administer
7 this chapter and may adopt rules pursuant to [chapter 17A](#) to
8 administer [this chapter](#). [This chapter](#) shall be implemented in
9 accordance with the implementation and substance of the New
10 York fire safety standards for cigarettes.

11 Sec. 1557. Section 101B.6, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. A wholesaler or agent shall provide a copy of the
14 cigarette packaging markings received from a manufacturer to
15 all retailers to whom the wholesaler or agent sells cigarettes.
16 A wholesaler, agent, or retailer shall permit the ~~state fire~~
17 ~~marshal~~ department, department of revenue, or the office of the
18 attorney general to inspect markings of cigarette packaging
19 marked in accordance with [section 101B.7](#).

20 Sec. 1558. Section 101B.8, subsections 7, 8, and 9, Code
21 2023, are amended to read as follows:

22 7. In addition to any other remedy provided by law, the
23 department of ~~public safety~~ or the office of the attorney
24 general may file an action in district court for a violation of
25 this chapter, including petitioning for injunctive relief or to
26 recover any costs or damages suffered by the state because of a
27 violation of [this chapter](#), including enforcement costs relating
28 to the specific violation and attorney fees. Each violation of
29 the chapter or of rules adopted under [this chapter](#) constitutes
30 a separate civil violation for which the department of ~~public~~
31 ~~safety~~ or the office of the attorney general may seek relief.

32 8. The department of revenue in the regular course of
33 conducting inspections of a wholesaler, agent, or retailer

34 may inspect cigarettes in the possession or control of the
35 wholesaler, agent, or retailer or on the premises of any
1 wholesaler, agent, or retailer to determine if the cigarettes
2 are marked as required pursuant to [section 101B.7](#). If the
3 cigarettes are not marked as required, the department of
4 revenue shall notify the department ~~of public safety~~.

5 9. To enforce the provisions of [this chapter](#), the department
6 ~~of public safety~~ and the office of the attorney general may
7 examine the books, papers, invoices, and other records of any
8 person in possession, control, or occupancy of any premises
9 where cigarettes are placed, sold, or offered for sale,
10 including the stock of cigarettes on the premises.

11 Sec. 1559. Section 101B.10, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. [This chapter](#) shall cease to be applicable if federal
14 fire safety standards for cigarettes that preempt [this chapter](#)
15 are enacted and take effect subsequent to January 1, 2009, and
16 the ~~state fire marshal~~ department shall notify the secretary of
17 state and the Code editor if such federal fire safety standards
18 for cigarettes are enacted.

19 Sec. 1560. Section 103.1, Code 2023, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 6A. "*Department*" means the department of
22 inspections, appeals, and licensing.

23 NEW SUBSECTION. 6B. "*Director*" means the director of
24 the department of inspections, appeals, and licensing or the
25 director's designee.

26 Sec. 1561. Section 103.2, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. An electrical examining board is created within the
29 ~~division of state fire marshal of the department of public~~
30 ~~safety~~. The board shall consist of eleven voting members
31 ~~appointed by the governor and subject to senate confirmation,~~
32 all of whom shall be residents of this state. Except for the
33 board member enumerated in subsection 2, paragraph "e", members

34 shall be appointed by the governor and subject to senate
35 confirmation.

1 Sec. 1562. Section 103.2, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. *a.* The board shall elect annually from
4 its members a chairperson and a vice chairperson.

5 *b.* The board shall hold at least one meeting quarterly at
6 the location of the board's principal office, and meetings
7 shall be called at other times by the chairperson or four
8 members of the board. At any meeting of the board, a majority
9 of members constitutes a quorum.

10 Sec. 1563. Section 103.4, Code 2023, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **103.4 Executive secretary — staff and duties.**

13 The director shall appoint an executive secretary for the
14 board and shall hire and provide staff to assist the board
15 in administering this chapter. The executive secretary
16 shall report to the director for purposes of routine board
17 administrative functions, and shall report directly to
18 the board for purposes of execution of board policy such
19 as application of licensing criteria and processing of
20 applications.

21 Sec. 1564. Section 103.7, Code 2023, is amended to read as
22 follows:

23 **103.7 Electrician and installer licensing and inspection**
24 **fund.**

25 An electrician and installer licensing and inspection fund
26 is created in the state treasury as a separate fund under the
27 control of the board. All licensing, examination, renewal,
28 and inspection fees shall be deposited into the fund and
29 retained by and for the use of the board. Expenditures from
30 the fund shall be approved by the sole authority of the board
31 in consultation with the ~~state fire marshal~~ director. Amounts
32 deposited into the fund shall be considered repayment receipts
33 as defined in [section 8.2](#). Notwithstanding [section 8.33](#), any

34 balance in the fund on June 30 of each fiscal year shall not
35 revert to the general fund of the state, but shall remain
1 available for the purposes of [this chapter](#) in subsequent fiscal
2 years. Notwithstanding [section 12C.7, subsection 2](#), interest
3 or earnings on moneys deposited in the fund shall be credited
4 to the fund.

5 Sec. 1565. Section 103.14, Code 2023, is amended to read as
6 follows:

7 **103.14 Alarm installations.**

8 A person who is not licensed pursuant to [this chapter](#) may
9 plan, lay out, or install electrical wiring, apparatus, and
10 equipment for components of alarm systems that operate at
11 seventy volt/amps (VA) or less, only if the person is certified
12 to conduct such work pursuant to [chapter 100C](#). Installations
13 of alarm systems that operate at seventy volt/amps (VA) or less
14 are subject to inspection by state inspectors as provided in
15 section 103.31, except that reports of such inspections, if
16 the installation being inspected was performed by a person
17 certified pursuant to [chapter 100C](#), shall be submitted to
18 the ~~state fire marshal~~ director and any action taken on a
19 report of an inspection of an installation performed by a
20 person certified pursuant to [chapter 100C](#) shall be taken by
21 or at the direction of the state fire marshal, unless the
22 installation has been found to exceed the authority granted to
23 the certificate holder pursuant to [chapter 100C](#) and therefore
24 to be in violation of [this chapter](#).

25 Sec. 1566. Section 103.25, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. At or before commencement of any installation required
28 to be inspected by the board, the licensee or property owner
29 making such installation shall submit to the ~~state fire~~
30 ~~marshal's office~~ department a request for inspection. The
31 board shall prescribe the methods by which the request may be
32 submitted, which may include electronic submission or through
33 a form prescribed by the board that can be submitted either

34 through the mail or by a fax transmission. The board shall
35 also prescribe methods by which inspection fees can be paid,
1 which may include electronic methods of payment. If the board
2 or the ~~state fire marshal's office~~ department becomes aware
3 that a person has failed to file a necessary request for
4 inspection, the board shall send a written notification by
5 certified mail that the request must be filed within fourteen
6 days. Any person filing a late request for inspection shall
7 pay a delinquency fee in an amount to be determined by the
8 board. A person who fails to file a late request within
9 fourteen days from receipt of the notification shall be subject
10 to a civil penalty to be determined by the board by rule.

11 Sec. 1567. Section 103.26, Code 2023, is amended to read as
12 follows:

13 **103.26 Condemnation — disconnection — opportunity to**
14 **correct noncompliance.**

15 If the inspector finds that any installation or portion of
16 an installation is not in compliance with accepted standards
17 of construction for health safety and property safety, based
18 upon minimum standards set forth in the local electrical
19 code or the national electrical code adopted by the board
20 pursuant to [section 103.6](#), the inspector shall by written
21 order condemn the installation or noncomplying portion or
22 order service to such installation disconnected and shall
23 send a copy of such order to the board, the ~~state fire~~
24 ~~marshal~~ director, and the electrical utility supplying power
25 involved. If the installation or the noncomplying portion is
26 such as to seriously and proximately endanger human health
27 or property, the order of the inspector when approved by the
28 inspector's supervisor shall require immediate condemnation
29 and disconnection by the applicant. In all other cases, the
30 order of the inspector shall establish a reasonable period
31 of time for the installation to be brought into compliance
32 with accepted standards of construction for health safety and
33 property safety prior to the effective date established in such

34 order for condemnation or disconnection.

35 Sec. 1568. Section 103.31, subsections 3, 4, and 5, Code
1 2023, are amended to read as follows:

2 3. State inspection procedures and policies shall be
3 established by the board. The ~~state fire marshal~~ director, or
4 the ~~state fire marshal's~~ director's designee, shall enforce
5 the procedures and policies, and enforce the provisions of the
6 national electrical code adopted by the board.

7 4. Except when an inspection reveals that an installation or
8 portion of an installation is not in compliance with accepted
9 standards of construction for health safety and property
10 safety, based upon minimum standards set forth in the local
11 electrical code or the national electrical code adopted by
12 the board pursuant to [section 103.6](#), such that an order of
13 condemnation or disconnection is warranted pursuant to section
14 103.26, an inspector shall not add to, modify, or amend a
15 construction plan as originally approved by the ~~state fire~~
16 ~~marshal~~ director or the state building code commissioner in the
17 course of conducting an inspection.

18 5. Management and supervision of inspectors, including
19 hiring decisions, disciplinary action, promotions, and work
20 schedules are the responsibility of the ~~state fire marshal~~
21 director acting in accordance with applicable law and pursuant
22 to any applicable collective bargaining agreement. The ~~state~~
23 ~~fire marshal~~ director and the board shall jointly determine
24 work territories, regions, or districts for inspectors
25 and continuing education and ongoing training requirements
26 applicable to inspectors. An inspector subject to disciplinary
27 action pursuant to [this subsection](#) shall be entitled to an
28 appeal according to the procedure set forth in [section 103.34](#)
29 and judicial review pursuant to [section 17A.19](#).

30 Sec. 1569. Section 103.32, subsection 3, Code 2023, is
31 amended to read as follows:

32 3. When an inspection is requested by a property owner,
33 the minimum fee shall be thirty dollars plus five dollars

34 per branch circuit or feeder. The fee for fire and accident
35 inspections shall be computed at the rate of forty-seven
1 dollars per hour, and mileage and other expenses shall be
2 reimbursed as provided by the ~~office of the state fire marshal~~
3 department.

4 Sec. 1570. Section 103.33, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. Any person aggrieved by a condemnation or disconnection
7 order issued by the ~~state fire marshal's office~~ department may
8 appeal from the order by filing a written notice of appeal with
9 the board within ten days after the date the order was served
10 upon the property owner or within ten days after the order was
11 filed with the board, whichever is later.

12 Sec. 1571. Section 103A.3, Code 2023, is amended by adding
13 the following new subsections:

14 NEW SUBSECTION. 6A. "*Department*" means the department of
15 inspections, appeals, and licensing.

16 NEW SUBSECTION. 6B. "*Director*" means the director of
17 the department of inspections, appeals, and licensing or the
18 director's designee.

19 Sec. 1572. Section 103A.4, Code 2023, is amended to read as
20 follows:

21 **103A.4 Building code commissioner.**

22 The ~~commissioner of public safety~~ director, in addition
23 to other duties, shall serve as the state building code
24 commissioner or may designate a building code commissioner.

25 Sec. 1573. Section 103A.23, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. For the purpose of obtaining revenue to defray the
28 costs of administering the provisions of **this chapter**, the
29 commissioner shall establish by rule a schedule of fees based
30 upon the costs of administration which fees shall be collected
31 from persons whose manufacture, installation, or construction
32 is subject to the provisions of the state building code. For
33 the performance of building plan reviews by the department

34 ~~of public safety~~, the commissioner shall establish by rule a
35 fee, chargeable to the owner of the building, which shall be
1 equal to a percentage of the estimated total valuation of the
2 building and which shall be in an amount reasonably related to
3 the cost of conducting the review.

4 Sec. 1574. Section 103A.54, Code 2023, is amended to read
5 as follows:

6 **103A.54 Fees.**

7 Notwithstanding [section 103A.23](#), the department of
8 ~~public safety~~ shall retain all fees collected pursuant to
9 this subchapter and the fees retained are appropriated to
10 the commissioner to administer the licensing program and
11 the certification program for manufactured or mobile home
12 installers, including the employment of personnel for the
13 enforcement and administration of such programs.

14 Sec. 1575. Section 105.2, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. "*Department*" means the Iowa department of ~~public health~~
17 inspections, appeals, and licensing.

18 Sec. 1576. Section 105.3, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. A plumbing and mechanical systems board is created within
21 the Iowa department of ~~public health~~.

22 Sec. 1577. Section 105.3, subsection 2, paragraph a,
23 unnumbered paragraph 1, Code 2023, is amended to read as
24 follows:

25 The board shall be comprised of ~~eleven~~ twelve voting
26 members, ~~appointed by the governor~~, as follows:

27 Sec. 1578. Section 105.3, subsection 2, paragraph a,
28 subparagraph (1), Code 2023, is amended to read as follows:

29 (1) The director of ~~public health~~ and human services or the
30 director's designee.

31 Sec. 1579. Section 105.3, subsection 2, paragraph a, Code
32 2023, is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (2A) The director of the department of

34 inspections, appeals, and licensing or the director's designee.

35 Sec. 1580. Section 105.3, subsection 2, paragraph b, Code
1 2023, is amended to read as follows:

2 b. The board members enumerated in paragraph a "a",
3 subparagraphs (3) through (9), are shall be appointed by the
4 governor and subject to confirmation by the senate.

5 Sec. 1581. Section 105.4, subsection 1, paragraph a, Code
6 2023, is amended to read as follows:

7 a. The board shall establish by rule a plumbing installation
8 code governing the installation of plumbing in this state.
9 Consistent with fire safety rules and standards promulgated
10 by the ~~state fire marshal~~ department, the board shall adopt
11 the most current version of the uniform plumbing code and the
12 international mechanical code, as the state plumbing code
13 and the state mechanical code, to govern the installation of
14 plumbing and mechanical systems in this state. The board shall
15 adopt the current version of each code within six months of its
16 being released. The board may adopt amendments to each code by
17 rule. The board shall work in consultation with the ~~state fire~~
18 ~~marshal~~ department to ensure that proposed amendments do not
19 conflict with the fire safety rules and standards promulgated
20 by the ~~state fire marshal~~ department. The state plumbing
21 code and the state mechanical code shall be applicable to all
22 buildings and structures owned by the state or an agency of the
23 state and in each local jurisdiction.

24 Sec. 1582. Section 105.12, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. A contracting, plumbing, mechanical, HVAC-refrigeration,
27 sheet metal, or hydronic license shall be in the form of a
28 certificate under the seal of the department, signed by the
29 director of ~~public health~~ the department, and shall be issued
30 in the name of the board. The license number shall be noted on
31 the face of the license.

32 Sec. 1583. Section 135.11A, Code 2023, is amended to read
33 as follows:

34 ~~135.11A Professional licensure division — other licensing~~
35 Licensing boards — expenses — fees.

1 ~~1. There shall be a professional licensure division within~~
2 ~~the department of public health. Each board under chapter~~
3 ~~chapters 100C, 103, 103A, 105, or 147 or that are under the~~
4 ~~administrative authority of the department, except the board~~
5 ~~of nursing, board of medicine, dental board, and board of~~
6 ~~pharmacy, shall receive administrative and clerical support~~
7 ~~from the division department and may not employ its own support~~
8 ~~staff for administrative and clerical duties. The executive~~
9 ~~director of the board of nursing, board of medicine, dental~~
10 ~~board, and board of pharmacy shall be appointed pursuant to~~
11 ~~section 135.11B.~~

12 2. ~~The professional licensure division department and the~~
13 ~~licensing boards referenced in subsection 1 may expend funds in~~
14 ~~addition to amounts budgeted, if those additional expenditures~~
15 ~~are directly the result of actual examination and exceed funds~~
16 ~~budgeted for examinations. Before the division department or a~~
17 ~~licensing board expends or encumbers an amount in excess of the~~
18 ~~funds budgeted for examinations, the director of the department~~
19 ~~of management shall approve the expenditure or encumbrance.~~
20 ~~Before approval is given, the department of management shall~~
21 ~~determine that the examination expenses exceed the funds~~
22 ~~budgeted by the general assembly to the division department~~
23 ~~or board and the division department or board does not have~~
24 ~~other funds from which examination expenses can be paid.~~
25 ~~Upon approval of the department of management, the division~~
26 ~~department or licensing board may expend and encumber funds for~~
27 ~~excess examination expenses. The amounts necessary to fund~~
28 ~~the excess examination expenses shall be collected as fees~~
29 ~~from additional examination applicants and shall be treated as~~
30 ~~repayment receipts as defined in [section 8.2](#).~~

31 Sec. 1584. Section 135.24, subsection 2, paragraph a, Code
32 2023, is amended to read as follows:

33 a. Procedures for registration of health care providers

34 deemed qualified by the board of medicine, the board of
35 physician assistants, the dental board, the board of nursing,
1 the board of chiropractic, the board of psychology, the board
2 of social work, the board of behavioral science, the board
3 of pharmacy, the board of optometry, the board of podiatry,
4 the board of physical and occupational therapy, the board of
5 respiratory care and polysomnography, and the Iowa department
6 of ~~public health~~ inspections, appeals, and licensing, as
7 applicable.

8 Sec. 1585. Section 135.31, Code 2023, is amended to read as
9 follows:

10 **135.31 Location of boards — rulemaking.**

11 The offices for the board of medicine, the board of pharmacy,
12 the board of nursing, and the dental board shall be located
13 within the department of ~~public health~~. The individual boards
14 shall have policymaking and rulemaking authority.

15 Sec. 1586. Section 135.37, Code 2023, is amended to read as
16 follows:

17 **135.37 Tattooing — permit requirement — penalty.**

18 1. A person shall not own, control and lease, act as an
19 agent for, conduct, manage, or operate an establishment to
20 practice the art of tattooing or engage in the practice of
21 tattooing without first applying for and receiving a permit
22 from the Iowa department of ~~public health~~.

23 2. A minor shall not obtain a tattoo and a person shall
24 not provide a tattoo to a minor. For the purposes of this
25 section, “*minor*” means an unmarried person who is under the age
26 of eighteen years.

27 3. A person who fails to meet the requirements of subsection
28 1 or a person providing a tattoo to a minor is guilty of a
29 serious misdemeanor.

30 4. The Iowa department of ~~public health~~ shall:

31 a. Adopt rules pursuant to [chapter 17A](#) and establish and
32 collect all fees necessary to administer [this section](#). The
33 provisions of [chapter 17A](#), including licensing provisions,

34 judicial review, and appeal, shall apply to this ~~chapter~~
35 section.

1 *b.* Establish minimum safety and sanitation criteria for the
2 operation of tattooing establishments.

3 5. If the ~~Iowa~~ department of ~~public health~~ determines that
4 a provision of [this section](#) has been or is being violated, the
5 department may order that a tattooing establishment not be
6 operated until the necessary corrective action has been taken.
7 If the establishment continues to be operated in violation of
8 the order of the department, the department may request that
9 the county attorney or the attorney general make an application
10 in the name of the state to the district court of the county
11 in which the violations have occurred for an order to enjoin
12 the violations. This remedy is in addition to any other legal
13 remedy available to the department.

14 6. As necessary to avoid duplication and promote
15 coordination of public health inspection and enforcement
16 activities, the department may enter into agreements with
17 local boards of health to provide for inspection of tattooing
18 establishments and enforcement activities in accordance with
19 the rules and criteria implemented under [this section](#).

20 Sec. 1587. Section 135.61, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:

22 As used in [this subchapter part](#), unless the context
23 otherwise requires:

24 Sec. 1588. Section 135.61, subsection 1, paragraph d, Code
25 2023, is amended to read as follows:

26 *d.* Each institutional health facility or health maintenance
27 organization which, prior to receipt of the application by the
28 department, has formally indicated to the department pursuant
29 to [this subchapter part](#) an intent to furnish in the future
30 institutional health services similar to the new institutional
31 health service proposed in the application.

32 Sec. 1589. Section 135.61, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. "Council" means the state health facilities council
35 established by [this subchapter part](#).

1 Sec. 1590. Section 135.61, subsections 5 and 7, Code 2023,
2 are amended by striking the subsections.

3 Sec. 1591. Section 135.62, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. [This subchapter part](#) shall be administered by the
6 department. The director shall employ or cause to be employed
7 the necessary persons to discharge the duties imposed on the
8 department by [this subchapter part](#).

9 Sec. 1592. Section 135.62, subsection 2, paragraph e,
10 subparagraphs (2), (4), and (5), Code 2023, are amended to read
11 as follows:

12 (2) Determine and adopt such policies as are authorized by
13 law and are deemed necessary to the efficient discharge of its
14 duties under [this subchapter part](#).

15 (4) Advise and counsel with the director concerning
16 the provisions of [this subchapter part](#) and the policies
17 and procedures adopted by the department pursuant to this
18 [subchapter part](#).

19 (5) Review and approve, prior to promulgation, all rules
20 adopted by the department under [this subchapter part](#).

21 Sec. 1593. Section 135.63, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. A new institutional health service or changed
24 institutional health service shall not be offered or developed
25 in this state without prior application to the department
26 for and receipt of a certificate of need, pursuant to this
27 [subchapter part](#). The application shall be made upon forms
28 furnished or prescribed by the department and shall contain
29 such information as the department may require under this
30 [subchapter part](#). The application shall be accompanied
31 by a fee equivalent to three-tenths of one percent of the
32 anticipated cost of the project with a minimum fee of six
33 hundred dollars and a maximum fee of twenty-one thousand

34 dollars. The fee shall be remitted by the department to the
 35 treasurer of state, who shall place it in the general fund of
 1 the state. If an application is voluntarily withdrawn within
 2 thirty calendar days after submission, seventy-five percent
 3 of the application fee shall be refunded; if the application
 4 is voluntarily withdrawn more than thirty but within sixty
 5 days after submission, fifty percent of the application fee
 6 shall be refunded; if the application is withdrawn voluntarily
 7 more than sixty days after submission, twenty-five percent of
 8 the application fee shall be refunded. Notwithstanding the
 9 required payment of an application fee under [this subsection](#),
 10 an applicant for a new institutional health service or a
 11 changed institutional health service offered or developed by
 12 an intermediate care facility for persons with an intellectual
 13 disability or an intermediate care facility for persons with
 14 mental illness as defined pursuant to [section 135C.1](#) is exempt
 15 from payment of the application fee.

16 Sec. 1594. Section 135.63, subsection 2, unnumbered
 17 paragraph 1, Code 2023, is amended to read as follows:

18 This ~~subchapter~~ part shall not be construed to augment,
 19 limit, contravene, or repeal in any manner any other statute
 20 of this state which may authorize or relate to licensure,
 21 regulation, supervision, or control of, nor to be applicable
 22 to:

23 Sec. 1595. Section 135.63, subsection 2, paragraph f, Code
 24 2023, is amended to read as follows:

25 *f.* A residential care facility, as defined in section
 26 135C.1, including a residential care facility for persons with
 27 an intellectual disability, notwithstanding any provision in
 28 this ~~subchapter~~ part to the contrary.

29 Sec. 1596. Section 135.63, subsection 2, paragraph g,
 30 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
 31 to read as follows:

32 A reduction in bed capacity of an institutional health
 33 facility, notwithstanding any provision in this ~~subchapter~~ part

34 to the contrary, if all of the following conditions exist:

35 Sec. 1597. Section 135.63, subsection 2, paragraph h,
1 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
2 to read as follows:

3 The deletion of one or more health services, previously
4 offered on a regular basis by an institutional health facility
5 or health maintenance organization, notwithstanding any
6 provision of this subchapter part to the contrary, if all of
7 the following conditions exist:

8 Sec. 1598. Section 135.63, subsection 2, paragraph j, Code
9 2023, is amended to read as follows:

10 *j.* The construction, modification, or replacement of
11 nonpatient care services, including parking facilities,
12 heating, ventilation and air conditioning systems, computers,
13 telephone systems, medical office buildings, and other projects
14 of a similar nature, notwithstanding any provision in this
15 subchapter part to the contrary.

16 Sec. 1599. Section 135.63, subsection 2, paragraph k,
17 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
18 to read as follows:

19 The redistribution of beds by a hospital within the acute
20 care category of bed usage, notwithstanding any provision in
21 this subchapter part to the contrary, if all of the following
22 conditions exist:

23 Sec. 1600. Section 135.63, subsection 2, paragraph l,
24 unnumbered paragraph 1, Code 2023, is amended to read as
25 follows:

26 The replacement or modernization of any institutional health
27 facility if the replacement or modernization does not add new
28 health services or additional bed capacity for existing health
29 services, notwithstanding any provision in this subchapter
30 part to the contrary. With respect to a nursing facility,
31 "*replacement*" means establishing a new facility within the same
32 county as the prior facility to be closed. With reference to
33 a hospital, "*replacement*" means establishing a new hospital

34 that demonstrates compliance with all of the following criteria
35 through evidence submitted to the department:

1 Sec. 1601. Section 135.63, subsection 2, paragraphs m and n,
2 Code 2023, are amended to read as follows:

3 *m.* Hemodialysis services provided by a hospital or
4 freestanding facility, notwithstanding any provision in this
5 subchapter part to the contrary.

6 *n.* Hospice services provided by a hospital, notwithstanding
7 any provision in this subchapter part to the contrary.

8 Sec. 1602. Section 135.63, subsection 2, paragraph p,
9 unnumbered paragraph 1, Code 2023, is amended to read as
10 follows:

11 The conversion of an existing number of beds by an
12 intermediate care facility for persons with an intellectual
13 disability to a smaller facility environment, including but not
14 limited to a community-based environment which does not result
15 in an increased number of beds, notwithstanding any provision
16 in this subchapter part to the contrary, including subsection
17 4, if all of the following conditions exist:

18 Sec. 1603. Section 135.63, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. This subchapter part shall not be construed to be
21 applicable to a health care facility operated by and for the
22 exclusive use of members of a religious order, which does
23 not admit more than two individuals to the facility from the
24 general public, and which was in operation prior to July 1,
25 1986. However, this subchapter part is applicable to such
26 a facility if the facility is involved in the offering or
27 developing of a new or changed institutional health service on
28 or after July 1, 1986.

29 Sec. 1604. Section 135.63, subsection 4, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 A copy of the application shall be sent to the department
32 of health and human services at the time the application
33 is submitted to the ~~Iowa~~ department of ~~public health~~. The

34 department shall not process applications for and the council
35 shall not consider a new or changed institutional health
1 service for an intermediate care facility for persons with an
2 intellectual disability unless both of the following conditions
3 are met:

4 Sec. 1605. Section 135.64, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. In the evaluation of applications for certificates
7 of need submitted by the university of Iowa hospitals and
8 clinics, the unique features of that institution relating to
9 statewide tertiary health care, health science education, and
10 clinical research shall be given due consideration. Further,
11 in administering [this subchapter part](#), the unique capacity of
12 university hospitals for the evaluation of technologically
13 innovative equipment and other new health services shall be
14 utilized.

15 Sec. 1606. Section 135.72, unnumbered paragraph 1, Code
16 2023, is amended to read as follows:

17 The department shall adopt, with approval of the council,
18 such administrative rules as are necessary to enable it to
19 implement [this subchapter part](#). These rules shall include:

20 Sec. 1607. Section 135.73, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. Any party constructing a new institutional health
23 facility or an addition to or renovation of an existing
24 institutional health facility without first obtaining a
25 certificate of need or, in the case of a mobile health service,
26 ascertaining that the mobile health service has received
27 certificate of need approval, as required by this ~~subchapter~~
28 [part](#), shall be denied licensure or change of licensure by the
29 appropriate responsible licensing agency of this state.

30 Sec. 1608. Section 135.73, subsection 2, unnumbered
31 paragraph 1, Code 2023, is amended to read as follows:

32 A party violating [this subchapter part](#) shall be subject
33 to penalties in accordance with [this section](#). The

34 department shall adopt rules setting forth the violations by
35 classification, the criteria for the classification of any
1 violation not listed, and procedures for implementing this
2 subsection.

3 Sec. 1609. Section 135.73, subsection 3, Code 2023, is
4 amended to read as follows:

5 3. Notwithstanding any other sanction imposed pursuant
6 to [this section](#), a party offering or developing any new
7 institutional health service or changed institutional health
8 service without first obtaining a certificate of need as
9 required by [this subchapter part](#) may be temporarily or
10 permanently restrained from doing so by any court of competent
11 jurisdiction in any action brought by the state, any of its
12 political subdivisions, or any other interested person.

13 Sec. 1610. Section 135.74, subsection 3, Code 2023, is
14 amended to read as follows:

15 3. The department shall, where appropriate, provide for
16 modification, consistent with the purposes of this ~~subchapter~~
17 part, of reporting requirements to correctly reflect the
18 differences among hospitals and among health care facilities
19 referred to in [subsection 2](#), and to avoid otherwise unduly
20 burdensome costs in meeting the requirements of uniform methods
21 of financial reporting.

22 Sec. 1611. Section 135.75, subsection 2, Code 2023, is
23 amended to read as follows:

24 2. Where more than one licensed hospital or health
25 care facility is operated by the reporting organization,
26 the information required by [this section](#) shall be reported
27 separately for each licensed hospital or health care facility.
28 The department shall require preparation of specified financial
29 reports by a certified public accountant, and may require
30 attestation of responsible officials of the reporting hospital
31 or health care facility that the reports submitted are to the
32 best of their knowledge and belief prepared in accordance with
33 the prescribed methods of reporting. The department shall

34 have the right to inspect the books, audits and records of any
35 hospital or health care facility as reasonably necessary to
1 verify reports submitted pursuant to [this subchapter part](#).

2 Sec. 1612. Section 135.76, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. The department shall from time to time undertake analyses
5 and studies relating to hospital and health care facility
6 costs and to the financial status of hospitals or health care
7 facilities, or both, which are subject to the provisions of
8 [this subchapter part](#). It shall further require the filing
9 of information concerning the total financial needs of each
10 individual hospital or health care facility and the resources
11 currently or prospectively available to meet these needs,
12 including the effect of proposals made by health systems
13 agencies. The department shall also prepare and file such
14 summaries and compilations or other supplementary reports based
15 on the information filed with it as will, in its judgment,
16 advance the purposes of [this subchapter part](#).

17 Sec. 1613. Section 135C.2, subsection 3, paragraph c, Code
18 2023, is amended to read as follows:

19 c. The rules adopted for intermediate care facilities for
20 persons with an intellectual disability shall be consistent
21 with, but no more restrictive than, the federal standards for
22 intermediate care facilities for persons with an intellectual
23 disability established pursuant to the federal Social Security
24 Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, in effect on
25 January 1, 1989. However, in order for an intermediate care
26 facility for persons with an intellectual disability to be
27 licensed, the ~~state fire marshal~~ director must certify to the
28 department that the facility meets the applicable provisions
29 of the rules adopted for such facilities by the ~~state fire~~
30 ~~marshal~~ director. The ~~state fire marshal's~~ director's rules
31 shall be based upon such a facility's compliance with either
32 the provisions applicable to health care occupancies or
33 residential board and care occupancies of the life safety code

34 of the national fire protection association, 2000 edition. The
35 department shall adopt additional rules for intermediate care
1 facilities for persons with an intellectual disability pursuant
2 to [section 135C.14, subsection 8](#).

3 Sec. 1614. Section 135C.2, subsection 5, paragraph b, Code
4 2023, is amended to read as follows:

5 *b.* A facility must be located in an area zoned for single or
6 multiple-family housing or in an unincorporated area and must
7 be constructed in compliance with applicable local requirements
8 and the rules adopted for the special classification by the
9 ~~state fire marshal~~ director in accordance with the concept of
10 the least restrictive environment for the facility residents.
11 Local requirements shall not be more restrictive than the
12 rules adopted for the special classification by the ~~state fire~~
13 ~~marshal~~ director and the state building code requirements for
14 single or multiple-family housing, under [section 103A.7](#).

15 Sec. 1615. Section 135C.5, Code 2023, is amended to read as
16 follows:

17 **135C.5 Limitations on use.**

18 Another business or activity serving persons other than
19 the residents of a health care facility may be operated or
20 provided in a designated part of the physical structure of
21 the health care facility if the other business or activity
22 meets the requirements of applicable state and federal
23 laws, administrative rules, and federal regulations. The
24 department shall not limit the ability of a health care
25 facility to operate or provide another business or activity
26 in the designated part of the facility if the business or
27 activity does not interfere with the use of the facility by the
28 residents or with the services provided to the residents, and
29 is not disturbing to the residents. In denying the ability of
30 a health care facility to operate or provide another business
31 or activity under [this section](#), the burden of proof shall be
32 on the department to demonstrate that the other business or
33 activity substantially interferes with the use of the facility

34 by the residents or the services provided to the residents,
35 or is disturbing to the residents. The ~~state fire marshal~~
1 director, in accordance with chapter 17A, shall adopt rules
2 which establish criteria for approval of a business or activity
3 to be operated or provided in a designated part of the physical
4 structure of a health care facility. For the purposes of
5 this section, "*another business or activity*" shall not include
6 laboratory services with the exception of laboratory services
7 for which a waiver from regulatory oversight has been obtained
8 under the federal Clinical Laboratory Improvement Amendments of
9 1988, Pub. L. No. 100-578, as amended, radiological services,
10 anesthesiology services, obstetrical services, surgical
11 services, or emergency room services provided by hospitals
12 licensed under chapter 135B.

13 Sec. 1616. Section 135C.9, Code 2023, is amended to read as
14 follows:

15 **135C.9 Inspection before issuance — notice of deficiencies.**

16 1. The department shall not issue a health care facility
17 license to any applicant until:

18 *a.* The department has ascertained that the staff and
19 equipment of the facility is adequate to provide the care and
20 services required of a health care facility of the category
21 for which the license is sought. Prior to the review and
22 approval of plans and specifications for any new facility
23 and the initial licensing under a new licensee, a resume of
24 the programs and services to be furnished and of the means
25 available to the applicant for providing the same and for
26 meeting requirements for staffing, equipment, and operation
27 of the health care facility, with particular reference to the
28 professional requirements for services to be rendered, shall be
29 submitted in writing to the department for review and approval.
30 The resume shall be reviewed by the department within ten
31 working days and returned to the applicant. The resume shall,
32 upon the department's request, be revised as appropriate by the
33 facility from time to time after issuance of a license.

34 **b.** The facility has been inspected by the ~~state fire marshal~~
35 ~~or a deputy appointed by the fire marshal for that purpose~~
1 director, who may be a member of a municipal fire department,
2 and the department has received either a certificate of
3 compliance or a provisional certificate of compliance by
4 the facility with the fire hazard and fire safety rules and
5 standards of the department as promulgated by the ~~fire marshal~~
6 director and, where applicable, the fire safety standards
7 required for participation in programs authorized by either
8 Tit. XVIII or Tit. XIX of the United States Social Security
9 Act, codified at 42 U.S.C. §1395 - 139511 and 1396 - 1396g. The
10 certificate or provisional certificate shall be signed by the
11 ~~fire marshal~~ director or the ~~fire marshal's deputy~~ director's
12 designee who made the inspection. If the ~~state fire marshal~~
13 ~~or a deputy~~ director finds a deficiency upon inspection, the
14 notice to the facility shall be provided in a timely manner
15 and shall specifically describe the nature of the deficiency,
16 identifying the Code section or subsection or the rule or
17 standard violated. The notice shall also specify the time
18 allowed for correction of the deficiency, at the end of which
19 time the ~~fire marshal or a deputy~~ director shall perform a
20 follow-up inspection.

21 **2.** The rules and standards promulgated by the ~~fire marshal~~
22 director pursuant to [subsection 1](#), paragraph "b" of [this section](#)
23 shall be substantially in keeping with the latest generally
24 recognized safety criteria for the facilities covered, of which
25 the applicable criteria recommended and published from time
26 to time by the national fire protection association shall be
27 prima facie evidence. The rules and standards promulgated by
28 the ~~fire marshal~~ director shall be promulgated in consultation
29 with the department and shall, to the greatest extent possible,
30 be consistent with rules adopted by the department under this
31 chapter.

32 **3.** The ~~state fire marshal or the fire marshal's deputy~~
33 director may issue successive provisional certificates of

34 compliance for periods of one year each to a facility which is
 35 in substantial compliance with the applicable fire hazard and
 1 fire safety rules and standards, upon satisfactory evidence
 2 of an intent, in good faith, by the owner or operator of the
 3 facility to correct the deficiencies noted upon inspection
 4 within a reasonable period of time as determined by the ~~state~~
 5 ~~fire marshal or the fire marshal's deputy~~ director. Renewal
 6 of a provisional certificate shall be based on a showing
 7 of substantial progress in eliminating deficiencies noted
 8 upon the last previous inspection of the facility without
 9 the appearance of additional deficiencies other than those
 10 arising from changes in the fire hazard and fire safety rules,
 11 regulations and standards which have occurred since the last
 12 previous inspection, except that substantial progress toward
 13 achievement of a good faith intent by the owner or operator to
 14 replace the entire facility within a reasonable period of time,
 15 as determined by the ~~state fire marshal or the fire marshal's~~
 16 ~~deputy~~ director, may be accepted as a showing of substantial
 17 progress in eliminating deficiencies, for the purposes of this
 18 section.

19 4. If a facility subject to licensure under [this chapter](#),
 20 a facility exempt from licensure under [this chapter](#) pursuant
 21 to [section 135C.6](#), or a family home under [section 335.25](#)
 22 or [414.22](#), has been issued a certificate of compliance or
 23 a provisional certificate of compliance under subsection
 24 1 or 3, or has otherwise been approved as complying with
 25 a rule or standard by the state or a ~~deputy fire marshal~~
 26 the director or a local building department as defined in
 27 section 103A.3, the ~~state or deputy fire marshal~~ director
 28 or local building department which issued the certificate,
 29 provisional certificate, or approval shall not apply additional
 30 requirements for compliance with the rule or standard unless
 31 the rule or standard is revised in accordance with [chapter 17A](#)
 32 or with local regulatory procedure following issuance of the
 33 certificate, provisional certificate, or approval.

34 Sec. 1617. Section 135C.14, unnumbered paragraph 1, Code
35 2023, is amended to read as follows:

1 The department shall, in accordance with [chapter 17A](#)
2 and with the approval of the state board of health, adopt
3 and enforce rules setting minimum standards for health care
4 facilities. In so doing, the department, with the approval
5 of the state board of health, may adopt by reference, with
6 or without amendment, nationally recognized standards and
7 rules, which shall be specified by title and edition, date
8 of publication, or similar information. The rules and
9 standards required by [this section](#) shall be formulated in
10 consultation with the director of health and human services or
11 the ~~director's~~ director of health and human services' designee,
12 with the ~~state fire marshal~~ director, and with affected
13 industry, professional, and consumer groups, and shall be
14 designed to further the accomplishment of the purposes of this
15 chapter and shall relate to:

16 Sec. 1618. Section 135C.14, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. Location and construction of the facility, including
19 plumbing, heating, lighting, ventilation, and other housing
20 conditions, which shall ensure the health, safety and comfort
21 of residents and protection from fire hazards. The rules of
22 the department relating to protection from fire hazards and
23 fire safety shall be promulgated by the ~~state fire marshal~~
24 director in consultation with the department, and shall be in
25 keeping with the latest generally recognized safety criteria
26 for the facilities covered of which the applicable criteria
27 recommended and published from time to time by the national
28 fire protection association are prima facie evidence. To
29 the greatest extent possible, the rules promulgated by the
30 ~~state fire marshal~~ director shall be consistent with the rules
31 adopted by the department under [this chapter](#).

32 Sec. 1619. Section 135C.16, subsection 3, Code 2023, is
33 amended to read as follows:

34 3. An authorized representative of the department may
35 enter any licensed health care facility without a warrant,
1 and may examine all records pertaining to the care provided
2 residents of the facility. An authorized representative of the
3 department may contact or interview any resident, employee, or
4 any other person who might have knowledge about the operation
5 of a health care facility. An authorized representative of
6 the department of human services shall have the same right
7 with respect to any facility where one or more residents are
8 cared for entirely or partially at public expense, and an
9 authorized representative of the designated protection and
10 advocacy agency shall have the same right with respect to
11 any facility where one or more residents have developmental
12 disabilities or mental illnesses, and the ~~state fire marshal or~~
13 ~~a deputy appointed pursuant to [section 135C.9, subsection 1,](#)~~
14 ~~paragraph "b",~~ director shall have the same right of entry into
15 any facility and the right to inspect any records pertinent
16 to fire safety practices and conditions within that facility,
17 and an authorized representative of the office of long-term
18 care ombudsman shall have the same right with respect to any
19 nursing facility or residential care facility. If any such
20 authorized representative has probable cause to believe that
21 any institution, building, or agency not licensed as a health
22 care facility is in fact a health care facility as defined
23 by [this chapter](#), and upon producing identification that the
24 individual is an authorized representative is denied entry
25 thereto for the purpose of making an inspection, the authorized
26 representative may, with the assistance of the county attorney
27 of the county in which the purported health care facility is
28 located, apply to the district court for an order requiring
29 the owner or occupant to permit entry and inspection of the
30 premises to determine whether there have been any violations of
31 this chapter.

32 Sec. 1620. Section 135C.17, Code 2023, is amended to read
33 as follows:

34 **135C.17 Duties of other departments.**

35 It shall be the duty of the department of human services,
1 ~~state fire marshal~~, office of long-term care ombudsman, and
2 the officers and agents of other state and local governmental
3 units, and the designated protection and advocacy agency to
4 assist the department in carrying out the provisions of this
5 chapter, insofar as the functions of these respective offices
6 and departments are concerned with the health, welfare, and
7 safety of any resident of any health care facility. It shall
8 be the duty of the department to cooperate with the protection
9 and advocacy agency and the office of long-term care ombudsman
10 by responding to all reasonable requests for assistance and
11 information as required by federal law and [this chapter](#).

12 Sec. 1621. Section 135I.1, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. "*Department*" means the Iowa department of ~~public health~~
15 inspections, appeals, and licensing.

16 Sec. 1622. Section 135K.1, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. "*Department*" means the Iowa department of ~~public health~~
19 inspections, appeals, and licensing.

20 Sec. 1623. Section 136D.2, subsections 1 and 2, Code 2023,
21 are amended to read as follows:

22 1. "*Department*" means the Iowa department of ~~public health~~
23 inspections, appeals, and licensing.

24 2. "*Director*" means the director of ~~public health~~ the
25 department of inspections, appeals, and licensing, or the
26 director's designee.

27 Sec. 1624. Section 137C.35, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. A bed and breakfast inn is subject to regulation,
30 licensing, and inspection under [this chapter](#), but separate
31 toilet and lavatory facilities shall not be required for each
32 guest room. Additionally, a bed and breakfast inn is exempt
33 from fire safety rules adopted pursuant to [section 100.35](#) and

34 applicable to hotels, but is subject to fire safety rules which
35 the ~~state fire marshal~~ director shall specifically adopt for
1 bed and breakfast inns.

2 Sec. 1625. Section 138.1, subsections 4 and 5, Code 2023,
3 are amended to read as follows:

4 4. "*Department*" means the Iowa department of ~~public health~~
5 inspections, appeals, and licensing.

6 5. "*Director*" means the director of ~~public health~~ the
7 department of inspections, appeals, and licensing or the
8 director's designee.

9 Sec. 1626. Section 147.1, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. "*Department*" means the department of ~~public health~~
12 inspections, appeals, and licensing.

13 Sec. 1627. Section 147.82, Code 2023, is amended to read as
14 follows:

15 **147.82 Fee retention.**

16 All fees collected by a board listed in [section 147.13](#) or
17 by the department ~~for the bureau of professional licensure,~~
18 and fees collected pursuant to [sections 124.301](#) and [147.80](#) and
19 chapter 155A by the board of pharmacy, shall be retained by
20 each board or by the department ~~for the bureau of professional~~
21 ~~licensure.~~ The moneys retained by a board shall be used for
22 any of the board's duties, including but not limited to the
23 addition of full-time equivalent positions for program services
24 and investigations. Revenues retained by a board pursuant
25 to [this section](#) shall be considered repayment receipts as
26 defined in [section 8.2](#). Notwithstanding [section 8.33](#), moneys
27 retained by a board pursuant to [this section](#) are not subject to
28 reversion to the general fund of the state.

29 Sec. 1628. Section 148C.1, subsection 4, Code 2023, is
30 amended to read as follows:

31 4. "*Department*" means the department of ~~public health~~
32 inspections, appeals, and licensing.

33 Sec. 1629. Section 152B.1, subsection 2, Code 2023, is

34 amended to read as follows:

35 2. "*Department*" means the Iowa department of ~~public health~~
1 inspections, appeals, and licensing.

2 Sec. 1630. Section 154A.1, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. "*Department*" means the Iowa department of ~~public health~~
5 inspections, appeals, and licensing.

6 Sec. 1631. Section 154B.8, Code 2023, is amended to read as
7 follows:

8 **154B.8 Voluntary surrender of license.**

9 The director of ~~public health~~ the department of inspections,
10 appeals, and licensing may accept the voluntary surrender of
11 license if accompanied by a written statement of intention.
12 The voluntary surrender, when accepted, shall have the same
13 force and effect as an order of revocation.

14 Sec. 1632. Section 154B.13, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. The board shall appoint a prescribing psychologist
17 rules subcommittee comprised of a psychologist appointed by
18 the board, a physician appointed by the board of medicine, and
19 a member of the public appointed by the director of ~~public~~
20 ~~health~~ the department of inspections, appeals, and licensing to
21 develop rules for consideration by the board pursuant to this
22 section.

23 Sec. 1633. Section 154E.1, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. "*Department*" means the Iowa department of ~~public health~~
26 inspections, appeals, and licensing.

27 Sec. 1634. Section 155A.13, subsection 3, paragraph d, Code
28 2023, is amended to read as follows:

29 *d.* An applicant seeking a special or limited-use pharmacy
30 license for a proposed telepharmacy site that does not meet the
31 mileage requirement established in paragraph "*c*" and is not
32 statutorily exempt from the mileage requirement may apply to
33 the board for a waiver of the mileage requirement. A waiver

34 request shall only be granted if the applicant can demonstrate
35 to the board that the proposed telepharmacy site is located in
1 an area where there is limited access to pharmacy services and
2 can establish the existence of compelling circumstances that
3 justify waiving the mileage requirement. The board's decision
4 to grant or deny a waiver request shall be a proposed decision
5 subject to mandatory review by the director of ~~public health~~
6 the department of inspections, appeals, and licensing. The
7 director shall review a proposed decision and shall have the
8 power to approve, modify, or veto a proposed decision. The
9 director's decision on a waiver request shall be considered
10 final agency action subject to judicial review under chapter
11 17A.

12 Sec. 1635. Section 156.1A, Code 2023, is amended to read as
13 follows:

14 **156.1A Provision of services.**

15 Nothing contained in **this chapter** shall be construed
16 as prohibiting the operation of any funeral home, funeral
17 establishment, or cremation establishment by any person,
18 heir, fiduciary, firm, cooperative burial association, or
19 corporation. However, each such person, firm, cooperative
20 burial association, or corporation shall ensure that
21 all mortuary science services are provided by a funeral
22 director, and shall keep the Iowa department of ~~public health~~
23 inspections, appeals, and licensing advised of the name of the
24 funeral director.

25 Sec. 1636. Section 156.10, Code 2023, is amended to read as
26 follows:

27 **156.10 Inspection.**

28 1. The director of ~~public health~~ the department of
29 inspections, appeals, and licensing may inspect all places
30 where dead human bodies are prepared or held for burial,
31 entombment, or cremation, and may adopt and enforce such rules
32 and regulations in connection with the inspection as may be
33 necessary for the preservation of the public health.

34 2. The Iowa department of ~~public health inspections,~~
35 appeals, and licensing may assess an inspection fee for an
1 inspection of a place where dead human bodies are prepared
2 for burial or cremation. The fee may be determined by the
3 department by rule.

4 Sec. 1637. Section 157.1, subsection 7, Code 2023, is
5 amended to read as follows:

6 7. "*Department*" means the Iowa department of ~~public health~~
7 inspections, appeals, and licensing.

8 Sec. 1638. Section 157.7, subsections 1 and 2, Code 2023,
9 are amended to read as follows:

10 1. The department of ~~inspections and appeals~~ shall
11 employ personnel pursuant to [chapter 8A, subchapter IV](#), to
12 perform duties related to inspection functions under this
13 chapter. The department of ~~inspections and appeals~~ shall, when
14 possible, integrate inspection efforts under [this chapter](#) with
15 inspections conducted under [chapter 158](#).

16 2. The Iowa department of ~~public health~~ may employ clerical
17 assistants pursuant to [chapter 8A, subchapter IV](#), to administer
18 and enforce [this chapter](#). The costs and expenses of the
19 clerical assistants shall be paid from funds appropriated to
20 the department of ~~public health~~.

21 Sec. 1639. Section 158.1, subsection 6, Code 2023, is
22 amended to read as follows:

23 6. "*Department*" means the Iowa department of ~~public health~~
24 inspections, appeals, and licensing.

25 Sec. 1640. Section 158.6, Code 2023, is amended to read as
26 follows:

27 **158.6 Inspectors and clerical assistants.**

28 1. The department of ~~inspections and appeals~~ shall
29 employ personnel pursuant to [chapter 8A, subchapter IV](#), to
30 perform duties related to inspection functions under this
31 chapter. The department of ~~inspections and appeals~~ shall, when
32 possible, integrate inspection efforts under [this chapter](#) with
33 inspections conducted under [chapter 157](#).

34 2. The Iowa department of ~~public health~~ may employ clerical
35 assistants pursuant to [chapter 8A, subchapter IV](#), to administer
1 and enforce [this chapter](#). The costs and expenses of the
2 clerical assistants shall be paid from funds appropriated to
3 the department of ~~public health~~.

4 Sec. 1641. Section 214A.35, subsection 2, paragraph g, Code
5 2023, is amended to read as follows:

6 *g.* The department of agriculture and land stewardship may
7 cooperate with the department of natural resources and the
8 ~~state fire marshal~~ department of inspections, appeals, and
9 licensing in administering and enforcing the provisions of this
10 section.

11 Sec. 1642. Section 218.4, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. The ~~state fire marshal~~ department of inspections,
14 appeals, and licensing shall cause to be made an annual
15 inspection of all the institutions listed in [section 218.1](#)
16 and shall make written report thereof to the particular
17 administrator of the state department of human services in
18 control of such institution.

19 Sec. 1643. Section 231B.4, Code 2023, is amended to read as
20 follows:

21 **231B.4 Zoning — fire and safety standards.**

22 An elder group home shall be located in an area zoned
23 for single-family or multiple-family housing or in an
24 unincorporated area and shall be constructed in compliance with
25 applicable local housing codes and the rules adopted for the
26 special classification by the ~~state fire marshal~~ department.
27 In the absence of local building codes, the facility shall
28 comply with the state plumbing code established pursuant to
29 section 135.11 and the state building code established pursuant
30 to [section 103A.7](#) and the rules adopted for the special
31 classification by the ~~state fire marshal~~ department. The
32 rules adopted for the special classification by the ~~state fire~~
33 ~~marshal~~ department regarding second floor occupancy shall be

34 ~~adopted in consultation with the department and shall~~ take into
35 consideration the mobility of the tenants.

1 Sec. 1644. Section 231C.4, Code 2023, is amended to read as
2 follows:

3 **231C.4 Fire and safety standards.**

4 The ~~state fire marshal~~ department shall adopt rules, ~~in~~
5 ~~coordination with the department,~~ relating to the certification
6 and monitoring of the fire and safety standards of certified
7 assisted living programs.

8 Sec. 1645. Section 231D.15, Code 2023, is amended to read
9 as follows:

10 **231D.15 Fire and safety standards.**

11 The ~~state fire marshal~~ department shall adopt rules, ~~in~~
12 ~~coordination with the department,~~ relating to the certification
13 and monitoring of the fire and safety standards of adult day
14 services programs.

15 Sec. 1646. Section 235A.15, subsection 2, paragraph d,
16 subparagraph (7), Code 2023, is amended to read as follows:

17 (7) Each licensing board specified under [chapter 147](#) and
18 the Iowa department of ~~public health~~ inspections, appeals,
19 and licensing for the purpose of licensure, certification or
20 registration, disciplinary investigation, or the renewal of
21 licensure, certification or registration, or disciplinary
22 proceedings of health care professionals.

23 Sec. 1647. Section 237.3, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. Rules governing fire safety in facilities with child
26 foster care provided by agencies shall be promulgated by the
27 ~~state fire marshal~~ director of the department of inspections,
28 appeals, and licensing pursuant to section ~~100.1, subsection 5~~
29 10A.511 after consultation with the administrator.

30 Sec. 1648. Section 237A.3A, subsection 3, paragraph c, Code
31 2023, is amended to read as follows:

32 c. In consultation with the ~~state fire marshal~~ director
33 of the department of inspections, appeals, and licensing, the

34 department shall adopt rules relating to the provision of fire
35 extinguishers, smoke detectors, and two exits accessible to
1 children in a child development home.

2 Sec. 1649. Section 237A.4, Code 2023, is amended to read as
3 follows:

4 **237A.4 Inspection and evaluation.**

5 The department shall make periodic inspections of licensed
6 centers to ensure compliance with licensing requirements
7 provided in [this chapter](#), and the local boards of health
8 may make periodic inspections of licensed centers to ensure
9 compliance with health-related licensing requirements provided
10 in [this chapter](#). The department may inspect records maintained
11 by a licensed center and may inquire into matters concerning
12 these centers and the persons in charge. The department
13 shall require that the center be inspected by the ~~state fire~~
14 ~~marshal~~ director of the department of inspections, appeals,
15 and licensing or a designee for compliance with rules relating
16 to fire safety before a license is granted or renewed. The
17 department or a designee may periodically visit registered
18 child development homes for the purpose of evaluation of an
19 inquiry into matters concerning compliance with rules adopted
20 under [section 237A.12](#). Evaluation of child development homes
21 under [this section](#) may include consultative services provided
22 pursuant to [section 237A.6](#).

23 Sec. 1650. Section 237A.12, subsections 2, 3, and 4, Code
24 2023, are amended to read as follows:

25 2. Rules adopted by the ~~state fire marshal~~ director of
26 the department of inspections, appeals, and licensing for
27 buildings, other than school buildings, used as child care
28 centers as an adjunct to the primary purpose of the building
29 shall take into consideration that children are received for
30 temporary care only and shall not differ from rules adopted
31 for these buildings when they are used by groups of persons
32 congregating from time to time in the primary use and occupancy
33 of the buildings. However, the rules may require a fire-rated

34 separation from the remaining portion of the building if
35 the ~~fire marshal~~ director of the department of inspections,
1 appeals, and licensing determines that the separation is
2 necessary for the protection of children from a specific
3 flammable hazard.

4 3. Rules relating to fire safety for child care centers
5 shall be adopted under this chapter by the ~~state fire marshal~~
6 director of the department of inspections, appeals, and
7 licensing in consultation with the department. Rules adopted
8 by the ~~state fire marshal~~ director of the department of
9 inspections, appeals, and licensing for a building which is
10 owned or leased by a school district or accredited nonpublic
11 school and used as a child care facility shall not differ from
12 standards adopted by the ~~state fire marshal~~ director of the
13 department of inspections, appeals, and licensing for school
14 buildings under chapter ~~100~~ 10A, subchapter V, part 2. Rules
15 relating to sanitation shall be adopted by the department in
16 consultation with the director of public health. All rules
17 shall be developed in consultation with the state child care
18 advisory committee. The ~~state fire marshal~~ director of the
19 department of inspections, appeals, and licensing shall inspect
20 the facilities.

21 4. If a building is owned or leased by a school district
22 or accredited nonpublic school and complies with standards
23 adopted by the ~~state fire marshal~~ director of the department
24 of inspections, appeals, and licensing for school buildings
25 under chapter ~~100~~ 10A, subchapter V, part 2, the building is
26 considered appropriate for use by a child care facility. The
27 rules adopted by the administrator under this section shall not
28 require the facility to comply with building requirements which
29 differ from requirements for use of the building as a school.

30 Sec. 1651. Section 237C.4, subsection 2, Code 2023, is
31 amended to read as follows:

32 2. Before the ~~administrator~~ department issues or reissues a
33 certificate of approval to a children's residential facility

34 under [section 237C.6](#), the facility shall comply with standards
35 adopted by the ~~state fire marshal~~ director of the department
1 of inspections, appeals, and licensing under chapter ~~100~~ 10A,
2 subchapter V, part 2.

3 Sec. 1652. Section 237C.6, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The certificate of approval shall state on its face the
6 name of the holder of the certificate, the particular premises
7 for which the certificate is issued, and the number of children
8 who may be cared for by the children's residential facility on
9 the premises at one time under the certificate of occupancy
10 issued by the ~~state fire marshal~~ director of the department of
11 inspections, appeals, and licensing or the ~~state fire marshal's~~
12 director's designee. The certificate of approval shall be
13 posted in a conspicuous place in the children's residential
14 facility.

15 Sec. 1653. Section 261B.11, subsection 1, paragraph m, Code
16 2023, is amended to read as follows:

17 *m.* Higher education institutions located in Iowa whose
18 massage therapy curriculum is approved under administrative
19 rules of the ~~professional licensure division of the department~~
20 of ~~public health~~ inspections, appeals, and licensing and whose
21 instructors are licensed massage therapists under [chapter 152C](#).

22 Sec. 1654. Section 262.33A, Code 2023, is amended to read
23 as follows:

24 **262.33A Fire and environmental safety — report —**
25 **expenditures.**

26 It is the intent of the general assembly that each
27 institution of higher education under the control of the state
28 board of regents shall, in consultation with the ~~state fire~~
29 ~~marshal~~ director of the department of inspections, appeals,
30 and licensing, identify and correct all critical fire and
31 environmental safety deficiencies. Commencing July 1, 1993,
32 each institution under the control of the state board of
33 regents shall expend annually for fire safety and deferred

34 maintenance at least the amount budgeted for these purposes
35 for the fiscal year beginning July 1, 1992, in addition to any
1 moneys appropriated from the general fund for these purposes in
2 succeeding years.

3 Sec. 1655. Section 272C.1, subsection 6, paragraphs af and
4 ag, Code 2023, are amended to read as follows:

5 *af.* The department of ~~public safety~~ inspections, appeals,
6 and licensing, in licensing fire protection system installers
7 and maintenance workers pursuant to chapter 100D.

8 *ag.* The ~~superintendent of the division of banking~~ director
9 of the department of ~~commerce~~ inspections, appeals, and
10 licensing in registering and supervising appraisal management
11 companies pursuant to chapter 543E.

12 Sec. 1656. Section 272C.3, subsection 4, paragraph b, Code
13 2023, is amended to read as follows:

14 *b.* All health care boards shall file written decisions
15 which specify the sanction entered by the board with the Iowa
16 department of ~~public health~~ inspections, appeals, and licensing
17 which shall be available to the public upon request. All
18 non-health care boards shall have on file the written and
19 specified decisions and sanctions entered by the board and
20 shall be available to the public upon request.

21 Sec. 1657. Section 272C.4, subsection 9, Code 2023, is
22 amended to read as follows:

23 9. Require each health care licensing board to file with
24 the Iowa department of ~~public health~~ inspections, appeals,
25 and licensing a copy of each decision of the board imposing
26 licensee discipline. Each non-health care board shall have on
27 file a copy of each decision of the board imposing licensee
28 discipline which copy shall be properly dated and shall be in
29 simple language and in the most concise form consistent with
30 clearness and comprehensiveness of subject matter.

31 Sec. 1658. Section 279.49, subsection 3, Code 2023, is
32 amended to read as follows:

33 3. The facilities housing a program operated under this

34 section shall comply with standards adopted by the ~~state fire~~
35 ~~marshal~~ director of the department of inspections, appeals,
1 and licensing for school buildings under chapter ~~100~~ 10A,
2 subchapter V, part 2. In addition, if a program involves
3 children who are younger than school age, the facilities
4 housing those children shall meet the fire safety standards
5 which would apply to that age of child in a child care facility
6 licensed by the department of human services.

7 Sec. 1659. Section 292.2, subsection 7, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 The department shall form a task force to review
10 applications for financial assistance and provide
11 recommendations to the school budget review committee. The
12 task force shall include, at a minimum, representatives from
13 the kindergarten through grade twelve education community, the
14 ~~state fire marshal~~ director of the department of inspections,
15 appeals, and licensing, and individuals knowledgeable in school
16 infrastructure and construction issues. The department,
17 in consultation with the task force, shall establish the
18 parameters and the details of the criteria for awarding grants
19 based on the information listed in [subsection 3](#), including
20 greater priority to the following:

21 Sec. 1660. Section 323.4A, subsection 2, paragraph b, Code
22 2023, is amended to read as follows:

23 *b.* Using a dispenser to dispense ethanol blended gasoline,
24 including gasoline with a specified blend or a range of
25 blends under [chapter 214A](#), if the dispenser is approved as
26 required by the ~~state fire marshal~~ director of the department
27 of inspections, appeals, and licensing for dispensing the
28 specified blend or range of blends, including as provided in
29 section 455G.31.

30 Sec. 1661. Section 423E.6, subsections 2, 3, and 4, Code
31 2023, are amended to read as follows:

32 2. The funds shall be allocated to the school budget
33 review committee to develop a school infrastructure safety

34 fund grant program, in conjunction with the ~~state fire marshal~~
35 director of the department of inspections, appeals, and
1 licensing. For purposes of reviewing grant applications and
2 making recommendations regarding the administration of the
3 program, the ~~state fire marshal~~ director of the department of
4 inspections, appeals, and licensing shall be considered an
5 additional voting member of the school budget review committee.

6 3. Top priority in awarding program grants shall be the
7 making of school infrastructure improvements relating to fire
8 and personal safety. School districts eligible for program
9 grants shall have received an order or citation from the
10 ~~state fire marshal~~ director of the department of inspections,
11 appeals, and licensing, or a fire department chief or fire
12 prevention officer, for one or more fire safety violations
13 regarding a school facility, or in the opinion of the ~~state~~
14 ~~fire marshal~~ director of the department of inspections,
15 appeals, and licensing shall be regarded as operating
16 facilities subject to significant fire safety deficiencies.
17 Grant awards shall also be available for defects or violations
18 of the state building code, as adopted pursuant to section
19 103A.7, revealed during an inspection of school facilities by
20 a local building department, or for improvements consistent
21 with the standards and specifications contained in the state
22 building code regarding ensuring that buildings and facilities
23 are accessible to and functional for persons with disabilities.
24 The school budget review committee shall allocate program
25 funds to school districts which, in its discretion, are
26 determined to be faced with the most severe deficiencies.
27 School districts applying for program grants shall have
28 developed and submitted to the ~~state fire marshal~~ director of
29 the department of inspections, appeals, and licensing or local
30 building department a written plan to remedy fire or safety
31 defects within a specified time frame. Approval of the written
32 plan by the ~~state fire marshal~~ director of the department
33 of inspections, appeals, and licensing or local building

34 department shall be obtained prior to receipt of a grant award
35 by a school district.

1 4. Application forms, submission dates for applications and
2 for written plans to remedy fire or safety defects, and grant
3 award criteria shall be developed by the state department of
4 education, in coordination with the ~~state fire marshal~~ director
5 of the department of inspections, appeals, and licensing, by
6 rule.

7 Sec. 1662. Section 455B.390, subsection 3, Code 2023, is
8 amended to read as follows:

9 3. The storage, transportation, handling, or use of
10 flammable liquids, combustibles, and explosives, control over
11 which is exercised by the ~~state fire marshal~~ director of the
12 department of inspections, appeals, and licensing under chapter
13 ~~100~~ 10A, subchapter V, part 2.

14 Sec. 1663. Section 455B.474, subsection 10, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:

16 Requirements that persons and companies performing or
17 providing services for underground storage tank installations,
18 installation inspections, testing, permanent closure of
19 underground storage tanks by removal or filling in place, and
20 other closure activities as defined by rules adopted by the
21 commission be certified by the department. This provision does
22 not apply to persons performing services in their official
23 capacity and as authorized by the ~~state fire marshal's office~~
24 department of inspections, appeals, and licensing or fire
25 departments of political subdivisions of the state. The rules
26 adopted by the commission shall include all of the following:

27 Sec. 1664. Section 455B.474, subsection 10, paragraph c,
28 Code 2023, is amended to read as follows:

29 c. Requiring a written examination developed and
30 administered by the department or by some other qualified
31 public or private entity identified by the department.
32 The department may contract with a public or private
33 entity to administer the department's examination or a

34 department-approved third party examination. The examination
35 shall, at a minimum, be sufficient to establish knowledge of
1 all applicable underground storage tank rules adopted under
2 this section, private industry standards, federal standards,
3 and other applicable standards adopted by the ~~state fire~~
4 ~~marshal's office~~ department of inspections, appeals, and
5 licensing pursuant to [chapter 101](#).

6 Sec. 1665. Section 455G.31, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. Subject to [section 455G.32](#), a retail dealer may use
9 gasoline storage and dispensing infrastructure to store and
10 dispense ethanol blended gasoline classified as E-9 or higher
11 if the department under [this subchapter](#) or the ~~state fire~~
12 ~~marshal~~ director of the department of inspections, appeals,
13 and licensing under [chapter 101](#) determines that the gasoline
14 infrastructure is compatible with the classification of ethanol
15 blended gasoline being used.

16 Sec. 1666. Section 455G.33, subsection 2, paragraph b, Code
17 2023, is amended to read as follows:

18 *b.* Approved by the department or ~~state fire marshal~~ director
19 of the department of inspections, appeals, and licensing
20 subject to conditions determined necessary by the department or
21 ~~state fire marshal~~ director of the department of inspections,
22 appeals, and licensing. The department or ~~state fire marshal~~
23 director of the department of inspections, appeals, and
24 licensing may waive the requirement in paragraph "a" upon
25 satisfaction that a substitute requirement serves the same
26 purpose.

27 Sec. 1667. Section 542.4, subsection 1, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 An Iowa accountancy examining board is created within the
30 ~~professional licensing and regulation bureau of the banking~~
31 ~~division of the department of commeree~~ inspections, appeals,
32 and licensing to administer and enforce [this chapter](#).

33 Sec. 1668. Section 542.4, subsection 6, Code 2023, is

34 amended to read as follows:

35 6. The ~~administrator~~ director of the ~~professional licensing~~
1 ~~and regulation bureau of the banking division of the~~ department
2 of ~~commerce~~ inspections, appeals, and licensing shall provide
3 staffing assistance to the board for implementing **this chapter**.

4 Sec. 1669. Section 542B.3, Code 2023, is amended to read as
5 follows:

6 **542B.3 Engineering and land surveying examining board**
7 **created.**

8 An engineering and land surveying examining board is
9 created within the ~~professional licensing and regulation~~
10 ~~bureau of the banking division of the~~ department of ~~commerce~~
11 inspections, appeals, and licensing. The board consists of
12 three members who are licensed professional engineers, two
13 members who are licensed professional land surveyors, and
14 two members who are not licensed professional engineers or
15 licensed professional land surveyors and who shall represent
16 the general public. An individual who is licensed as both
17 a professional engineer and a professional land surveyor may
18 serve to satisfy the board membership requirement for either
19 a licensed professional engineer or a licensed professional
20 land surveyor, but not both. Members shall be appointed
21 by the governor subject to confirmation by the senate. A
22 licensed member shall be actively engaged in the practice of
23 engineering or land surveying and shall have been so engaged
24 for five years preceding the appointment, the last two of which
25 shall have been in Iowa. Insofar as practicable, licensed
26 engineer members of the board shall be from different branches
27 of the profession of engineering. Professional associations
28 or societies composed of licensed engineers or licensed land
29 surveyors may recommend the names of potential board members
30 whose profession is representative of that association or
31 society to the governor. However, the governor is not bound by
32 the recommendations. A board member shall not be required to
33 be a member of any professional association or society composed

34 of professional engineers or professional land surveyors.

35 Sec. 1670. Section 542B.9, Code 2023, is amended to read as
1 follows:

2 **542B.9 Organization of the board — staff.**

3 The board shall elect annually from its members a
4 chairperson and a vice chairperson. The ~~administrator~~ director
5 of the ~~professional licensing and regulation bureau of the~~
6 ~~banking division of the~~ department of ~~commerce~~ inspections,
7 appeals, and licensing shall hire and provide staff to assist
8 the board in implementing **this chapter**. The board shall hold
9 at least one meeting at the location of the board's principal
10 office, and meetings shall be called at other times by the
11 ~~administrator~~ director or the director's designee at the
12 request of the chairperson or four members of the board. At
13 any meeting of the board, a majority of members constitutes a
14 quorum.

15 Sec. 1671. Section 543B.8, subsections 1 and 5, Code 2023,
16 are amended to read as follows:

17 1. A real estate commission is created within the
18 ~~professional licensing and regulation bureau of the banking~~
19 ~~division of the~~ department of ~~commerce~~ inspections, appeals,
20 and licensing. The commission consists of five members
21 licensed under **this chapter** and two members not licensed under
22 this chapter and who shall represent the general public.
23 Commission members shall be appointed by the governor subject
24 to confirmation by the senate.

25 5. The ~~administrator~~ director of the ~~professional licensing~~
26 ~~and regulation bureau of the banking division~~ department of
27 inspections, appeals, and licensing shall hire and provide
28 staff to assist the commission with implementing **this chapter**.
29 ~~The administrator of the professional licensing and regulation~~
30 ~~bureau of the banking division of the department of commerce~~
31 and shall hire a real estate education director to assist
32 the commission in administering education programs for the
33 commission.

34 Sec. 1672. Section 543B.14, Code 2023, is amended to read
35 as follows:

1 **543B.14 Fees and expenses.**

2 All fees and charges collected by the real estate commission
3 under this chapter shall be paid into the general fund of the
4 state, except that twenty-five dollars from each real estate
5 salesperson's license fee and each broker's license fee ~~is~~
6 ~~appropriated to the professional licensing and regulation~~
7 ~~bureau of the banking division of the department of commerce~~
8 shall be appropriated to the department of inspections,
9 appeals, and licensing for the purpose of hiring and
10 compensating a real estate education director and regulatory
11 compliance personnel. All expenses incurred by the commission
12 under **this chapter**, including compensation of staff assigned
13 to the commission, shall be paid from funds appropriated for
14 those purposes.

15 Sec. 1673. Section 543D.2, Code 2023, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 9A. "*Director*" means the director of
18 the department of inspections, appeals, and licensing or the
19 director's designee.

20 Sec. 1674. Section 543D.2, subsection 14, Code 2023, is
21 amended by striking the subsection.

22 Sec. 1675. Section 543D.4, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. A real estate appraiser examining board is established
25 within the ~~banking division of the department of commerce~~
26 inspections, appeals, and licensing. The board consists of
27 seven members, two of whom shall be public members and five of
28 whom shall be certified real estate appraisers.

29 Sec. 1676. Section 543D.5, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. The board shall adopt rules establishing uniform
32 appraisal standards and appraiser certification requirements
33 and other rules necessary to administer and enforce this

34 chapter and its responsibilities under [chapter 272C](#), subject to
35 the ~~superintendent's~~ director's supervision and authority under
1 section 543D.23. The board shall consider and may incorporate
2 any standards required or recommended by the appraisal
3 foundation or by a federal agency with regulatory authority
4 over appraisal standards or the certification of appraisers for
5 federally related transactions.

6 Sec. 1677. Section 543D.6, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. All fees collected by the board shall be deposited into
9 the ~~department of~~ commerce revolving fund created in section
10 546.12 and are appropriated to the ~~superintendent~~ director on
11 behalf of the board to be used to administer [this chapter](#),
12 including but not limited to purposes such as examinations,
13 investigations, and administrative staffing. Notwithstanding
14 section 8.33, moneys retained by the ~~superintendent~~ director
15 pursuant to this section are not subject to reversion to the
16 general fund of the state. However, the appraisal management
17 company national registry fees the board collects on behalf of
18 the appraisal subcommittee as defined in [section 543E.3](#) shall
19 be transmitted to the appraisal subcommittee in accordance with
20 federal laws and regulations.

21 Sec. 1678. Section 543D.23, Code 2023, is amended to read
22 as follows:

23 **543D.23 ~~Superintendent~~ Director supervision and authority.**

24 1. The ~~superintendent~~ director shall supervise the
25 board and manage the board's budget and retained fees.
26 The ~~superintendent~~ director may exercise all authority
27 conferred upon the board under this chapter and shall have
28 access to all records and information to which the board
29 has access. In supervising the board, the ~~superintendent~~
30 director shall independently evaluate the substantive merits
31 of actions recommended or proposed by the board which may
32 be anticompetitive and shall have the authority to review,
33 approve, modify, or reject all board actions including but not

34 limited to those taken in connection with any of the following:

35 a. Initial or reciprocal certification of real estate

1 appraisers, registration of associate real estate appraisers,
2 and temporary practice permits.

3 b. Disciplinary investigations and proceedings.

4 c. Investigations and proceedings under [section 543D.21](#).

5 d. Rulemaking under [chapter 17A](#), including orders on
6 petitions for rulemaking.

7 e. Orders on petitions for declaratory orders or waivers.

8 2. A person aggrieved by any final action of the board taken
9 under this chapter shall not have exhausted administrative
10 remedies until the person has appealed the action to the
11 ~~superintendent~~ director and the ~~superintendent~~ director has
12 issued a final decision or order.

13 3. The ~~superintendent~~ director shall adopt rules to
14 implement this section.

15 Sec. 1679. Section 543E.3, subsection 1, Code 2023, is
16 amended by striking the subsection.

17 Sec. 1680. Section 543E.3, subsection 8, Code 2023, is
18 amended to read as follows:

19 8. "*Appraiser panel*" means a network, list, or roster of
20 certified appraisers who are independent contractors with
21 an appraisal management company and who have been selected
22 and approved by the appraisal management company to perform
23 appraisals directly for the appraisal management company or
24 for persons that have ordered appraisals through the appraisal
25 management company. Appraisers on an appraisal management
26 company's appraiser panel may include both appraisers engaged
27 to perform one or more appraisals for covered transactions or
28 for secondary mortgage market participants in connection with
29 covered transactions, and appraisers accepted by the appraisal
30 management company for consideration for future appraisal
31 assignments for such purposes, as the ~~administrator~~ director
32 may further provide by rule.

33 Sec. 1681. Section 543E.3, Code 2023, is amended by adding

34 the following new subsection:

35 NEW SUBSECTION. 13A. "*Director*" means the director of
1 the department of inspections, appeals, and licensing or the
2 director's designee.

3 Sec. 1682. Section 543E.4, Code 2023, is amended to read as
4 follows:

5 **543E.4 Registration required.**

6 A person shall not directly or indirectly engage in or
7 attempt to engage in business as an appraisal management
8 company or advertise or hold itself out as engaging in or
9 conducting business as an appraisal management company in
10 this state without first registering with the ~~administrator~~
11 director.

12 Sec. 1683. Section 543E.6, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. A person who directly or indirectly owns more than
15 ten percent of an appraisal management company in this
16 state shall be of good moral character, as prescribed by
17 rules adopted by the ~~administrator~~ director consistent with
18 applicable federal law and regulations, and shall submit to a
19 background investigation, as prescribed by rules adopted by the
20 ~~administrator~~ director consistent with applicable federal law
21 and regulations.

22 Sec. 1684. Section 543E.7, subsections 1 and 3, Code 2023,
23 are amended to read as follows:

24 1. An appraisal management company registered or applying
25 for registration in this state shall designate a controlling
26 person who shall be the main contact for all communications
27 between the ~~administrator~~ director and the appraisal management
28 company, and who shall be responsible for assuring the
29 appraisal management company complies with the provisions of
30 this chapter when performing appraisal management services in
31 connection with real estate located in this state.

32 3. The designated controlling person shall be of good moral
33 character, as prescribed by rules adopted by the ~~administrator~~

34 director consistent with applicable federal law and
35 regulations, and shall submit to a background investigation,
1 as prescribed by rules adopted by the ~~administrator~~ director
2 consistent with applicable federal law and regulations.

3 Sec. 1685. Section 543E.8, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. An application for registration as an appraisal
6 management company shall be submitted on a form prescribed by
7 the ~~administrator~~ director.

8 Sec. 1686. Section 543E.8, subsection 2, paragraphs b, c,
9 and f, Code 2023, are amended to read as follows:

10 b. The names and contact information for all persons
11 who directly or indirectly own more than ten percent of the
12 applicant and for the controlling person designated pursuant
13 to [section 543E.7](#), and such additional information the
14 ~~administrator~~ director may need to enforce section 543E.6,
15 subsection 1.

16 c. Information as reasonably necessary to establish the size
17 of the applicant's nationwide and Iowa appraiser panels, in
18 accordance with rules adopted by the ~~administrator~~ director.

19 f. Any additional information that is reasonably needed
20 for the ~~administrator~~ director to implement the provisions of
21 this chapter and assure that the applicant is eligible for
22 registration under this chapter.

23 Sec. 1687. Section 543E.9, Code 2023, is amended to read as
24 follows:

25 **543E.9 Registration renewal.**

26 1. A registration issued under [this chapter](#) shall be valid
27 for one year as provided by rule.

28 2. An application to renew registration shall be submitted
29 in the form and in the manner prescribed by the ~~administrator~~
30 director. The ~~administrator~~ director may further require
31 periodic disclosures of changes impacting registration, such as
32 a change in ownership or the designated controlling person.

33 3. An application to renew registration shall contain the

34 information described in [section 543E.8, subsection 2](#).

35 4. A registration issued under [this chapter](#) shall lapse if
1 not timely renewed, in accordance with rules adopted by the
2 ~~administrator~~ director.

3 5. A person holding a lapsed registration shall not directly
4 or indirectly engage in or attempt to engage in business as an
5 appraisal management company or advertise or hold itself out as
6 engaging in or conducting business as an appraisal management
7 company in this state until the registration has been
8 reinstated under the process prescribed by the ~~administrator~~
9 director by rule.

10 Sec. 1688. Section 543E.10, Code 2023, is amended to read
11 as follows:

12 **543E.10 Fees.**

13 1. The ~~administrator~~ director shall by rule establish fees
14 for registration, renewal, reinstatement, and such additional
15 fees as are reasonably necessary for the administration of this
16 chapter. The fees shall be established in consideration of
17 the costs of administering [this chapter](#) and the actual cost
18 of the specific service to be provided or performed. The
19 ~~administrator~~ director shall periodically review and adjust the
20 schedule of fees as needed to cover projected expenses.

21 2. Except as provided in [subsection 3](#), all fees collected
22 under [this chapter](#) shall be deposited into the ~~department of~~
23 commerce revolving fund created in section 546.12 and are
24 appropriated to the ~~administrator~~ director to be used to
25 administer [this chapter](#) including but not limited to purposes
26 such as examinations, investigations, and administrative
27 staffing. Notwithstanding [section 8.33](#), moneys appropriated
28 pursuant to this subsection are not subject to reversion to the
29 general fund of the state.

30 3. The ~~administrator~~ director shall ~~also~~ collect the
31 appraisal management company national registry fee from each
32 appraisal management company seeking to register in this state
33 and from federally regulated appraisal management companies

34 operating in this state. The ~~administrator~~ director shall
35 transfer all appraisal management company national registry
1 fees collected by the ~~administrator~~ director to the appraisal
2 subcommittee.

3 Sec. 1689. Section 543E.12, subsections 3 and 4, Code 2023,
4 are amended to read as follows:

5 3. An appraisal management company that has a reasonable
6 basis to believe an appraiser has materially failed to comply
7 with the uniform standards of professional appraisal practice
8 or has otherwise materially violated [chapter 543D](#) or this
9 chapter shall refer the matter to the ~~administrator~~ director
10 in conformance with applicable federal law and regulations.
11 An appraisal management company that has a reasonable basis
12 to believe another appraisal management company is failing
13 to comply with the provisions of [this chapter](#) shall refer
14 the matter to the ~~administrator~~ director in conformance with
15 section 272C.9, subsection 2.

16 4. An appraiser who is employed by or is on the appraiser
17 panel of an appraisal management company registered under this
18 chapter who has a reasonable basis to believe the appraisal
19 management company is in violation of [this chapter](#) shall refer
20 the matter to the ~~administrator~~ director.

21 Sec. 1690. Section 543E.13, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. An appraisal management company shall maintain a
24 detailed record of each service request the appraisal
25 management company receives involving real estate located in
26 this state and the identity of the appraiser who performs the
27 appraisal assignment. All such records shall be maintained for
28 at least five years after the request is sent by the appraisal
29 management company to the appraiser or the completion of the
30 appraisal report, whichever period expires later. An appraisal
31 management company shall maintain such additional records
32 regarding appraisal management services performed in this state
33 as the ~~administrator~~ director may specify by rule.

34 Sec. 1691. Section 543E.15, subsection 4, Code 2023, is
35 amended to read as follows:

1 4. Remove an appraiser from an appraiser panel without prior
2 written notice that identifies the basis for removal. Upon
3 request or in conjunction with an examination, an appraisal
4 management company shall forward to the ~~administrator~~ director
5 copies of such notices issued to an appraiser located or
6 certified in Iowa.

7 Sec. 1692. Section 543E.17, subsection 1, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 After notice and hearing, the ~~administrator~~ director may
10 revoke, suspend, or refuse to issue, renew, or reinstate
11 a registration; reprimand, censure, or limit the scope of
12 practice of any registrant; impose a civil penalty not to
13 exceed ten thousand dollars per violation; require remedial
14 action; or place any registrant on probation; all with or
15 without terms, conditions, or in combinations of remedies, for
16 any one or more of the following reasons:

17 Sec. 1693. Section 543E.17, subsection 2, unnumbered
18 paragraph 1, Code 2023, is amended to read as follows:

19 When determining whether to initiate a disciplinary
20 proceeding against an appraisal management company based
21 on actions or omissions by an employee, owner, director,
22 controlling person, or other agent of the appraisal
23 management company, the ~~administrator~~ director shall take into
24 consideration all of the following:

25 Sec. 1694. Section 543E.18, Code 2023, is amended to read
26 as follows:

27 **543E.18 Unlawful practice — complaints and investigations —**
28 **remedies and penalties.**

29 1. If, as the result of a complaint or otherwise, the
30 ~~administrator~~ director believes that a person has engaged, or
31 is about to engage, in an act or practice that constitutes or
32 will constitute a violation of **this chapter**, the ~~administrator~~
33 director may make application to the district court for an

34 order enjoining such act or practice. Upon a showing by the
35 ~~administrator~~ director that such person has engaged, or is
1 about to engage, in any such act or practice, an injunction,
2 restraining order, or other order as may be appropriate shall
3 be granted by the district court.

4 2. The ~~administrator~~ director may investigate a complaint
5 or initiate a complaint against a person who is not registered
6 under [this chapter](#) to determine whether grounds exist to make
7 application to the district court pursuant to [subsection 1](#) or
8 to issue an order pursuant to [subsection 3](#), and in connection
9 with such complaint or investigation may issue subpoenas to
10 compel witnesses to testify or persons to produce evidence
11 consistent with the provisions of section 272C.6, subsection
12 3, as needed to determine whether probable cause exists to
13 initiate a proceeding under this section or to make application
14 to the district court for an order enjoining a violation of
15 this chapter.

16 3. In addition to or as an alternative to making application
17 to the district court for an injunction, the ~~administrator~~
18 director may issue an order to a person who is not registered
19 under [this chapter](#) to require compliance with [this chapter](#)
20 and may impose a civil penalty against such person for any
21 violation specified in [subsection 4](#) in an amount up to ten
22 thousand dollars for each violation. All civil penalties
23 collected pursuant to [this section](#) shall be deposited in the
24 housing trust fund created in [section 16.181](#). An order issued
25 pursuant to [this section](#) may prohibit a person from applying
26 for registration under [this chapter](#) or certification or
27 registration under [chapter 543D](#).

28 4. The ~~administrator~~ director may impose a civil penalty
29 against a person who is not registered under [this chapter](#) for
30 any of the following:

- 31 a. A violation of [section 543E.4](#).
- 32 b. A violation of [section 543D.18A, subsection 1](#).
- 33 c. Fraud, deceit, or deception, through act or omission,

34 in connection with an application for registration under this
35 chapter.

1 5. The ~~administrator~~ director, before issuing an order
2 under [this section](#), shall provide the person written notice
3 and the opportunity to request a hearing. The hearing must
4 be requested within thirty days after receipt of the notice
5 and shall be conducted in the same manner as provided for
6 disciplinary proceedings involving a registrant under this
7 chapter.

8 6. A person aggrieved by the imposition of a civil penalty
9 under [this section](#) may seek judicial review pursuant to section
10 17A.19.

11 7. If a person fails to pay a civil penalty within thirty
12 days after entry of an order imposing the civil penalty, or if
13 the order is stayed pending an appeal, within ten days after
14 the court enters a final judgment in favor of the ~~administrator~~
15 director, the ~~administrator~~ director shall notify the attorney
16 general. The attorney general may commence an action to
17 recover the amount of the penalty, including reasonable
18 attorney fees and costs.

19 8. An action to enforce an order under [this section](#) may be
20 joined with an action for an injunction.

21 Sec. 1695. Section 543E.19, Code 2023, is amended to read
22 as follows:

23 **543E.19 Surety bond.**

24 1. The ~~administrator~~ director shall require that an
25 appraisal management company be covered by a surety bond in the
26 amount of twenty-five thousand dollars.

27 2. The surety bond shall be in a form as prescribed by
28 the ~~administrator~~ director. The ~~administrator~~ director may,
29 pursuant to rule, determine requirements for such surety
30 bonds as are necessary to accomplish the purposes of this
31 chapter. The requirements for a surety bond shall only relate
32 to liabilities, damages, losses, or claims arising out of
33 the appraisal management services performed by the appraisal

34 management company involving real estate located in this state.
35 The bond shall provide that a person having a claim against an
1 appraisal management company may bring suit directly on the
2 bond or the ~~administrator~~ director may bring suit on behalf of
3 such person.

4 Sec. 1696. Section 543E.20, subsections 1, 3, 4, and 5, Code
5 2023, are amended to read as follows:

6 1. The ~~administrator~~ director is vested with broad
7 administrative authority to administer, interpret, and enforce
8 this chapter and to promulgate rules implementing [this chapter](#).

9 3. The ~~administrator~~ director may conduct periodic
10 examinations of applicants or registrants under [this chapter](#) as
11 reasonably necessary to assure compliance with all or specific
12 provisions of [this chapter](#). All papers, documents, examination
13 reports, and other records relating to such examinations shall
14 be confidential as provided in [section 272C.6, subsection 4](#),
15 except as provided in [this section](#).

16 4. The ~~administrator~~ director may adopt rules governing
17 an appraiser's use of associate real estate appraisers while
18 performing appraisal assignments subject to [this chapter](#).
19 Associate real estate appraisers may provide appraisal services
20 under the supervision of a certified appraiser as provided
21 in [chapter 543D](#) and associated rules, but shall not be on an
22 appraiser panel of an appraisal management company.

23 5. The ~~administrator~~ director may require a national
24 criminal history check through the federal bureau of
25 investigation or, if authorized by federal law or regulation,
26 the nationwide mortgage licensing system and registry,
27 as defined in [section 535D.3](#), when conducting background
28 investigations under [this chapter](#). Except as inconsistent with
29 the registry, the following shall apply:

30 a. The ~~administrator~~ director may require owners and
31 controlling persons who are subject to the background
32 investigation provisions of [sections 543E.6 and 543E.7](#) to
33 provide a full set of fingerprints, in a form and manner

34 prescribed by the ~~administrator~~ director. Such fingerprints,
35 if required, shall be submitted to the federal bureau of
1 investigation through the state criminal history repository for
2 purposes of the national criminal history check.

3 *b.* The ~~administrator~~ director may also request and obtain,
4 notwithstanding [section 692.2, subsection 5](#), criminal history
5 data for owners and controlling persons who are subject to the
6 background investigation provisions of [sections 543E.6](#) and
7 [543E.7](#). A request for criminal history data shall be submitted
8 to the department of public safety, division of criminal
9 investigation, pursuant to [section 692.2, subsection 1](#).

10 *c.* The ~~administrator~~ director shall inform such owners and
11 controlling persons of the requirement of a national criminal
12 history check or request for criminal history data and obtain
13 a signed waiver from the applicant, certificate holder, or
14 registrant prior to requesting the check or data.

15 *d.* The ~~administrator~~ director may, in addition to any other
16 fees, charge and collect such amounts as may be incurred by the
17 ~~administrator~~ director, the department of public safety, or the
18 federal bureau of investigation in obtaining criminal history
19 information. Amounts collected shall be considered repayment
20 receipts as defined in [section 8.2](#).

21 *e.* Criminal history data and other criminal history
22 information relating to affected owners or controlling persons,
23 or their appraisal management companies obtained by the
24 ~~administrator~~ director pursuant to [this section](#) shall remain
25 confidential. Such information may, however, be used by the
26 ~~administrator~~ director in a registration denial, enforcement,
27 or disciplinary proceeding.

28 Sec. 1697. Section 543E.20, subsection 2, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:

30 In addition to the duties and powers conferred upon the
31 ~~administrator~~ director in [this chapter](#), the ~~administrator~~
32 director shall have the authority to adopt such rules as are
33 reasonably necessary to assure the ~~administrator's~~ director's

34 registration and supervision of appraisal management companies
35 comply with the minimum requirements of 12 U.S.C. §3352 and
1 related federal laws and regulations, with respect to any of
2 the following:

3 Sec. 1698. Section 544A.1, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The architectural examining board is created within the
6 ~~professional licensing and regulation bureau of the banking~~
7 ~~division of the department of commerce~~ inspections, appeals,
8 and licensing. The board consists of five members who possess
9 a license issued under [section 544A.9](#) and who have been in
10 active practice of architecture for not less than five years,
11 the last two of which shall have been in Iowa, and two members
12 who do not possess a license issued under [section 544A.9](#)
13 and who shall represent the general public. Members shall
14 be appointed by the governor subject to confirmation by the
15 senate.

16 Sec. 1699. Section 544A.5, Code 2023, is amended to read as
17 follows:

18 **544A.5 Duties.**

19 The architectural examining board shall enforce this
20 chapter, shall adopt rules pursuant to [chapter 17A](#) for the
21 examination of applicants for the license provided by this
22 chapter, and shall, after due public notice, hold meetings each
23 year for the purpose of examining applicants for licensure
24 and the transaction of business pertaining to the affairs of
25 the board. Examinations shall be given as often as deemed
26 necessary, but not less than annually. Action at a meeting
27 shall not be taken without the affirmative votes of a majority
28 of the members of the board. The ~~administrator~~ director of the
29 ~~professional licensing and regulation bureau of the banking~~
30 ~~division of the department of commerce~~ inspections, appeals,
31 and licensing shall hire and provide staff to assist the board
32 with implementing [this chapter](#).

33 Sec. 1700. Section 544B.3, subsection 1, Code 2023, is

34 amended to read as follows:

35 1. A landscape architectural examining board is created
1 within the ~~professional licensing and regulation bureau of the~~
2 ~~banking division of the~~ department of ~~commerce~~ inspections,
3 appeals, and licensing. The board consists of five members
4 who are professional landscape architects and two members
5 who are not professional landscape architects and who shall
6 represent the general public. Members shall be appointed by
7 the governor, subject to confirmation by the senate. Four of
8 the five professional members shall be actively engaged in the
9 practice of landscape architecture or the teaching of landscape
10 architecture in an accredited college or university, and shall
11 have been so engaged for five years preceding appointment,
12 the last two of which shall have been in Iowa. One of the
13 five professional members shall be actively engaged in the
14 practice of landscape architecture or the teaching of landscape
15 architecture in an accredited college or university, and may
16 have been so engaged for fewer than five years preceding
17 appointment but at least one year preceding appointment.
18 Associations or societies composed of professional landscape
19 architects may recommend the names of potential board members
20 to the governor. However, the governor is not bound by the
21 recommendations. A board member shall not be required to be a
22 member of any professional association or society composed of
23 professional landscape architects.

24 Sec. 1701. Section 544B.5, Code 2023, is amended to read as
25 follows:

26 **544B.5 Duties.**

27 The board shall enforce **this chapter** and shall make rules
28 for the examination of applicants for licensure. The board
29 shall keep a record of its proceedings. The board shall adopt
30 an official seal which shall be affixed to all certificates
31 of licensure granted. The board may make other rules, not
32 inconsistent with law, as necessary for the proper performance
33 of its duties. The board shall maintain a roster showing

34 the name, place of business, and residence, and the date and
35 number of the certificate of licensure of every professional
1 landscape architect in this state. The ~~administrator of the~~
2 ~~professional licensing and regulation bureau of the banking~~
3 ~~division~~ director of the department of commerce inspections,
4 appeals, and licensing shall hire and provide staff to assist
5 the board in implementing this chapter.

6 Sec. 1702. Section 544C.1, subsection 2, Code 2023, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 2. "*Department*" means the department of inspections,
10 appeals, and licensing.

11 Sec. 1703. Section 544C.2, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. An interior design examining board is established
14 within the ~~bureau~~ department. The board consists of seven
15 members: five members who are interior designers who are
16 registered under this chapter and who have been in the active
17 practice of interior design for not less than five years, the
18 last two of which shall have been in Iowa; and two members who
19 are not registered under this chapter and who shall represent
20 the general public. Members shall be appointed by the governor
21 subject to confirmation by the senate.

22 Sec. 1704. Section 544C.3, subsection 2, Code 2023, is
23 amended to read as follows:

24 2. The ~~administrator~~ director of the ~~bureau~~ department
25 shall provide staff to assist the board in the implementation
26 of this chapter.

27 Sec. 1705. Section 544C.5, unnumbered paragraph 1, Code
28 2023, is amended to read as follows:

29 Each applicant for registration must meet the interior
30 design education and practical training requirements adopted by
31 rule by the board, and have passed an examination prescribed
32 by the board that is task-oriented, focused on public
33 safety, and validated by a recognized testing agency. The

34 ~~bureau~~ department shall register an individual who submits
35 an application to the board on the form and in the manner
1 prescribed by the board as a registered interior designer if
2 the individual satisfies the following requirements:

3 Sec. 1706. Section 546.3, subsection 2, Code 2023, is
4 amended by striking the subsection.

5 Sec. 1707. Section 546.10, Code 2023, is amended to read as
6 follows:

7 **546.10 Professional licensing** Licensing and regulation bureau
8 ~~—superintendent of banking of business and commerce-related~~
9 professions.

10 1. a. The ~~professional licensing and regulation bureau of~~
11 ~~the banking division~~ department shall administer and coordinate
12 the licensing and regulation of several professions by bringing
13 together the following licensing boards:

14 ~~a.~~ (1) The engineering and land surveying examining board
15 created pursuant to chapter 542B.

16 ~~b.~~ (2) The Iowa accountancy examining board created
17 pursuant to chapter 542.

18 ~~c.~~ (3) The real estate commission created pursuant to
19 chapter 543B.

20 (4) The real estate appraiser examining board created
21 pursuant to chapter 543D.

22 ~~d.~~ (5) The architectural examining board created pursuant
23 to chapter 544A.

24 ~~e.~~ (6) The landscape architectural examining board created
25 pursuant to chapter 544B.

26 ~~f.~~ (7) The interior design examining board created pursuant
27 to chapter 544C.

28 b. The director shall administer chapter 543E.

29 2. ~~The bureau is headed by the administrator of professional~~
30 ~~licensing and regulation who shall be the superintendent~~
31 ~~of banking.~~ The ~~administrator~~ director shall appoint and
32 supervise staff and shall coordinate activities for the
33 licensing boards within the ~~bureau~~ department pursuant to

34 subsection 1 and for the administration of chapter 543E.

35 3. *a.* The licensing and regulation examining boards
 1 included in the bureau pursuant to subsection 1 retain the
 2 powers granted them pursuant to the chapters in which they
 3 are created, except for budgetary and personnel matters which
 4 shall be handled by the ~~administrator~~ director. Each licensing
 5 board shall adopt rules pursuant to chapter 17A. Decisions by
 6 a licensing board are final agency actions for purposes of
 7 chapter 17A.

8 *b.* Notwithstanding subsection 5, eighty-five percent of the
 9 funds received annually resulting from an increase in licensing
 10 fees implemented on or after April 1, 2002, by a licensing
 11 board or commission listed in subsection 1, paragraph "a",
 12 subparagraphs (1), (2), (3), (5), (6), and (7), is appropriated
 13 to the ~~professional licensing and regulation bureau~~ department
 14 to be allocated to the board or commission for the fiscal
 15 year beginning July 1, 2002, and succeeding fiscal years, for
 16 purposes related to the duties of the board or commission,
 17 including but not limited to additional full-time equivalent
 18 positions. In addition, notwithstanding subsection 5,
 19 twenty-five dollars from each real estate salesperson's license
 20 fee and each broker's license fee received pursuant to section
 21 543B.14 is appropriated to the ~~professional licensing and~~
 22 ~~regulation bureau~~ department for the purpose of hiring and
 23 compensating a real estate education director and regulatory
 24 compliance personnel. The director of the department of
 25 administrative services shall draw warrants upon the treasurer
 26 of state from the funds appropriated as provided in this
 27 section and shall make the funds available to the ~~professional~~
 28 ~~licensing and regulation bureau~~ department on a monthly basis
 29 during each fiscal year.

30 4. The ~~professional licensing and regulation bureau of~~
 31 ~~the banking division of the department of commerce~~ may expend
 32 additional funds, including funds for additional personnel, if
 33 those additional expenditures are directly the cause of actual

34 examination expenses exceeding funds budgeted for examinations.
35 Before the ~~bureau~~ department expends or encumbers an amount in
1 excess of the funds budgeted for examinations, the director of
2 the department of management shall approve the expenditure or
3 encumbrance. Before approval is given, the director of the
4 department of management shall determine that the examination
5 expenses exceed the funds budgeted by the general assembly to
6 the ~~bureau~~ department and the ~~bureau~~ department does not have
7 other funds from which the expenses can be paid. Upon approval
8 of the director of the department of management, the ~~bureau~~
9 department may expend and encumber funds for excess examination
10 expenses. The amounts necessary to fund the examination
11 expenses shall be collected as fees from additional examination
12 applicants and shall be treated as repayment receipts as
13 defined in [section 8.2, subsection 8](#).

14 5. Fees collected under [chapters 542, 542B, 543B, 544A,](#)
15 [544B, and 544C](#) shall be paid to the treasurer of state and
16 credited to the general fund of the state. All expenses
17 required in the discharge of the duties and responsibilities
18 imposed upon the ~~professional licensing and regulation bureau~~
19 ~~of the banking division of the department of commerce, the~~
20 ~~administrator~~ director, and the licensing boards by the laws
21 of this state shall be paid from moneys appropriated by the
22 general assembly for those purposes. All fees deposited into
23 the general fund of the state, as provided in [this subsection](#),
24 shall be subject to the requirements of [section 8.60](#).

25 6. The licensing boards included in the ~~bureau~~ department
26 pursuant to [subsection 1](#) may refuse to issue or renew a license
27 to practice a profession to any person otherwise qualified
28 upon any of the grounds for which a license may be revoked
29 or suspended or a licensee may otherwise be disciplined, or
30 upon any other grounds set out in the chapter governing the
31 respective board.

32 7. The licensing boards included in the ~~bureau~~ department
33 pursuant to [subsection 1](#) may suspend, revoke, or refuse to

34 issue or renew a license, or may discipline a licensee based
 35 upon a suspension, revocation, or other disciplinary action
 1 taken by a licensing authority in this or another state,
 2 territory, or country. For purposes of [this subsection](#),
 3 "*disciplinary action*" includes the voluntary surrender of
 4 a license to resolve a pending disciplinary investigation
 5 or proceeding. A certified copy of the record or order
 6 of suspension, revocation, voluntary surrender, or other
 7 disciplinary action is prima facie evidence of such fact.

8 8. Notwithstanding any other provision of law to the
 9 contrary, the licensing boards included within the ~~bureau~~
 10 department pursuant to [subsection 1](#) may by rule establish the
 11 conditions under which an individual licensed in a different
 12 jurisdiction may be issued a reciprocal or comity license, if,
 13 in the board's discretion, the applicant's qualifications for
 14 licensure are substantially equivalent to those required of
 15 applicants for initial licensure in this state.

16 9. Notwithstanding [section 272C.6](#), the licensing boards
 17 included within the ~~bureau~~ department pursuant to subsection
 18 1 may by rule establish the conditions under which the board
 19 may supply to a licensee who is the subject of a disciplinary
 20 complaint or investigation, prior to the initiation of a
 21 disciplinary proceeding, all or such parts of a disciplinary
 22 complaint, disciplinary or investigatory file, report, or other
 23 information, as the board in its sole discretion believes would
 24 aid the investigation or resolution of the matter.

25 10. Notwithstanding [section 17A.6, subsection 2](#), the
 26 licensing boards included within the ~~bureau~~ department pursuant
 27 to [subsection 1](#) may adopt standards by reference to another
 28 publication without providing a copy of the publication to the
 29 administrative code editor if the publication containing the
 30 standards is readily accessible on the internet at no cost and
 31 the internet site at which the publication may be found is
 32 included in the administrative rules that adopt the standard.

33 11. Renewal periods for all licenses and certificates of the

34 licensing boards included within the ~~bureau~~ department pursuant
35 to [subsection 1](#) may be annual or multiyear, as provided by
1 rule.

2 12. A quorum of a licensing board included within the
3 ~~bureau~~ department pursuant to [subsection 1](#) shall be a majority
4 of the members of the board and action may be taken upon a
5 majority vote of board members present at a meeting who are not
6 disqualified.

7 Sec. 1708. Section 710A.7, Code 2023, is amended to read as
8 follows:

9 **710A.7 Peace officer referral.**

10 If during the course of an investigation or prosecution
11 under [this chapter](#) a peace officer has reason to believe that
12 a person who purports to be licensed pursuant to [chapter 152C](#)
13 or [157](#) does not possess a valid license or is in violation of
14 any other state or federal laws, the peace officer may report
15 such noncompliance to the appropriate licensing board under
16 the ~~professional licensure division within the department of~~
17 public health inspections, appeals, and licensing, and to the
18 appropriate state or federal authorities.

19 Sec. 1709. Section 727.2, subsection 2, paragraph b,
20 subparagraph (2), Code 2023, is amended to read as follows:

21 (2) A person who uses or explodes display fireworks while
22 the use of such devices is suspended by an order of the ~~state~~
23 fire marshal director of the department of inspections,
24 appeals, and licensing pursuant to section 10A.511, subsection
25 6, commits a simple misdemeanor, punishable by a fine of not
26 less than two hundred fifty dollars.

27 Sec. 1710. Section 727.2, subsection 3, paragraph c,
28 subparagraph (2), Code 2023, is amended to read as follows:

29 (2) A person who uses or explodes consumer fireworks or
30 novelties while the use of such devices is suspended by an
31 order of the ~~state fire marshal~~ director of the department
32 of inspections, appeals, and licensing pursuant to section
33 10A.511, subsection 6, commits a simple misdemeanor, punishable

34 by a fine of not less than two hundred fifty dollars.

35 Sec. 1711. Section 904.318, subsection 2, Code 2023, is
1 amended to read as follows:

2 2. The ~~state fire marshal~~ director of the department
3 of inspections, appeals, and licensing or the director's
4 designee shall cause an annual inspection to be made of all the
5 institutions listed in [section 904.102](#) and shall make a written
6 report of the inspection to the director.

7 Sec. 1712. REPEAL. Sections 100D.8 and 100D.9, Code 2023,
8 are repealed.

9 Sec. 1713. 2015 Iowa Acts, chapter 138, section 97, is
10 amended to read as follows:

11 SEC. 97. RESIDENTIAL SWIMMING POOLS — PRIVATE SWIMMING
12 LESSONS. Notwithstanding any provision of law to the contrary,
13 the department of ~~public health~~ inspections, appeals, and
14 licensing shall require that a residential swimming pool used
15 for private swimming lessons for up to two hundred seven hours
16 in a calendar month, or the number of hours prescribed by local
17 ordinance applicable to such use of a residential swimming
18 pool, whichever is greater, be regulated as a residential
19 swimming pool used for commercial purposes pursuant to chapter
20 135I. The department of public health may adopt rules to
21 implement this section.

22 Sec. 1714. CODE EDITOR DIRECTIVE.

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

- 25 a. Section 100.11 to section 10A.513.
- 26 b. Section 100.12 to section 10A.514.
- 27 c. Section 100.13 to section 10A.515.
- 28 d. Section 100.14 to section 10A.516.
- 29 e. Section 100.16 to section 10A.517.
- 30 f. Section 100.18 to section 10A.518.
- 31 g. Section 100.19 to section 10A.519.
- 32 h. Section 100.19A to section 10A.520.
- 33 i. Section 100.26 to section 10A.521.

34 j. Section 100.31 to section 10A.522.

35 k. Section 100.35 to section 10A.523.

1 l. Section 100.38 to section 10A.525.

2 m. Section 100.39 to section 10A.524.

3 n. Section 135.11A to section 10A.503.

4 o. Section 135.11B to section 10A.504.

5 p. Section 135.31 to section 10A.505.

6 q. Section 135.37 to section 10A.531.

7 r. Section 135.37A to section 10A.532.

8 s. Section 135.105A to section 10A.902.

9 t. Section 135.105C to section 10A.903.

10 u. Section 546.10 to section 10A.506.

11 2. The Code editor is directed to rename article V of
12 chapter 10A as subchapter V and designate parts as follows:

13 a. Subchapter V shall be entitled "Licensing and
14 Regulation" and include sections 10A.501 through 10A.534.

15 b. Subchapter V, part 1, shall be entitled "General
16 Provisions" and include sections 10A.501 through 10A.510.

17 c. Subchapter V, part 2, shall be entitled "Fire Control"
18 and include sections 10A.511 through 10A.530.

19 d. Subchapter V, part 3, shall be entitled "Tattooing and
20 Hair Braiding" and include sections 10A.531 through 10A.534.

21 3. The Code editor is directed to create new subchapter
22 IX within chapter 10A which shall be entitled "Lead Abatement
23 Program" and include sections 10A.902 and 10A.903.

24 4. The Code editor may modify subchapter and part titles if
25 necessary and is directed to correct internal references in the
26 Code as necessary due to enactment of this section.

27 Sec. 1715. TRANSITION PROVISION. All fees collected under
28 chapters 543D and 543E and deposited into the department of
29 commerce revolving fund created in section 546.12, Code 2023,
30 as of the effective date of this division of this Act, shall be
31 transferred for deposit in the licensing and regulation fund as
32 created in this division of this Act.

33 ADMINISTRATIVE LAW JUDGES

34 Sec. 1716. Section 8A.415, subsection 1, paragraph b, Code
35 2023, is amended to read as follows:

1 b. If not satisfied, the employee may, within thirty
2 calendar days following the director's response, file an
3 appeal with the public employment relations board. The
4 hearing shall be conducted in accordance with the rules of the
5 public employment relations board and the Iowa administrative
6 procedure Act, [chapter 17A](#). Decisions rendered shall be based
7 upon a standard of substantial compliance with this subchapter
8 and the rules of the department. Decisions by the public
9 employment relations board constitute final agency action.
10 ~~However, if the employee is an administrative law judge~~
11 ~~appointed or employed by the public employment relations board,~~
12 ~~the employee's appeal shall be heard by an administrative law~~
13 ~~judge employed by the administrative hearings division of the~~
14 ~~department of inspections and appeals in accordance with the~~
15 ~~provisions of [section 10A.801](#), whose decision shall constitute~~
16 ~~final agency action.~~

17 Sec. 1717. Section 8A.415, subsection 2, paragraph b, Code
18 2023, is amended to read as follows:

19 b. If not satisfied, the employee may, within thirty
20 calendar days following the director's response, file an appeal
21 with the public employment relations board. The employee has
22 the right to a hearing closed to the public, unless a public
23 hearing is requested by the employee. The hearing shall
24 otherwise be conducted in accordance with the rules of the
25 public employment relations board and the Iowa administrative
26 procedure Act, [chapter 17A](#). If the public employment relations
27 board finds that the action taken by the appointing authority
28 was for political, religious, racial, national origin, sex,
29 age, or other reasons not constituting just cause, the employee
30 may be reinstated without loss of pay or benefits for the
31 elapsed period, or the public employment relations board may
32 provide other appropriate remedies. Decisions by the public
33 employment relations board constitute final agency action.

34 ~~However, if the employee is an administrative law judge~~
35 ~~appointed or employed by the public employment relations board,~~
1 ~~the employee's appeal shall be heard by an administrative law~~
2 ~~judge employed by the administrative hearings division of the~~
3 ~~department of inspections and appeals in accordance with the~~
4 ~~provisions of [section 10A.801](#), whose decision shall constitute~~
5 ~~final agency action.~~

6 Sec. 1718. Section 96.6, subsection 3, paragraph b, Code
7 2023, is amended to read as follows:

8 *b.* Appeals from the initial determination shall be heard by
9 an administrative law judge employed by the ~~department~~ division
10 of administrative hearings created by section 10A.801. An
11 administrative law judge's decision may be appealed by any
12 party to the employment appeal board created in [section 10A.601](#)
13 or directly to the district court.

14 Sec. 1719. Section 216.15, subsection 3, paragraph a, Code
15 2023, is amended to read as follows:

16 *a.* After the filing of a verified complaint, a true copy
17 shall be served within twenty days on the person against whom
18 the complaint is filed, except as provided in [subsection 4](#).
19 An authorized member of the commission staff shall make a
20 prompt investigation and shall issue a recommendation to an
21 administrative law judge employed ~~either by the commission or~~
22 by the division of administrative hearings created by section
23 10A.801, who shall then issue a determination of probable cause
24 or no probable cause.

25 Sec. 1720. Section 256.7, subsection 6, Code 2023, is
26 amended to read as follows:

27 6. Hear appeals of persons aggrieved by decisions of boards
28 of directors of school corporations under [chapter 290](#) and
29 other appeals prescribed by law. The state board may review
30 the record and shall review the decision of the director of
31 the department of education or the administrative law judge
32 employed by the division of administrative hearings created
33 by section 10A.801 and designated for any appeals heard and

34 decided by the director under [chapter 290](#), and may affirm,
35 modify, or vacate the decision, or may direct a rehearing
1 before the director.

2 Sec. 1721. Section 256B.6, subsection 4, Code 2023, is
3 amended to read as follows:

4 4. Notwithstanding [section 17A.11](#), the state board
5 of education shall adopt rules for the appointment of an
6 impartial administrative law judge employed by the division
7 of administrative hearings created by section 10A.801 for
8 special education appeals. The rules shall comply with federal
9 statutes and regulations.

10 Sec. 1722. Section 272.14, Code 2023, is amended to read as
11 follows:

12 **272.14 Appointment of administrative law judges.**

13 The board shall maintain a list of qualified persons
14 employed by the division of administrative hearings created
15 by section 10A.801 and who are experienced in the educational
16 system of this state to serve as administrative law judges when
17 a hearing is requested under [section 279.24](#). When requested
18 under [section 279.24](#), the board shall submit a list of five
19 qualified administrative law judges from the list maintained
20 by the board to the parties. The parties shall select one of
21 the five qualified persons to conduct the hearing as provided
22 in [section 279.24](#). The hearing shall be held pursuant to
23 the provisions of [chapter 17A](#) relating to contested cases.
24 The full costs of the hearing shall be shared equally by the
25 parties.

26 Sec. 1723. Section 279.24, subsection 5, paragraph c, Code
27 2023, is amended to read as follows:

28 c. Within five days after receipt of the written notice
29 that the school board has voted to consider termination of
30 the contract, the administrator may request a private hearing
31 in writing to the secretary of the school board. The board
32 shall then forward the notification to the board of educational
33 examiners along with a request that the board of educational

34 examiners submit a list of five qualified administrative law
35 judges who are employed by the division of administrative
1 hearings created by section 10A.801 to the parties. Within
2 three days from receipt of the list the parties shall select an
3 administrative law judge by alternately removing a name from
4 the list until only one name remains. The person whose name
5 remains shall be the administrative law judge. The parties
6 shall determine by lot which party shall remove the first name
7 from the list. The private hearing shall be held no sooner
8 than twenty days and not later than forty days following the
9 administrator's request unless the parties otherwise agree.
10 If the administrator does not request a private hearing,
11 the school board, not later than May 31, may determine the
12 continuance or discontinuance of the contract and, if the
13 board determines to continue the administrator's contract,
14 whether to suspend the administrator with or without pay for a
15 period specified by the board. School board action shall be by
16 majority roll call vote entered on the minutes of the meeting.
17 Notice of school board action shall be personally delivered or
18 mailed to the administrator.

19 CIVIL RIGHTS COMMISSION

20 Sec. 1724. Section 216.3, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. The Iowa state civil rights commission ~~shall consist~~
23 is created within the department of inspections, appeals, and
24 licensing consisting of seven members appointed by the governor
25 subject to confirmation by the senate. Appointments shall be
26 made to provide geographical area representation insofar as
27 practicable. No more than four members of the commission shall
28 belong to the same political party. Members appointed to the
29 commission shall serve for four-year staggered terms beginning
30 and ending as provided by [section 69.19](#).

31 CONFORMING CHANGES

32 Sec. 1725. Section 8A.412, subsection 19, Code 2023, is
33 amended to read as follows:

34 19. The superintendent of the banking division of the
35 department of commerce, all members of the state banking
1 council, and all employees of the banking division ~~except for~~
2 ~~employees of the professional licensing and regulation bureau~~
3 ~~of the division.~~

4 Sec. 1726. Section 8A.457, Code 2023, is amended to read as
5 follows:

6 **8A.457 Workers' compensation claims.**

7 The director shall employ appropriate staff to handle and
8 adjust claims of state employees for workers' compensation
9 benefits pursuant to chapter 10A, subchapter III, and
10 chapters 85, 85A, and 85B, and ~~86,~~ or, with the approval of
11 the executive council, contract for the services or purchase
12 workers' compensation insurance coverage for state employees or
13 selected groups of state employees. A state employee workers'
14 compensation fund is created in the state treasury under the
15 control of the department to pay state employee workers'
16 compensation claims and administrative costs. The department
17 shall establish a rating formula and assess premiums to all
18 agencies, departments, and divisions of the state including
19 those which have not received an appropriation for the payment
20 of workers' compensation insurance and which operate from
21 moneys other than from the general fund of the state. The
22 department shall collect the premiums and deposit them into the
23 state employee workers' compensation fund. Notwithstanding
24 section 8.33, moneys deposited in the state employee workers'
25 compensation fund shall not revert to the general fund of the
26 state at the end of any fiscal year, but shall remain in the
27 state employee workers' compensation fund and be continuously
28 available to pay state employee workers' compensation claims.
29 The director may, to the extent practicable, contract with
30 a private organization to handle the processing and payment
31 of claims and services rendered under the provisions of this
32 section.

33 Sec. 1727. Section 8A.504, subsection 3, Code 2023, is

34 amended to read as follows:

35 3. In the case of multiple claims to payments filed
1 under this section, priority shall be given to claims filed
2 by ~~the child support recovery unit services~~ or ~~the foster~~
3 ~~care recovery unit services~~, next priority shall be given to
4 claims filed by the clerk of the district court, next priority
5 shall be given to claims filed by the college student aid
6 commission, next priority shall be given to claims filed by
7 ~~the investigations division of the~~ department of inspections,
8 ~~and appeals,~~ and licensing relating to investigations by the
9 department, and last priority shall be given to claims filed by
10 other public agencies. In the case of multiple claims in which
11 the priority is not otherwise provided by this subsection,
12 priority shall be determined in accordance with rules to be
13 established by the director.

14 Sec. 1728. Section 8A.512, subsection 1, paragraph b,
15 subparagraph (1), Code 2023, is amended to read as follows:

16 (1) Claims by state employees for benefits pursuant to
17 chapter 10A, subchapter III, and chapters 85, 85A, and 85B,~~and~~
18 ~~86~~ are subject to limitations provided in those chapters.

19 Sec. 1729. Section 13B.1, subsection 3, Code 2023, is
20 amended to read as follows:

21 3. "Department" means the department of inspections, ~~and~~
22 appeals, and licensing.

23 Sec. 1730. Section 13B.2, Code 2023, is amended to read as
24 follows:

25 **13B.2 Position established.**

26 The position of state public defender is established within
27 the department of inspections, ~~and appeals,~~ and licensing. The
28 governor shall appoint the state public defender, who shall
29 serve at the pleasure of the governor, subject to confirmation
30 by the senate, no less frequently than once every four years,
31 whether or not there has been a new state public defender
32 appointed during that time, and shall establish the state
33 public defender's salary.

34 Sec. 1731. Section 13B.6, subsection 2, Code 2023, is
35 amended to read as follows:

1 2. The department of inspections, ~~and appeals,~~ and
2 licensing shall provide internal accounting and related fiscal
3 services for the state public defender.

4 Sec. 1732. Section 15.108, subsection 7, paragraph f, Code
5 2023, is amended to read as follows:

6 *f.* To the extent feasible, cooperate with the department of
7 workforce development and the division of workers' compensation
8 of the department of inspections, appeals, and licensing to
9 establish a program to educate existing employers and new or
10 potential employers on the rates and workings of the state
11 unemployment compensation program and the state workers'
12 compensation program.

13 Sec. 1733. Section 15E.208, subsection 4, paragraph b, Code
14 2023, is amended to read as follows:

15 *b.* An agricultural products processor, if the processor or
16 a person owning a controlling interest in the processor has
17 demonstrated, within the most recent consecutive three-year
18 period prior to the application for financing, a continuous and
19 flagrant disregard for the health and safety of its employees
20 or the quality of the environment. Violations of environmental
21 protection statutes, rules, or regulations shall be reported
22 for the most recent five-year period prior to application.
23 Evidence of such disregard shall include a history of serious
24 or uncorrected violations of state or federal law protecting
25 occupational health and safety or the environment, including
26 but not limited to serious or uncorrected violations of
27 occupational safety and health standards enforced by the
28 division of labor services of the department of ~~workforce~~
29 ~~development~~ inspections, appeals, and licensing pursuant to
30 chapter ~~84A~~ 10A, or rules enforced by the department of natural
31 resources pursuant to [chapter 455B](#) or [459](#), [subchapters II](#) and
32 [III](#).

33 Sec. 1734. Section 17A.11, subsection 1, paragraph c, Code

34 2023, is amended to read as follows:

35 *c.* For purposes of paragraph "a", the division of
1 administrative hearings established in [section 10A.801](#) shall
2 be treated as a wholly separate agency from the department of
3 inspections, and appeals, and licensing.

4 Sec. 1735. Section 35D.15, subsection 2, paragraph c,
5 subparagraph (2), subparagraph divisions (c), (d), and (e),
6 Code 2023, are amended to read as follows:

7 (c) If the member is not satisfied with the decision of the
8 commission, the member may appeal the commission's decision
9 by filing an appeal with the department of inspections, and
10 appeals, and licensing within five calendar days of being
11 notified in writing of the commission's decision.

12 (d) The department of inspections, and appeals, and
13 licensing shall render a decision on the appeal of the
14 commission's decision and notify the member of the decision,
15 in writing, within fifteen calendar days of the filing of the
16 appeal with the department.

17 (e) The maximum time period that shall elapse between
18 receipt by the member of the discharge notice and actual
19 discharge shall not exceed fifty-five days, which includes the
20 thirty-day discharge notice period and any time during which
21 any appeals to the commission or the department of inspections,
22 and appeals, and licensing are pending.

23 Sec. 1736. Section 35D.15, subsection 2, paragraph c,
24 subparagraph (3), Code 2023, is amended to read as follows:

25 (3) If a member is not satisfied with the decision of the
26 department of inspections, and appeals, and licensing, the
27 member may seek judicial review in accordance with [chapter 17A](#).
28 A member's discharge under [this subsection](#) shall be stayed
29 while judicial review is pending.

30 Sec. 1737. Section 35D.15, subsection 2, paragraph f, Code
31 2023, is amended to read as follows:

32 *f.* Any involuntary discharge by the commandant under
33 this subsection shall comply with the rules adopted by the

34 commission under this subsection and by the department of
35 inspections, and appeals, and licensing pursuant to section
1 135C.14, subsection 8, paragraph "f".

2 Sec. 1738. Section 53.8, subsection 3, paragraph a, Code
3 2023, is amended to read as follows:

4 a. When an application for an absentee ballot is received
5 by the commissioner of any county from a registered voter who
6 is a patient in a hospital in that county, a tenant of an
7 assisted living program in that county as shown by the list
8 of certifications provided the commissioner under section
9 231C.21, or a resident of any facility in that county shown to
10 be a health care facility by the list of licenses provided the
11 commissioner under section 135C.29, the absentee ballot shall
12 be delivered to the voter and returned to the commissioner in
13 the manner prescribed by section 53.22. For purposes of this
14 paragraph, "*assisted living program*" means a program certified
15 pursuant to section 231C.3 that meets the standards for a
16 dementia-specific assisted living program, as established
17 by rule by the department of inspections, and appeals, and
18 licensing.

19 Sec. 1739. Section 53.22, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. For purposes of this section, "*assisted living program*"
22 means a program certified pursuant to section 231C.3 that meets
23 the standards for a dementia-specific assisted living program,
24 as established by rule by the department of inspections, and
25 appeals, and licensing.

26 Sec. 1740. Section 68B.2, subsection 23, Code 2023, is
27 amended to read as follows:

28 23. "*Regulatory agency*" means the department of agriculture
29 and land stewardship, department of workforce development,
30 department of commerce, Iowa department of public health,
31 department of public safety, department of education, state
32 board of regents, department of human services, department of
33 revenue, department of inspections, and appeals, and licensing,

34 department of administrative services, public employment
35 relations board, state department of transportation, civil
1 rights commission, department of public defense, department of
2 homeland security and emergency management, Iowa ethics and
3 campaign disclosure board, and department of natural resources.

4 Sec. 1741. Section 73.16, subsection 2, paragraph c,
5 subparagraph (1), Code 2023, is amended to read as follows:

6 (1) The director of each department and agency of state
7 government shall cooperate with the director of the department
8 of inspections, ~~and appeals,~~ and licensing, the director of
9 the economic development authority, and the director of the
10 department of management and do all acts necessary to carry out
11 the provisions of [this subchapter](#).

12 Sec. 1742. Section 80.15, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. During the period of twelve months after appointment, a
15 peace officer of the department is subject to dismissal at the
16 will of the commissioner. After the twelve months' service,
17 a peace officer of the department, who was appointed after
18 having passed the examinations, is not subject to dismissal,
19 suspension, disciplinary demotion, or other disciplinary action
20 resulting in the loss of pay unless charges have been filed
21 with the department of inspections, ~~and appeals,~~ and licensing
22 and a hearing held by the employment appeal board created by
23 section 10A.601, if requested by the peace officer, at which
24 the peace officer has an opportunity to present a defense
25 to the charges. The decision of the appeal board is final,
26 subject to the right of judicial review in accordance with
27 the terms of the Iowa administrative procedure Act, chapter
28 17A. However, these procedures as to dismissal, suspension,
29 demotion, or other discipline do not apply to a peace officer
30 who is covered by a collective bargaining agreement which
31 provides otherwise, and do not apply to the demotion of a
32 division head to the rank which the division head held at the
33 time of appointment as division head, if any. A division head

34 who is demoted has the right to return to the rank which the
35 division head held at the time of appointment as division head,
1 if any.

2 Sec. 1743. Section 84A.5, subsection 6, Code 2023, is
3 amended to read as follows:

4 6. The director of the department of workforce development
5 shall form a coordinating committee composed of the director
6 of the department of workforce development, ~~the labor~~
7 ~~commissioner, the workers' compensation commissioner,~~ and
8 other administrators. The committee shall monitor federal
9 compliance issues relating to coordination of functions ~~among~~
10 ~~the divisions~~ within the department.

11 Sec. 1744. Section 85.3, subsection 2, Code 2023, is amended
12 to read as follows:

13 2. Any employer who is a nonresident of this state, for whom
14 services are performed within this state by any employee, is
15 deemed to be doing business in this state by virtue of having
16 such services performed and the employer and employee shall
17 be subject to the jurisdiction of the workers' compensation
18 commissioner and to all of the provisions of chapter 10A,
19 subchapter III, this chapter, and chapters 85A, 85B, 86, and
20 87, as to any and all personal injuries sustained by the
21 employee arising out of and in the course of such employment
22 within this state. In addition, every corporation, individual,
23 personal representative, partnership, or association that has
24 the necessary minimum contact with this state shall be subject
25 to the jurisdiction of the workers' compensation commissioner,
26 and the workers' compensation commissioner shall hold such
27 corporation, individual, personal representative, partnership,
28 or association amenable to suit in this state in every case not
29 contrary to the provisions of the Constitution of the United
30 States.

31 Sec. 1745. Section 85.3, subsection 3, paragraph b, Code
32 2023, is amended to read as follows:

33 *b.* In addition to those persons authorized to receive

34 personal service as in civil actions as permitted by chapter
 35 17A and [this chapter](#), such employer shall be deemed to have
 1 appointed the secretary of state of this state as its lawful
 2 attorney upon whom may be served or delivered any and all
 3 notices authorized or required by the provisions of chapter
 4 10A, subchapter III, [this chapter](#), and [chapters 85A, 85B, ~~86~~](#)
 5 [87](#), and [17A](#), and to agree that any and all such services or
 6 deliveries of notice on the secretary of state shall be of the
 7 same legal force and validity as if personally served upon or
 8 delivered to such nonresident employer in this state.

9 Sec. 1746. Section 85.26, subsections 1 and 2, Code 2023,
 10 are amended to read as follows:

11 1. An original proceeding for benefits under chapter
 12 10A, subchapter III, [this chapter](#), or [chapter 85A](#), or [85B](#),
 13 ~~or [86](#)~~, shall not be maintained in any contested case unless
 14 the proceeding is commenced within two years from the date of
 15 the occurrence of the injury for which benefits are claimed
 16 or, if weekly compensation benefits are paid under section
 17 86.13, within three years from the date of the last payment
 18 of weekly compensation benefits. For the purposes of this
 19 section, "*date of the occurrence of the injury*" means the date
 20 that the employee knew or should have known that the injury was
 21 work-related.

22 2. An award for payments or an agreement for settlement
 23 provided by [section 86.13](#) for benefits under [this chapter](#) or
 24 chapter 85A or [85B](#), where the amount has not been commuted,
 25 may be reviewed upon commencement of reopening proceedings
 26 by the employer or the employee within three years from the
 27 date of the last payment of weekly benefits made under the
 28 award or agreement. If an award for payments or agreement for
 29 settlement as provided by [section 86.13](#) for benefits under this
 30 chapter or [chapter 85A](#) or [85B](#) has been made and the amount
 31 has not been commuted, or if a denial of liability is not
 32 filed with the workers' compensation commissioner and notice
 33 of the denial is not mailed to the employee, in the form and

34 manner required by the commissioner, within six months of the
35 commencement of weekly compensation benefits, the commissioner
1 may at any time upon proper application make a determination
2 and appropriate order concerning the entitlement of an employee
3 to benefits provided for in [section 85.27](#). The failure to
4 file a denial of liability does not constitute an admission of
5 liability under chapter 10A, subchapter III, [this chapter](#), or
6 chapter 85A, or [85B](#), ~~or 86~~.

7 Sec. 1747. Section 85.31, subsection 5, Code 2023, is
8 amended to read as follows:

9 5. Except as otherwise provided by treaty, whenever, under
10 the provisions of chapter 10A, subchapter III, [this chapter](#),
11 and ~~chapters 86~~ and chapter 87, compensation is payable to a
12 dependent who is an alien not residing in the United States at
13 the time of the injury, the employer shall pay fifty percent of
14 the compensation herein otherwise provided to such dependent,
15 and the other fifty percent shall be paid into the second
16 injury fund in the custody of the treasurer of state. But if
17 the nonresident alien dependent is a citizen of a government
18 having a compensation law which excludes citizens of the United
19 States, either resident or nonresident, from partaking of the
20 benefits of such law in as favorable degree as herein extended
21 to the nonresident alien, then the compensation which would
22 otherwise be payable to the dependent shall be paid into the
23 second injury fund in the custody of the treasurer of state.

24 Sec. 1748. Section 85.34, subsections 4, 5, and 7, Code
25 2023, are amended to read as follows:

26 4. *Credits for excess payments.* If an employee is paid
27 weekly compensation benefits for temporary total disability
28 under [section 85.33, subsection 1](#), for a healing period
29 under [section 85.34, subsection 1](#), or for temporary partial
30 disability under [section 85.33, subsection 2](#), in excess of that
31 required by chapter 10A, subchapter III, [this chapter](#), and
32 chapters 85A, and [85B](#), ~~and 86~~, the excess paid by the employer
33 shall be credited against the liability of the employer for

34 any future weekly benefits due for an injury to that employee,
 35 provided that the employer or the employer's representative has
 1 acted in good faith in determining and notifying an employee
 2 when the temporary total disability, healing period, or
 3 temporary partial disability benefits are terminated.

4 5. *Recovery of employee overpayment.* If an employee is paid
 5 any weekly benefits in excess of that required by chapter 10A,
 6 subchapter III, this chapter, and chapters 85A, and 85B, and
 7 86, the excess paid by the employer shall be credited against
 8 the liability of the employer for any future weekly benefits
 9 due pursuant to subsection 2, for any current or subsequent
 10 injury to the same employee.

11 7. *Successive disabilities.* An employer is liable for
 12 compensating only that portion of an employee's disability that
 13 arises out of and in the course of the employee's employment
 14 with the employer and that relates to the injury that serves
 15 as the basis for the employee's claim for compensation under
 16 chapter 10A, subchapter III, this chapter, or chapter 85A, or
 17 85B, or 86. An employer is not liable for compensating an
 18 employee's preexisting disability that arose out of and in the
 19 course of employment from a prior injury with the employer,
 20 to the extent that the employee's preexisting disability has
 21 already been compensated under chapter 10A, subchapter III,
 22 this chapter, or chapter 85A, or 85B, or 86. An employer is not
 23 liable for compensating an employee's preexisting disability
 24 that arose out of and in the course of employment with a
 25 different employer or from causes unrelated to employment.

26 Sec. 1749. Section 85.35, subsections 1 and 10, Code 2023,
 27 are amended to read as follows:

28 1. The parties to a contested case or persons who are
 29 involved in a dispute which could culminate in a contested case
 30 may enter into a settlement of any claim arising under chapter
 31 10A, subchapter III, this chapter, or chapter 85A, or 85B, or
 32 86, providing for disposition of the claim. The settlement
 33 shall be in writing on forms prescribed by the workers'

34 compensation commissioner and submitted to the workers'
35 compensation commissioner for approval.

1 10. Approval of a settlement by the workers' compensation
2 commissioner is binding on the parties and shall not be
3 construed as an original proceeding. Notwithstanding any
4 provisions of chapter 10A, subchapter III, this chapter,
5 and chapters 85A, 85B, 86, and 87, an approved compromise
6 settlement shall constitute a final bar to any further rights
7 arising under chapter 10A, subchapter III, this chapter, and
8 chapters 85A, 85B, 86, and 87 regarding the subject matter of
9 the compromise and a payment made pursuant to a compromise
10 settlement agreement shall not be construed as the payment of
11 weekly compensation.

12 Sec. 1750. Section 85.55, subsection 2, unnumbered
13 paragraph 1, Code 2023, is amended to read as follows:

14 For purposes of chapter 10A, subchapter III, this chapter,
15 and ~~chapters 86~~ and chapter 87, a franchisor shall not be
16 considered to be an employer of a franchisee or of an employee
17 of a franchisee unless any of the following conditions apply:

18 Sec. 1751. Section 85.59, subsection 7, Code 2023, is
19 amended to read as follows:

20 7. Responsibility for the filings required by ~~chapter~~
21 ~~86~~ chapter 10A, subchapter III, for injuries resulting in
22 permanent disability or death and as modified by this section
23 shall be made in the same manner as for other employees of the
24 institution.

25 Sec. 1752. Section 85.60, Code 2023, is amended to read as
26 follows:

27 **85.60 Injuries while in work-based learning opportunity,**
28 **employment training, or evaluation.**

29 A person participating in a work-based learning opportunity
30 referred to in section 85.61, or receiving earnings while
31 engaged in employment training or while undergoing an
32 employment evaluation under the direction of a rehabilitation
33 facility approved for purchase-of-service contracts or for

34 referrals by the department of human services or the department
 35 of education, who sustains an injury arising out of and in the
 1 course of the work-based learning opportunity participation,
 2 employment training, or employment evaluation is entitled
 3 to benefits as provided in chapter 10A, subchapter III,
 4 this chapter, chapter 85A, and chapter 85B, ~~and chapter 86.~~
 5 Notwithstanding the minimum benefit provisions of this chapter,
 6 a person referred to in this section and entitled to benefits
 7 under this chapter is entitled to receive a minimum weekly
 8 benefit amount for a permanent partial disability under section
 9 85.34, subsection 2, or for a permanent total disability under
 10 section 85.34, subsection 3, equal to the weekly benefit amount
 11 of a person whose gross weekly earnings are thirty-five percent
 12 of the statewide average weekly wage computed pursuant to
 13 section 96.3 and in effect at the time of the injury.

14 Sec. 1753. Section 85.61, unnumbered paragraph 1, Code
 15 2023, is amended to read as follows:

16 In chapter 10A, subchapter III, this chapter, and ~~chapters~~
 17 ~~86 and chapter 87,~~ unless the context otherwise requires, the
 18 following definitions of terms shall prevail:

19 Sec. 1754. Section 85.61, subsection 12, paragraph b, Code
 20 2023, is amended to read as follows:

21 *b.* The term "worker" or "employee" shall include the
 22 singular and plural. Any reference to a worker or employee
 23 who has been injured shall, when such worker or employee
 24 is dead, include the worker's or employee's dependents as
 25 defined in this chapter or the worker's or employee's legal
 26 representatives; and where the worker or employee is a minor
 27 or incompetent, it shall include the minor's or incompetent
 28 person's guardian, next friend, or trustee. Notwithstanding
 29 any law prohibiting the employment of minors, all minor
 30 employees shall be entitled to the benefits of chapter 10A,
 31 subchapter III, this chapter, and ~~chapters 86 and chapter 87~~
 32 regardless of the age of such minor employee.

33 Sec. 1755. Section 85.70, subsection 2, paragraph f, Code

34 2023, is amended to read as follows:

35 *f.* Beginning on or before December 1, 2018, the department
1 of workforce development, in cooperation with the department of
2 education, the workers' compensation division of the department
3 of inspections, appeals, and licensing, the insurance division
4 of the department of commerce, and all community colleges
5 that are participating in the new career vocational training
6 and education program, shall prepare an annual report for
7 submission to the general assembly that provides information
8 about the status of the program including but not limited to
9 the utilization of and participants in the program, program
10 completion rates, employment rates after completion of the
11 program and the types of employment obtained by the program
12 participants, and the effects of the program on workers'
13 compensation premium rates.

14 Sec. 1756. Section 85B.14, Code 2023, is amended to read as
15 follows:

16 **85B.14 Applicable chapters.**

17 ~~Chapters~~ Chapter 10A, subchapter III, and chapters 17A,
18 and 85, and ~~86,~~ so far as applicable, and not inconsistent
19 with this chapter, apply in cases of compensable occupational
20 hearing loss.

21 Sec. 1757. Section 87.1, subsection 1, Code 2023, is amended
22 to read as follows:

23 1. Every employer subject to the provisions of chapter
24 10A, subchapter III, this chapter, and chapters 85, 85A, and
25 85B, and ~~86,~~ unless relieved as hereinafter provided from the
26 requirements imposed under chapter 10A, subchapter III, this
27 chapter, and chapters 85, 85A, and 85B, and ~~86,~~ shall insure
28 the employer's liability under chapter 10A, subchapter III,
29 this chapter, and chapters 85, 85A, and 85B, and ~~86~~ in some
30 corporation, association, or organization approved by the
31 commissioner of insurance.

32 Sec. 1758. Section 87.2, subsection 2, Code 2023, is amended
33 to read as follows:

34 2. An employer coming under the provisions of chapter 10A,
35 subchapter III, this chapter, and chapters 85, 85A, and 85B,
1 ~~and 86~~ who fails to comply with this section, or to post and
2 keep the above notice in the manner and form required, shall be
3 guilty of a simple misdemeanor.

4 Sec. 1759. Section 87.6, Code 2023, is amended to read as
5 follows:

6 **87.6 Certificate of approval.**

7 When such scheme or plan is approved by the workers'
8 compensation commissioner, the commissioner shall issue a
9 certificate to that effect, whereupon it shall be legal for
10 such employer, or group of employers, to contract with any or
11 all of the workers of the employer or group of employers to
12 substitute such scheme or plan for the provisions relating to
13 compensation and insurance during a period of time fixed by
14 ~~said department~~ the insurance division of the department of
15 insurance and financial services.

16 Sec. 1760. Section 87.11, subsections 3 and 4, Code 2023,
17 are amended to read as follows:

18 3. a. If an employer becomes insolvent and a debtor under
19 11 U.S.C., on or after January 1, 1990, the commissioner of
20 insurance may request of the workers' compensation commissioner
21 that all future payments of workers' compensation weekly
22 benefits, medical expenses, or other payments pursuant to
23 chapter 10A, subchapter III, this chapter, or chapter 85, 85A,
24 or 85B, ~~or 86,~~ be commuted to a present lump sum. The workers'
25 compensation commissioner shall fix the lump sum of probable
26 future medical expenses and weekly compensation benefits, or
27 other benefits payable pursuant to chapter 10A, subchapter III,
28 this chapter, or chapter 85, 85A, or 85B, ~~or 86,~~ capitalized
29 at their present value upon the basis of interest at the rate
30 provided in section 535.3 for court judgments and decrees. The
31 commissioner of insurance shall be discharged from all further
32 liability for the commuted workers' compensation claim upon
33 payment of the present lump sum to either the claimant, or a

34 licensed insurer for purchase of an annuity or other periodic
35 payment plan for the benefit of the claimant.

1 *b.* The commissioner of insurance shall not be required to
2 pay more for all claims of an insolvent self-insured employer
3 than is available for payment of such claims from the security
4 given under [this section](#).

5 4. Notwithstanding contrary provisions of [section 85.45](#),
6 any future payment of medical expenses, weekly compensation
7 benefits, or other payments by the commissioner of insurance
8 from the security given under [this section](#), pursuant to
9 [chapter 10A, subchapter III, this chapter, or chapter 85, 85A,](#)
10 [or 85B, or ~~86~~](#), shall be deemed an undue expense, hardship,
11 or inconvenience upon the employer for purposes of a full
12 commutation pursuant to [section 85.45, subsection 1](#), paragraph
13 "b".

14 Sec. 1761. Section 87.13, Code 2023, is amended to read as
15 follows:

16 **87.13 Interpretative clause.**

17 All provisions in [chapter 10A, subchapter III, and chapters](#)
18 [85, 85A, 85B, ~~86~~](#), and [this chapter](#) relating to compensation
19 for injuries sustained arising out of and in the course of
20 employment in the operation of coal mines or production of
21 coal under any system of removing coal for sale are exclusive,
22 compulsory and obligatory upon the employer and employee in
23 such employment.

24 Sec. 1762. Section 87.14A, Code 2023, is amended to read as
25 follows:

26 **87.14A Insurance required.**

27 An employer subject to [chapter 10A, subchapter III, this](#)
28 [chapter, and chapters 85, 85A, and 85B, and ~~86~~](#) shall not
29 engage in business without first obtaining insurance covering
30 compensation benefits or obtaining relief from insurance as
31 provided in [this chapter](#). A person who willfully and knowingly
32 violates [this section](#) is guilty of a class "D" felony.

33 Sec. 1763. Section 87.21, unnumbered paragraph 1, Code

34 2023, is amended to read as follows:

35 Any employer, except an employer with respect to an exempt
1 employee under [section 85.1](#), who has failed to insure the
2 employer's liability in one of the ways provided in this
3 chapter, unless relieved from carrying such insurance as
4 provided in [section 87.11](#), is liable to an employee for
5 a personal injury in the course of and arising out of the
6 employment, and the employee may enforce the liability by an
7 action at law for damages, or may collect compensation as
8 provided in chapter 10A, subchapter III, and [chapters 85, 85A,](#)
9 [and 85B,](#) ~~and [86](#)~~. In actions by the employee for damages under
10 this section, the following rules apply:

11 Sec. 1764. Section 88.1, subsection 3, Code 2023, is amended
12 to read as follows:

13 3. Authorizing the labor commissioner to set mandatory
14 occupational safety and health standards applicable to
15 businesses, and by providing for an adjudicatory process
16 through the employment appeal board within the department
17 of inspections, and appeals, and licensing for carrying out
18 adjudicatory functions under [this chapter](#).

19 Sec. 1765. Section 88.2, subsections 1 and 4, Code 2023, are
20 amended to read as follows:

21 1. The labor commissioner, appointed pursuant to section
22 91.2, and the division of labor services of the department
23 of ~~workforce development~~ inspections, appeals, and licensing
24 created in ~~[section 84A.1](#)~~ [10A.106](#) shall administer [this chapter](#).

25 4. Subject to the approval of the director of the
26 department of ~~workforce development~~ inspections, appeals, and
27 licensing, the labor commissioner may enter into contracts
28 with any state agency, with or without reimbursement, for
29 the purpose of obtaining the services, facilities, and
30 personnel of the agency, and with the consent of any state
31 agency or any political subdivision of the state, accept and
32 use the services, facilities, and personnel of the agency or
33 political subdivision, and employ experts and consultants or

34 organizations, in order to expeditiously, efficiently, and
35 economically effectuate the purposes of [this chapter](#). The
1 agreements under [this subsection](#) are subject to approval of the
2 executive council if approval is required by law.

3 Sec. 1766. Section 88A.1, subsections 4 and 6, Code 2023,
4 are amended by striking the subsections.

5 Sec. 1767. Section 88A.1, Code 2023, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 6A. "*Department*" means the department of
8 inspections, appeals, and licensing.

9 NEW SUBSECTION. 6B. "*Director*" means the director of the
10 department of inspections, appeals, and licensing.

11 Sec. 1768. Section 88A.2, Code 2023, is amended to read as
12 follows:

13 **88A.2 Permit required.**

14 1. No amusement device or ride, concession booth, or any
15 related electrical equipment shall be operated at a carnival
16 or fair in this state without a permit having been issued by
17 the ~~commissioner~~ director to an operator of such equipment. On
18 or before the first of May of each year, any person required
19 to obtain a permit by [this chapter](#) shall apply to the ~~division~~
20 department for a permit on a form furnished by the ~~commissioner~~
21 director which form shall contain such information as the
22 ~~commissioner~~ director may require. The ~~commissioner~~ director
23 may waive the requirement that an application for a permit
24 must be filed on or before the first of May of each year if
25 the applicant gives satisfactory proof to the ~~commissioner~~
26 director that the applicant could not reasonably comply with
27 the date requirement and if the applicant immediately applies
28 for a permit after the need for a permit is first determined.
29 For the purpose of determining if an amusement ride, amusement
30 device, concession booth, or any related electrical equipment
31 is in safe operating condition and will provide protection
32 to the public using such ride, device, booth, or related
33 electrical equipment, each amusement ride, amusement device,

34 concession booth, or related electrical equipment shall be
35 inspected by the ~~commissioner~~ director before it is initially
1 placed in operation in this state, and shall thereafter be
2 inspected at least once each year.

3 2. If, after inspection, an amusement device or ride,
4 concession booth, or related electrical equipment is found
5 to comply with the rules adopted under **this chapter**, the
6 ~~commissioner~~ director shall, upon payment of the permit fee
7 and the inspection fee, permit the operation of the amusement
8 device or ride or concession booth or to use any related
9 electrical equipment.

10 3. If, after inspection, additions or alterations
11 are contemplated which change a structure, mechanism,
12 classification, or capacity, the operator shall notify the
13 ~~commissioner~~ director of the operator's intentions in writing
14 and provide any plans or diagrams requested by the ~~commissioner~~
15 director.

16 Sec. 1769. Section 88A.3, Code 2023, is amended to read as
17 follows:

18 **88A.3 Rules.**

19 1. The ~~commissioner~~ director shall adopt rules pursuant to
20 chapter 17A for the safe installation, repair, maintenance,
21 use, operation, and inspection of amusement devices, amusement
22 rides, concession booths, and related electrical equipment at
23 carnivals and fairs to the extent necessary for the protection
24 of the public. The rules shall be based on generally accepted
25 engineering standards and shall be concerned with, but not
26 necessarily limited to, engineering force stresses, safety
27 devices, and preventive maintenance. If standards are
28 available in suitable form, the standards may be incorporated
29 by reference. The rules shall provide for the reporting of
30 accidents and injuries incurred from the operation of amusement
31 devices or rides, concession booths, or related electrical
32 equipment.

33 2. The ~~commissioner~~ director may modify or repeal any rule

34 adopted under the provisions of [this chapter](#).

35 Sec. 1770. Section 88A.5, Code 2023, is amended to read as
1 follows:

2 **88A.5 Fees to general fund.**

3 All fees collected by the ~~division~~ department under
4 the provisions of [this chapter](#) shall be transmitted to the
5 treasurer of state and credited by the treasurer to the general
6 fund of the state.

7 Sec. 1771. Section 88A.6, Code 2023, is amended to read as
8 follows:

9 **88A.6 Personnel.**

10 The ~~commissioner~~ director may employ inspectors and any
11 other personnel deemed necessary to carry out the provisions
12 of [this chapter](#), subject to the provisions of chapter 8A,
13 subchapter IV.

14 Sec. 1772. Section 88A.7, Code 2023, is amended to read as
15 follows:

16 **88A.7 Cessation order.**

17 The ~~commissioner~~ director may order, in writing, a temporary
18 cessation of operation of any amusement device or ride,
19 concession booth, or related electrical equipment if it has
20 been determined after inspection to be hazardous or unsafe.
21 Operation of the amusement device or ride, concession booth or
22 related electrical equipment shall not resume until the unsafe
23 or hazardous condition is corrected to the satisfaction of the
24 ~~commissioner~~ director.

25 Sec. 1773. Section 88A.8, Code 2023, is amended to read as
26 follows:

27 **88A.8 Judicial review.**

28 Judicial review of action of the ~~commissioner~~ director
29 may be sought in accordance with the terms of the Iowa
30 administrative procedure Act, [chapter 17A](#).

31 Sec. 1774. Section 88A.10, subsections 1 and 2, Code 2023,
32 are amended to read as follows:

33 1. Any person who operates an amusement device or ride,

34 concession booth or related electrical equipment at a carnival
35 or fair without having obtained a permit from the ~~commissioner~~
1 director or who violates any order or rule issued by the
2 ~~commissioner~~ director under **this chapter** is guilty of a serious
3 misdemeanor.

4 2. A person who interferes with, impedes, or obstructs in
5 any manner the ~~commissioner~~ director in the performance of the
6 ~~commissioner's~~ director's duties under **this chapter** is guilty
7 of a simple misdemeanor. A person who bribes or attempts to
8 bribe the ~~commissioner~~ director is subject to **section 722.1**.

9 Sec. 1775. Section 88A.11, subsections 3 and 4, Code 2023,
10 are amended to read as follows:

11 3. The ~~commissioner~~ director may exempt amusement devices
12 from the provisions of **this chapter** that have self-contained
13 wiring installed by the manufacturer, that are operated
14 manually by the use of hands or feet, that operate on less than
15 one hundred twenty volts of electrical power, and that are
16 fixtures or appliances within or part of a structure subject to
17 the building code of this state or any political subdivision
18 of this state.

19 4. The ~~commissioner~~ director may exempt playground
20 equipment owned, maintained, and operated by any political
21 subdivision of this state.

22 Sec. 1776. Section 88A.13, Code 2023, is amended to read as
23 follows:

24 **88A.13 Waiver of inspection.**

25 The ~~commissioner~~ director may waive the requirement that
26 an amusement device or ride or any part thereof be inspected
27 before being operated in this state if an operator gives
28 satisfactory proof to the ~~commissioner~~ director that the
29 amusement device or ride or any part thereof has passed an
30 inspection conducted by a public or private agency whose
31 inspection standards and requirements are at least equal
32 to those requirements and standards established by the
33 ~~commissioner~~ director under the provisions of **this chapter**.

34 The annual permit and inspection fees shall be paid before the
35 ~~commissioner~~ director may waive this requirement.

1 Sec. 1777. Section 88A.14, Code 2023, is amended to read as
2 follows:

3 **88A.14 Injunction.**

4 In addition to any and all other remedies, if an owner,
5 operator, or person in charge of any amusement device or ride,
6 concession booth, or related electrical equipment covered by
7 this chapter, continues to operate any amusement device or
8 ride, concession booth, or related electrical equipment covered
9 by **this chapter**, after receiving a notice of defect as provided
10 by **this chapter**, without first correcting the defects or making
11 replacements, the ~~commissioner~~ director may petition the
12 district court in equity, in an action brought in the name of
13 the state, for a writ of injunction to restrain the use of the
14 alleged defective amusement device or ride, concession booth,
15 or related electrical equipment.

16 Sec. 1778. Section 88B.1, subsections 3 and 4, Code 2023,
17 are amended by striking the subsections and inserting in lieu
18 thereof the following:

19 3. "*Department*" means the department of inspections,
20 appeals, and licensing.

21 4. "*Director*" means the director of the department of
22 inspections, appeals, and licensing.

23 Sec. 1779. Section 88B.1, subsections 5 and 6, Code 2023,
24 are amended to read as follows:

25 5. "*License*" means an authorization issued by the ~~division~~
26 department permitting an individual person, including a
27 supervisor or contractor, to work on an asbestos project, to
28 inspect buildings for asbestos-containing building materials,
29 to develop management plans, and to act as an asbestos project
30 designer.

31 6. "*Permit*" means an authorization issued by the ~~division~~
32 department permitting a business entity to remove or
33 encapsulate asbestos.

34 Sec. 1780. Section 88B.3, Code 2023, is amended to read as
35 follows:

1 **88B.3 Administration — rules — fees — inspections.**

2 1. The ~~commissioner~~ director shall administer [this chapter](#).

3 2. The ~~commissioner~~ director shall adopt, in accordance
4 with [chapter 17A](#), rules necessary to carry out the provisions
5 of [this chapter](#).

6 3. The ~~commissioner~~ director shall prescribe fees for
7 the issuance and renewal of licenses and permits. The fees
8 shall be based on the costs of licensing, permitting, and
9 administering [this chapter](#), including time spent by personnel
10 of the ~~division~~ department in performing duties and any travel
11 expenses incurred. All fees provided for in [this chapter](#) shall
12 be collected by the ~~commissioner~~ director and remitted to the
13 treasurer of state for deposit in the general fund of the
14 state.

15 4. At least once a year, during an actual asbestos project,
16 the ~~division~~ department shall conduct an on-site inspection
17 of each permittee's procedures for removing and encapsulating
18 asbestos.

19 Sec. 1781. Section 88B.3A, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. To qualify for a permit, a business entity shall submit
22 an application to the ~~division~~ department in the form required
23 by the ~~division~~ department and pay the prescribed fee.

24 Sec. 1782. Section 88B.4, Code 2023, is amended to read as
25 follows:

26 **88B.4 Permit — term, renewal, and records required.**

27 1. A permit expires on the first anniversary of its
28 effective date, unless it is renewed for a one-year term as
29 provided in [this section](#).

30 2. At least one month before the permit expires, the
31 ~~division~~ department shall send to the permittee, at the last
32 known address of the permittee, a renewal notice that states
33 all of the following:

34 a. The date on which the current permit expires.

35 b. The date by which the renewal application must be
1 received by the ~~division~~ department for the renewal to be
2 issued and mailed before the permit expires.

3 c. The amount of the renewal fee.

4 3. Before the permit expires, the permittee may renew it for
5 an additional one-year term, if the business entity meets the
6 following conditions:

7 a. Is otherwise entitled to a permit.

8 b. Submits a renewal application to the ~~division~~ department
9 in the form required by the ~~division~~ department.

10 c. Pays the renewal fee prescribed by the ~~division~~
11 department.

12 4. The permittee shall keep a record of each asbestos
13 project it performs and shall make the record available to the
14 ~~division~~ department at any reasonable time. Records shall
15 contain information and be kept for a time prescribed in rules
16 adopted by the ~~division~~ department.

17 Sec. 1783. Section 88B.5, Code 2023, is amended to read as
18 follows:

19 **88B.5 Waivers and alternative procedures.**

20 1. In an emergency that results from a sudden, unexpected
21 event that is not a planned renovation or demolition, the
22 ~~commissioner~~ director may waive the requirement for a permit.

23 2. If the business entity is not primarily engaged in the
24 removal or encapsulation of asbestos, the ~~commissioner~~ director
25 may waive the requirement for a permit if worker protection
26 requirements are met.

27 3. The ~~division~~ department shall not approve any waivers
28 on work conducted at a school, public, or commercial building
29 unless the request is accompanied by a recommendation from an
30 asbestos project designer.

31 Sec. 1784. Section 88B.6, subsection 1, paragraphs a and b,
32 Code 2023, are amended to read as follows:

33 a. To apply for a license, an individual shall submit an

34 application to the ~~division~~ department in the form required by
35 the ~~division~~ department and shall pay the prescribed fee.

1 *b.* The application shall include information prescribed by
2 rules adopted by the ~~commissioner~~ director.

3 Sec. 1785. Section 88B.6, subsection 2, paragraph a,
4 unnumbered paragraph 1, Code 2023, is amended to read as
5 follows:

6 An individual is not eligible to be or do any of the
7 following unless the person obtains a license from the ~~division~~
8 department:

9 Sec. 1786. Section 88B.6, subsection 2, paragraph b, Code
10 2023, is amended to read as follows:

11 *b.* To qualify for a license, the applicant must have
12 successfully completed training as established by the United
13 States environmental protection agency, paid a fee, and met
14 other requirements as specified by the ~~division~~ department by
15 rule.

16 Sec. 1787. Section 88B.8, unnumbered paragraph 1, Code
17 2023, is amended to read as follows:

18 The ~~division~~ department may deny, suspend, or revoke a
19 permit or license, in accordance with [chapter 17A](#), if the
20 permittee or licensee does any of the following:

21 Sec. 1788. Section 88B.8, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. Fails at any time to meet the qualifications for a permit
24 or license or to comply with a rule adopted by the ~~commissioner~~
25 director under [this chapter](#).

26 Sec. 1789. Section 88B.11, Code 2023, is amended to read as
27 follows:

28 **88B.11 Bids for governmental projects.**

29 A state agency or political subdivision shall not accept a
30 bid in connection with any asbestos project from a business
31 entity that does not hold a permit from the ~~division~~ department
32 at the time the bid is submitted, unless the business entity
33 provides the state agency or political subdivision with written

34 proof that ensures that the business entity has contracted
35 to have the asbestos removal or encapsulation performed by a
1 licensed asbestos contractor.

2 Sec. 1790. Section 89.1, subsection 1, Code 2023, is amended
3 to read as follows:

4 1. The ~~labor commissioner~~ director shall enforce the
5 provisions of **this chapter** and may employ qualified personnel
6 under the provisions of **chapter 8A, subchapter IV**, to
7 administer the provisions of **this chapter**.

8 Sec. 1791. Section 89.2, subsection 4, Code 2023, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:

11 4. "*Department*" means the department of inspections,
12 appeals, and licensing.

13 Sec. 1792. Section 89.2, Code 2023, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*Director*" means the director of the
16 department of inspections, appeals, and licensing.

17 Sec. 1793. Section 89.2, subsection 9, Code 2023, is amended
18 to read as follows:

19 9. "*Special inspector*" means an inspector who holds a
20 commission from the ~~commissioner~~ director and who is not a
21 state employee.

22 Sec. 1794. Section 89.3, Code 2023, is amended to read as
23 follows:

24 **89.3 Inspection made.**

25 1. It shall be the duty of the ~~commissioner~~ director to
26 inspect or cause to be inspected internally and externally, at
27 least once every twelve months, except as otherwise provided
28 in **this section**, in order to determine whether all such
29 equipment is in a safe and satisfactory condition, and properly
30 constructed and maintained for the purpose for which it is
31 used, all boilers and unfired steam pressure vessels operating
32 in excess of fifteen pounds per square inch, all low pressure
33 heating boilers and unfired steam pressure vessels located in

34 places of public assembly and other appurtenances used in this
35 state for generating or transmitting steam for power, or for
1 using steam under pressure for heating or steaming purposes.

2 2. The ~~commissioner~~ director may enter any building or
3 structure, public or private, for the purpose of inspecting any
4 equipment covered by **this chapter** or gathering information with
5 reference thereto.

6 3. The commissioner may inspect boilers and tanks
7 and other equipment stamped with the American society of
8 mechanical engineers code symbol for other than steam pressure,
9 manufactured in Iowa, when requested by the manufacturer.

10 4. *a.* An object that meets all of the following criteria
11 shall be inspected at least once every two years internally
12 and externally while not under pressure, and at least once
13 every two years externally while under pressure, unless the
14 ~~commissioner~~ director determines that an earlier inspection is
15 warranted:

16 (1) The object is a boiler with one hundred thousand pounds
17 per hour or more capacity, or the object is an unfired steam
18 pressure vessel or a regulated appurtenance that is part of the
19 same system as a boiler with one hundred thousand pounds per
20 hour or more capacity.

21 (2) The object contains only water subject to internal
22 continuous water treatment under the direct supervision of
23 a graduate engineer or chemist, or one having equivalent
24 experience in the treatment of boiler water.

25 (3) The water treatment is for the purpose of controlling
26 and limiting serious corrosion and other deteriorating factors.

27 *b.* The owner or user of an object meeting the criteria in
28 paragraph "a" shall do the following:

29 (1) At any time the ~~commissioner~~ director, a special
30 inspector, or the supervisor of water treatment deems a
31 hydrostatic test is necessary to determine the safety of
32 an object, conduct the test under the supervision of the
33 ~~commissioner~~ director.

34 (2) Keep available for examination by the ~~commissioner~~
35 director accurate records showing the date and actual time the
1 object is out of service and the reason it is out of service.

2 (3) Keep available for examination by the ~~commissioner~~
3 director chemical physical laboratory analyses of samples of
4 the object water taken at regular intervals of not more than
5 forty-eight hours of operation as will adequately show the
6 condition of the water and any elements or characteristics of
7 the water which are capable of producing corrosion or other
8 deterioration of the object or its parts.

9 5. a. An object that meets all of the following criteria
10 shall be inspected at least once each year externally while
11 under pressure and at least once every four years internally
12 while not under pressure, unless the ~~commissioner~~ director
13 determines an earlier inspection is warranted:

14 (1) The object is a boiler with one hundred thousand pounds
15 per hour or more capacity, or the object is an unfired steam
16 pressure vessel or a regulated appurtenance that is part of the
17 same system as a boiler with one hundred thousand pounds per
18 hour or more capacity.

19 (2) The object contains only water subject to internal
20 continuous water treatment under the direct supervision of
21 a graduate engineer or chemist, or one having equivalent
22 experience in the treatment of boiler water.

23 (3) The water treatment is for the purpose of controlling
24 and limiting serious corrosion and other deteriorating factors.

25 (4) Either of the following:

26 (a) The owner or user is a participant in good standing in
27 the Iowa occupational safety and health voluntary protection
28 program and has achieved star status within the program, which
29 is administered by the division of labor services in the
30 department of ~~workforce development~~ inspections, appeals, and
31 licensing.

32 (b) The object is an unfired steam pressure vessel and is
33 part of or integral to the continuous operation of a process

34 covered by and compliant with the occupational safety and
35 health administration process safety management standard
1 contained in 29 C.F.R. §1910.119 and the owner demonstrates
2 such compliance to a special inspector or the ~~commissioner~~
3 director. The unfired steam pressure vessel must also be
4 included as process safety management process equipment in the
5 owner of the unfired steam pressure vessel's process safety
6 management program.

7 b. The owner or user of an object that meets the criteria in
8 paragraph "a" shall do the following:

9 (1) At any time the ~~commissioner~~ director, a special
10 inspector, or the supervisor of the water treatment deems
11 a hydrostatic test necessary to determine the safety of
12 an object, conduct the test under the supervision of the
13 ~~commissioner~~ director.

14 (2) Keep available for examination by the ~~commissioner~~
15 director accurate records showing the date and actual time the
16 object is out of service and the reason it is out of service.

17 (3) Arrange for an internal inspection of the object during
18 each planned outage by a special inspector or the ~~commissioner~~
19 director.

20 (4) Keep for examination by the ~~commissioner~~ director
21 accurate records showing the chemical physical laboratory
22 analyses of samples of the object's water taken at regular
23 intervals of not more than forty-eight hours of operation
24 adequate to show the condition of the water and any elements
25 or characteristics of the water that are capable of producing
26 corrosion or other deterioration of the object or its parts.

27 6. Internal inspections of cast aluminum steam, cast
28 aluminum hot water heating, sectional cast iron steam, and
29 cast iron hot water heating boilers shall be conducted only
30 as deemed necessary by the ~~commissioner~~ director. External
31 operating inspections shall be conducted annually.

32 7. Internal inspections of steel hot water boilers shall be
33 conducted once every six years. External operating inspections

34 shall be conducted annually in years other than the year in
35 which internal inspections are conducted.

1 8. Inspections of unfired steam pressure vessels operating
2 in excess of fifteen pounds per square inch and low pressure
3 steam boilers shall be conducted at least once each calendar
4 year. The inspections conducted within each two-year period
5 shall include an external inspection conducted while the boiler
6 is operating and an internal inspection, where construction
7 permits. No more than one inspection shall be conducted per
8 six-month period. An internal inspection of an unfired steam
9 pressure vessel or low pressure steam boiler may be required
10 at any time by the ~~commissioner~~ director upon the observation
11 by an inspector of conditions, enumerated by the ~~commissioner~~
12 director through rules, warranting an internal inspection.
13 If a low pressure steam boiler is in dry lay-up, an internal
14 inspection shall be conducted in lieu of an external
15 inspection. For purposes of [this subsection](#), "dry lay-up"
16 means a process whereby a boiler is taken out of service for a
17 period of six months or longer, drained, dried, and cleaned,
18 and measures to prevent corrosion are performed on the boiler.

19 9. An internal inspection shall not be required on an
20 unfired steam pressure vessel that was manufactured without an
21 inspection opening.

22 10. An exhibition boiler does not require an annual
23 inspection certificate but special inspections may be requested
24 by the owner or an event's management to be performed by the
25 ~~commissioner~~ director. Upon the completion of an exhibition
26 boiler inspection a written condition report shall be prepared
27 by the ~~commissioner~~ director regarding the condition of
28 the exhibition boiler's boiler or pressure vessel. This
29 report will be issued to the owner and the management of all
30 events at which the exhibition boiler is to be operated. The
31 event's management is responsible for the decision on whether
32 the exhibition boiler should be operated and shall inform
33 the ~~division of labor services~~ department of the event's

34 management's decision. The event's management is responsible
35 for any injuries which result from the operation of any
1 exhibition boiler approved for use at the event by the event's
2 management. A repair symbol, known as the "R" stamp, is not
3 required for repairs made to exhibition boilers pursuant to the
4 rules regarding inspections and repair of exhibition boilers as
5 adopted by the ~~commissioner~~ director, pursuant to [chapter 17A](#).

6 11. An inspection report created pursuant to [this chapter](#)
7 that requires modification, alteration, or change shall be in
8 writing and shall cite the state law or rule or the ASME code
9 section allegedly violated.

10 Sec. 1795. Section 89.4, subsection 2, unnumbered paragraph
11 1, Code 2023, is amended to read as follows:

12 Unfired steam pressure vessels not exceeding the following
13 limitations are not required to be reported to the ~~commissioner~~
14 director and shall be exempt from regular inspection under
15 provisions of [this chapter](#):

16 Sec. 1796. Section 89.5, subsections 1 and 2, Code 2023, are
17 amended to read as follows:

18 1. The ~~commissioner~~ director shall investigate and record
19 the cause of any boiler explosion that may occur in the state,
20 the loss of life, injuries sustained, and estimated loss of
21 property, if any; and such other data as may be of benefit in
22 preventing a recurrence of similar explosions.

23 2. The ~~commissioner~~ director shall keep a complete and
24 accurate record of the name of the owner or user of each steam
25 boiler or other equipment subject to [this chapter](#), giving
26 a full description of the equipment, including the type,
27 dimensions, age, condition, the amount of pressure allowed, and
28 the date when last inspected.

29 Sec. 1797. Section 89.6, Code 2023, is amended to read as
30 follows:

31 **89.6 Notice to ~~commissioner~~ director.**

32 1. Before any equipment included under the provisions
33 of [this chapter](#) is installed by any owner, user, or lessee

34 thereof, a ten days' written notice of intention to install the
35 equipment shall be given to the ~~commissioner~~ director. The
1 notice shall designate the proposed place of installation, the
2 type and capacity of the equipment, the use to be made thereof,
3 the name of the company which manufactured the equipment, and
4 whether the equipment is new or used.

5 2. Before any power boiler is converted to a low pressure
6 boiler, the owner or user shall give to the ~~commissioner~~
7 director ten days' written notice of intent to convert the
8 boiler. The notice shall designate the boiler location, the
9 uses of the building, and other information specified by rule
10 by the board.

11 Sec. 1798. Section 89.7, Code 2023, is amended to read as
12 follows:

13 **89.7 Special inspectors.**

14 1. The inspection required by **this chapter** shall not be
15 made by the ~~commissioner~~ director if an owner or user of
16 equipment specified by **this chapter** obtains an inspection by
17 a representative of a reputable insurance company and obtains
18 a policy of insurance upon the equipment from that insurance
19 company.

20 2. The representative conducting the inspection shall
21 be commissioned by the ~~commissioner~~ director as a special
22 inspector for the year during which the inspection occurs
23 and shall meet such other requirements as the ~~commissioner~~
24 director may by rule establish. The commission shall be valid
25 for one year and the special inspector shall pay a fee for the
26 issuance of the commission. The ~~commissioner~~ director shall
27 establish the amount of the fee by rule. The ~~commissioner~~
28 director shall establish rules for the issuance and revocation
29 of special inspector commissions. The rules are subject to the
30 requirements of **chapter 17A**.

31 3. The insurance company shall file a notice of insurance
32 coverage on forms approved by the ~~commissioner~~ director stating
33 that the equipment is insured and that inspection shall be made

34 in accordance with [section 89.3](#).

35 4. The special inspector shall provide the user and the
1 ~~commissioner~~ director with an inspection report including the
2 nature and extent of all defects and violations, in a format
3 approved by the ~~labor commissioner~~ director.

4 5. The failure of a special inspector to inform the
5 ~~commissioner~~ director of violations shall not subject the
6 ~~commissioner~~ director to liability for any damages incurred.

7 Sec. 1799. Section 89.7A, Code 2023, is amended to read as
8 follows:

9 **89.7A Certificates.**

10 1. The ~~commissioner~~ director shall issue a certificate of
11 inspection valid for the period specified in [section 89.3](#) after
12 the payment of a fee, the filing of an inspection report, and
13 the correction or other appropriate resolution of any defects
14 identified in the inspection report. The certificate shall be
15 posted at a place near the location of the equipment.

16 2. The owner or user of any equipment covered in this
17 chapter, or persons in charge of such equipment, shall not
18 allow or permit a greater pressure in any unit than is stated
19 in the certificate of inspection issued by the ~~commissioner~~
20 director.

21 3. The ~~commissioner~~ director shall indicate to the user
22 whether or not the equipment may be used without making repair
23 or replacement of defective parts, or whether or how the
24 equipment may be used in a limited capacity before repairs
25 or replacements are made, and the ~~commissioner~~ director may
26 permit the user a reasonable time to make such repairs or
27 replacements.

28 Sec. 1800. Section 89.8, Code 2023, is amended to read as
29 follows:

30 **89.8 Boiler and pressure vessel safety fund — fees**
31 **appropriated.**

32 A boiler and pressure vessel safety revolving fund is
33 created within the state treasury under the control of the

34 ~~commissioner~~ director and shall consist of moneys collected
35 by the ~~commissioner~~ director as fees. Moneys in the fund are
1 appropriated and shall be used by the ~~commissioner~~ director
2 to pay the actual costs and expenses necessary to operate the
3 board and administer the provisions of **this chapter**. All
4 salaries and expenses properly chargeable to the fund shall be
5 paid from the fund. **Section 8.33** does not apply to any moneys
6 in the fund. Notwithstanding **section 12C.7, subsection 2**,
7 interest or earnings on moneys deposited in the fund shall be
8 credited to the fund.

9 Sec. 1801. Section 89.9, Code 2023, is amended to read as
10 follows:

11 **89.9 Disposal of fees.**

12 All fees provided for in **this chapter** shall be collected
13 by the ~~commissioner~~ director and remitted to the treasurer
14 of state, to be deposited in the boiler and pressure vessel
15 safety fund pursuant to **section 89.8**, together with an itemized
16 statement showing the source of collection.

17 Sec. 1802. Section 89.11, Code 2023, is amended to read as
18 follows:

19 **89.11 Injunction.**

20 1. In addition to all other remedies, if any owner, user,
21 or person in charge of any equipment covered by **this chapter**
22 continues to use any equipment covered by **this chapter**,
23 after receiving an inspection report identifying defects and
24 exhausting appeal rights as provided by **this chapter** without
25 first correcting the defects or making replacements, the
26 ~~commissioner~~ director may apply to the district court by
27 petition in equity, in an action brought in the name of the
28 state, for a writ of injunction to restrain the use of the
29 alleged defective equipment.

30 2. If the ~~commissioner~~ director believes that the continued
31 operation of equipment constitutes an imminent danger that
32 could seriously injure or cause death to any person, in
33 addition to all other remedies, the ~~commissioner~~ director

34 may apply to the district court in the county in which the
35 imminently dangerous condition exists for a temporary order to
1 enjoin the owner, user, or person in charge from operating the
2 equipment before the owner's, user's, or person's rights to
3 administrative appeals have been exhausted.

4 Sec. 1803. Section 89.12, Code 2023, is amended to read as
5 follows:

6 **89.12 Hearing — notice — decree.**

7 The ~~commissioner~~ director shall notify in writing the owner
8 or user of the equipment of the time and place of hearing of the
9 petition as fixed by the court or judge, and shall serve the
10 notice on the defendant at least five days prior to the hearing
11 in the same manner as original notices are served. The general
12 provisions relating to civil practice and procedure as may be
13 applicable, shall govern the proceedings, except as herein
14 modified. In the event the defendant does not appear or plead
15 to the action, default shall be entered against the defendant.
16 The action shall be tried in equity, and the court or judge
17 shall make such order or decree as the evidence warrants.

18 Sec. 1804. Section 89.13, Code 2023, is amended to read as
19 follows:

20 **89.13 Civil penalty allowed.**

21 If upon notice and hearing the ~~commissioner~~ director
22 determines that an owner has operated a facility in violation
23 of a safety order, the ~~commissioner~~ director may assess a civil
24 penalty against the owner in an amount not exceeding five
25 hundred dollars, as determined by the ~~commissioner~~ director.
26 An order assessing a civil penalty is subject to appeal to
27 the employment appeal board and to judicial review. The
28 ~~commissioner~~ director may commence an action in the district
29 court to enforce payment of a civil penalty. Revenue from
30 the penalty provided in [this section](#) shall be remitted to the
31 treasurer of state for deposit in the general fund of the
32 state.

33 Sec. 1805. Section 89.14, subsection 1, Code 2023, is

34 amended to read as follows:

35 1. A boiler and pressure vessel board is created within
1 the ~~division of labor services of the~~ department of workforce
2 ~~development~~ to formulate definitions and rules requirements
3 for the safe and proper installation, repair, maintenance,
4 alteration, use, and operation of boilers and pressure vessels
5 in this state.

6 Sec. 1806. Section 89.14, subsection 2, paragraph a, Code
7 2023, is amended to read as follows:

8 a. The ~~commissioner~~ director or the ~~commissioner's~~
9 director's designee.

10 Sec. 1807. Section 89.14, subsections 4, 6, and 8, Code
11 2023, are amended to read as follows:

12 4. The members of the board shall select a chairperson, vice
13 chairperson, and secretary from their membership. However,
14 neither the ~~commissioner~~ director nor the ~~commissioner's~~
15 director's designee shall serve as chairperson. The board
16 shall meet at least quarterly but may meet as often as
17 necessary. Meetings shall be set by a majority of the board
18 or upon the call of the chairperson, or in the chairperson's
19 absence, upon the call of the vice chairperson. A majority of
20 the board members shall constitute a quorum.

21 6. A notice of defect or inspection report issued by the
22 ~~commissioner~~ director pursuant to [this chapter](#) may, within
23 thirty days after the making of the order, be appealed to
24 the board. Board action constitutes final agency action for
25 purposes of [chapter 17A](#).

26 8. The board shall establish fees for examinations,
27 inspections, annual statements, shop inspections, and other
28 services. The fees shall reflect the actual costs and expenses
29 necessary to operate the board and perform the duties of the
30 ~~commissioner~~ director.

31 Sec. 1808. Section 89A.1, subsections 2 and 4, Code 2023,
32 are amended by striking the subsections.

33 Sec. 1809. Section 89A.1, Code 2023, is amended by adding

34 the following new subsections:

35 NEW SUBSECTION. 4A. "*Department*" means the department of
1 inspections, appeals, and licensing.

2 NEW SUBSECTION. 4B. "*Director*" means the director of the
3 department of inspections, appeals, and licensing.

4 Sec. 1810. Section 89A.1, subsections 11, 15, 16, and 19,
5 Code 2023, are amended to read as follows:

6 11. "*Inspector*" means an inspector employed by the ~~division~~
7 department for the purpose of administering [this chapter](#).

8 15. "*New installation*" means a conveyance the construction
9 or relocation of which is begun, or for which an application
10 for a new installation permit is filed, on or after the
11 effective date of rules relating to those permits adopted by
12 the ~~commissioner~~ director under authority of [this chapter](#). All
13 other installations are existing installations.

14 16. "*Owner*" means the owner of a conveyance, unless the
15 conveyance is a new installation or is undergoing major
16 alterations, in which case the owner shall be considered the
17 person responsible for the installation or alteration of the
18 conveyance until the conveyance has passed final inspection by
19 the ~~division~~ department.

20 19. "*Special inspector*" means an inspector commissioned
21 by the ~~labor commissioner~~ director, and not employed by the
22 ~~division~~ department.

23 Sec. 1811. Section 89A.3, subsections 6 and 8, Code 2023,
24 are amended to read as follows:

25 6. The ~~commissioner~~ director shall furnish copies of
26 the rules adopted pursuant to [this chapter](#) to any person who
27 requests them, without charge, or upon payment of a charge not
28 to exceed the actual cost of printing of the rules.

29 8. The ~~commissioner~~ director may adopt rules pursuant to
30 chapter 17A relating to the denial, issuance, revocation, and
31 suspension of special inspector commissions.

32 Sec. 1812. Section 89A.4, Code 2023, is amended to read as
33 follows:

34 **89A.4 ~~Commissioner's~~ Director's duties and personnel.**

35 The ~~commissioner~~ director shall enforce the provisions of
1 this chapter. The ~~commissioner~~ director shall employ personnel
2 for the administration of **this chapter** pursuant to chapter 8A,
3 subchapter IV.

4 Sec. 1813. Section 89A.5, Code 2023, is amended to read as
5 follows:

6 **89A.5 Registration of conveyances.**

7 The owner of every existing conveyance, whether or not
8 dormant, shall register the conveyance with the ~~commissioner~~
9 director, giving type, contract load and speed, name of
10 manufacturer, its location, and the purpose for which it is
11 used, and other information the ~~commissioner~~ director may
12 require. Registration shall be made in a format required by
13 the ~~division~~ department.

14 Sec. 1814. Section 89A.6, subsections 2, 4, and 5, Code
15 2023, are amended to read as follows:

16 2. Every existing conveyance registered with the
17 ~~commissioner~~ director shall be inspected within one year
18 after the effective date of the registration, except that the
19 safety board may extend by rule the time specified for making
20 inspections.

21 4. The inspections required by **subsections 1 through 3**
22 shall be made only by inspectors or special inspectors. An
23 inspection by a special inspector may be accepted by the
24 ~~commissioner~~ director in lieu of a required inspection by an
25 inspector.

26 5. A report of every inspection shall be filed with the
27 ~~commissioner~~ director by the inspector or special inspector,
28 in a format required by the ~~commissioner~~ director, after the
29 inspection has been completed and within the time provided
30 by rule, but not to exceed thirty days. The report shall
31 include all information required by the ~~commissioner~~ director
32 to determine whether the conveyance is in compliance with
33 applicable rules. For the inspection required by subsection

34 1, the report shall indicate whether the conveyance has
35 been installed in accordance with the detailed plans and
1 specifications approved by the ~~commissioner~~ director, and
2 meets the requirements of the applicable rules. The failure
3 of a special inspector to inform the ~~commissioner~~ director
4 of violations shall not subject the ~~commissioner~~ director to
5 liability for any damages incurred.

6 Sec. 1815. Section 89A.7, Code 2023, is amended to read as
7 follows:

8 **89A.7 Alteration permits.**

9 The owner shall submit to the ~~commissioner~~ director detailed
10 plans, specifications, and other information the ~~commissioner~~
11 director may require for each conveyance to be altered,
12 together with an application for an alteration permit, in
13 a format required by the ~~commissioner~~ director. Repairs
14 or replacements necessary for normal maintenance are not
15 alterations, and may be made on existing installations with
16 parts equivalent in material, strength, and design to those
17 replaced and no plans or specifications or application need be
18 filed for the repairs or replacements. However, **this section**
19 does not authorize the use of any conveyance contrary to an
20 order issued pursuant to **section 89A.10, subsections 2 and 3.**

21 Sec. 1816. Section 89A.8, Code 2023, is amended to read as
22 follows:

23 **89A.8 New installation permits.**

24 1. The installation or relocation of a conveyance shall
25 not begin until an installation permit has been issued by the
26 ~~commissioner~~ director.

27 2. An application for an installation permit shall be
28 submitted in a format determined by the ~~commissioner~~ director.

29 3. *a.* If the application or any accompanying materials
30 indicates a failure to comply with applicable rules, the
31 ~~commissioner~~ director shall give notice of the compliance
32 failures to the person filing the application.

33 *b.* If the application indicates compliance with applicable

34 rules or after compliance failures have been remedied, the
35 ~~commissioner~~ director shall issue an installation permit for
1 relocation or installation, as applicable.

2 Sec. 1817. Section 89A.9, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. Operating permits shall be issued by the ~~commissioner~~
5 director to the owner of every conveyance when the inspection
6 report indicates compliance with the applicable provisions
7 of **this chapter**. However, a permit shall not be issued
8 if the fees required by **this chapter** have not been paid.
9 Permits shall be issued within thirty days after filing of
10 the inspection report required by **section 89A.6**, unless the
11 time is extended for cause by the ~~division~~ department. A
12 conveyance shall not be operated after the thirty days or after
13 an extension granted by the ~~commissioner~~ director has expired,
14 unless an operating permit has been issued.

15 Sec. 1818. Section 89A.10, Code 2023, is amended to read as
16 follows:

17 **89A.10 Enforcement orders by ~~commissioner~~ director —**
18 **injunction.**

19 1. If an inspection report indicates a failure to comply
20 with applicable rules, or with the detailed plans and
21 specifications approved by the ~~commissioner~~ director, the
22 ~~commissioner~~ director may, upon giving notice, order the owner
23 of a conveyance to make the changes necessary for compliance.

24 2. If the owner does not make the changes necessary for
25 compliance as required in **subsection 1** within the period
26 specified by the ~~commissioner~~ director, the ~~commissioner~~
27 director, upon notice, may suspend or revoke the operating
28 permit, or may refuse to issue the operating permit for
29 the conveyance. The ~~commissioner~~ director shall notify the
30 owner of any action to suspend, revoke, or refuse to issue an
31 operating permit and the reason for the action by service in
32 the same manner as an original notice or by certified mail. An
33 owner may appeal the ~~commissioner's~~ director's initial decision

34 to the safety board. The decision of the safety board shall be
35 considered final agency action pursuant to [chapter 17A](#).

1 3. If the ~~commissioner~~ director has reason to believe
2 that the continued operation of a conveyance constitutes
3 an imminent danger which could reasonably be expected to
4 seriously injure or cause death to any person, in addition to
5 any other remedies, the ~~commissioner~~ director may apply to the
6 district court in the county in which such imminently dangerous
7 condition exists for a temporary order for the purpose of
8 enjoining such imminently dangerous conveyance. Upon hearing,
9 if deemed appropriate by the court, a permanent injunction
10 may be issued to ensure that such imminently dangerous
11 conveyance be prevented or controlled. Upon the elimination
12 or rectification of such imminently dangerous condition, the
13 temporary or permanent injunction shall be vacated.

14 Sec. 1819. Section 89A.12, Code 2023, is amended to read as
15 follows:

16 **89A.12 Access to conveyances.**

17 Every owner of a conveyance subject to regulation by
18 this chapter shall grant access to that conveyance to the
19 ~~commissioner~~ director and personnel of the ~~division~~ department.
20 Inspections shall be permitted at reasonable times, with or
21 without prior notice.

22 Sec. 1820. Section 89A.13, subsections 1, 2, and 4, Code
23 2023, are amended to read as follows:

24 1. An elevator safety board is created within the ~~division~~
25 ~~of labor services in the department of workforce development~~
26 to formulate definitions and rules for the safe and proper
27 installation, repair, maintenance, alteration, use, and
28 operation of conveyances in this state.

29 2. The safety board is composed of nine members, one of
30 whom shall be the ~~commissioner~~ director or the ~~commissioner's~~
31 director's designee. The governor shall appoint the remaining
32 eight members of the board, subject to senate confirmation, to
33 staggered four-year terms which shall begin and end as provided

34 in [section 69.19](#). The members shall be as follows: two
35 representatives from an elevator manufacturing company or
1 its authorized representative; two representatives from
2 elevator servicing companies; one building owner or manager;
3 one representative employed by a local government in this
4 state who is knowledgeable about building codes in this
5 state; one representative of workers actively involved in the
6 installation, maintenance, and repair of elevators; and one
7 licensed mechanical engineer.

8 4. The members of the safety board shall select a
9 chairperson, vice chairperson, and a secretary from their
10 membership. However, neither the ~~commissioner~~ director nor the
11 ~~commissioner's~~ director's designee shall serve as chairperson.
12 The safety board shall meet at least quarterly but may meet as
13 often as necessary. Meetings shall be set by a majority of the
14 safety board or upon the call of the chairperson, or in the
15 chairperson's absence, upon the call of the vice chairperson.
16 A majority of the safety board members shall constitute a
17 quorum.

18 Sec. 1821. Section 89A.15, Code 2023, is amended to read as
19 follows:

20 **89A.15 Inspections by local authorities.**

21 A city or other governmental subdivision shall not make or
22 maintain any ordinance, bylaw, or resolution providing for the
23 licensing of special inspectors. An ordinance or resolution
24 relating to the inspection, construction, installation,
25 alteration, maintenance, or operation of conveyances within
26 the limits of the city or governmental subdivision which
27 conflicts with [this chapter](#) or with rules adopted pursuant
28 to [this chapter](#) is void. The ~~commissioner~~ director, in the
29 ~~commissioner's~~ director's discretion, may accept inspections by
30 local authorities in lieu of inspections required by section
31 89A.6, but only upon a showing by the local authority that
32 applicable laws and rules will be consistently and literally
33 enforced and that inspections will be performed by special

34 inspectors.

35 Sec. 1822. Section 89A.16, Code 2023, is amended to read as
1 follows:

2 **89A.16 Prosecution of offenses.**

3 The ~~division~~ department shall cause prosecution for the
4 violation of the provisions of **this chapter** to be instituted
5 by the attorney general in the county in which the violation
6 occurred.

7 Sec. 1823. Section 89A.18, Code 2023, is amended to read as
8 follows:

9 **89A.18 Civil penalty.**

10 If upon notice and hearing the ~~commissioner~~ director
11 determines that an owner has operated a conveyance after an
12 order of the ~~commissioner~~ director that suspends, revokes,
13 or refuses to issue an operating permit for the conveyance
14 has become final under **section 89A.10, subsection 2**, the
15 ~~commissioner~~ director may assess a civil penalty against the
16 owner in an amount not exceeding five hundred dollars, as
17 determined by the ~~commissioner~~ director. An order assessing
18 a civil penalty is subject to appeal under section 89A.10,
19 subsection 2, in the same manner and to the same extent as
20 decisions referred to in that subsection. The ~~commissioner~~
21 director may commence an action in the district court to
22 enforce payment of the civil penalty. A record of assessment
23 against or payment of a civil penalty by any person for a
24 violation of **this section** shall not be admissible as evidence
25 in any court in any civil action. Revenue from the penalty
26 provided in **this section** shall be remitted to the treasurer of
27 state for deposit in the state general fund.

28 Sec. 1824. Section 89A.19, Code 2023, is amended to read as
29 follows:

30 **89A.19 Elevator safety fund — fees appropriated.**

31 A revolving elevator safety fund is created in the state
32 treasury under the control of the ~~commissioner~~ director and
33 shall consist of moneys collected by the ~~commissioner~~ director

34 as fees. Moneys in the fund are appropriated to and shall
35 be used by the ~~commissioner~~ director to pay the actual costs
1 and expenses necessary to operate the safety board and perform
2 the duties of the ~~commissioner~~ director as described in this
3 chapter. All fees collected by the ~~commissioner~~ director
4 pursuant to this chapter shall be remitted to the treasurer
5 of state to be deposited in the elevator safety fund. All
6 salaries and expenses properly chargeable to the fund shall be
7 paid from the fund. Section 8.33 does not apply to any moneys
8 in the fund. Notwithstanding section 12C.7, subsection 2,
9 interest or earnings on moneys deposited in the fund shall be
10 credited to the fund.

11 Sec. 1825. Section 89B.3, Code 2023, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 01. "*Commissioner*" means the labor
14 commissioner appointed pursuant to section 10A.203, or the
15 labor commissioner's designee.

16 Sec. 1826. Section 89B.3, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. "*Division*" means the division of labor services of the
19 department of ~~workforce development created under section 84A.1~~
20 inspections, appeals, and licensing.

21 Sec. 1827. Section 90A.1, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. "*Commissioner*" means the state commissioner of athletics,
24 who is also the ~~labor commissioner appointed pursuant to~~
25 section 91.2, director of the department of inspections,
26 appeals, and licensing or the labor commissioner's director's
27 designee.

28 Sec. 1828. Section 91A.2, subsection 1, Code 2023, is
29 amended by striking the subsection.

30 Sec. 1829. Section 91A.2, Code 2023, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 2A. "*Director*" means the director of the
33 department of inspections, appeals, and licensing.

34 Sec. 1830. Section 91A.6, subsection 1, unnumbered
35 paragraph 1, Code 2023, is amended to read as follows:

1 An employer shall after being notified by the ~~commissioner~~
2 director pursuant to [subsection 2](#):

3 Sec. 1831. Section 91A.6, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The ~~commissioner~~ director shall notify an employer to
6 comply with [subsection 1](#) if the employer has paid a claim
7 for unpaid wages or nonreimbursed authorized expenses and
8 liquidated damages under [section 91A.10](#) or if the employer
9 has been assessed a civil money penalty under [section 91A.12](#).
10 However, a court may, when rendering a judgment for wages or
11 nonreimbursed authorized expenses and liquidated damages or
12 upholding a civil money penalty assessment, order that an
13 employer shall not be required to comply with the provisions of
14 subsection 1 or that an employer shall be required to comply
15 with the provisions of [subsection 1](#) for a particular period of
16 time.

17 Sec. 1832. Section 91A.9, Code 2023, is amended to read as
18 follows:

19 **91A.9 General powers and duties of the ~~commissioner~~ director.**

20 1. The ~~commissioner~~ director shall administer and enforce
21 the provisions of [this chapter](#). The ~~commissioner~~ director may
22 hold hearings and investigate charges of violations of this
23 chapter.

24 2. The ~~commissioner~~ director may, consistent with due
25 process of law, enter any place of employment to inspect
26 records concerning wages and payrolls, to question the employer
27 and employees, and to investigate such facts, conditions, or
28 matters as are deemed appropriate in determining whether any
29 person has violated the provisions of [this chapter](#). However,
30 such entry by the ~~commissioner~~ director shall only be in
31 response to a written complaint.

32 3. The ~~commissioner~~ director may employ such qualified
33 personnel as are necessary for the enforcement of [this chapter](#).

34 Such personnel shall be employed pursuant to chapter 8A,
35 subchapter IV.

1 4. The ~~commissioner~~ director shall, in consultation with
2 the United States department of labor, develop a database of
3 the employers in this state utilizing special certificates
4 issued by the United States secretary of labor as authorized
5 under 29 U.S.C. §214, and shall maintain the database.

6 5. The ~~commissioner~~ director shall promulgate, pursuant to
7 chapter 17A, any rules necessary to carry out the provisions of
8 this chapter.

9 Sec. 1833. Section 91A.10, Code 2023, is amended to read as
10 follows:

11 **91A.10 Settlement of claims and suits for wages —**
12 **prohibition against discharge of employee.**

13 1. Upon the written complaint of the employee involved,
14 the ~~commissioner~~ director may determine whether wages have
15 not been paid and may constitute an enforceable claim. If
16 for any reason the ~~commissioner~~ director decides not to make
17 such determination, the ~~commissioner~~ director shall so notify
18 the complaining employee within fourteen days of receipt of
19 the complaint. The ~~commissioner~~ director shall otherwise
20 notify the employee of such determination within a reasonable
21 time and if it is determined that there is an enforceable
22 claim, the ~~commissioner~~ director shall, with the consent of
23 the complaining employee, take an assignment in trust for the
24 wages and for any claim for liquidated damages without being
25 bound by any of the technical rules respecting the validity of
26 the assignment. However, the ~~commissioner~~ director shall not
27 accept any complaint for unpaid wages and liquidated damages
28 after one year from the date the wages became due and payable.

29 2. The ~~commissioner~~ director, with the assistance of the
30 office of the attorney general if the ~~commissioner~~ director
31 requests such assistance, shall, unless a settlement is
32 reached under [this subsection](#), commence a civil action in any
33 court of competent jurisdiction to recover for the benefit

34 of any employee any wage, expenses, and liquidated damages'
35 claims that have been assigned to the ~~commissioner~~ director
1 for recovery. The ~~commissioner~~ director may also request
2 reasonable and necessary attorney fees. With the consent
3 of the assigning employee, the ~~commissioner~~ director may
4 also settle a claim on behalf of the assigning employee.
5 Proceedings under **this subsection** and **subsection 1** that precede
6 commencement of a civil action shall be conducted informally
7 without any party having a right to be heard before the
8 ~~commissioner~~ director. The ~~commissioner~~ director may join
9 various assignments in one claim for the purpose of settling or
10 litigating their claims.

11 3. The provisions of **subsections 1 and 2** shall not be
12 construed to prevent an employee from settling or bringing an
13 action for damages under **section 91A.8** if the employee has not
14 assigned the claim under **subsection 1**.

15 4. Any recovery of attorney fees, in the case of actions
16 brought under **this section** by the ~~commissioner~~ director, shall
17 be remitted by the ~~commissioner~~ director to the treasurer of
18 state for deposit in the general fund of the state. Also, the
19 ~~commissioner~~ director shall not be required to pay any filing
20 fee or other court costs.

21 5. An employer shall not discharge or in any other manner
22 discriminate against any employee because the employee has
23 filed a complaint, assigned a claim, or brought an action
24 under **this section** or has cooperated in bringing any action
25 against an employer. Any employee may file a complaint with
26 the ~~commissioner~~ director alleging discharge or discrimination
27 within thirty days after such violation occurs. Upon receipt
28 of the complaint, the ~~commissioner~~ director shall cause an
29 investigation to be made to the extent deemed appropriate. If
30 the ~~commissioner~~ director determines from the investigation
31 that the provisions of **this subsection** have been violated, the
32 ~~commissioner~~ director shall bring an action in the appropriate
33 district court against such person. The district court shall

34 have jurisdiction, for cause shown, to restrain violations of
35 this subsection and order all appropriate relief including
1 rehiring or reinstatement of the employee to the former
2 position with back pay.

3 Sec. 1834. Section 91A.11, Code 2023, is amended to read as
4 follows:

5 **91A.11 Wage claims brought under reciprocity.**

6 1. The ~~commissioner~~ director may enter into reciprocal
7 agreements with the labor department or corresponding agency
8 of any other state or its representatives for the collection
9 in such other states of claims or judgments for wages and
10 other demands based upon claims assigned to the ~~commissioner~~
11 director.

12 2. The ~~commissioner~~ director may, to the extent provided
13 for by any reciprocal agreement entered into by law or with an
14 agency of another state as provided in [this section](#), maintain
15 actions in the courts of such other state to the extent
16 permitted by the laws of that state for the collection of
17 claims for wages, judgments and other demands and may assign
18 such claims, judgments and demands to the labor department or
19 agency of such other state for collection to the extent that
20 such an assignment may be permitted or provided for by the laws
21 of such state or by reciprocal agreement.

22 3. The ~~commissioner~~ director may, upon the written consent
23 of the labor department or other corresponding agency of any
24 other state or its representatives, maintain actions in the
25 courts of this state upon assigned claims for wages, judgments
26 and demands arising in such other state in the same manner
27 and to the same extent that such actions by the ~~commissioner~~
28 director are authorized when arising in this state. However,
29 such actions may be maintained only in cases in which such
30 other state by law or reciprocal agreement extends a like
31 comity to cases arising in this state.

32 Sec. 1835. Section 91A.12, Code 2023, is amended to read as
33 follows:

34 **91A.12 Civil penalties.**

35 1. Any employer who violates the provisions of **this chapter**
1 or the rules promulgated under it shall be subject to a civil
2 money penalty of not more than five hundred dollars per pay
3 period for each violation. The ~~commissioner~~ director may
4 recover such civil money penalty according to the provisions
5 of **subsections 2 through 5**. Any civil money penalty recovered
6 shall be deposited in the general fund of the state.

7 2. The ~~commissioner~~ director may propose that an employer
8 be assessed a civil money penalty by serving the employer with
9 notice of such proposal in the same manner as an original
10 notice is served under the rules of civil procedure. Upon
11 service of such notice, the proposed assessment shall be
12 treated as a contested case under **chapter 17A**. However, an
13 employer must request a hearing within thirty days of being
14 served.

15 3. If an employer does not request a hearing pursuant
16 to **subsection 2** or if the ~~commissioner~~ director determines,
17 after an appropriate hearing, that an employer is in violation
18 of **this chapter**, the ~~commissioner~~ director shall assess a
19 civil money penalty which is consistent with the provisions
20 of **subsection 1** and which is rendered with due consideration
21 for the penalty amount in terms of the size of the employer's
22 business, the gravity of the violation, the good faith of the
23 employer, and the history of previous violations.

24 4. An employer may seek judicial review of any assessment
25 rendered under **subsection 3** by instituting proceedings for
26 judicial review pursuant to **chapter 17A**. However, such
27 proceedings must be instituted in the district court of the
28 county in which the violation or one of the violations occurred
29 and within thirty days of the day on which the employer was
30 notified that an assessment has been rendered. Also, an
31 employer may be required, at the discretion of the district
32 court and upon instituting such proceedings, to deposit the
33 amount assessed with the clerk of the district court. Any

34 moneys so deposited shall either be returned to the employer
35 or be forwarded to the ~~commissioner~~ director for deposit in
1 the general fund of the state, depending on the outcome of the
2 judicial review, including any appeal to the supreme court.

3 5. After the time for seeking judicial review has expired
4 or after all judicial review has been exhausted and the
5 ~~commissioner's~~ director's assessment has been upheld, the
6 ~~commissioner~~ director shall request the attorney general to
7 recover the assessed penalties in a civil action.

8 Sec. 1836. Section 91A.15, subsection 2, paragraph b, Code
9 2023, is amended to read as follows:

10 b. The franchisor has been found by the ~~commissioner~~
11 director to have exercised a type or degree of control over
12 the franchisee or the franchisee's employees that is not
13 customarily exercised by a franchisor for the purpose of
14 protecting the franchisor's trademarks and brand.

15 Sec. 1837. Section 91C.1, Code 2023, is amended to read as
16 follows:

17 **91C.1 Definition — exemption — combined registration and**
18 **licensing process for plumbers and mechanical professionals.**

19 1. As used in [this chapter](#), unless the context otherwise
20 requires, ~~"contractor"~~:

21 a. "Contractor" means a person who engages in the business
22 of construction, as the term *"construction"* is defined in the
23 Iowa administrative code for purposes of chapter 96, the Iowa
24 employment security law. However, a person who earns less than
25 two thousand dollars annually or who performs work or has work
26 performed on the person's own property is not a contractor for
27 purposes of [this chapter](#).

28 b. "Department" means the department of inspections,
29 appeals, and licensing.

30 c. "Director" means the director of the department of
31 inspections, appeals, and licensing.

32 2. The state, its boards, commissions, agencies,
33 departments, and its political subdivisions including school

34 districts and other special purpose districts, are not
35 contractors for purposes of [this chapter](#).

1 ~~2.~~ 3. If a contractor's registration application shows
2 that the contractor is self-employed, does not pay more than
3 two thousand dollars annually to employ other persons in the
4 business, and does not work with or for other contractors in
5 the same phases of construction, the contractor is exempt from
6 the fee requirements under [this chapter](#).

7 ~~3.~~ 4. ~~a.~~ ~~The labor services division of the department of~~
8 ~~workforce development and the Iowa department of public health~~
9 ~~will work with stakeholders to develop a plan to combine the~~
10 ~~contractor registration and contractor licensing application~~
11 ~~process for contractors licensed under [chapter 105](#), to be~~
12 ~~implemented in time for licensing renewals due July 1, 2017.~~
13 ~~Effective July 1, 2017, a~~ A contractor licensed under chapter
14 105 shall register as a contractor under [this chapter](#) in
15 conjunction with the contractor licensing process established
16 by the department. ~~At no cost to the labor services division,~~
17 ~~the~~ The department of public health shall collect both the
18 registration and licensing applications as part of one combined
19 application. The ~~labor commissioner~~ director shall design
20 the contractor registration application form to exclude
21 from the ~~division of labor services'~~ department's contractor
22 registration application process those contractors who are also
23 covered by [chapter 103 or 105](#). The ~~labor commissioner~~ director
24 is authorized to adopt rules as needed to accomplish a merger
25 of the application systems including transitional registration
26 periods and fees.

27 ~~b.~~ ~~Effective July 1, 2017, excluding registrations by~~
28 ~~contractors that are exempt from the registration fee pursuant~~
29 ~~to [this section](#), the department of public health shall collect~~
30 ~~and transfer to the labor services division a portion of each~~
31 ~~contractor license fee equal to three times the contractor~~
32 ~~registration fee for each three-year license or a prorated~~
33 ~~portion thereof using a one-sixth deduction for each six-month~~

34 ~~period of the renewal cycle.~~

35 Sec. 1838. Section 91C.2, Code 2023, is amended to read as
1 follows:

2 **91C.2 Registration required — conditions.**

3 A contractor doing business in this state shall register
4 with the ~~labor commissioner~~ director and shall meet all of the
5 following requirements as a condition of registration:

6 1. The contractor shall be in compliance with the laws of
7 this state relating to workers' compensation insurance and
8 shall provide evidence of workers' compensation insurance
9 coverage annually, of relief from the insurance requirement
10 pursuant to [section 87.11](#), or a statement that the contractor
11 is not required to carry workers' compensation coverage.
12 Notice of a policy's cancellation shall be provided to the
13 ~~labor commissioner~~ director by the insurance company.

14 2. The contractor shall possess an employer account number
15 or a special contractor number issued by the department
16 of workforce development pursuant to [chapter 96](#), the Iowa
17 employment security law.

18 3. An out-of-state contractor shall either file a surety
19 bond, as provided in [section 91C.7](#), with the ~~division of labor~~
20 ~~services~~ department in the amount of twenty-five thousand
21 dollars or shall provide a statement to the ~~division of labor~~
22 ~~services~~ department that the contractor is prequalified to bid
23 on projects for the department of transportation pursuant to
24 section 314.1.

25 Sec. 1839. Section 91C.3, subsection 1, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:

27 The registration application shall be in the form prescribed
28 by the ~~labor commissioner~~ director, shall be accompanied by
29 the registration fee prescribed pursuant to [section 91C.4](#), and
30 shall contain information which is substantially complete and
31 accurate. In addition to the information determined by the
32 ~~labor commissioner~~ director to be necessary for purposes of
33 section 91C.2, the application shall include information as to

34 each of the following:

35 Sec. 1840. Section 91C.3, subsection 2, Code 2023, is
1 amended to read as follows:

2 2. Any change in the information provided shall be reported
3 promptly to the ~~labor commissioner~~ director.

4 Sec. 1841. Section 91C.4, Code 2023, is amended to read as
5 follows:

6 **91C.4 Fees.**

7 The ~~labor commissioner~~ director shall prescribe the fee for
8 registration, which fee shall not exceed fifty dollars every
9 year.

10 Sec. 1842. Section 91C.5, Code 2023, is amended to read as
11 follows:

12 **91C.5 Public registration number — records — revocation.**

13 1. The ~~labor commissioner~~ director shall issue to each
14 registered contractor an identifying public registration
15 number and shall compile records showing the names and public
16 registration numbers of all contractors registered in the
17 state. These records and the complete registration information
18 provided by each contractor are public records and the ~~labor~~
19 ~~commissioner~~ director shall take steps as necessary to
20 facilitate access to the information by governmental agencies
21 and the general public.

22 2. The ~~labor commissioner~~ director shall revoke a
23 registration number when the contractor fails to maintain
24 compliance with the conditions necessary to obtain a
25 registration. The ~~labor commissioner~~ director shall provide
26 a fact-finding interview to assure that the contractor is not
27 in compliance before revoking any registration. Hearings on
28 revocation of registrations shall be held in accordance with
29 section 91C.8.

30 Sec. 1843. Section 91C.6, Code 2023, is amended to read as
31 follows:

32 **91C.6 Rules.**

33 The ~~labor commissioner~~ director shall adopt rules, pursuant

34 to [chapter 17A](#), determined to be reasonably necessary for
35 phasing in, administering, and enforcing the system of
1 contractor registration established by [this chapter](#).

2 Sec. 1844. Section 91C.7, Code 2023, is amended to read as
3 follows:

4 **91C.7 Contracts — contractor's bond.**

5 1. A contractor who is not registered with the ~~labor~~
6 ~~commissioner~~ director as required by [this chapter](#) shall not be
7 awarded a contract to perform work for the state or an agency
8 of the state.

9 2. A surety bond filed pursuant to [section 91C.2](#) shall
10 be executed by a surety company authorized to do business in
11 this state, and the bond shall be continuous in nature until
12 canceled by the surety with not less than thirty days' written
13 notice to the contractor and to the ~~division of labor services~~
14 ~~of the department of workforce development~~ indicating the
15 surety's desire to cancel the bond. The surety company shall
16 not be liable under the bond for any contract commenced after
17 the cancellation of the bond. The ~~division of labor services~~
18 ~~of the department of workforce development~~ may increase the
19 bond amount after a hearing.

20 3. Release of the bond shall be conditioned upon the
21 payment of all taxes, including contributions due under
22 the unemployment compensation insurance system, penalties,
23 interest, and related fees, which may accrue to the state
24 of Iowa. If at any time during the term of the bond,
25 the department of revenue or the department ~~of workforce~~
26 ~~development~~ determines that the amount of the bond is not
27 sufficient to cover the tax liabilities accruing to the state
28 of Iowa, the ~~labor commissioner~~ director shall require the bond
29 to be increased by an amount the ~~labor commissioner~~ director
30 deems sufficient to cover the tax liabilities accrued and
31 accruing.

32 4. The department of revenue and the department ~~of workforce~~
33 ~~development~~ shall adopt rules for the collection of the

34 forfeiture. Notice shall be provided to the surety and to
 35 the contractor. Notice to the contractor shall be mailed to
 1 the contractor's last known address and to the contractor's
 2 registered agent for service of process, if any, within the
 3 state. The contractor or surety shall have the opportunity to
 4 apply to the director of revenue for a hearing within thirty
 5 days after the giving of such notice. Upon the failure to
 6 timely request a hearing, the bond shall be forfeited. If,
 7 after the hearing upon timely request, the department of
 8 revenue or the department of ~~workforce development~~ finds
 9 that the contractor has failed to pay the total of all taxes
 10 payable, the department of revenue or the department of
 11 ~~workforce development~~ shall order the bond forfeited. The
 12 amount of the forfeiture shall be the amount of taxes payable
 13 or the amount of the bond, whichever is less. For purposes of
 14 this section "*taxes payable*" means all tax, penalties, interest,
 15 and fees that the department of revenue has previously
 16 determined to be due to the state by assessment or in an appeal
 17 of an assessment, including contributions to the unemployment
 18 compensation insurance system.

19 5. If it is determined that [this section](#) may cause denial
 20 of federal funds which would otherwise be available, or is
 21 otherwise inconsistent with requirements of federal law, this
 22 section shall be suspended, but only to the extent necessary to
 23 prevent denial of the funds or to eliminate the inconsistency
 24 with federal requirements.

25 6. The bond required by [this section](#) may be attached by the
 26 ~~commissioner~~ director for collection of fees and penalties due
 27 to the division.

28 Sec. 1845. Section 91C.8, Code 2023, is amended to read as
 29 follows:

30 **91C.8 Investigations — enforcement — administrative**
 31 **penalties.**

32 1. The ~~labor commissioner~~ director and inspectors of the
 33 ~~division of labor services of the department of workforce~~

34 ~~development~~ have jurisdiction for investigation and enforcement
35 in cases where contractors may be in violation of the
1 requirements of this chapter or rules adopted pursuant to this
2 chapter.

3 2. If, upon investigation, the ~~labor commissioner~~ director
4 or the ~~commissioner's~~ director's authorized representative
5 believes that a contractor has violated any of the following,
6 the ~~commissioner~~ director shall with reasonable promptness
7 issue a citation to the contractor:

8 a. The requirement that a contractor be registered.

9 b. The requirement that the contractor's registration
10 information be substantially complete and accurate.

11 c. The requirement that an out-of-state contractor file a
12 bond with the ~~division of labor services~~ department.

13 3. Each citation shall be in writing and shall describe
14 with particularity the nature of the violation, including a
15 reference to the provision of the statute alleged to have been
16 violated.

17 4. If a citation is issued, the ~~commissioner~~ director shall,
18 within seven days, notify the contractor by service in the
19 same manner as an original notice or by certified mail of the
20 administrative penalty, if any, proposed to be assessed and
21 that the contractor has fifteen working days within which to
22 notify the ~~commissioner~~ director that the contractor wishes to
23 contest the citation or proposed assessment of penalty.

24 5. The administrative penalties which may be imposed under
25 this section shall be not more than five hundred dollars
26 in the case of a first violation and not more than five
27 thousand dollars for each violation in the case of a second or
28 subsequent violation. All administrative penalties collected
29 pursuant to this chapter shall be deposited in the general fund
30 of the state.

31 6. If, within fifteen working days from the receipt of
32 the notice, the contractor fails to notify the ~~commissioner~~
33 director that the contractor intends to contest the citation

34 or proposed assessment of penalty, the citation and the
35 assessment, as proposed, shall be deemed a final order of the
1 employment appeal board and not subject to review by any court
2 or agency.

3 7. If the contractor notifies the ~~commissioner~~ director
4 that the contractor intends to contest the citation or proposed
5 assessment of penalty, the ~~commissioner~~ director shall
6 immediately advise the employment appeal board established by
7 section 10A.601. The employment appeal board shall review the
8 action of the ~~commissioner~~ director and shall thereafter issue
9 an order, based on findings of fact, affirming, modifying, or
10 vacating the ~~commissioner's~~ director's citation or proposed
11 penalty or directing other appropriate relief, and the order
12 shall become final sixty days after its issuance.

13 8. The ~~labor commissioner~~ director shall notify the
14 department of revenue upon final agency action regarding
15 the citation and assessment of penalty against a registered
16 contractor.

17 9. Judicial review of any order of the employment appeal
18 board issued pursuant to [this section](#) may be sought in
19 accordance with the terms of [chapter 17A](#). If no petition
20 for judicial review is filed within sixty days after service
21 of the order of the employment appeal board, the appeal
22 board's findings of fact and order shall be conclusive in
23 connection with any petition for enforcement which is filed
24 by the ~~commissioner~~ director after the expiration of the
25 sixty-day period. In any such case, the clerk of court, unless
26 otherwise ordered by the court, shall forthwith enter a decree
27 enforcing the order and shall transmit a copy of the decree to
28 the employment appeal board and the contractor named in the
29 petition.

30 Sec. 1846. Section 91C.9, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. A contractor registration revolving fund is created in
33 the state treasury. The revolving fund shall be administered

34 by the ~~commissioner~~ director and shall consist of moneys
35 collected by the ~~commissioner~~ director as fees. The
1 ~~commissioner~~ director shall remit all fees collected pursuant
2 to this chapter to the revolving fund. The moneys in the
3 revolving fund are appropriated to and shall be used by the
4 ~~commissioner~~ director to pay the actual costs and expenses
5 necessary to perform the duties of the ~~commissioner~~ director
6 and the ~~division of labor services~~ department as described in
7 this chapter. All salaries and expenses properly chargeable to
8 the revolving fund shall be paid from the revolving fund.

9 Sec. 1847. Section 91D.1, subsection 1, paragraph c, Code
10 2023, is amended to read as follows:

11 c. For purposes of determining whether an employee of a
12 restaurant, hotel, motel, inn, or cabin, who customarily and
13 regularly receives more than thirty dollars a month in tips
14 is receiving the minimum hourly wage rate prescribed by this
15 section, the amount paid the employee by the employer shall
16 be deemed to be increased on account of the tips by an amount
17 determined by the employer, not to exceed forty percent of
18 the applicable minimum wage. An employee may file a written
19 appeal with the ~~labor commissioner~~ director of the department
20 of inspections, appeals, and licensing if the amount of tips
21 received by the employee is less than the amount determined by
22 the employer under this subsection.

23 Sec. 1848. Section 91D.1, subsection 3, paragraph b,
24 subparagraph (2), Code 2023, is amended to read as follows:

25 (2) The franchisor has been found by the ~~labor commissioner~~
26 director of the department of inspections, appeals, and
27 licensing to have exercised a type or degree of control over
28 the franchisee or the franchisee's employees that is not
29 customarily exercised by a franchisor for the purpose of
30 protecting the franchisor's trademarks and brand.

31 Sec. 1849. Section 91D.1, subsection 5, Code 2023, is
32 amended to read as follows:

33 5. The ~~labor commissioner~~ director of the department of

34 inspections, appeals, and licensing shall adopt rules to
35 implement and administer this section.

1 Sec. 1850. Section 91E.1, subsection 1, Code 2023, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. "*Director*" means the director of the department of
5 inspections, appeals, and licensing.

6 Sec. 1851. Section 91E.2, subsection 1, paragraph b, Code
7 2023, is amended to read as follows:

8 b. If a Spanish-speaking interpreter is needed, the employer
9 shall select an interpreter from a list of interpreters
10 developed by the department of ~~workforce development~~
11 inspections, appeals, and licensing.

12 Sec. 1852. Section 91E.5, Code 2023, is amended to read as
13 follows:

14 **91E.5 Duties and authority of the ~~commissioner~~ director.**

15 1. The ~~commissioner~~ director shall adopt rules to implement
16 and enforce this chapter and shall provide further exemptions
17 from the provisions of this chapter where reasonable.

18 2. In order to carry out the purposes of this chapter,
19 the ~~commissioner~~ director or the ~~commissioner's~~ director's
20 representative, upon presenting appropriate credentials to the
21 owner, operator, or agent in charge, may:

22 a. Inspect employment records relating to the total number
23 of employees and non-English speaking employees, and the
24 services provided to non-English speaking employees.

25 b. Interview an employer, owner, operator, agent, or
26 employee, during working hours or at other reasonable times.

27 Sec. 1853. Section 92.1, Code 2023, is amended to read as
28 follows:

29 **92.1 Street occupations — migratory labor.**

30 1. No person under ten years of age shall be employed or
31 permitted to work with or without compensation at any time
32 within this state in street occupations of peddling, shoe
33 polishing, the distribution or sale of newspapers, magazines,

34 periodicals or circulars, nor in any other occupations in any
35 street or public place. The ~~labor commissioner~~ director shall,
1 when ordered by a judge of the juvenile court, issue a work
2 permit as provided in [this chapter](#) to a person under ten years
3 of age.

4 2. No person under twelve years of age shall be employed
5 or permitted to work with or without compensation at any time
6 within this state in connection with migratory labor, except
7 that the ~~labor commissioner~~ director may upon sufficient
8 showing by a judge of the juvenile court, issue a work permit
9 as provided in [this chapter](#) to a person under twelve years of
10 age.

11 Sec. 1854. NEW SECTION. 92.1B Definition.

12 For purposes of this chapter, "*director*" means the director
13 of the department of inspections, appeals, and licensing.

14 Sec. 1855. Section 92.4, subsection 1, Code 2023, is amended
15 to read as follows:

16 1. Those persons legally out of school, if such status
17 is verified by the submission of written proof to the ~~labor~~
18 ~~commissioner~~ director.

19 Sec. 1856. Section 92.6, subsection 1, paragraph g, Code
20 2023, is amended to read as follows:

21 *g.* Occupations prohibited by rules adopted pursuant to
22 chapter 17A by the ~~labor commissioner~~ director.

23 Sec. 1857. Section 92.8, subsection 21, Code 2023, is
24 amended to read as follows:

25 21. Occupations prohibited by rules adopted pursuant to
26 chapter 17A by the ~~labor commissioner~~ director.

27 Sec. 1858. Section 92.11, unnumbered paragraph 1, Code
28 2023, is amended to read as follows:

29 A work permit, except for migrant laborers, shall be issued
30 only by the ~~labor commissioner~~ director upon the application of
31 the parent, guardian, or custodian of the child desiring such
32 permit. The application shall include the following:

33 Sec. 1859. Section 92.12, subsections 2 and 3, Code 2023,

34 are amended to read as follows:

35 2. Work permits for migrant workers shall be issued by the
1 ~~labor commissioner~~ director upon application of the parent or
2 head of the migrant family. The application shall include
3 documentation of proof of age as described in section 92.11,
4 subsection 2.

5 3. One copy of the permit issued shall be given to the
6 employer to be kept on file for the length of employment and
7 upon termination of employment shall be returned to the ~~labor~~
8 ~~commissioner~~ director. The blank forms for the application
9 for a work permit for migratory workers and the work permit
10 for migratory workers shall be formulated by the ~~commissioner~~
11 director.

12 Sec. 1860. Section 92.13, Code 2023, is amended to read as
13 follows:

14 **92.13 Optional refusal of permit.**

15 The ~~labor commissioner~~ director may refuse to grant a
16 permit if, in the ~~commissioner's~~ director's judgment, the best
17 interests of the minor would be served by such refusal and the
18 ~~commissioner~~ director shall keep a record of such refusals, and
19 the reasons therefor.

20 Sec. 1861. Section 92.15, Code 2023, is amended to read as
21 follows:

22 **92.15 Application to ~~labor commissioner~~ director.**

23 An application for a work permit pursuant to [section 92.11](#)
24 or [section 92.12](#) shall be submitted to the office of the ~~labor~~
25 ~~commissioner~~ director within three days after the child begins
26 work.

27 Sec. 1862. Section 92.16, Code 2023, is amended to read as
28 follows:

29 **92.16 Forms for permits formulated.**

30 The proper forms for the application for a work permit,
31 the work permit, the certificate of age, and the physician's
32 certificate shall be formulated by the ~~labor commissioner~~
33 director.

34 Sec. 1863. Section 92.21, Code 2023, is amended to read as
35 follows:

1 **92.21 Rules and orders of ~~labor commissioner~~ director.**

2 1. The ~~labor commissioner~~ director may adopt rules pursuant
3 to [chapter 17A](#) to more specifically define the occupations
4 and equipment permitted or prohibited in [this chapter](#), to
5 determine occupations for which work permits are required, and
6 to issue general and special orders prohibiting or allowing
7 the employment of persons under eighteen years of age in any
8 place of employment defined in [this chapter](#) as hazardous to the
9 health, safety, and welfare of the persons.

10 2. The ~~labor commissioner~~ director shall adopt rules
11 pursuant to [chapter 17A](#) specifically defining the civil penalty
12 amount to be assessed for violations of [this chapter](#).

13 Sec. 1864. Section 92.22, Code 2023, is amended to read as
14 follows:

15 **92.22 ~~Labor commissioner~~ Director to enforce — civil penalty**
16 **— judicial review.**

17 1. The ~~labor commissioner~~ director shall enforce this
18 chapter. An employer who violates [this chapter](#) or the rules
19 adopted pursuant to [this chapter](#) is subject to a civil penalty
20 of not more than ten thousand dollars for each violation.

21 2. The ~~commissioner~~ director shall notify the employer
22 of a proposed civil penalty by service in the same manner as
23 an original notice or by certified mail. If, within fifteen
24 working days from the receipt of the notice, the employer fails
25 to file a notice of contest in accordance with rules adopted by
26 the ~~commissioner~~ director pursuant to [chapter 17A](#), the penalty,
27 as proposed, shall be deemed final agency action for purposes
28 of judicial review.

29 3. The ~~commissioner~~ director shall notify the department of
30 revenue upon final agency action regarding the assessment of a
31 penalty against an employer. Interest shall be calculated from
32 the date of final agency action.

33 4. Judicial review of final agency action pursuant to

34 this section may be sought in accordance with the terms of
 35 section 17A.19. If no petition for judicial review is filed
 1 within sixty days after service of the final agency action
 2 of the ~~commissioner~~ director, the ~~commissioner's~~ director's
 3 findings of fact and final agency action shall be conclusive in
 4 connection with any petition for enforcement which is filed by
 5 the ~~commissioner~~ director after the expiration of the sixty-day
 6 period. In any such case, the clerk of court, unless otherwise
 7 ordered by the court, shall forthwith enter a decree enforcing
 8 the final agency action and shall transmit a copy of the decree
 9 to the ~~commissioner~~ director and the employer named in the
 10 petition.

11 5. Any penalties recovered pursuant to [this section](#) shall be
 12 remitted by the ~~commissioner~~ director to the treasurer of state
 13 for deposit in the general fund of the state.

14 6. Mayors and police officers, sheriffs, school
 15 superintendents, and school truant and attendance officers,
 16 within their several jurisdictions, shall cooperate in the
 17 enforcement of [this chapter](#) and furnish the ~~commissioner~~
 18 director and the ~~commissioner's~~ director's designees with all
 19 information coming to their knowledge regarding violations of
 20 this chapter. All such officers and any person authorized in
 21 writing by a court of record shall have the authority to enter,
 22 for the purpose of investigation, any of the establishments and
 23 places mentioned in [this chapter](#) and to freely question any
 24 person therein as to any violations of [this chapter](#).

25 7. County attorneys shall investigate all complaints made
 26 to them of violations of [this chapter](#), and prosecute all such
 27 cases of violation within their respective counties.

28 Sec. 1865. Section 96.1A, subsection 23, Code 2023, is
 29 amended to read as follows:

30 23. "*Hospital*" means an institution which has been licensed,
 31 certified, or approved by the department of inspections, and
 32 appeals, and licensing as a hospital.

33 Sec. 1866. Section 97B.20A, Code 2023, is amended to read

34 as follows:

35 **97B.20A Appeal procedure.**

1 Members and third-party payees may appeal any decision made
2 by the system that affects their rights under [this chapter](#).
3 The appeal shall be filed with the system within thirty days
4 after the notification of the decision was mailed to the
5 party's last known mailing address, or the decision of the
6 system is final. If the party appeals the decision of the
7 system, the system shall conduct an internal review of the
8 decision and the chief executive officer shall notify the
9 individual who has filed the appeal in writing of the system's
10 decision. The individual who has filed the appeal may file an
11 appeal of the system's final decision with the system under
12 chapter 17A by notifying the system of the appeal in writing
13 within thirty days after the notification of its final decision
14 was mailed to the party's last known mailing address. Once
15 notified, the system shall forward the appeal to the department
16 of inspections, and appeals, and licensing.

17 Sec. 1867. Section 97B.20B, Code 2023, is amended to read
18 as follows:

19 **97B.20B Hearing by administrative law judge.**

20 If an appeal is filed and is not withdrawn, an administrative
21 law judge in the department of inspections, and appeals, and
22 licensing, after affording the parties reasonable opportunity
23 for fair hearing, shall affirm, modify, or reverse the
24 decision of the system. The hearing shall be recorded by
25 mechanical means and a transcript of the hearing shall be
26 made. The transcript shall then be made available for use by
27 the employment appeal board and by the courts at subsequent
28 judicial review proceedings under the Iowa administrative
29 procedure Act, [chapter 17A](#), if any. The parties shall be duly
30 notified of the administrative law judge's decision, together
31 with the administrative law judge's reasons. The decision is
32 final unless, within thirty days after the date of notification
33 or mailing of the decision, review by the employment appeal

34 board is initiated pursuant to [section 97B.27](#).

35 Sec. 1868. Section 97B.27, Code 2023, is amended to read as
1 follows:

2 **97B.27 Review of decision.**

3 Anyone aggrieved by the decision of the administrative law
4 judge may, at any time before the administrative law judge's
5 decision becomes final, petition the department of inspections,
6 and appeals, and licensing for review by the employment appeal
7 board established in [section 10A.601](#). The appeal board shall
8 review the record made before the administrative law judge, but
9 no additional evidence shall be heard. On the basis of the
10 record the appeal board shall affirm, modify, or reverse the
11 decision of the administrative law judge and shall determine
12 the rights of the appellant. It shall promptly notify the
13 appellant and any other interested party by written decision.

14 Sec. 1869. Section 99B.1, subsection 13, Code 2023, is
15 amended to read as follows:

16 13. "*Department*" means the department of inspections, and
17 appeals, and licensing.

18 Sec. 1870. Section 99B.6, Code 2023, is amended to read as
19 follows:

20 **99B.6 Attorney general and county attorney — prosecution.**

21 Upon request of the department of inspections, and appeals,
22 and licensing or the division of criminal investigation of
23 the department of public safety, the attorney general shall
24 institute in the name of the state the proper proceedings
25 against a person charged by either department with violating
26 this chapter, and a county attorney, at the request of the
27 attorney general, shall appear and prosecute an action when
28 brought in the county attorney's county.

29 Sec. 1871. Section 99B.7, Code 2023, is amended to read as
30 follows:

31 **99B.7 Division of criminal investigation.**

32 The division of criminal investigation of the department of
33 public safety may investigate to determine licensee compliance

34 with the requirements of [this chapter](#). Investigations may be
35 conducted either on the criminal investigation division's own
1 initiative or at the request of the department of inspections,
2 ~~and~~ appeals, and licensing. The criminal investigation
3 division and the department of inspections, ~~and~~ appeals, and
4 licensing shall cooperate to the maximum extent possible on an
5 investigation.

6 Sec. 1872. Section 99B.58, Code 2023, is amended to read as
7 follows:

8 **99B.58 Electrical or mechanical amusement devices — special**
9 **fund.**

10 Fees collected by the department pursuant to sections [99B.53](#)
11 and [99B.56](#) shall be deposited in a special fund created in
12 the state treasury. Moneys in the fund are appropriated to
13 the department of inspections, ~~and~~ appeals, and licensing
14 and the department of public safety for administration and
15 enforcement of [this subchapter](#), including employment of
16 necessary personnel. The distribution of moneys in the fund to
17 the department of inspections, ~~and~~ appeals, and licensing and
18 the department of public safety shall be pursuant to a written
19 policy agreed upon by the departments. Notwithstanding section
20 12C.7, subsection 2, interest or earnings on moneys deposited
21 in the fund shall be credited to the fund. Notwithstanding
22 section 8.33, moneys remaining in the fund at the end of a
23 fiscal year shall not revert to the general fund of the state.

24 Sec. 1873. Section 99D.5, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. A state racing and gaming commission is created within
27 the department of inspections, ~~and~~ appeals, and licensing
28 consisting of five members who shall be appointed by the
29 governor subject to confirmation by the senate, and who shall
30 serve not to exceed a three-year term at the pleasure of the
31 governor. The term of each member shall begin and end as
32 provided in [section 69.19](#).

33 Sec. 1874. Section 99F.4B, Code 2023, is amended to read as

34 follows:

35 **99F.4B Rules.**

1 The department of inspections, and appeals, and licensing
2 shall cooperate to the maximum extent possible with the
3 division of criminal investigation in adopting rules relating
4 to the gaming operations in this chapter and chapters 99D and
5 99E.

6 Sec. 1875. Section 99F.20, subsection 1, Code 2023, is
7 amended to read as follows:

8 1. A gaming regulatory revolving fund is created in
9 the state treasury under the control of the department of
10 inspections, and appeals, and licensing. The fund shall
11 consist of fees collected and deposited into the fund paid
12 by licensees pursuant to section 99D.14, subsection 2,
13 paragraph "c", fees paid by licensees pursuant to section
14 99E.5, subsection 4, paragraph "c", regulatory fees paid by
15 licensees pursuant to section 99F.4, subsection 27, and fees
16 paid by licensees pursuant to section 99F.10, subsection 4,
17 paragraph "c". All costs relating to racetrack, excursion
18 boat, gambling structure, internet fantasy sports contests as
19 defined in section 99E.1, and sports wagering regulation shall
20 be paid from the fund as provided in appropriations made for
21 this purpose by the general assembly. The department shall
22 provide quarterly reports to the department of management and
23 the legislative services agency specifying revenues billed
24 and collected and expenditures from the fund in a format as
25 determined by the department of management in consultation with
26 the legislative services agency.

27 Sec. 1876. Section 123.3, subsection 23, Code 2023, is
28 amended to read as follows:

29 23. "Hotel" or "motel" means premises licensed by the
30 department of inspections, and appeals, and licensing and
31 regularly or seasonally kept open in a bona fide manner for the
32 lodging of transient guests, and with twenty or more sleeping
33 rooms.

34 Sec. 1877. Section 123.10, subsection 15, Code 2023, is
35 amended to read as follows:

1 15. Prescribing the uniform fee, not to exceed one hundred
2 dollars, to be assessed against a licensee or permittee for
3 a contested case hearing conducted by the division or by an
4 administrative law judge from the department of inspections,
5 ~~and appeals~~, and licensing which results in administrative
6 action taken against the licensee or permittee by the division.

7 Sec. 1878. Section 123.17, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. The treasurer of state shall, each quarter, prepare
10 an estimate of the gaming revenues and of the moneys to be
11 deposited in the beer and liquor control fund that will become
12 available during the remainder of the appropriate fiscal year
13 for the purposes described in [subsection 3](#). The department
14 of management, the department of inspections, ~~and appeals~~,
15 and licensing, and the department of commerce shall take
16 appropriate actions to provide that the sum of the amount of
17 gaming revenues available to be deposited into the revenue
18 bonds debt service fund and the revenue bonds federal subsidy
19 holdback fund during a fiscal year and the amount of moneys to
20 be deposited in the beer and liquor control fund available to
21 be deposited into the revenue bonds debt service fund and the
22 revenue bonds federal subsidy holdback fund during such fiscal
23 year will be sufficient to cover any anticipated deficiencies.

24 Sec. 1879. Section 123.30, subsection 1, paragraph b, Code
25 2023, is amended to read as follows:

26 *b.* As a condition for issuance of a retail alcohol license
27 or wine or beer permit, the applicant must give consent
28 to members of the fire, police, and health departments and
29 the building inspector of cities; the county sheriff or
30 deputy sheriff; members of the department of public safety;
31 representatives of the division and of the department of
32 inspections, ~~and appeals~~, and licensing; certified police
33 officers; and any official county health officer to enter upon

34 areas of the premises where alcoholic beverages are stored,
35 served, or sold, without a warrant during business hours of
1 the licensee or permittee to inspect for violations of this
2 chapter or ordinances and regulations that cities and boards
3 of supervisors may adopt. However, a subpoena issued under
4 section 421.17 or a warrant is required for inspection of
5 private records, a private business office, or attached living
6 quarters. Persons who are not certified peace officers shall
7 limit the scope of their inspections of licensed premises
8 to the regulatory authority under which the inspection is
9 conducted. All persons who enter upon a licensed premises to
10 conduct an inspection shall present appropriate identification
11 to the owner of the establishment or the person who appears
12 to be in charge of the establishment prior to commencing
13 an inspection; however, this provision does not apply to
14 undercover criminal investigations conducted by peace officers.

15 Sec. 1880. Section 123.32, subsection 6, paragraph b, Code
16 2023, is amended to read as follows:

17 *b.* Upon receipt of an application having been approved by
18 the local authority, the division shall make an investigation
19 as the administrator deems necessary to determine that the
20 applicant complies with all requirements for holding a license,
21 and may require the applicant to appear to be examined under
22 oath to demonstrate that the applicant complies with all of the
23 requirements to hold a license. If the administrator requires
24 the applicant to appear and to testify under oath, a record
25 shall be made of all testimony or evidence and the record
26 shall become a part of the application. The administrator
27 may appoint a member of the division or may request an
28 administrative law judge of the department of inspections, and
29 appeals, and licensing to receive the testimony under oath
30 and evidence, and to issue a proposed decision to approve or
31 disapprove the application for a license. The administrator
32 may affirm, reverse, or modify the proposed decision to
33 approve or disapprove the application for the license. If

34 the application is approved by the administrator, the license
35 shall be issued. If the application is disapproved by the
1 administrator, the applicant shall be so notified by certified
2 mail or personal service and the appropriate local authority
3 shall be notified electronically, or in a manner prescribed by
4 the administrator.

5 Sec. 1881. Section 123.32, subsections 7 and 9, Code 2023,
6 are amended to read as follows:

7 *7. Appeal to administrator.* An applicant for a retail
8 alcohol license may appeal from the local authority's
9 disapproval of an application for a license or permit to the
10 administrator. In the appeal the applicant shall be allowed
11 the opportunity to demonstrate in an evidentiary hearing
12 conducted pursuant to [chapter 17A](#) that the applicant complies
13 with all of the requirements for holding the license or permit.
14 The administrator may appoint a member of the division or
15 may request an administrative law judge from the department
16 of inspections, ~~and appeals,~~ and licensing to conduct the
17 evidentiary hearing and to render a proposed decision to
18 approve or disapprove the issuance of the license or permit.
19 The administrator may affirm, reverse, or modify the proposed
20 decision. If the administrator determines that the applicant
21 complies with all of the requirements for holding a license
22 or permit, the administrator shall order the issuance of the
23 license or permit. If the administrator determines that the
24 applicant does not comply with the requirements for holding
25 a license or permit, the administrator shall disapprove the
26 issuance of the license or permit.

27 *9. Suspension by local authority.* A retail alcohol licensee
28 whose license has been suspended or revoked or a civil penalty
29 imposed by a local authority for a violation of [this chapter](#)
30 or suspended by a local authority for violation of a local
31 ordinance may appeal the suspension, revocation, or civil
32 penalty to the administrator. The administrator may appoint
33 a member of the division or may request an administrative

34 law judge from the department of inspections, and appeals,
35 and licensing to hear the appeal which shall be conducted in
1 accordance with [chapter 17A](#) and to issue a proposed decision.
2 The administrator may review the proposed decision upon the
3 motion of a party to the appeal or upon the administrator's
4 own motion in accordance with [chapter 17A](#). Upon review of the
5 proposed decision, the administrator may affirm, reverse, or
6 modify the proposed decision. A retail alcohol licensee or a
7 local authority aggrieved by a decision of the administrator
8 may seek judicial review of the decision pursuant to chapter
9 17A.

10 Sec. 1882. Section 123.39, subsection 1, paragraph e, Code
11 2023, is amended to read as follows:

12 e. Before suspension, revocation, or imposition of a
13 civil penalty by the administrator, the license, permit,
14 or certificate holder shall be given written notice and an
15 opportunity for a hearing. The administrator may appoint
16 a member of the division or may request an administrative
17 law judge from the department of inspections, and appeals,
18 and licensing to conduct the hearing and issue a proposed
19 decision. Upon the motion of a party to the hearing or
20 upon the administrator's own motion, the administrator may
21 review the proposed decision in accordance with [chapter 17A](#).
22 Upon review of the proposed decision, the administrator may
23 affirm, reverse, or modify the proposed decision. A license,
24 permit, or certificate holder aggrieved by a decision of the
25 administrator may seek judicial review of the administrator's
26 decision in accordance with [chapter 17A](#).

27 Sec. 1883. Section 125.18, Code 2023, is amended to read as
28 follows:

29 **125.18 Hearing before board.**

30 If a licensee under [this chapter](#) makes a written request
31 for a hearing within thirty days of suspension, revocation, or
32 refusal to renew a license, a hearing before the board shall
33 be expeditiously arranged by the department of inspections,

34 ~~and appeals, and licensing~~ whose decision is subject to review
35 by the board. The board shall issue a written statement of
1 the board's findings within thirty days after conclusion of
2 the hearing upholding or reversing the proposed suspension,
3 revocation, or refusal to renew a license. Action involving
4 suspension, revocation, or refusal to renew a license shall
5 not be taken by the board unless a quorum is present at the
6 meeting. A copy of the board's decision shall be promptly
7 transmitted to the affected licensee who may, if aggrieved by
8 the decision, seek judicial review of the actions of the board
9 in accordance with the terms of [chapter 17A](#).

10 Sec. 1884. Section 135.16A, subsection 1, paragraph d, Code
11 2023, is amended to read as follows:

12 *d.* "*Grocery store*" means a food establishment as defined
13 in [section 137F.1](#) licensed by the department of inspections,
14 ~~and appeals, and licensing~~ pursuant to [section 137F.4](#), to sell
15 food or food products to customers intended for preparation or
16 consumption off premises.

17 Sec. 1885. Section 135.16A, subsection 2, paragraph a, Code
18 2023, is amended to read as follows:

19 *a.* The department of inspections, ~~and appeals, and licensing~~
20 shall assist the Iowa department of public health in adopting
21 rules necessary to implement and administer [this section](#).

22 Sec. 1886. Section 135.63, subsection 2, paragraph g,
23 subparagraph (1), subparagraph division (a), Code 2023, is
24 amended to read as follows:

25 (a) The institutional health facility reports to the
26 department the number and type of beds reduced on a form
27 prescribed by the department at least thirty days before the
28 reduction. In the case of a health care facility, the new bed
29 total must be consistent with the number of licensed beds at
30 the facility. In the case of a hospital, the number of beds
31 must be consistent with bed totals reported to the department
32 of inspections, ~~and appeals, and licensing~~ for purposes of
33 licensure and certification.

34 Sec. 1887. Section 135B.1, subsection 1, Code 2023, is
35 amended to read as follows:

1 1. "*Department*" means the department of inspections, ~~and~~
2 appeals, and licensing.

3 Sec. 1888. Section 135C.1, subsections 4, 6, and 20, Code
4 2023, are amended to read as follows:

5 4. "*Department*" means the department of inspections, ~~and~~
6 appeals, and licensing.

7 6. "*Director*" means the director of the department of
8 inspections, ~~and~~ appeals, and licensing, or the director's
9 designee.

10 20. "*Residential care facility*" means any institution,
11 place, building, or agency providing for a period exceeding
12 twenty-four consecutive hours accommodation, board, personal
13 assistance and other essential daily living activities to
14 three or more individuals, not related to the administrator or
15 owner thereof within the third degree of consanguinity, who by
16 reason of illness, disease, or physical or mental infirmity
17 are unable to sufficiently or properly care for themselves but
18 who do not require the services of a registered or licensed
19 practical nurse except on an emergency basis or who by reason
20 of illness, disease, or physical or mental infirmity are unable
21 to sufficiently or properly care for themselves but who do not
22 require the services of a registered or licensed practical
23 nurse except on an emergency basis if home and community-based
24 services, other than nursing care, as defined by [this chapter](#)
25 and departmental rule, are provided. For the purposes of
26 this definition, the home and community-based services to be
27 provided are limited to the type included under the medical
28 assistance program provided pursuant to [chapter 249A](#), are
29 subject to cost limitations established by the department of
30 human services under the medical assistance program, and except
31 as otherwise provided by the department of inspections, ~~and~~
32 appeals, and licensing with the concurrence of the department
33 of human services, are limited in capacity to the number of

34 licensed residential care facilities and the number of licensed
35 residential care facility beds in the state as of December 1,
1 2003.

2 Sec. 1889. Section 135C.4, subsection 3, Code 2023, is
3 amended to read as follows:

4 3. For the purposes of this section, the home and
5 community-based services to be provided shall be limited to the
6 type included under the medical assistance program provided
7 pursuant to chapter 249A, shall be subject to cost limitations
8 established by the department of human services under the
9 medical assistance program, and except as otherwise provided by
10 the department of inspections, and appeals, and licensing with
11 the concurrence of the department of human services, shall be
12 limited in capacity to the number of licensed residential care
13 facilities and the number of licensed residential care facility
14 beds in the state as of December 1, 2003.

15 Sec. 1890. Section 135C.19, subsection 3, Code 2023, is
16 amended to read as follows:

17 3. If the facility cited subsequently advises the
18 department of human services that the violation has been
19 corrected to the satisfaction of the department of inspections,
20 and appeals, and licensing, the department of human services
21 shall maintain this advisory in the same file with the copy
22 of the citation. The department of human services shall
23 not disseminate to the public any information regarding
24 citations issued by the department of inspections, and appeals,
25 and licensing, but shall forward or refer inquiries to the
26 department of inspections, and appeals, and licensing.

27 Sec. 1891. Section 135C.31A, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. A health care facility shall assist the Iowa department
30 of veterans affairs in identifying, upon admission of a
31 resident, the resident's eligibility for benefits through the
32 United States department of veterans affairs. The department
33 of inspections, and appeals, and licensing, in cooperation

34 with the department of human services, shall adopt rules to
35 administer [this section](#), including a provision that ensures
1 that if a resident is eligible for benefits through the United
2 States department of veterans affairs or other third-party
3 payor, the payor of last resort for reimbursement to the
4 health care facility is the medical assistance program.
5 The rules shall also require the health care facility to
6 request information from a resident or resident's personal
7 representative regarding the resident's veteran status and to
8 report to the Iowa department of veterans affairs only the
9 names of residents identified as potential veterans along with
10 the names of their spouses and any dependents. Information
11 reported by the health care facility shall be verified by the
12 Iowa department of veterans affairs. [This section](#) shall not
13 apply to the admission of an individual to a state mental
14 health institute for acute psychiatric care or to the admission
15 of an individual to the Iowa veterans home.

16 Sec. 1892. Section 135C.31A, subsection 2, paragraph b,
17 Code 2023, is amended to read as follows:

18 *b.* The department of inspections, ~~and appeals, and~~
19 licensing, the department of veterans affairs, and the
20 department of human services shall identify any barriers
21 to residents in accessing such prescription drug benefits
22 and shall assist health care facilities in adjusting their
23 procedures for medication administration to comply with this
24 subsection.

25 Sec. 1893. Section 135C.33, subsection 7, paragraph a, Code
26 2023, is amended to read as follows:

27 *a.* The department of inspections, ~~and appeals, and~~
28 licensing, in conjunction with other departments and agencies
29 of state government involved with criminal history and
30 abuse registry information, shall establish a single contact
31 repository for facilities and other providers to have
32 electronic access to data to perform background checks for
33 purposes of employment, as required of the facilities and other

34 providers under [this section](#).

35 Sec. 1894. Section 135C.34, Code 2023, is amended to read
1 as follows:

2 **135C.34 Medication aide — certification.**

3 The department of inspections, and appeals, and licensing,
4 in cooperation with other appropriate agencies, shall establish
5 a procedure to allow a person who is certified as a medication
6 aide in another state to become certified in this state upon
7 completion and passage of both the certified nurse aide and
8 certified medication aide challenge examinations, without
9 additional requirements for certification, including but
10 not limited to, required employment in this state prior to
11 certification. The department shall adopt rules pursuant to
12 chapter 17A to administer [this section](#).

13 Sec. 1895. Section 135G.1, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. "*Department*" means the department of inspections, and
16 appeals, and licensing.

17 Sec. 1896. Section 135G.10, subsection 1, unnumbered
18 paragraph 1, Code 2023, is amended to read as follows:

19 The department of inspections, and appeals, and licensing
20 and the department of human services shall collaborate
21 in establishing standards for licensing of subacute care
22 facilities to achieve all of the following objectives:

23 Sec. 1897. Section 135G.10, subsection 3, Code 2023, is
24 amended to read as follows:

25 3. The department of inspections, and appeals, and
26 licensing, in consultation with the department of human
27 services and affected professional groups, shall adopt and
28 enforce rules setting out the standards for a subacute care
29 facility and the rights of the residents admitted to a subacute
30 care facility. The department of inspections, and appeals, and
31 licensing and the department of human services shall coordinate
32 the adoption of rules and the enforcement of the rules in order
33 to prevent duplication of effort by the departments and of

34 requirements of the licensee.

35 Sec. 1898. Section 135G.11, subsection 2, Code 2023, is
1 amended to read as follows:

2 2. Upon receipt of a complaint made in accordance with
3 subsection 1, the department shall make a preliminary review
4 of the complaint. Unless the department concludes that the
5 complaint is intended to harass a subacute care facility or
6 a licensee or is without reasonable basis, it shall within
7 twenty working days of receipt of the complaint make or cause
8 to be made an on-site inspection of the subacute care facility
9 which is the subject of the complaint. The department of
10 inspections, and appeals, and licensing may refer to the
11 department of human services any complaint received by the
12 department of inspections, and appeals, and licensing if the
13 complaint applies to rules adopted by the department of human
14 services. The complainant shall also be notified of the name,
15 address, and telephone number of the designated protection and
16 advocacy agency if the alleged violation involves a facility
17 with one or more residents with a developmental disability or
18 mental illness. In any case, the complainant shall be promptly
19 informed of the result of any action taken by the department
20 in the matter.

21 Sec. 1899. Section 135H.1, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. "*Department*" means the department of inspections, and
24 appeals, and licensing.

25 Sec. 1900. Section 135H.10, subsection 1, Code 2023, is
26 amended to read as follows:

27 1. The department ~~of inspections and appeals~~, in
28 consultation with the department of human services and affected
29 professional groups, shall adopt and enforce rules setting
30 out the standards for a psychiatric medical institution
31 for children and the rights of the residents admitted to a
32 psychiatric institution. The department ~~of inspections and~~
33 ~~appeals~~ and the department of human services shall coordinate

34 the adoption of rules and the enforcement of the rules in order
35 to prevent duplication of effort by the departments and of
1 requirements of the licensee.

2 Sec. 1901. Section 135H.12, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. Upon receipt of a complaint made in accordance with
5 section 135H.11, the department shall make a preliminary review
6 of the complaint. Unless the department concludes that the
7 complaint is intended to harass a psychiatric institution or a
8 licensee or is without reasonable basis, it shall within twenty
9 working days of receipt of the complaint make or cause to be
10 made an on-site inspection of the psychiatric institution which
11 is the subject of the complaint. The department ~~of inspections~~
12 ~~and appeals~~ may refer to the department of human services any
13 complaint received by the department if the complaint applies
14 to rules adopted by the department of human services. The
15 complainant shall also be notified of the name, address, and
16 telephone number of the designated protection and advocacy
17 agency if the alleged violation involves a facility with one
18 or more residents with developmental disabilities or mental
19 illness. In any case, the complainant shall be promptly
20 informed of the result of any action taken by the department
21 in the matter.

22 Sec. 1902. Section 135J.1, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. "*Department*" means the department of inspections, and
25 appeals, and licensing.

26 Sec. 1903. Section 135J.2, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. The hospice program shall meet the criteria pursuant
29 to [section 135J.3](#) before a license is issued. The department
30 ~~of inspections and appeals~~ is responsible to provide the
31 necessary personnel to inspect the hospice program, the home
32 care and inpatient care provided and the hospital or facility
33 used by the hospice to determine if the hospice complies with

34 necessary standards before a license is issued. Hospices that
35 are certified as Medicare hospice providers by the department
1 ~~of inspections and appeals~~ or are accredited as hospices by
2 the joint commission on the accreditation of health care
3 organizations, shall be licensed without inspection by the
4 department ~~of inspections and appeals~~.

5 Sec. 1904. Section 135J.4, Code 2023, is amended to read as
6 follows:

7 **135J.4 Inspection.**

8 The department ~~of inspections and appeals~~ shall make or be
9 responsible for inspections of the hospice program, the home
10 care and the inpatient care provided in the hospice program,
11 and the hospital or facility before a license is issued. The
12 department ~~of inspections and appeals~~ shall inspect the hospice
13 program periodically after initial inspection.

14 Sec. 1905. Section 1350.1, subsections 1 and 2, Code 2023,
15 are amended to read as follows:

16 1. "*Boarding home*" means a premises used by its owner
17 or lessee for the purpose of letting rooms for rental to
18 three or more persons not related within the third degree of
19 consanguinity to the owner or lessee where supervision or
20 assistance with activities of daily living is provided to such
21 persons. A boarding home does not include a facility, home,
22 or program otherwise subject to licensure or regulation by the
23 department of health and human services, or the department ~~of~~
24 ~~inspections and appeals, or department of public health.~~

25 2. "*Department*" means the department of inspections, and
26 appeals, and licensing.

27 Sec. 1906. Section 1350.2, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. The department ~~of inspections and appeals~~ shall adopt
30 rules to administer **this chapter** in consultation with the
31 departments of human services and public safety.

32 Sec. 1907. Section 1350.3, subsection 2, paragraph a, Code
33 2023, is amended to read as follows:

34 a. The interagency approach may involve a multidisciplinary
35 team consisting of employees of the department ~~of inspections~~
1 ~~and appeals~~, the department of human services, ~~the state fire~~
2 ~~marshal~~, and the division of criminal investigation of the
3 department of public safety, or other local, state, and federal
4 agencies.

5 Sec. 1908. Section 1350.3, subsection 4, Code 2023, is
6 amended to read as follows:

7 4. If the department or a multidisciplinary team has
8 probable cause to believe that a boarding home is in violation
9 of **this chapter** or licensing or other regulatory requirements
10 of the department of human services, ~~department of inspections~~
11 ~~and appeals~~, or department of public health, or that dependent
12 adult abuse of any individual living in a boarding home
13 has occurred, and upon producing proper identification, is
14 denied entry to the boarding home or access to any individual
15 living in the boarding home for the purpose of making an
16 inspection or conducting an investigation, the department or
17 multidisciplinary team may, with the assistance of the county
18 attorney of the county in which the boarding home is located,
19 apply to the district court for an order requiring the owner or
20 lessee to permit entry to the boarding home and access to the
21 individuals living in the boarding home.

22 Sec. 1909. Section 135Q.1, subsection 1, Code 2023, is
23 amended to read as follows:

24 1. "*Department*" means the department of inspections, and
25 appeals, and licensing.

26 Sec. 1910. Section 137C.2, subsections 2 and 3, Code 2023,
27 are amended to read as follows:

28 2. "*Director*" means the director of the department of
29 inspections, and appeals, and licensing or the director's
30 designee.

31 3. "*Department*" means the department of inspections, and
32 appeals, and licensing.

33 Sec. 1911. Section 137D.1, subsection 1, Code 2023, is

34 amended to read as follows:

35 1. "*Department*" means the department of inspections, and
1 appeals, and licensing.

2 Sec. 1912. Section 137F.1, subsections 4 and 5, Code 2023,
3 are amended to read as follows:

4 4. "*Department*" means the department of inspections, and
5 appeals, and licensing.

6 5. "*Director*" means the director of the department of
7 inspections, and appeals, and licensing.

8 Sec. 1913. Section 137F.3A, Code 2023, is amended to read
9 as follows:

10 **137F.3A Municipal corporation inspections — contingent**
11 **appropriation.**

12 1. *a.* The department of ~~inspections and appeals~~ may employ
13 additional full-time equivalent positions to enforce the
14 provisions of [this chapter](#) and [chapters 137C](#) and [137D](#), with
15 the approval of the department of management, if either of the
16 following apply:

17 (1) A municipal corporation operating pursuant to a chapter
18 28E agreement with the department of ~~inspections and appeals~~
19 to enforce the chapters either fails to renew the agreement
20 effective after April 1, 2007, or discontinues, after April
21 1, 2007, enforcement activities in one or more jurisdictions
22 during the agreement time frame.

23 (2) The department of ~~inspections and appeals~~ cancels an
24 agreement after April 1, 2007, due to noncompliance with the
25 terms of the agreement.

26 *b.* Before approval may be given, the director of the
27 department of management must have determined that the expenses
28 exceed the funds budgeted by the general assembly for food
29 inspections to the department of ~~inspections and appeals~~. The
30 department of ~~inspections and appeals~~ may hire no more than one
31 full-time equivalent position for each six hundred inspections
32 required pursuant to [this chapter](#) and [chapters 137C](#) and [137D](#).

33 2. Notwithstanding [chapter 137D](#), and [sections 137C.9](#) and

34 137F.6, if the conditions described in this section are met,
35 fees imposed pursuant to that chapter and those sections
1 shall be retained by and are appropriated to the department
2 ~~of inspections and appeals~~ each fiscal year to provide for
3 salaries, support, maintenance, and miscellaneous purposes
4 associated with the additional inspections. The appropriation
5 made in this subsection is not applicable in a fiscal year for
6 which the general assembly enacts an appropriation made for the
7 purposes described in this subsection.

8 Sec. 1914. Section 147.77, subsection 1, paragraph g,
9 unnumbered paragraph 1, Code 2023, is amended to read as
10 follows:

11 The department of inspections, and appeals, and licensing,
12 with respect to rules relating to the following:

13 Sec. 1915. Section 147.77, subsection 1, paragraph g, Code
14 2023, is amended by adding the following new subparagraphs:

15 NEW SUBPARAGRAPH. (6) For applications for a license to
16 practice asbestos removal, that except as noted in rule, only
17 worker and contractor/supervisor license applicants must submit
18 the respiratory protection and physician's certification forms.

19 NEW SUBPARAGRAPH. (7) For documentation held by persons
20 licensed for asbestos abatement in an area that is subject to
21 a disaster emergency proclamation, that the director of the
22 department of inspections, appeals, and licensing deems an
23 individual contractor, supervisor, or worker to be licensed
24 and authorized for asbestos abatement if the individual, in
25 addition to other specified conditions, makes immediately
26 available on the work site a copy of a physician's statement
27 indicating that, consistent with federal law, a licensed
28 physician has examined the individual within the past twelve
29 months and approved the individual to work while wearing a
30 respirator.

31 NEW SUBPARAGRAPH. (8) That the contents of an application
32 for an event license for a covered athletic event other than a
33 professional wrestling event shall contain, along with other

34 requirements, a copy of the medical license of the ringside
35 physician and the date, time, and location of the ringside
1 physician's examination of the contestants.

2 NEW SUBPARAGRAPH. (9) For the responsibilities of the
3 promoter of an athletic event, that the promoter submit test
4 results to the ringside physician no later than at the time of
5 the physical showing that each contestant scheduled for the
6 event tested negative for the human immunodeficiency, hepatitis
7 B, and hepatitis C viruses within the one-year period prior to
8 the event, and that the contestant shall not participate and
9 the physician shall notify the promoter that the contestant is
10 prohibited from participating for medical reasons if specified
11 circumstances occur.

12 NEW SUBPARAGRAPH. (10) For injuries during a professional
13 boxing match, that if a contestant claims to be injured during
14 the bout, the referee shall stop the bout and request the
15 attending physician to make an examination. If the physician
16 decides that the contestant has been injured as the result of a
17 foul, the physician shall advise the referee of the injury. If
18 the physician is of the opinion that the injured contestant may
19 be able to continue, the physician shall order an intermission,
20 after which the physician shall make another examination and
21 again advise the referee of the injured contestant's condition.
22 It shall be the duty of the promoter to have an approved
23 physician in attendance during the entire duration of all
24 bouts.

25 NEW SUBPARAGRAPH. (11) For persons allowed in a ring during
26 a professional boxing match, that no person other than the
27 contestants and the referee shall enter the ring during the
28 bout, excepting the seconds between the rounds or the attending
29 physician if asked by the referee to examine an injury to a
30 contestant.

31 NEW SUBPARAGRAPH. (12) For the weighing of contestants in
32 a professional boxing match, that contestants shall be weighed
33 and examined on the day of the scheduled match by the attending

34 ring physician at a time and place to be determined by the
35 state commissioner of athletics.

1 NEW SUBPARAGRAPH. (13) For attending ring physicians
2 during a professional boxing match, that when a boxer has been
3 injured seriously, knocked out, or technically knocked out, the
4 referee shall immediately summon the attending ring physician
5 to aid the stricken boxer, and that managers, handlers, and
6 seconds shall not attend to the stricken boxer, except at the
7 request of the physician.

8 NEW SUBPARAGRAPH. (14) For the keeping of time during a
9 professional boxing match, that the timekeeper shall keep an
10 exact record of time taken out at the request of a referee for
11 an examination of a contestant by the physician.

12 NEW SUBPARAGRAPH. (15) For the suspension of contestants
13 during a professional boxing match that is an elimination
14 tournament, that a contestant who for specified reasons is not
15 permitted to box in the state for a period of time shall be
16 examined by a physician approved by the state commissioner of
17 athletics before being permitted to fight again.

18 NEW SUBPARAGRAPH. (16) For the designation of officials for
19 professional kickboxing, that the designation of physicians is
20 subject to the approval of the state commissioner of athletics
21 or designee.

22 NEW SUBPARAGRAPH. (17) For officials for a mixed martial
23 arts event, that officials shall include a physician.

24 NEW SUBPARAGRAPH. (18) For the keeping of time for a mixed
25 martial arts event, that the timekeeper shall keep an exact
26 record of time taken out at the request of a referee for an
27 examination of a contestant by the physician.

28 NEW SUBPARAGRAPH. (19) For persons allowed in the cage
29 during a mixed martial arts event, that a physician may enter
30 the cage to examine a contestant upon the request of the
31 referee.

32 NEW SUBPARAGRAPH. (20) For the decorum of persons involved
33 in a mixed martial arts event, that a contestant is exempt

34 from prohibitions on specified conduct while interacting with
35 the contestant's opponent during a round, but if the round
1 is stopped by the physician or referee for a time out, the
2 prohibitions shall apply to the contestant.

3 NEW SUBPARAGRAPH. (21) For the examination of contestants
4 in a mixed martial arts event, that on the day of the event,
5 at a time and place to be approved by the state commissioner
6 of athletics, the ringside physician shall conduct a rigorous
7 physical examination to determine the contestant's fitness
8 to participate in a mixed martial arts match, and that
9 a contestant deemed not fit by the physician shall not
10 participate in the event.

11 NEW SUBPARAGRAPH. (22) For injuries during a mixed martial
12 arts event, that if a contestant claims to be injured or
13 when a contestant has been injured seriously or knocked out,
14 the referee shall immediately stop the fight and summon the
15 attending ring physician to make an examination of the stricken
16 fighter. If the physician decides that the contestant has
17 been injured, the physician shall advise the referee of the
18 severity of the injury. If the physician is of the opinion the
19 injured contestant may be able to continue, the physician shall
20 order an intermission, after which the physician shall make
21 another examination and again advise the referee of the injured
22 contestant's condition. Managers, handlers, and seconds shall
23 not attend to the stricken fighter, except at the request of
24 the physician.

25 Sec. 1916. Section 147.77, subsection 1, paragraph p,
26 unnumbered paragraph 1, Code 2023, is amended to read as
27 follows:

28 The labor services division of the department of ~~workforce~~
29 ~~development~~ inspections, appeals, and licensing, with respect
30 to rules relating to the following:

31 Sec. 1917. Section 147.77, subsection 1, paragraph p,
32 subparagraphs (3) through (19), Code 2023, are amended by
33 striking the subparagraphs.

34 Sec. 1918. Section 147.87, Code 2023, is amended to read as
35 follows:

1 **147.87 Enforcement.**

2 A board shall enforce the provisions of this chapter and the
3 board's enabling statute and for that purpose may request the
4 department of inspections, and appeals, and licensing to make
5 necessary investigations. Every licensee and member of a board
6 shall furnish the board or the department of inspections, and
7 appeals, and licensing such evidence as the member or licensee
8 may have relative to any alleged violation which is being
9 investigated.

10 Sec. 1919. Section 147.88, Code 2023, is amended to read as
11 follows:

12 **147.88 Inspections and investigations.**

13 The department of inspections, and appeals, and licensing
14 may perform inspections and investigations as required by this
15 subtitle, except inspections and investigations for the board
16 of medicine, board of pharmacy, board of nursing, and the
17 dental board. The department of inspections, and appeals, and
18 licensing shall employ personnel related to the inspection and
19 investigative functions.

20 Sec. 1920. Section 155A.13, subsection 4, paragraph b, Code
21 2023, is amended to read as follows:

22 *b.* To the maximum extent possible, the board shall
23 coordinate the rules with the standards and conditions
24 described in paragraph "a", subparagraph (4), and shall
25 coordinate its inspections of hospital pharmacies with the
26 Medicare surveys of the department of inspections, and appeals,
27 and licensing and with the board's inspections with respect to
28 controlled substances conducted under contract with the federal
29 government.

30 Sec. 1921. Section 155A.15, subsection 2, paragraph d,
31 subparagraph (5), Code 2023, is amended to read as follows:

32 (5) A licensed health care facility which is furnished
33 the drug or device by a pharmacy for storage in secured

34 emergency pharmaceutical supplies containers maintained within
35 the facility in accordance with rules of the department of
1 inspections, and appeals, and licensing and rules of the board.

2 Sec. 1922. Section 169.14, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. The board, upon its own motion or upon a verified
5 complaint in writing, may request the department of
6 inspections, and appeals, and licensing to conduct an
7 investigation of the charges contained in the complaint. The
8 department of inspections, and appeals, and licensing shall
9 report its findings to the board, and the board may issue an
10 order fixing the time and place for hearing if a hearing is
11 deemed warranted. A written notice of the time and place of
12 the hearing, together with a statement of the charges, shall
13 be served upon the licensee at least ten days before the
14 hearing in the manner required for the service of notice of the
15 commencement of an ordinary action.

16 Sec. 1923. Section 190B.102, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. The department of agriculture and land stewardship, the
19 department of public health, the department of human services,
20 and the department of inspections, and appeals, and licensing
21 shall cooperate with the department of revenue to administer
22 this subchapter.

23 Sec. 1924. Section 217.34, Code 2023, is amended to read as
24 follows:

25 **217.34 Debt setoff.**

26 The investigations division of the department of
27 inspections, and appeals, and licensing and the department of
28 human services shall provide assistance to set off against a
29 person's or provider's income tax refund or rebate any debt
30 which has accrued through written contract, nonpayment of
31 premiums pursuant to [section 249A.3, subsection 2](#), paragraph
32 "a", subparagraph (1), subrogation, departmental recoupment
33 procedures, or court judgment and which is in the form of a

34 liquidated sum due and owing the department of human services.
35 The department of inspections, and appeals, and licensing,
1 with approval of the department of human services, shall adopt
2 rules under chapter 17A necessary to assist the department of
3 administrative services in the implementation of the setoff
4 under section 8A.504 in regard to money owed to the state for
5 public assistance overpayments or nonpayment of premiums as
6 specified in this section. The department of human services
7 shall adopt rules under chapter 17A necessary to assist the
8 department of administrative services in the implementation of
9 the setoff under section 8A.504, in regard to collections by
10 the child support recovery unit and the foster care recovery
11 unit.

12 Sec. 1925. Section 217.35, unnumbered paragraph 1, Code
13 2023, is amended to read as follows:

14 Notwithstanding the requirement for deposit of recovered
15 moneys under section 239B.14, recovered moneys generated
16 through fraud and recoupment activities are appropriated to
17 the department of human services to be used for additional
18 fraud and recoupment activities performed by the department of
19 human services or the department of inspections, and appeals,
20 and licensing. The department of human services may use
21 the recovered moneys appropriated to add not more than five
22 full-time equivalent positions, in addition to those funded
23 by annual appropriations. The appropriation of the recovered
24 moneys is subject to both of the following conditions:

25 Sec. 1926. Section 225C.4, subsection 1, paragraphs t and u,
26 Code 2023, are amended to read as follows:

27 *t.* In cooperation with the department of inspections, and
28 appeals, and licensing, recommend minimum standards under
29 section 227.4 for the care of and services to persons with
30 mental illness or an intellectual disability residing in county
31 care facilities. The administrator shall also cooperate with
32 the department of inspections, and appeals, and licensing
33 in recommending minimum standards for care of and services

34 provided to persons with mental illness or an intellectual
35 disability living in a residential care facility regulated
1 under [chapter 135C](#).

2 *u.* In cooperation with the Iowa department of public health,
3 recommend minimum standards for the maintenance and operation
4 of public or private facilities offering disability services,
5 which are not subject to licensure by the department or the
6 department of inspections, and appeals, and licensing.

7 Sec. 1927. Section 225C.6, subsection 1, paragraph e, Code
8 2023, is amended to read as follows:

9 *e.* Unless another governmental body sets standards for a
10 service available to persons with disabilities, adopt state
11 standards for that service. The commission shall review the
12 licensing standards used by the department of human services or
13 department of inspections, and appeals, and licensing for those
14 facilities providing disability services.

15 Sec. 1928. Section 225C.6, subsection 4, paragraph a, Code
16 2023, is amended to read as follows:

17 *a.* The department shall coordinate with the department of
18 inspections, and appeals, and licensing in the establishment
19 of facility-based and community-based, subacute mental health
20 services.

21 Sec. 1929. Section 227.4, Code 2023, is amended to read as
22 follows:

23 **227.4 Standards for care of persons with mental illness or an**
24 **intellectual disability in county care facilities.**

25 The administrator, in cooperation with the department of
26 inspections, and appeals, and licensing, shall recommend
27 and the mental health and disability services commission
28 created in [section 225C.5](#) shall adopt, or amend and adopt,
29 standards for the care of and services to persons with mental
30 illness or an intellectual disability residing in county care
31 facilities. The standards shall be enforced by the department
32 of inspections, and appeals, and licensing as a part of the
33 licensure inspection conducted pursuant to [chapter 135C](#). The

34 objective of the standards is to ensure that persons with
35 mental illness or an intellectual disability who are residents
1 of county care facilities are not only adequately fed, clothed,
2 and housed, but are also offered reasonable opportunities for
3 productive work and recreational activities suited to their
4 physical and mental abilities and offering both a constructive
5 outlet for their energies and, if possible, therapeutic
6 benefit. When recommending standards under *this section*,
7 the administrator shall designate an advisory committee
8 representing administrators of county care facilities, regional
9 administrators, mental health and disability services region
10 governing boards, and county care facility certified volunteer
11 long-term care ombudsmen to assist in the establishment of
12 standards.

13 Sec. 1930. Section 231.42, subsections 4 and 10, Code 2023,
14 are amended to read as follows:

15 4. *Referrals of abuse, neglect, or exploitation.*

16 a. If abuse, neglect, or exploitation of a resident or
17 tenant is suspected, the state or a local long-term care
18 ombudsman shall, with the permission of the resident or tenant
19 as applicable under federal law, make an immediate referral to
20 the department of inspections, and appeals, and licensing, the
21 department of human services, the department on aging, or the
22 appropriate law enforcement agency, as applicable.

23 b. If the department of inspections, and appeals, and
24 licensing responds to a complaint referred by the state or
25 a local long-term care ombudsman against a long-term care
26 facility, assisted living program, elder group home, or an
27 employee of such entity, copies of related inspection reports,
28 plans of correction, and notice of any citations and sanctions
29 levied against the facility, program, or home shall be
30 forwarded to the office of long-term care ombudsman.

31 10. *Change in operations.* A long-term care facility,
32 assisted living program, or elder group home shall inform the
33 office of long-term care ombudsman in writing at least thirty

34 days prior to any change in operations, programs, services,
35 licensure, or certification that affects residents or tenants,
1 including but not limited to the intention to close, decertify,
2 or change ownership. In an emergency situation, or when a
3 long-term care facility, assisted living program, or elder
4 group home is evacuated, the department of inspections, and
5 appeals, and licensing shall notify the office of long-term
6 care ombudsman.

7 Sec. 1931. Section 231.58, Code 2023, is amended to read as
8 follows:

9 **231.58 Long-term living coordination.**

10 The director may convene meetings, as necessary, of the
11 director and the directors of human services, public health,
12 and inspections, and appeals, and licensing, to assist in
13 the coordination of policy, service delivery, and long-range
14 planning relating to the long-term living system and older
15 Iowans in the state. The group may consult with individuals,
16 institutions and entities with expertise in the area of the
17 long-term living system and older Iowans, as necessary, to
18 facilitate the group's efforts.

19 Sec. 1932. Section 231B.1, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. "*Department*" means the department of inspections, and
22 appeals, and licensing or the department's designee.

23 Sec. 1933. Section 231C.2, subsection 4, Code 2023, is
24 amended to read as follows:

25 4. "*Department*" means the department of inspections, and
26 appeals, and licensing or the department's designee.

27 Sec. 1934. Section 231C.5A, Code 2023, is amended to read
28 as follows:

29 **231C.5A Assessment of tenants — program eligibility.**

30 An assisted living program receiving reimbursement through
31 the medical assistance program under [chapter 249A](#) shall
32 assist the department of veterans affairs in identifying, upon
33 admission of a tenant, the tenant's eligibility for benefits

34 through the United States department of veterans affairs. The
35 assisted living program shall also assist the commission of
1 veterans affairs in determining such eligibility for tenants
2 residing in the program on July 1, 2009. The department
3 of inspections, and appeals, and licensing, in cooperation
4 with the department of human services, shall adopt rules to
5 administer [this section](#), including a provision that ensures
6 that if a tenant is eligible for benefits through the United
7 States department of veterans affairs or other third-party
8 payor, the payor of last resort for reimbursement to the
9 assisted living program is the medical assistance program.
10 The rules shall also require the assisted living program
11 to request information from a tenant or tenant's personal
12 representative regarding the tenant's veteran status and to
13 report to the department of veterans affairs only the names of
14 tenants identified as potential veterans along with the names
15 of their spouses and any dependents. Information reported by
16 the assisted living program shall be verified by the department
17 of veterans affairs.

18 Sec. 1935. Section 231D.1, subsection 3, Code 2023, is
19 amended to read as follows:

20 3. "*Department*" means the department of inspections, and
21 appeals, and licensing.

22 Sec. 1936. Section 232.142, subsection 5, Code 2023, is
23 amended to read as follows:

24 5. The director, the director of the department of human
25 rights, or a designee of the director of the department of
26 human rights shall approve annually all such homes established
27 and maintained under the provisions of [this chapter](#). A home
28 shall not be approved unless it complies with minimal rules and
29 standards adopted by the director and has been inspected by the
30 department of inspections, and appeals, and licensing. The
31 statewide number of beds in the homes approved by the director
32 shall not exceed two hundred seventy-two beds beginning July 1,
33 2017. [This subsection](#) is repealed July 1, 2023.

34 Sec. 1937. Section 234.12, subsection 3, Code 2023, is
35 amended to read as follows:

1 3. Upon request by the department of human services, the
2 department of inspections, and appeals, and licensing shall
3 conduct investigations into possible fraudulent practices,
4 as described in [section 234.13](#), relating to food programs
5 administered by the department of human services.

6 Sec. 1938. Section 235.5, Code 2023, is amended to read as
7 follows:

8 **235.5 Inspections.**

9 The department of inspections, and appeals, and licensing
10 shall conduct inspections of private institutions for the care
11 of dependent, neglected, and delinquent children in accordance
12 with procedures established pursuant to [chapters 10A and 17A](#).

13 Sec. 1939. Section 235A.15, subsection 2, paragraph e,
14 subparagraph (17), Code 2023, is amended to read as follows:

15 (17) To the department of inspections, and appeals, and
16 licensing for purposes of record checks of applicants for
17 employment with the department of inspections, and appeals, and
18 licensing.

19 Sec. 1940. Section 235A.15, subsection 2, paragraph d,
20 subparagraph (7), Code 2023, is amended to read as follows:

21 (7) Each licensing board specified under [chapter 147](#) and
22 the Iowa department of ~~public health~~ inspections, appeals,
23 and licensing for the purpose of licensure, certification or
24 registration, disciplinary investigation, or the renewal of
25 licensure, certification or registration, or disciplinary
26 proceedings of health care professionals.

27 Sec. 1941. Section 235A.16, subsection 2, paragraph b, Code
28 2023, is amended to read as follows:

29 *b.* The department of inspections, and appeals, and licensing
30 may provide access to the single contact repository established
31 under [section 135C.33, subsection 7](#), for criminal and abuse
32 history checks made by those employers, agencies, and other
33 persons that are authorized access to child abuse information

34 under [section 235A.15](#) and are required by law to perform such
35 checks.

1 Sec. 1942. Section 235B.1, subsection 4, paragraph a,
2 subparagraph (1), Code 2023, is amended to read as follows:

3 (1) Advise the director of human services, the director
4 of the department on aging, the director of inspections, and
5 appeals, and licensing, the director of public health, the
6 director of the department of corrections, and the director of
7 human rights regarding dependent adult abuse.

8 Sec. 1943. Section 235B.1, subsection 4, paragraph b,
9 subparagraph (1), Code 2023, is amended to read as follows:

10 (1) The advisory council shall consist of twelve members.
11 Eight members shall be appointed by and serve at the pleasure
12 of the governor. Four of the members appointed shall be
13 appointed on the basis of knowledge and skill related to
14 expertise in the area of dependent adult abuse including
15 professionals practicing in the disciplines of medicine, public
16 health, mental health, long-term care, social work, law,
17 and law enforcement. Two of the members appointed shall be
18 members of the general public with an interest in the area of
19 dependent adult abuse and two of the members appointed shall
20 be members of the Iowa caregivers association. In addition,
21 the membership of the council shall include the director or the
22 director's designee of the department of human services, the
23 department on aging, the Iowa department of public health, and
24 the department of inspections, and appeals, and licensing.

25 Sec. 1944. Section 235B.3, subsection 1, paragraph a,
26 subparagraphs (2), (3), and (4), Code 2023, are amended to read
27 as follows:

28 (2) However, the department of inspections, and appeals,
29 and licensing is solely responsible for the evaluation and
30 disposition of dependent adult abuse cases within facilities
31 and programs pursuant to [chapter 235E](#) and shall inform
32 the department of human services of such evaluations and
33 dispositions pursuant to [section 235E.2](#).

34 (3) If, in the course of an assessment or evaluation
35 of a report of dependent adult abuse, the department of
1 human services ~~or the department of inspections and appeals~~
2 determines the case involves wages, workplace safety, or
3 other labor and employment matters under the jurisdiction of
4 the department of inspections, appeals, and licensing or the
5 division of labor services of the department of ~~workforce~~
6 ~~development~~ inspections, appeals, and licensing, the relevant
7 portions of the case shall be referred to the department
8 of inspections, appeals, and licensing or the division, as
9 applicable.

10 (4) If, in the course of an assessment or evaluation of
11 a report of dependent adult abuse, the department of human
12 services or the department of inspections, ~~and appeals, and~~
13 licensing determines that the case involves discrimination
14 under the jurisdiction of the civil rights commission,
15 the relevant portions of the case shall be referred to the
16 commission.

17 Sec. 1945. Section 235B.3, subsection 10, paragraph a, Code
18 2023, is amended to read as follows:

19 a. If, upon completion of the evaluation or upon referral
20 from the department of inspections, ~~and appeals, and~~
21 licensing, the department determines that the best interests
22 of the dependent adult require court action, the department
23 shall initiate action for the appointment of a guardian or
24 conservator or for admission or commitment to an appropriate
25 institution or facility pursuant to the applicable procedures
26 under [chapter 125](#), [222](#), [229](#), or [633](#), or shall pursue other
27 remedies provided by law. The appropriate county attorney
28 shall assist the department in the preparation of the necessary
29 papers to initiate the action and shall appear and represent
30 the department at all district court proceedings.

31 Sec. 1946. Section 235B.3, subsection 14, Code 2023, is
32 amended to read as follows:

33 14. The department of inspections, ~~and appeals, and~~

34 licensing shall adopt rules which require facilities or
35 programs to separate an alleged dependent adult abuser from a
1 victim following an allegation of perpetration of abuse and
2 prior to the completion of an investigation of the allegation.

3 Sec. 1947. Section 235B.5, subsection 5, Code 2023, is
4 amended to read as follows:

5 5. An oral report of suspected dependent adult abuse
6 initially made to the central registry regarding a facility or
7 program as defined in [section 235E.1](#) shall be transmitted by
8 the department to the department of inspections, and appeals,
9 and licensing on the first working day following the submitting
10 of the report.

11 Sec. 1948. Section 235B.6, subsection 2, paragraph e,
12 subparagraph (9), Code 2023, is amended to read as follows:

13 (9) The department of inspections, and appeals, and
14 licensing for purposes of record checks of applicants for
15 employment with the department of inspections, and appeals, and
16 licensing.

17 Sec. 1949. Section 235B.7, subsection 2, paragraph b, Code
18 2023, is amended to read as follows:

19 *b.* The department of inspections, and appeals, and licensing
20 may provide access to the single contact repository established
21 under [section 135C.33, subsection 7](#), for criminal and abuse
22 history checks made by those employers, agencies, and other
23 persons that are authorized access to dependent adult abuse
24 information under [section 235B.6](#) and are required by law to
25 perform such checks.

26 Sec. 1950. Section 235B.16, subsections 2 and 4, Code 2023,
27 are amended to read as follows:

28 2. The department, in cooperation with the department
29 on aging and the department of inspections, and appeals, and
30 licensing, shall institute a program of education and training
31 for persons, including members of provider groups and family
32 members, who may come in contact with dependent adult abuse.
33 The program shall include but is not limited to instruction

34 regarding recognition of dependent adult abuse and the
35 procedure for the reporting of suspected abuse.

1 4. The department of inspections, ~~and appeals,~~ and
2 licensing shall provide training to investigators regarding
3 the collection and preservation of evidence in the case of
4 suspected dependent adult abuse.

5 Sec. 1951. Section 235B.16A, subsection 4, Code 2023, is
6 amended to read as follows:

7 4. The department of human services shall cooperate with
8 the department on aging, the departments of inspections, ~~and~~
9 appeals, and licensing, public health, public safety, and
10 workforce development, the civil rights commission, and other
11 state and local agencies performing inspections or otherwise
12 visiting residential settings where dependent adults live,
13 to regularly provide training to the appropriate staff in
14 the agencies concerning each agency's procedures involving
15 dependent adults, and to build awareness concerning dependent
16 adults and reporting of dependent adult abuse.

17 Sec. 1952. Section 235E.1, subsection 3, Code 2023, is
18 amended to read as follows:

19 3. "*Department*" means the department of inspections, ~~and~~
20 appeals, and licensing.

21 Sec. 1953. Section 235E.2, subsection 5, Code 2023, is
22 amended to read as follows:

23 5. Any other person who believes that a dependent adult
24 has suffered dependent adult abuse may report the suspected
25 dependent adult abuse to the department of inspections, ~~and~~
26 appeals, and licensing. The department of inspections, ~~and~~
27 appeals, and licensing shall transfer any reports received
28 of dependent adult abuse in the community to the department
29 of human services. The department of human services shall
30 transfer any reports received of dependent adult abuse in
31 facilities or programs to the department of inspections, ~~and~~
32 appeals, and licensing.

33 Sec. 1954. Section 235F.6, subsection 4, Code 2023, is

34 amended to read as follows:

35 4. The court may approve a consent agreement between the
1 parties entered into to bring about the cessation of elder
2 abuse. A consent agreement approved under [this section](#) shall
3 not contain any of the following:

4 a. A provision that prohibits any party to the action
5 from contacting or cooperating with any government agency
6 including the department of human services, the department of
7 inspections, and appeals, and licensing, the department on
8 aging, the department of justice, law enforcement, and the
9 office of long-term care ombudsman; a licensing or regulatory
10 agency that has jurisdiction over any license or certification
11 held by the defendant; a protection and advocacy agency
12 recognized in [section 135C.2](#); or the defendant's current
13 employer if the defendant's professional responsibilities
14 include contact with vulnerable elders, dependent adults, or
15 minors, if the party contacting or cooperating has a good-faith
16 belief that the information is relevant to the duties or
17 responsibilities of the entity.

18 b. A provision that prohibits any party to the action
19 from filing a complaint with or reporting a violation of law
20 to any government agency including the department of human
21 services, the department of inspections, and appeals, and
22 licensing, the department on aging, the department of justice,
23 law enforcement, and the office of long-term care ombudsman; a
24 licensing or regulatory agency that has jurisdiction over any
25 license or certification held by the defendant; a protection
26 and advocacy agency recognized in [section 135C.2](#); or the
27 defendant's current employer.

28 c. A provision that requires any party to the action
29 to withdraw a complaint filed with or a violation reported
30 to any government agency including the department of human
31 services, the department of inspections, and appeals, and
32 licensing, the department on aging, the department of justice,
33 law enforcement, and the office of long-term care ombudsman; a

34 licensing or regulatory agency that has jurisdiction over any
35 license or certification held by the defendant; a protection
1 and advocacy agency recognized in [section 135C.2](#); or the
2 defendant's current employer.

3 Sec. 1955. Section 237.7, Code 2023, is amended to read as
4 follows:

5 **237.7 Reports and inspections.**

6 The administrator may require submission of reports by a
7 licensee, and shall cause at least one annual unannounced
8 inspection of each facility to assess the quality of the
9 living situation and to determine compliance with applicable
10 requirements and standards. The inspections shall be conducted
11 by the department of inspections, ~~and appeals,~~ and licensing.
12 The director of the department of inspections, ~~and appeals,~~ and
13 licensing may examine records of a licensee, including but not
14 limited to corporate records and board minutes, and may inquire
15 into matters concerning a licensee and its employees relating
16 to requirements and standards for child foster care under this
17 chapter.

18 Sec. 1956. Section 237A.1, subsection 3, paragraph d, Code
19 2023, is amended to read as follows:

20 *d.* A child care center for sick children operated as part
21 of a pediatrics unit in a hospital licensed by the department
22 of inspections, ~~and appeals,~~ and licensing pursuant to chapter
23 135B.

24 Sec. 1957. Section 237A.8, Code 2023, is amended to read as
25 follows:

26 **237A.8 Violations — actions against license or registration.**

27 The administrator, after notice and opportunity for an
28 evidentiary hearing before the department of inspections, ~~and~~
29 appeals, and licensing, may suspend or revoke a license or
30 certificate of registration issued under [this chapter](#) or may
31 reduce a license to a provisional license if the person to whom
32 a license or certificate is issued violates a provision of this
33 chapter or if the person makes false reports regarding the

34 operation of the child care facility to the administrator or a
35 designee of the administrator. The administrator shall notify
1 the parent, guardian, or legal custodian of each child for whom
2 the person provides child care at the time of action to suspend
3 or revoke a license or certificate of registration.

4 Sec. 1958. Section 237A.29, subsection 2, paragraph b,
5 unnumbered paragraph 1, Code 2023, is amended to read as
6 follows:

7 A child care provider that has been found by the department
8 of inspections, and appeals, and licensing in an administrative
9 proceeding or in a judicial proceeding to have obtained, or has
10 agreed to entry of a civil judgment or judgment by confession
11 that includes a conclusion of law that the child care provider
12 has obtained, by fraudulent means, public funding for provision
13 of child care in an amount equal to or in excess of the minimum
14 amount for a fraudulent practice in the second degree under
15 section 714.10, subsection 1, paragraph "a", shall be subject
16 to sanction in accordance with **this subsection**. Such child
17 care provider shall be subject to a period during which receipt
18 of public funding for provision of child care is conditioned
19 upon no further violations and to one or more of the following
20 sanctions as determined by the department of human services:

21 Sec. 1959. Section 237C.3, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. The department of human services shall consult with
24 the department of education, the department of inspections,
25 and appeals, and licensing, the department of public health,
26 ~~the state fire marshal~~, and other agencies as determined by
27 the department of human services to establish certification
28 standards for children's residential facilities in accordance
29 with **this chapter**.

30 Sec. 1960. Section 237C.8, Code 2023, is amended to read as
31 follows:

32 **237C.8 Reports and inspections.**

33 The administrator may require submission of reports by a

34 certificate of approval holder and shall cause at least one
35 annual unannounced inspection of a children's residential
1 facility to assess compliance with applicable requirements
2 and standards. The inspections shall be conducted by the
3 department of inspections, and appeals, and licensing in
4 addition to initial, renewal, and other inspections that result
5 from complaints or self-reported incidents. The department of
6 inspections, and appeals, and licensing and the department of
7 human services may examine records of a children's residential
8 facility and may inquire into matters concerning the children's
9 residential facility and its employees, volunteers, and
10 subcontractors relating to requirements and standards for
11 children's residential facilities under [this chapter](#).

12 Sec. 1961. Section 238.19, Code 2023, is amended to read as
13 follows:

14 **238.19 Inspection generally.**

15 Authorized employees of the department of inspections, and
16 appeals, and licensing may inspect the premises and conditions
17 of the agency at any time and examine every part of the agency;
18 and may inquire into all matters concerning the agency and the
19 children in the care of the agency.

20 Sec. 1962. Section 238.20, Code 2023, is amended to read as
21 follows:

22 **238.20 Minimum inspection — record.**

23 Authorized employees of the department of inspections, and
24 appeals, and licensing shall visit and inspect the premises
25 of licensed child-placing agencies at least once every twelve
26 months and make and preserve written reports of the conditions
27 found.

28 Sec. 1963. Section 239B.16, Code 2023, is amended to read
29 as follows:

30 **239B.16 Appeal — judicial review.**

31 If an applicant's application is not acted upon within a
32 reasonable time, if it is denied in whole or in part, or if a
33 participant's assistance or other benefits under [this chapter](#)

34 are modified, suspended, or canceled under a provision of
35 this chapter, the applicant or participant may appeal to the
1 department of human services which shall request the department
2 of inspections, ~~and appeals,~~ and licensing to conduct a
3 hearing. Upon completion of a hearing, the department of
4 inspections, ~~and appeals,~~ and licensing shall issue a decision
5 which is subject to review by the department of human services.
6 Judicial review of the actions of the department of human
7 services may be sought in accordance with [chapter 17A](#). Upon
8 receipt of a notice of the filing of a petition for judicial
9 review, the department of human services shall furnish the
10 petitioner with a copy of any papers filed in support of the
11 petitioner's position, a transcript of any testimony taken, and
12 a copy of the department's decision.

13 Sec. 1964. Section 249.5, Code 2023, is amended to read as
14 follows:

15 **249.5 Judicial review.**

16 If an application is not acted upon within a reasonable
17 time, if it is denied in whole or in part, or if an award
18 of assistance is modified, suspended, or canceled under a
19 provision of [this chapter](#), the applicant or recipient may
20 appeal to the department of human services, which shall request
21 the department of inspections, ~~and appeals,~~ and licensing
22 to conduct a hearing. Upon completion of a hearing, the
23 department of inspections, ~~and appeals,~~ and licensing shall
24 issue a decision which is subject to review by the department
25 of human services. Judicial review of the actions of the
26 department of human services may be sought in accordance with
27 [chapter 17A](#). Upon receipt of the petition for judicial review,
28 the department of human services shall furnish the petitioner
29 with a copy of any papers filed by the petitioner in support of
30 the petitioner's position, a transcript of any testimony taken,
31 and a copy of the department's decision.

32 Sec. 1965. Section 249.11, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. The department of inspections, ~~and appeals,~~ and
35 licensing shall conduct investigations and audits as deemed
1 necessary to ensure compliance with state supplementary
2 assistance programs administered under [this chapter](#). The
3 department of inspections, ~~and appeals,~~ and licensing shall
4 cooperate with the department of human services on the
5 development of procedures relating to such investigations and
6 audits to ensure compliance with federal and state single state
7 agency requirements.

8 Sec. 1966. Section 249A.4, subsection 11, Code 2023, is
9 amended to read as follows:

10 11. Shall provide an opportunity for a fair hearing before
11 the department of inspections, ~~and appeals,~~ and licensing
12 to an individual whose claim for medical assistance under
13 this chapter is denied or is not acted upon with reasonable
14 promptness. Upon completion of a hearing, the department of
15 inspections, ~~and appeals,~~ and licensing shall issue a decision
16 which is subject to review by the department of human services.
17 Judicial review of the decisions of the department of human
18 services may be sought in accordance with [chapter 17A](#). If
19 a petition for judicial review is filed, the department of
20 human services shall furnish the petitioner with a copy of
21 the application and all supporting papers, a transcript of
22 the testimony taken at the hearing, if any, and a copy of its
23 decision.

24 Sec. 1967. Section 249A.50, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. The department of inspections, ~~and appeals,~~ and
27 licensing shall conduct investigations and audits as deemed
28 necessary to ensure compliance with the medical assistance
29 program administered under [this chapter](#). The department
30 of inspections, ~~and appeals,~~ and licensing shall cooperate
31 with the department of human services on the development of
32 procedures relating to such investigations and audits to
33 ensure compliance with federal and state single state agency

34 requirements.

35 Sec. 1968. Section 249A.50, subsection 3, paragraph a, Code
1 2023, is amended to read as follows:

2 a. A Medicaid fraud fund is created in the state treasury
3 under the authority of the department of inspections, and
4 appeals, and licensing. Moneys from penalties, investigative
5 costs recouped by the Medicaid fraud control unit, and other
6 amounts received as a result of prosecutions involving
7 the department of inspections, and appeals, and licensing
8 investigations and audits to ensure compliance with the medical
9 assistance program that are not credited to the program shall
10 be credited to the fund.

11 Sec. 1969. Section 321.11, subsections 3 and 4, Code 2023,
12 are amended to read as follows:

13 3. Notwithstanding other provisions of [this section](#) to the
14 contrary, the department shall not release personal information
15 to a person, other than to an officer or employee of a law
16 enforcement agency, an employee of a federal or state agency
17 or political subdivision in the performance of the employee's
18 official duties, a contract employee of the department of
19 inspections, and appeals, and licensing in the conduct of an
20 investigation, or a licensed private investigation agency
21 or a licensed security service or a licensed employee of
22 either, if the information is requested by the presentation
23 of a registration plate number. In addition, an officer or
24 employee of a law enforcement agency may release the name,
25 address, and telephone number of a motor vehicle registrant to
26 a person requesting the information by the presentation of a
27 registration plate number if the officer or employee of the law
28 enforcement agency believes that the release of the information
29 is necessary in the performance of the officer's or employee's
30 duties.

31 4. The department shall not release personal information
32 that is in the form of a person's photograph or digital
33 image or a digital reproduction of a person's photograph to a

34 person other than an officer or employee of a law enforcement
35 agency, an employee of a federal or state agency or political
1 subdivision in the performance of the employee's official
2 duties, a contract employee of the department of inspections,
3 and appeals, and licensing in the conduct of an investigation,
4 or a licensed private investigation agency or a licensed
5 security service or a licensed employee of either, regardless
6 of whether a person has provided express written consent to
7 disclosure of the information. The department may collect
8 reasonable fees for copies of records or other services
9 provided pursuant to this section or section 22.3, 321.10, or
10 622.46.

11 Sec. 1970. Section 321.19, subsection 1, paragraph c,
12 subparagraph (3), Code 2023, is amended to read as follows:

13 (3) Persons in the department of justice, the alcoholic
14 beverages division of the department of commerce, disease
15 investigators of the Iowa department of public health, the
16 department of inspections, and appeals, and licensing, and the
17 department of revenue, who are regularly assigned to conduct
18 investigations which cannot reasonably be conducted with a
19 vehicle displaying "official" state registration plates.

20 Sec. 1971. Section 321.211, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. Upon suspending the license of a person as authorized,
23 the department shall immediately notify the licensee in writing
24 and upon the licensee's request shall afford the licensee an
25 opportunity for a hearing before the department of inspections,
26 and appeals, and licensing as early as practical within
27 thirty days after receipt of the request. The hearing shall
28 be held by telephone conference unless the licensee and the
29 department of inspections, and appeals, and licensing agree to
30 hold the hearing in the county in which the licensee resides
31 or in some other county. Upon the hearing the department of
32 inspections, and appeals, and licensing may administer oaths
33 and issue subpoenas for the attendance of witnesses and the

34 production of relevant books and papers and may require a
35 reexamination of the licensee. Upon the hearing and issuance
1 of a recommendation by the department of inspections, and
2 appeals, and licensing, the state department of transportation
3 shall either rescind its order of suspension or for good cause
4 may extend the suspension of the license or revoke the license.
5 This section does not preclude the director from attempting to
6 effect an informal settlement under [chapter 17A](#).

7 Sec. 1972. Section 322.9, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. The department may revoke or suspend the license of a
10 retail motor vehicle dealer if, after notice and hearing by the
11 department of inspections, and appeals, and licensing, it finds
12 that the licensee has been guilty of an act which would be a
13 ground for the denial of a license under [section 322.6](#).

14 Sec. 1973. Section 322.9, subsection 2, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:

16 The department may revoke or suspend the license of a retail
17 motor vehicle dealer if, after notice and hearing by the
18 department of inspections, and appeals, and licensing, it finds
19 that the licensee has been convicted or has forfeited bail on
20 three charges of:

21 Sec. 1974. Section 322.24, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. The state department of transportation and the
24 department of inspections, and appeals, and licensing may
25 issue subpoenas to compel the attendance of witnesses and the
26 production of documents, papers, books, records, and other
27 evidence in any matter over which the respective department
28 has jurisdiction, control, or supervision pertaining to this
29 chapter.

30 Sec. 1975. Section 322A.3A, subsection 4, paragraph b, Code
31 2023, is amended to read as follows:

32 *b.* After a hearing held as described in [this subsection](#),
33 the department of inspections, and appeals, and licensing

34 may affirm, deny, or modify the proposed alteration of a
35 franchisee's community, may enter any other orders necessary
1 to ensure that an alteration of the franchisee's community is
2 reasonable in light of all the relevant circumstances, and
3 may assess the costs of the hearing among the parties to the
4 hearing as appropriate.

5 Sec. 1976. Section 322A.5, subsection 2, paragraph b,
6 subparagraph (3), subparagraph division (b), Code 2023, is
7 amended to read as follows:

8 (b) Within thirty days of receiving the franchisee's
9 submission, the franchiser may choose to audit the submitted
10 orders. The franchiser shall then approve or deny the
11 establishment of the franchisee's average percentage markup
12 or labor rate. If the franchiser approves the establishment
13 of the franchisee's average percentage markup or labor rate,
14 the markup or rate calculated under this subparagraph shall go
15 into effect forty-five days after the date of the franchiser's
16 approval. If the franchiser denies the establishment of the
17 franchisee's average percentage markup or labor rate, the
18 franchisee may file a complaint with the department and a
19 hearing shall be held before the department of inspections,
20 and appeals, and licensing. The franchiser shall have the
21 burden of proof to establish that the franchiser's denial was
22 reasonable. If the department of inspections, and appeals,
23 and licensing finds the denial was not reasonable, the denial
24 shall be deemed a violation of [this chapter](#) and the department
25 of inspections, and appeals, and licensing shall determine
26 the franchisee's average percentage markup or labor rate for
27 purposes of calculating a reasonable schedule of compensation.
28 In making such a determination, the department of inspections,
29 and appeals, and licensing shall not consider retail service
30 orders or portions of retail service orders attributable to
31 routine maintenance such as tire service or oil service.

32 Sec. 1977. Section 322A.6, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. An applicant seeking permission to enter into a franchise
35 for additional representation of the same line-make in a
1 community shall deposit with the department at the time the
2 application is filed, an amount of money to be determined by
3 the department of inspections, and appeals, and licensing to
4 pay the costs of the hearing.

5 Sec. 1978. Section 322A.7, subsection 1, Code 2023, is
6 amended to read as follows:

7 1. Upon receiving an application, the department shall
8 notify the department of inspections, and appeals, and
9 licensing which shall enter an order fixing a time, which
10 shall be within ninety days of the date of the order, and
11 place of hearing, and shall send by certified or registered
12 mail, with return receipt requested, a copy of the order
13 to the franchisee whose franchise the franchiser seeks to
14 terminate or not continue, or to the franchiser who is seeking
15 to alter a franchisee's community, as applicable. If the
16 application requests permission to establish an additional
17 motor vehicle dealership, a copy of the order shall be sent to
18 all franchisees in the community who are then engaged in the
19 business of offering to sell or selling the same line-make. If
20 the application challenges the reasonableness of a proposed
21 alteration to a franchisee's community, a copy of the order
22 shall be sent to all franchisees located in Iowa surrounding
23 the affected community which are then engaged in the business
24 of offering to sell or selling the same line-make. Copies of
25 orders shall be addressed to the franchisee at the place where
26 the business is conducted. The department of inspections, and
27 appeals, and licensing may also give notice of the franchiser's
28 application to any other parties deemed interested persons, the
29 notice to be in the form and substance and given in the manner
30 the department of inspections, and appeals, and licensing deems
31 appropriate.

32 Sec. 1979. Section 322A.8, Code 2023, is amended to read as
33 follows:

34 **322A.8 Continuation.**

35 If the department of inspections, and appeals, and licensing
1 finds it desirable it may upon request continue the date of
2 hearing for a period of ninety days, and may upon application,
3 but not ex parte, continue the date of hearing for an
4 additional period of ninety days.

5 Sec. 1980. Section 322A.9, subsection 2, Code 2023, is
6 amended to read as follows:

7 2. Nothing contained in this chapter shall be construed to
8 require or authorize any investigation by the department of any
9 matter before the department under this chapter. Upon hearing,
10 the department of inspections, and appeals, and licensing shall
11 hear the evidence introduced by the parties and shall make its
12 decision solely upon the record so made.

13 Sec. 1981. Section 322A.10, Code 2023, is amended to read
14 as follows:

15 **322A.10 Rules of evidence.**

16 1. The rules of civil procedure relating to discovery and
17 inspection shall apply to hearings held under the provisions of
18 this chapter, and the department of inspections, and appeals,
19 and licensing may issue orders to give effect to such rules.

20 2. In the event issues are raised which would involve
21 violations of any state or federal antitrust or price-fixing
22 law, all discovery and inspection proceedings which would be
23 available under such issues in a state or federal court action
24 shall be available to the parties to the hearing, and the
25 department of inspections, and appeals, and licensing may issue
26 orders to give effect to such proceedings.

27 3. Evidence which would be admissible under the issues in a
28 state or federal court action is admissible in a hearing held
29 by the department of inspections, and appeals, and licensing.
30 The department of inspections, and appeals, and licensing shall
31 apportion all costs between the parties.

32 Sec. 1982. Section 322A.13, Code 2023, is amended to read
33 as follows:

34 **322A.13 Compulsory attendance at hearings.**

35 The department of inspections, and appeals, and licensing
1 may issue subpoenas, administer oaths, compel the attendance of
2 witnesses and production of books, papers, documents, and all
3 other evidence. The department of inspections, and appeals,
4 and licensing may apply to the district court of the county
5 wherein the hearing is being held for a court order enforcing
6 this section.

7 Sec. 1983. Section 322A.15, subsection 1, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 In determining whether good cause has been established for
10 terminating or not continuing a franchise, the department
11 of inspections, and appeals, and licensing shall take into
12 consideration the existing circumstances, including, but not
13 limited to:

14 Sec. 1984. Section 322A.15, subsection 1, paragraphs g and
15 h, Code 2023, are amended to read as follows:

16 *g.* Except as provided in [section 322A.11](#), failure by the
17 franchisee to substantially comply with those requirements
18 of the franchise which are determined by the department of
19 inspections, and appeals, and licensing to be reasonable and
20 material.

21 *h.* Except as provided in [section 322A.11](#), bad faith by the
22 franchisee in complying with those terms of the franchise which
23 are determined by the department of inspections, and appeals,
24 and licensing to be reasonable and material.

25 Sec. 1985. Section 322A.16, unnumbered paragraph 1, Code
26 2023, is amended to read as follows:

27 In determining whether good cause has been established for
28 entering into an additional franchise for the same line-make,
29 the department of inspections, and appeals, and licensing shall
30 take into consideration the existing circumstances, including,
31 but not limited to:

32 Sec. 1986. Section 322A.17, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. A decision of the department of inspections, and appeals,
35 and licensing is subject to review by the state department of
1 transportation, whose decision is final agency action for the
2 purpose of judicial review.

3 Sec. 1987. Section 322C.6, unnumbered paragraph 1, Code
4 2023, is amended to read as follows:

5 A license issued under section 322C.4 or 322C.9 may be
6 denied, revoked, or suspended, after opportunity for a
7 hearing before the department of inspections, and appeals, and
8 licensing in accordance with chapters 10A and 17A, if it is
9 determined that the licensee or applicant has done any of the
10 following:

11 Sec. 1988. Section 323.1, subsection 4, Code 2023, is
12 amended to read as follows:

13 4. "*Department*" means the department of inspections, and
14 appeals, and licensing.

15 Sec. 1989. Section 324A.5, subsection 2, paragraph c, Code
16 2023, is amended to read as follows:

17 c. The department of inspections, and appeals, and licensing
18 shall establish an appeal process pursuant to chapters 10A and
19 17A which allows those agencies or organizations determined
20 to not be in compliance with this chapter an opportunity for
21 a timely hearing before the department of inspections, and
22 appeals, and licensing. A decision by the department of
23 inspections, and appeals, and licensing is subject to review by
24 the state department of transportation. The state department
25 of transportation's decision is the final agency action.
26 Judicial review of the action of the department may be sought
27 in accordance with chapter 17A.

28 Sec. 1990. Section 327C.8, Code 2023, is amended to read as
29 follows:

30 **327C.8 Objections — hearing.**

31 A person directly affected by the proposed discontinuance
32 of an agency may file written objections with the department
33 stating the grounds for the objections, within fifteen days

34 from the time of the publication of the notice as provided in
35 section 327C.7. Upon the filing of objections the department
1 shall request the department of inspections, ~~and~~ appeals, and
2 licensing to hold a hearing, which shall be held within sixty
3 days from the filing of the objections. Written notice of the
4 time and place of the hearing shall be mailed by the department
5 of inspections, ~~and~~ appeals, and licensing to the railroad
6 corporation and the person filing objections at least ten days
7 prior to the date fixed for the hearing.

8 Sec. 1991. Section 327C.12, Code 2023, is amended to read
9 as follows:

10 **327C.12 Aid from courts.**

11 The department or the department of inspections, ~~and~~
12 appeals, and licensing may invoke the aid of any court of
13 record in the state in requiring the attendance and testimony
14 of witnesses and the production of books, papers, tariff
15 schedules, agreements, and other documents. If a person
16 refuses to obey a subpoena or other process, a court having
17 jurisdiction of the inquiry shall issue an order requiring any
18 of the officers, agents, or employees of a carrier or other
19 person to appear before either department and produce all books
20 and papers required by the order and testify in relation to any
21 matter under investigation.

22 Sec. 1992. Section 327C.17, Code 2023, is amended to read
23 as follows:

24 **327C.17 Penalty.**

25 If a railroad fails or refuses to comply with a rule or
26 order made by the state department of transportation or the
27 department of inspections, ~~and~~ appeals, and licensing within
28 the time specified, the railroad is, for each day of such
29 failure, subject to a schedule "two" penalty.

30 Sec. 1993. Section 327C.19, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. A decision of the department of inspections, ~~and~~ appeals,
33 and licensing is subject to review by the state department of

34 transportation.

35 Sec. 1994. Section 327C.20, Code 2023, is amended to read
1 as follows:

2 **327C.20 Remitting penalty.**

3 If a common carrier fails in a judicial review proceeding
4 to secure a vacation of the order objected to, it may apply to
5 the court in which the review proceeding is finally adjudicated
6 for an order remitting the penalty which has accrued during
7 the review proceeding. Upon a satisfactory showing that the
8 petition for judicial review was filed in good faith and not
9 for the purpose of delay, and that there were reasonable
10 grounds to believe that the order was unreasonable or unjust
11 or that the power of the department of transportation or the
12 department of inspections, and appeals, and licensing to make
13 the order was doubtful, the court may remit the penalty that
14 has accrued during the review proceeding.

15 Sec. 1995. Section 327C.25, Code 2023, is amended to read
16 as follows:

17 **327C.25 Complaints.**

18 A person may file with the department a petition setting
19 forth any particular in which a common carrier has violated the
20 law to which it is subject and the amount of damages sustained
21 by reason of the violation. The department shall furnish a
22 copy of the complaint to the carrier against which a complaint
23 is filed. The department shall request the department
24 of inspections, and appeals, and licensing to schedule a
25 hearing in which the carrier shall answer the petition or
26 satisfy the demands of the complaint. If the carrier fails
27 to satisfy the complaint within the time fixed or there
28 appears to be reasonable grounds for investigating the matters
29 set forth in the petition, the department of inspections,
30 and appeals, and licensing shall hear and determine the
31 questions involved and make orders it finds proper. If the
32 department of transportation has reason to believe that a
33 carrier is violating any of the laws to which it is subject,

34 the department may institute an investigation and request
35 the department of inspections, and appeals, and licensing to
1 conduct a hearing in relation to the matters as if a petition
2 had been filed.

3 Sec. 1996. Section 327C.26, Code 2023, is amended to read
4 as follows:

5 **327C.26 Reports.**

6 When a hearing has been held before the department of
7 inspections, and appeals, and licensing after notice, it shall
8 make a report in writing setting forth the findings of fact
9 and its conclusions together with its recommendations as to
10 what reparation, if any, the offending carrier shall make to a
11 party who has suffered damage. The findings of fact are prima
12 facie evidence in all further legal proceedings of every fact
13 found. All reports of hearings and investigations made by the
14 department of inspections, and appeals, and licensing shall be
15 entered of record and a copy furnished to the carrier against
16 which the complaint was filed, to the party complaining, and
17 to any other person having a direct interest in the matter. A
18 reasonable fee not to exceed the actual duplication costs may
19 be charged for the copies.

20 Sec. 1997. Section 327C.28, Code 2023, is amended to read
21 as follows:

22 **327C.28 Violation of order — petition — notice.**

23 If a person violates or fails to obey a lawful order
24 or requirement of the department of transportation or the
25 department of inspections, and appeals, and licensing, the
26 department of transportation or the department of inspections,
27 and appeals, and licensing shall apply by petition in the
28 name of the state against the person, to the district court,
29 alleging the violation or failure to obey. The court shall
30 hear and determine the matter set forth in the petition on
31 reasonable notice to the person, to be fixed by the court and
32 to be served in the same manner as an original notice for the
33 commencement of action.

34 Sec. 1998. Section 327C.29, Code 2023, is amended to read
35 as follows:

1 **327C.29 Interested party may begin proceedings.**

2 A person interested in enforcing an order or requirement
3 of the department of transportation or the department of
4 inspections, and appeals, and licensing, may file a petition
5 against the violator, alleging the failure to comply with
6 the order or requirement and asking for summary relief to
7 the same extent and in the same manner as the department of
8 transportation or the department of inspections, and appeals,
9 and licensing may under [section 327C.28](#), and the proceedings
10 after the filing of the petition shall be the same as in
11 section 327C.28.

12 Sec. 1999. Section 327D.4, Code 2023, is amended to read as
13 follows:

14 **327D.4 Connections.**

15 If a railroad corporation in this state refuses to connect by
16 proper switches or tracks with the tracks of another railroad
17 corporation or refuses to receive, transport, load, discharge,
18 reload, or return cars furnished by another connecting railroad
19 corporation, a petition requesting resolution of the dispute
20 may be filed with the department. The department shall notify
21 the department of inspections, and appeals, and licensing
22 which shall hold a hearing on the dispute. Upon conclusion of
23 the hearing, the department of inspections, and appeals, and
24 licensing shall issue an order to resolve the dispute. The
25 order may include the allocation of costs between the parties.
26 The order is subject to review by the department which review
27 shall be the final agency action.

28 Sec. 2000. Section 327D.53, Code 2023, is amended to read
29 as follows:

30 **327D.53 Division of joint rates.**

31 Before the adoption of the rates, the department shall
32 notify the railroad corporations interested in the schedule of
33 joint rates fixed, and give them a reasonable time to agree

34 upon a division of the charges provided. If the corporations
35 fail to agree upon a division, and to notify the department
1 of their agreement, the department shall, after a hearing
2 conducted by the department of inspections, and appeals, and
3 licensing, decide the rates, taking into consideration the
4 value of terminal facilities and all the circumstances of
5 the haul, and the division so determined by it is, in all
6 controversies or actions between the railroad corporations
7 interested, prima facie evidence of a just and reasonable
8 division.

9 Sec. 2001. Section 327D.83, Code 2023, is amended to read
10 as follows:

11 **327D.83 Rate hearing.**

12 If a schedule is filed with the department stating a rate,
13 the department may, either upon complaint or upon its own
14 motion, request the department of inspections, and appeals, and
15 licensing to conduct a hearing concerning the propriety of the
16 rate.

17 Sec. 2002. Section 327D.85, Code 2023, is amended to read
18 as follows:

19 **327D.85 Rate proposal — review.**

20 At the hearing the department of inspections, and appeals,
21 and licensing shall propose the rates on the schedule, in whole
22 or in part, or others in lieu thereof, which the department
23 of inspections, and appeals, and licensing finds are just and
24 reasonable rates. The action of the department of inspections,
25 and appeals, and licensing is subject to review by the state
26 department of transportation. The decision of the state
27 department of transportation is the final agency action.

28 Sec. 2003. Section 327D.89, Code 2023, is amended to read
29 as follows:

30 **327D.89 Complaint of violation.**

31 When a person complains to the department that the rate
32 charged or published by a railway corporation, or the maximum
33 rate fixed by law, is unreasonably high or discriminating,

34 the department may investigate the matter, and request the
35 department of inspections, ~~and~~ appeals, and licensing to
1 conduct a hearing. The department of inspections, ~~and~~ appeals,
2 and licensing shall give the parties notice of the time and
3 place of the hearing.

4 Sec. 2004. Section 327D.90, Code 2023, is amended to read
5 as follows:

6 **327D.90 Hearing — evidence.**

7 At the time of the hearing the department of inspections, ~~and~~
8 appeals, and licensing shall receive any evidence and listen
9 to any arguments presented by either party relevant to the
10 matter under investigation, and the burden of proof is not
11 upon the person making the complaint. The complainant shall
12 add to the showing made at the hearing whatever information
13 the complainant then has, or can obtain from any source.
14 The department of inspections, ~~and~~ appeals, and licensing
15 shall propose just and reasonable rates, which may be adopted
16 in whole or in part or modified as the state department of
17 transportation determines.

18 Sec. 2005. Section 327D.128, Code 2023, is amended to read
19 as follows:

20 **327D.128 Weighing — disagreement.**

21 If a railroad corporation and the owner, consignor,
22 or consignee of car lots of bulk commodities cannot reach
23 agreement relative to the weighing of the commodities, appeal
24 may be made to the state department of transportation. The
25 state department of transportation, after a hearing by the
26 department of inspections, ~~and~~ appeals, and licensing, shall
27 issue an order equitable to all parties including but not
28 limited to allocation of costs and specification of the place
29 and manner of weighing.

30 Sec. 2006. Section 327G.12, Code 2023, is amended to read
31 as follows:

32 **327G.12 Overhead, underground, or more than one crossing.**

33 The owner of land may serve upon the railroad corporation

34 a request in writing for more than one private crossing, or
35 for an overhead or underground crossing, accompanied by a plat
1 of the owner's land designating the location and character
2 of crossing desired. If the railroad corporation refuses or
3 neglects to comply within thirty days of a written request,
4 the owner of the land may make written application to the
5 department to determine the owner's rights. The department
6 of inspections, and appeals, and licensing, after notice to
7 the railroad corporation, shall hear the application and all
8 objections to the application, and make an order which is
9 reasonable and just, and if it requires the railroad company to
10 construct any crossing or roadway, fix the time for compliance
11 with the order and apportion the costs as appropriate. The
12 order of the department of inspections, and appeals, and
13 licensing is subject to review by the state department of
14 transportation. The decision of the state department of
15 transportation is the final agency action.

16 Sec. 2007. Section 327G.16, Code 2023, is amended to read
17 as follows:

18 **327G.16 Disagreement — application — notice.**

19 If the persons specified in [section 327G.15](#) cannot reach
20 an agreement, either party may make written application to
21 the department requesting resolution of the disagreement.
22 The department shall request the department of inspections,
23 and appeals, and licensing to set a date for hearing. The
24 department of inspections, and appeals, and licensing shall
25 give ten days' written notice of the hearing date.

26 Sec. 2008. Section 327G.17, Code 2023, is amended to read
27 as follows:

28 **327G.17 Hearing — order.**

29 1. The department of inspections, and appeals, and
30 licensing shall hear the evidence of each party to the
31 controversy and shall make an order, which may include,
32 pursuant to [chapters 6A and 6B](#), authority to condemn, resolving
33 the controversy. The order shall include the portion of the

34 expense to be paid by each party to the controversy. In
35 determining what portion of the expense shall be paid by
1 each party, the department of inspections, and appeals, and
2 licensing may consider the ratio of the benefits accruing to
3 the railroad or the governmental unit or both, to the general
4 public use and benefit.

5 2. The order of the department of inspections, and appeals,
6 and licensing is subject to review by the state department
7 of transportation. The decision of the state department of
8 transportation is the final agency action.

9 Sec. 2009. Section 327G.31, Code 2023, is amended to read
10 as follows:

11 **327G.31 Disagreement resolved.**

12 If a railroad corporation and the jurisdiction having
13 authority cannot reach agreement on grade crossing surface
14 repair and maintenance, either party may appeal to the
15 department of inspections, and appeals, and licensing if prior
16 to disagreement both parties have filed a statement with the
17 state department of transportation to the effect that they have
18 entered into negotiations on grade crossing surface repair
19 and maintenance of a particular crossing. The department of
20 inspections, and appeals, and licensing shall resolve the
21 dispute in the manner provided in [sections 327G.16](#) and [327G.17](#),
22 except for the allocation of costs.

23 Sec. 2010. Section 327G.32, subsections 3 and 4, Code 2023,
24 are amended to read as follows:

25 3. Other portions of [this section](#) notwithstanding, a
26 political subdivision may pass an ordinance regulating the
27 length of time a specific crossing may be blocked if the
28 political subdivision demonstrates that an ordinance is
29 necessary for public safety or convenience. If an ordinance
30 is passed, the political subdivision shall, within thirty days
31 of the effective date of the ordinance, notify the department
32 and the railroad corporation using the crossing affected by the
33 ordinance. The ordinance does not become effective unless the

34 department and the railroad corporation are notified within
35 thirty days. The ordinance becomes effective thirty days
1 after notification unless a person files an objection to the
2 ordinance with the department. If an objection is filed the
3 department shall notify the department of inspections, and
4 appeals, and licensing which shall hold a hearing. After
5 a hearing by the department of inspections, and appeals,
6 and licensing, the state department of transportation may
7 disapprove the ordinance if public safety or convenience
8 does not require the ordinance. The decision of the state
9 department of transportation is final agency action. The
10 ordinance approved by the political subdivision is prima facie
11 evidence that the ordinance is adopted to preserve public
12 safety or convenience.

13 4. The department of inspections, and appeals, and
14 licensing when considering rebuttal evidence shall weigh the
15 benefits accruing to the political subdivision as they affect
16 the general public use compared to the burden placed on the
17 railroad operation. Public safety or convenience may include,
18 but is not limited to, high traffic density at a specific
19 crossing of a main artery or interference with the flow of
20 authorized emergency vehicles.

21 Sec. 2011. Section 327G.62, Code 2023, is amended to read
22 as follows:

23 **327G.62 Controversies — hearing — order — review.**

24 When a disagreement arises between a railroad corporation,
25 its grantee, or its successor in interest, and the owner,
26 lessee, or licensee of a building or other improvement,
27 including trackage, used for receiving, storing, transporting,
28 or manufacturing an article of commerce transported or to
29 be transported, situated on a present or former railroad
30 right-of-way or on land owned or controlled by the railroad
31 corporation, its grantee, or its successor in interest, as
32 to the terms and conditions on which the article is to be
33 continued or removed, the railway corporation, its grantee, or

34 its successor in interest, or the owner, lessee, or licensee
35 may make written application to the department. The department
1 shall notify the department of inspections, ~~and~~ appeals, and
2 licensing which shall hear and determine the controversy and
3 make an order which is just and equitable between the parties.
4 That order is subject to review by the state department of
5 transportation. The decision of the state department of
6 transportation is final agency action.

7 Sec. 2012. Section 327G.65, Code 2023, is amended to read
8 as follows:

9 **327G.65 Cost of construction.**

10 The railroad corporation may require the person primarily to
11 be served to pay the legitimate cost and expense of acquiring,
12 by condemnation or purchase, the necessary right-of-way for the
13 spur track and of constructing it, as determined in separate
14 items by the department. Except as provided in section
15 327G.66, the total cost as ascertained by the department
16 shall be deposited with the railroad corporation before it is
17 required to incur expense. If an agreement cannot be reached,
18 the question shall be referred to the department which may,
19 after a hearing conducted by the department of inspections, ~~and~~
20 appeals, and licensing, issue an order.

21 Sec. 2013. Section 327G.78, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. Subject to section [6A.16](#) and [327G.77](#), when a railroad
24 corporation, its trustee, or its successor in interest has
25 interests in real property adjacent to a railroad right-of-way
26 that are abandoned by order of the surface transportation
27 board, reorganization court, bankruptcy court, or the
28 department, or when a railroad corporation, its trustee, or
29 its successor in interest seeks to sell its interests in
30 that property under any other circumstance, the railroad
31 corporation, its trustee, or its successor in interest shall
32 extend a written offer to sell at a fair market value price to
33 the persons holding leases, licenses, or permits upon those

34 properties, allowing sixty days from the time of receipt for a
35 written response. If a disagreement arises between the parties
1 concerning the price or other terms of the sale transaction,
2 either or both parties may make written application to the
3 department to resolve the disagreement. The application shall
4 be made within sixty days from the time an initial written
5 response is served upon the railroad corporation, trustee,
6 or successor in interest by the person wishing to purchase
7 the property. The department shall notify the department of
8 inspections, and appeals, and licensing which shall hear the
9 controversy and make a final determination of the fair market
10 value of the property and the other terms of the transaction
11 which were in dispute, within ninety days after the application
12 is filed. The determination is subject to review by the
13 department and the department's decision is the final agency
14 action. All correspondence shall be by certified mail.

15 Sec. 2014. Section 327G.79, subsections 1 and 2, Code 2023,
16 are amended to read as follows:

17 1. The department of inspections ~~and appeals'~~, appeals, and
18 licensing's determination and order shall be just and equitable
19 and, in the case of the determination of the fair market value
20 of the property, shall be based in part upon at least three
21 independent appraisals prepared by certified appraisers. Each
22 party shall select one appraiser and each appraisal shall be
23 paid for by the party for whom the appraisal is prepared.
24 The two appraisers shall select a third appraiser and the
25 costs of this appraisal shall be divided equally between the
26 parties. If the appraisers selected by the parties cannot
27 agree on selection of a third appraiser, the state department
28 of transportation shall appoint a third appraiser and the costs
29 of this appraisal shall be divided equally between the parties.

30 2. The department of inspections ~~and appeals'~~, appeals, and
31 licensing's determination and order is final for the purpose
32 of administrative review to the district court as provided in
33 chapter 17A. The district court's scope of review shall be

34 confined to whether there is substantial evidence to support
35 the department of inspections ~~and appeals~~, appeals, and
1 licensing's determination and order.

2 Sec. 2015. Section 331.324, subsection 1, paragraph e, Code
3 2023, is amended to read as follows:

4 e. Cooperate with the workers' compensation commissioner and
5 comply with requirements imposed upon counties under ~~chapters~~
6 ~~86~~ chapter 10A, subchapter III, and chapter 87.

7 Sec. 2016. Section 331.394, subsection 5, paragraph c, Code
8 2023, is amended to read as follows:

9 c. The county or region that received the notification,
10 as applicable, shall respond to the party that provided
11 the notification within forty-five days of receiving the
12 notification. If the parties cannot agree to a settlement as
13 to the person's residency status within ninety days of the
14 date of notification, on motion of any of the parties, the
15 matter shall be referred to the department of inspections,
16 ~~and appeals, and licensing~~ for a contested case hearing under
17 chapter 17A before an administrative law judge assigned in
18 accordance with [section 10A.801](#) to determine the person's
19 residency status.

20 Sec. 2017. Section 331.394, subsection 5, paragraph d,
21 subparagraph (1), Code 2023, is amended to read as follows:

22 (1) The administrative law judge's determination of the
23 person's residency status shall be considered final agency
24 action, notwithstanding contrary provisions of [section 17A.15](#).
25 The party that does not prevail in the determination or
26 subsequent judicial review is liable for costs associated with
27 the proceeding, including reimbursement of the department of
28 inspections ~~and appeals~~, appeals, and licensing's actual costs
29 associated with the administrative proceeding. Judicial review
30 of the determination may be sought in accordance with section
31 17A.19.

32 Sec. 2018. Section 331.394, subsection 6, paragraph c, Code
33 2023, is amended to read as follows:

34 c. The department, county, or region that received the
35 notification, as applicable, shall respond to the party
1 that provided the notification within forty-five days of
2 receiving the notification. If the parties cannot agree to a
3 settlement as to the dispute within ninety days of the date of
4 notification, on motion of any of the parties, the matter shall
5 be referred to the department of inspections, and appeals, and
6 licensing for a contested case hearing under [chapter 17A](#) before
7 an administrative law judge assigned in accordance with section
8 10A.801 to determine facts and issue a decision to resolve the
9 dispute.

10 Sec. 2019. Section 331.394, subsection 6, paragraph d,
11 subparagraph (1), Code 2023, is amended to read as follows:

12 (1) The administrative law judge's decision is a final
13 agency action, notwithstanding contrary provisions of section
14 17A.15. The party that does not prevail in the decision or
15 subsequent judicial review is liable for costs associated with
16 the proceeding, including reimbursement of the department of
17 inspections and appeals', appeals, and licensing's actual
18 costs associated with the administrative proceeding. Judicial
19 review of the decision may be sought in accordance with section
20 17A.19.

21 Sec. 2020. Section 331.653, subsection 10, Code 2023, is
22 amended to read as follows:

23 10. Cooperate with the ~~division of labor services of the~~
24 department of ~~workforce development~~ inspections, appeals, and
25 licensing in the enforcement of child labor laws as provided
26 in [section 92.22](#).

27 Sec. 2021. Section 331.756, subsections 16 and 55, Code
28 2023, are amended to read as follows:

29 16. Institute legal proceedings against persons who
30 violate laws administered by the ~~division of labor services~~
31 ~~of the department of workforce development~~ under chapter 10A,
32 subchapter II, as provided in [section 91.11 10A.210](#).

33 55. Make a written report to the department of inspections,

34 ~~and appeals, and licensing~~ within fifteen days of the end of
35 each calendar quarter of the amount of funds which were owed to
1 the state for indigent defense services and which were recouped
2 pursuant to [subsection 5](#).

3 Sec. 2022. Section 423.3, subsection 18, paragraph a, Code
4 2023, is amended to read as follows:

5 a. Residential care facilities and intermediate care
6 facilities for persons with an intellectual disability and
7 residential care facilities for persons with mental illness
8 licensed by the department of inspections, ~~and appeals, and~~
9 licensing under [chapter 135C](#).

10 Sec. 2023. Section 425.28, subsection 4, Code 2023, is
11 amended to read as follows:

12 4. In addition to the sharing of information under
13 subsection 3, the department of human services may release
14 information pertaining to a person's eligibility or claim
15 for or receipt of rent reimbursement to an employee of the
16 department of inspections, ~~and appeals, and licensing~~ in the
17 employee's official conduct of an audit or investigation.

18 Sec. 2024. Section 453A.2, subsection 6, Code 2023, is
19 amended to read as follows:

20 6. If a county or a city has not assessed a penalty pursuant
21 to [section 453A.22, subsection 2](#), for a violation of subsection
22 1, within sixty days of the adjudication of the violation,
23 the matter shall be transferred to and be the exclusive
24 responsibility of the alcoholic beverages division of the
25 department of commerce. Following transfer of the matter, if
26 the violation is contested, the alcoholic beverages division
27 of the department of commerce shall request an administrative
28 hearing before an administrative law judge, assigned by the
29 division of administrative hearings of the department of
30 inspections, ~~and appeals, and licensing~~ in accordance with
31 the provisions of [section 10A.801](#), to adjudicate the matter
32 pursuant to [chapter 17A](#).

33 Sec. 2025. Section 455B.135, Code 2023, is amended to read

34 as follows:

35 **455B.135 Limit on authority.**

1 Nothing contained in this **subchapter II** or chapter 459,
2 subchapter II, shall be deemed to grant to the department or
3 the director any authority or jurisdiction with respect to
4 air pollution existing solely within residences; or solely
5 within commercial and industrial plants, works, or shops under
6 the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and
7 chapter 88 and 91; or to affect the relations between employers
8 and employees with respect to, or arising out of, any condition
9 of air pollution.

10 Sec. 2026. Section 455B.145, subsection 2, paragraphs b and
11 c, Code 2023, are amended to read as follows:

12 *b.* The director shall promptly investigate the application
13 and approve or disapprove the application. The director may
14 conduct a public hearing before action is taken to approve or
15 disapprove. If the director disapproves issuing a certificate,
16 the political subdivision may appeal the action to the
17 department of inspections, and appeals, and licensing. At the
18 hearing on appeal, the department of inspections, and appeals,
19 and licensing shall decide whether the local program is
20 substantially consistent with the provisions of this subchapter
21 II, or rules adopted under **this subchapter II**, and whether the
22 local program is being enforced. The burden of proof shall be
23 upon the political subdivision.

24 *c.* If the director determines at any time that a local air
25 pollution program is being conducted in a manner inconsistent
26 with the substantive provisions of **this subchapter II** or the
27 rules adopted under **this subchapter II**, the director shall
28 notify the political subdivision, citing the deviations
29 from the acceptable standards and the corrective measures
30 to be completed within a reasonable amount of time. If the
31 corrective measures are not implemented as prescribed, the
32 director shall suspend in whole or in part the certificate of
33 acceptance of such political subdivision and shall administer

34 the regulatory provisions of this subchapter II in whole or in
35 part within the political subdivision until the appropriate
1 standards are met. Upon receipt of evidence that necessary
2 corrective action has been taken, the director shall reinstate
3 the suspended certificate of acceptance, and the political
4 subdivision shall resume the administration of the local air
5 pollution control program within its jurisdiction. In cases
6 where the certificate of acceptance is suspended, the political
7 subdivision may appeal the suspension to the department of
8 inspections, and appeals, and licensing.

9 Sec. 2027. Section 455B.271, subsection 2, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:

11 Subject to appeal to the department of inspections, and
12 appeals, and licensing, a permit may be modified or canceled by
13 the director if any of the following occur:

14 Sec. 2028. Section 455B.390, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. Hazardous conditions existing solely within and which
17 will probably continue to exist solely within commercial and
18 industrial plants, works, or shops under the jurisdiction of
19 chapters chapter 10A, subchapter II, and chapter 88 and 91.

20 Sec. 2029. Section 515B.5, subsection 2, paragraph h, Code
21 2023, is amended to read as follows:

22 *h.* Request that all future payments of workers' compensation
23 weekly benefits, medical expenses, or other payments under
24 chapter 10A, subchapter III, chapter 85, 85A, 85B, 86, or 87
25 be commuted to a present lump sum and upon the payment of
26 which, either to the claimant or to a licensed insurer for
27 purchase of an annuity or other periodic payment plan for the
28 benefit of the claimant, the employer and the association shall
29 be discharged from all further liability for the workers'
30 compensation claim. Notwithstanding the provisions of
31 section 85.45, any future payment of medical expenses, weekly
32 compensation benefits, or other payment by the association
33 under this chapter pursuant to chapter 10A, subchapter III,

34 chapter 85, 85A, 85B, ~~86~~, or 87, is deemed an undue expense,
35 hardship, or inconvenience upon the employer for purposes of
1 a full commutation pursuant to section 85.45, subsection 1,
2 paragraph "b", and the workers' compensation commissioner shall
3 fix the lump sum of the probable future medical expenses and
4 weekly compensation benefits capitalized at their present value
5 upon the basis of interest at the rate provided in section
6 535.3 for court judgments and decrees.

7 Sec. 2030. Section 524.208, Code 2023, is amended to read
8 as follows:

9 **524.208 Examiners and other employees.**

10 The superintendent may appoint examiners and other
11 employees, including for the banking division's internal
12 information technology group, as the superintendent deems
13 necessary to the proper discharge of the duties imposed upon
14 the superintendent by the laws of this state. Pay plans shall
15 be established for employees, other than clerical employees ~~or~~
16 ~~employees of the professional licensing and regulation bureau~~
17 ~~of the banking division~~, who examine the accounts and affairs
18 of state banks and who examine the accounts and affairs of
19 other persons, subject to supervision and regulation by the
20 superintendent, which are substantially equivalent to those
21 paid by the federal deposit insurance corporation and other
22 federal supervisory agencies in this area of the United States.

23 Sec. 2031. Section 524.211, subsection 5, Code 2023, is
24 amended to read as follows:

25 5. An employee of the banking division, other than the
26 superintendent or a member of the state banking council ~~or one~~
27 ~~of the boards in the professional licensing and regulation~~
28 ~~bureau of the division~~, shall not perform any services for, and
29 shall not be a shareholder, member, partner, owner, director,
30 officer, or employee of, any enterprise, person, or affiliate
31 subject to the regulatory purview of the banking division.

32 Sec. 2032. Section 542B.22, Code 2023, is amended to read
33 as follows:

34 **542B.22 Procedure.**

35 Proceedings for any action under [section 542B.21](#) shall be
1 begun by filing with the board written charges against the
2 accused. Upon the filing of charges the board may request
3 the department of inspections, and appeals, and licensing to
4 conduct an investigation into the charges. The department
5 of inspections, and appeals, and licensing shall report its
6 findings to the board, and the board shall designate a time
7 and place for a hearing, and shall notify the accused of this
8 action and furnish the accused a copy of all charges at least
9 thirty days prior to the date of the hearing. The accused has
10 the right to appear personally or by counsel, to cross-examine
11 witnesses, and to produce witnesses in defense.

12 Sec. 2033. Section 543C.4, subsections 1 and 2, Code 2023,
13 are amended to read as follows:

14 1. The commission may request the department of
15 inspections, and appeals, and licensing to conduct an
16 investigation and inspection to be made of any subdivided land
17 proposed to be offered for sale or lease in this state pursuant
18 to [this chapter](#). The department of inspections, and appeals,
19 and licensing shall make a report of its findings.

20 2. If an inspection is to be made of subdivided land
21 situated outside of this state and offered for sale in this
22 state, the inspection as authorized by [subsection 1](#) shall
23 be made by the department of inspections, and appeals,
24 and licensing at the expense of the subdivider. After the
25 application required by [section 543C.2](#) is filed and after
26 the filing fee required by [section 543C.8](#) is received, the
27 commission may decide whether an inspection pursuant to this
28 subsection is to be made. If the commission requires an
29 inspection, the department of inspections, and appeals, and
30 licensing shall so notify the subdivider and the subdivider
31 shall remit to the department an amount equivalent to the
32 round trip cost of travel from this state to the location
33 of the project, as estimated by the department and a further

34 amount estimated to be necessary to cover the additional
35 expenses of inspection but not to exceed fifty dollars a day
1 for each day incurred in the inspection. The costs of any
2 subsequent inspections deemed necessary shall be paid for by
3 the subdivider. At the completion of an inspection trip the
4 department shall furnish the subdivider a statement as to the
5 costs of the inspection trip, and if the costs are less than
6 the amount advanced by the subdivider to the department, the
7 remaining balance shall be refunded to the subdivider.

8 Sec. 2034. Section 544B.16, Code 2023, is amended to read
9 as follows:

10 **544B.16 Complaints — procedure.**

11 A person may file a complaint with the board against a
12 professional landscape architect or the board may initiate
13 a complaint. Unless the complaint is dismissed by the
14 board as unfounded or trivial, the board may request the
15 department of inspections, and appeals, and licensing to
16 conduct an investigation into the complaint. The department
17 of inspections, and appeals, and licensing shall report its
18 findings to the board, and the board shall hold a hearing
19 within sixty days after the date on which the complaint is
20 filed. The board shall fix the time and place for such hearing
21 and shall cause a copy of the complaint, together with a notice
22 of the time and place fixed for the hearing, to be served on
23 the accused at least thirty days before the date fixed for the
24 hearing. Where personal service cannot be effected, service
25 may be effected by publication. At such hearing, the accused
26 shall have the right to appear personally or by counsel, to
27 cross-examine witnesses against the accused, and to produce
28 evidence and witnesses in defense. After the hearing, the
29 board may suspend or revoke the certificate of licensure. The
30 board may restore the certificate of licensure to any person
31 whose certificate of licensure has been revoked. Application
32 for the restoration of a certificate of licensure shall be made
33 in such manner, form, and content as the board may prescribe.

34 Sec. 2035. Section 546.2, subsection 6, unnumbered
35 paragraph 1, Code 2023, is amended to read as follows:

1 Each division is responsible for policymaking and
2 enforcement duties assigned to the division under the law.
3 ~~Except as provided in section 546.10, subsection 3:~~

4 Sec. 2036. Section 546.3, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. The banking division shall regulate and supervise banks
7 under chapter 524, debt management licensees under chapter
8 533A, money services under chapter 533C, delayed deposit
9 services under chapter 533D, mortgage bankers and brokers
10 under chapter 535B, regulated loan companies under chapter
11 536, and industrial loan companies under chapter 536A, ~~real~~
12 ~~estate appraisers under chapter 543D, and appraisal management~~
13 ~~companies under chapter 543E, and shall perform other duties~~
14 assigned to the division by law. The division is headed by the
15 superintendent of banking who is appointed pursuant to section
16 524.201. The state banking council shall render advice within
17 the division when requested by the superintendent.

18 Sec. 2037. Section 600.2, subsection 2, Code 2023, is
19 amended to read as follows:

20 2. "*Investigator*" means a natural person who is certified or
21 approved by the department of human services, after inspection
22 by the department of inspections, and appeals, and licensing,
23 as being capable of conducting an investigation under section
24 600.8.

25 Sec. 2038. Section 600A.2, subsection 5, Code 2023, is
26 amended to read as follows:

27 5. "*Certified adoption investigator*" means a person who is
28 certified and approved by the department of human services,
29 after inspection by the department of inspections, and appeals,
30 and licensing, as being capable of conducting an investigation
31 under section 600.8.

32 Sec. 2039. Section 626.29, Code 2023, is amended to read as
33 follows:

34 **626.29 Distress warrant by director of revenue, director of**
35 **inspections, and appeals, and licensing, or director of workforce**
1 **development.**

2 In the service of a distress warrant issued by the director
3 of revenue for the collection of taxes administered by or debts
4 to be collected by the department of revenue, in the service of
5 a distress warrant issued by the director of inspections, and
6 appeals, and licensing for the collection of overpayment debts
7 owed to the department of human services, or in the service of
8 a distress warrant issued by the director of the department of
9 workforce development for the collection of employment security
10 contributions, the property of the taxpayer or the employer in
11 the possession of another, or debts due the taxpayer or the
12 employer, may be reached by garnishment.

13 Sec. 2040. Section 626.30, Code 2023, is amended to read as
14 follows:

15 **626.30 Expiration or return of distress warrant.**

16 Proceedings by garnishment under a distress warrant issued
17 by the director of revenue or the director of inspections, and
18 appeals, and licensing shall not be affected by the expiration
19 or return of the warrant.

20 Sec. 2041. Section 626.31, Code 2023, is amended to read as
21 follows:

22 **626.31 Return of garnishment — action docketed — distress**
23 **action.**

24 Where parties have been garnished under a distress
25 warrant issued by the director of revenue or the director of
26 inspections, and appeals, and licensing, the officer shall make
27 return thereof to the court in the county where the garnishee
28 lives, if the garnishee lives in Iowa, otherwise in the county
29 where the taxpayer resides, if the taxpayer lives in Iowa;
30 and if neither the garnishee nor the taxpayer lives in Iowa,
31 then to the district court in Polk county, Iowa; the officer
32 shall make return in the same manner as a return is made on
33 a garnishment made under a writ of execution so far as they

34 relate to garnishments, and the clerk of the district court
35 shall docket an action thereon without fee the same as if a
1 judgment had been recovered against the taxpayer in the county
2 where the return is made, an execution issued thereon, and
3 garnishment made thereunder, and thereafter the proceedings
4 shall conform to proceedings in garnishment under attachments
5 as nearly as may be. The warrant shall be considered in all
6 respects as a final judgment.

7 Sec. 2042. Section 626.76, Code 2023, is amended to read as
8 follows:

9 **626.76 Labor commissioner Department of inspections, appeals,**
10 **and licensing director to represent.**

11 ~~The labor commissioner, appointed pursuant to section~~
12 ~~91.2~~ director of the department of inspections, appeals,
13 and licensing, may, at the labor commissioner's director's
14 discretion, represent laborers or employees seeking payment for
15 labor or wage claims from the receiver, trustee, or assignee,
16 or the court, or the person charged with the property, in
17 accordance with and subject to the provisions of sections
18 626.69 and 626.71.

19 Sec. 2043. Section 724.21A, subsections 1 and 6, Code 2023,
20 are amended to read as follows:

21 1. In any case where the sheriff or the commissioner of
22 public safety denies an application for or suspends or revokes
23 a permit to carry weapons or a permit to acquire pistols
24 or revolvers, the sheriff or commissioner shall provide a
25 written statement of the reasons for the denial, suspension, or
26 revocation and the applicant or permit holder shall have the
27 right to appeal the denial, suspension, or revocation to an
28 administrative law judge in the department of inspections, and
29 appeals, and licensing within thirty days of receiving written
30 notice of the denial, suspension, or revocation.

31 6. The department of inspections, and appeals, and
32 licensing shall adopt rules pursuant to **chapter 17A** as
33 necessary to carry out the provisions of **this section**.

34 Sec. 2044. Section 729.6, subsection 9, paragraph a, Code
35 2023, is amended to read as follows:

1 a. Investigating a workers' compensation claim under chapter
2 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86.~~

3 Sec. 2045. Section 815.11, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. Costs incurred for legal representation by a
6 court-appointed attorney under chapter 229A, 665, 822, or 908,
7 or section 232.141, subsection 3, paragraph "d", or section
8 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
9 815.10 on behalf of an indigent shall be paid from moneys
10 appropriated by the general assembly to the office of the state
11 public defender in the department of inspections, and appeals,
12 and licensing and deposited in an account to be known as the
13 indigent defense fund, except as provided in subsection 2.

14 Costs incurred representing an indigent defendant in a contempt
15 action, representing an indigent juvenile in a juvenile court
16 proceeding, or representing a person pursuant to section 13B.13
17 are also payable from the fund. However, costs incurred in any
18 administrative proceeding or in any other proceeding under this
19 chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or
20 other provisions of the Code or administrative rules are not
21 payable from the fund.

22 Sec. 2046. Section 915.83, subsection 4, Code 2023, is
23 amended to read as follows:

24 4. Request from the department of human services, the
25 department of workforce development ~~and its,~~ the division
26 of workers' compensation of the department of inspections,
27 appeals, and licensing, the department of public safety, the
28 county sheriff departments, the municipal police departments,
29 the county attorneys, or other public authorities or agencies
30 reasonable assistance or data necessary to administer the crime
31 victim compensation program.

32 Sec. 2047. 2020 Iowa Acts, chapter 1064, section 16,
33 subsection 4, is amended to read as follows:

34 4. *Priority.* In the case of multiple claims to payments
35 filed under [this section](#), priority shall be given to claims
1 filed by the child support recovery unit or the foster care
2 recovery unit, next priority shall be given to claims filed
3 by the clerk of the district court, next priority shall be
4 given to claims filed by the ~~investigations division of the~~
5 department of inspections, and appeals, and licensing relating
6 to investigations by the department, next priority shall be
7 given to claims that will be deposited into the state general
8 fund, and last priority shall be given to claims filed by other
9 public agencies. In the case of multiple claims in which the
10 priority is not otherwise provided by [this subsection](#), priority
11 shall be determined in accordance with rules to be established
12 by the department.

13 Sec. 2048. CODE EDITOR DIRECTIVE.

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

16 a. Section 92.1 to section 92.1A.

17 b. Section 92.1B to section 92.1.

18 2. The Code editor shall correct internal references in the
19 Code and in any enacted legislation as necessary due to the
20 enactment of this section.

21 Sec. 2049. CONTINGENT EFFECTIVE DATE. The following takes
22 effect on the effective date of the rules adopted by the
23 department of revenue pursuant to chapter 17A implementing 2020
24 Iowa Acts, chapter 1064, other than transitional rules:

25 The section of this division of this Act amending 2020 Iowa
26 Acts, chapter 1064.

27 DIVISION IV

28 DEPARTMENT OF JUSTICE

29 Sec. 2050. Section 6B.18, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. In case of condemnation proceedings instituted by the
32 state department of transportation, when the owner appeals from
33 the assessment made, such notice of appeal shall be served upon

34 the attorney general, ~~or the department general counsel to~~
35 ~~the state department of transportation,~~ or the chief highway
1 engineer for the department.

2 Sec. 2051. Section 8A.412, subsection 11, Code 2023, is
3 amended to read as follows:

4 11. Professional employees under the supervision of the
5 attorney general, the state public defender, the secretary
6 of state, the auditor of state, the treasurer of state, and
7 the public employment relations board. ~~However, employees of~~
8 ~~the consumer advocate division of the department of justice,~~
9 ~~other than the consumer advocate, and administrative law judges~~
10 ~~appointed or employed by the public employment relations board~~
11 ~~are subject to the merit system.~~

12 Sec. 2052. Section 13.2, subsection 1, paragraphs b and o,
13 Code 2023, are amended to read as follows:

14 b. Prosecute and defend in any other court or tribunal,
15 all actions and proceedings, civil or criminal, in which the
16 state may be a party or interested, when, in the attorney
17 general's judgment, the interest of the state requires such
18 action, or when requested to do so by the governor, executive
19 council, or general assembly. The attorney general may
20 prosecute a criminal proceeding on behalf of the state even if
21 a county attorney does not request the attorney general to act
22 as a county attorney in a proceeding under section 331.754,
23 subsection 7.

24 o. Submit a report by January 15 of each year to the
25 co-chairpersons and ranking members of the joint appropriations
26 subcommittee on the justice system, to the executive council,
27 and to the legislative services agency detailing ~~the amount of~~
28 ~~annual money receipts generated by each settlement or judgment~~
29 ~~in excess of two hundred fifty thousand dollars collected~~
30 pursuant to legal proceedings under chapters 455B, 553, and 714
31 all money settlement awards and court money awards that were
32 awarded to the state of Iowa. The report shall include the
33 name of the civil or criminal case involved, the specify the

34 parties to each settlement or court proceeding, any court of
35 jurisdiction, the settlement amount, the state's share of the
1 settlement amount, the name of the fund in which the receipts
2 were deposited, and the planned use of the moneys.

3 Sec. 2053. Section 13.4, Code 2023, is amended to read as
4 follows:

5 **13.4 Assistant and deputy attorneys general.**

6 The attorney general may appoint a ~~first assistant~~ chief
7 deputy attorney general and such other deputy and assistant
8 attorneys general as may be authorized by law, who shall devote
9 their entire time to the duties of their positions. The deputy
10 and assistant attorneys general shall, subject to the direction
11 of the attorney general, have the same power and authority as
12 the attorney general.

13 Sec. 2054. Section 13.6, Code 2023, is amended by striking
14 the section and inserting in lieu thereof the following:

15 **13.6 Agency reimbursement for legal services.**

16 The attorney general may charge departments, agencies, and
17 other state governmental entities for the cost of performing
18 legal services for the department, agency, or governmental
19 entity. Upon request of the attorney general, a department
20 or agency shall provide and equip a suitable office for an
21 assistant attorney general or other staff providing legal
22 services exclusively for that department or agency.

23 Sec. 2055. Section 13.7, subsection 1, Code 2023, is amended
24 to read as follows:

25 ~~1. Compensation shall not be allowed to any person for~~
26 ~~services as an attorney or counselor to an executive department~~
27 ~~of the state government, or the head of an executive department~~
28 ~~of state government, or to a state board or commission~~ A
29 department, agency, or other state governmental entity shall
30 not contract for legal services to be provided by a private
31 attorney unless authorized by the executive council under
32 this section or section 13.3. However, the The executive
33 council may authorize employment of legal assistance, at a

34 reasonable compensation, in a pending action or proceeding to
35 protect the interests of the state, but only upon a sufficient
1 showing, in writing, made by the attorney general, that the
2 department of justice cannot for reasons stated by the attorney
3 general perform the service. The reasons and action of the
4 executive council shall be entered upon its records. If the
5 attorney general determines that the department of justice
6 cannot perform legal service in an action or proceeding,
7 the executive council shall request the department involved
8 in the action or proceeding to recommend legal counsel to
9 represent the department. If the attorney general concurs with
10 the department that the person recommended is qualified and
11 suitable to represent the department, the person recommended
12 shall be employed. If the attorney general does not concur
13 in the recommendation, the department shall submit a new
14 recommendation. ~~This subsection does not affect the general
15 counsel for the utilities board of the department of commerce,
16 the legal counsel of the department of workforce development,
17 or the general counsel for the property assessment appeal
18 board.~~

19 Sec. 2056. Section 13.9, Code 2023, is amended to read as
20 follows:

21 **13.9 Salary.**

22 The salary of the attorney general shall be as fixed by
23 the general assembly, and the salaries of the ~~first assistant~~
24 chief deputy attorney general and other deputy and assistant
25 attorneys general shall be such as may be fixed by law.

26 Sec. 2057. Section 13.11, Code 2023, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **13.11 Exclusive criminal jurisdiction over election crimes.**

29 Notwithstanding any provision of law to the contrary, the
30 attorney general shall have exclusive jurisdiction to prosecute
31 all criminal proceedings under chapter 39A.

32 Sec. 2058. Section 20.4, subsection 9, Code 2023, is amended
33 to read as follows:

34 9. Persons employed by the state department of justice,
35 ~~except nonsupervisory employees of the consumer advocate~~
1 ~~division who are employed primarily for the purpose of~~
2 ~~performing technical analysis of nonlegal issues.~~

3 Sec. 2059. Section 25.1, subsection 2, unnumbered paragraph
4 1, Code 2023, is amended to read as follows:

5 The state appeal board shall make a record of the receipt
6 of claims received from the director of the department of
7 management, notify the ~~special assistant~~ attorney general ~~for~~
8 ~~claims~~, and deliver a copy to the state official or agency
9 against whom the claim is made, if any.

10 Sec. 2060. Section 25.1, subsection 2, paragraph a, Code
11 2023, is amended to read as follows:

12 a. The official or agency shall report its recommendations
13 concerning the claim to the ~~special assistant~~ attorney general
14 ~~for claims~~ who, with a view to determining the merits and
15 legality of the claim, shall investigate the claim and report
16 the findings and conclusions of the investigation to the state
17 appeal board.

18 Sec. 2061. Section 25.2, subsection 1, unnumbered paragraph
19 1, Code 2023, is amended to read as follows:

20 The state appeal board with the recommendation of the
21 ~~special assistant~~ attorney general ~~for claims~~ may approve
22 or reject claims against the state of less than five years
23 involving the following:

24 Sec. 2062. Section 25.3, Code 2023, is amended to read as
25 follows:

26 **25.3 Filing with general assembly — testimony.**

27 On the second day after the convening of each regular
28 session of the general assembly, the state appeal board shall
29 file with the clerk of the house of representatives and the
30 secretary of the senate a list of all claims rejected by the
31 state appeal board together with a copy of the report made
32 to it by the ~~special assistant~~ attorney general ~~for claims~~
33 and its recommendation thereon for each claim, which report

34 and recommendation shall be delivered to the claims committee
35 of the house and senate. Any testimony taken by the ~~special~~
1 ~~assistant~~ attorney general ~~for claims~~ shall be preserved by the
2 state appeal board and made available to the claims committee
3 of the general assembly.

4 Sec. 2063. Section 25.4, Code 2023, is amended to read as
5 follows:

6 **25.4 ~~Assistant attorney~~ Attorney general — salary.**

7 The attorney general shall ~~appoint a special assistant~~
8 ~~attorney general for claims who shall, under the direction of~~
9 ~~the attorney general,~~ investigate and report on all claims
10 between the state and other parties, which may be referred to
11 the state appeal board, and on any other claims or matters
12 which the state appeal board ~~or the attorney general~~ may
13 direct.

14 Sec. 2064. Section 25.5, Code 2023, is amended to read as
15 follows:

16 **25.5 Testimony — filing with board.**

17 The ~~special assistant~~ attorney general ~~for claims~~ shall
18 fully investigate each claim and the facts upon which same
19 is based and may take testimony in the form of affidavits or
20 otherwise, and in connection therewith shall ex officio be
21 empowered to administer oaths, to compel the attendance of
22 witnesses and certify to any district court for contempt. All
23 testimony, affidavits, and other papers in connection with
24 a claim, obtained by the ~~special assistant~~ attorney general
25 ~~for claims~~ in making an investigation shall be filed with the
26 report to the state appeal board.

27 Sec. 2065. Section 25.6, Code 2023, is amended to read as
28 follows:

29 **25.6 Claims by state against municipalities.**

30 The state appeal board may investigate and collect claims
31 which the state has against municipal or political corporations
32 in the state including counties, cities, townships, and school
33 corporations. The board shall refer any such claim to the

34 ~~special assistant~~ attorney general ~~for claims~~, when the claim
 35 has not been promptly paid, and if the ~~special assistant~~
 1 attorney general ~~for claims~~ is not able to collect the full
 2 amount of the claim, the ~~special assistant~~ attorney general
 3 shall fully investigate and report to the state appeal board
 4 findings of fact and conclusions of law, together with any
 5 recommendation as to the claim. Thereafter the state appeal
 6 board may effect a compromise settlement with the debtor in an
 7 amount and under terms as the board deems just and equitable
 8 in view of the findings and conclusions reported to it. If
 9 the state appeal board is unable to collect a claim in full
 10 or effect what it has determined to be a fair compromise, it
 11 shall deliver the claim to the attorney general for action
 12 as the attorney general shall determine ~~and the special~~
 13 ~~assistant attorney general for claims is specifically charged~~
 14 ~~with carrying out the directions of the attorney general with~~
 15 ~~reference to the claim.~~ When a claim is compromised by the
 16 state appeal board, the board shall file with the department
 17 of management and the department of administrative services a
 18 statement as to the settlement, together with a true copy of
 19 the agreement of settlement, and if in settlement an amount
 20 less than the face amount is accepted in full, the proper
 21 entries shall be made in the books of the department of
 22 management, the department of administrative services, and the
 23 auditor of state showing the amount of the claim, the amount of
 24 the settlement, and the amount charged off.

25 Sec. 2066. Section 39A.6, subsection 4, Code 2023, is
 26 amended to read as follows:

27 4. Upon issuing a technical infraction, the state
 28 commissioner shall immediately inform the attorney general ~~and~~
 29 ~~relevant county attorney~~ if the apparent violation constitutes
 30 or may constitute election misconduct under [this chapter](#).

31 Sec. 2067. Section 39A.7, Code 2023, is amended to read as
 32 follows:

33 **39A.7 Election misconduct — investigation.**

34 1. The attorney general ~~or county attorney~~ shall
35 investigate allegations of election misconduct reported to the
1 attorney general ~~or county attorney~~. Election misconduct by an
2 election official shall also be investigated for prosecution
3 under [chapter 721](#).

4 2. Upon the completion of an investigation required by this
5 section, the attorney general ~~or county attorney~~ shall submit
6 the results of the investigation to the state commissioner and
7 explain whether the attorney general ~~or county attorney~~ will
8 pursue charges.

9 Sec. 2068. Section 48A.41, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. If in the course of an audit under [this section](#) the state
12 registrar of voters finds that a commissioner of registration
13 has failed to perform required voter list maintenance,
14 the state registrar of voters shall submit the audit to
15 the ~~relevant county attorney and~~ attorney general within
16 twenty-four hours for investigation of a violation of section
17 39A.3, subsection 1, paragraph "b", subparagraph (9), or other
18 provision of law.

19 Sec. 2069. Section 80.1, Code 2023, is amended to read as
20 follows:

21 **80.1 Department created.**

22 There is hereby created a department of the state government
23 which shall be known and designated as the department of public
24 safety, which shall consist of a commissioner of public safety
25 and of such officers and employees as may be required, ~~one of~~
26 ~~whom shall be an attorney admitted to practice law in this~~
27 ~~state. Such attorney shall be an assistant attorney general~~
28 ~~appointed by the attorney general who shall fix the assistant's~~
29 ~~salary. The department shall reimburse the attorney general~~
30 ~~for the salary and expense of such assistant attorney general~~
31 ~~and furnish the assistant a suitable office if requested by the~~
32 ~~attorney general.~~

33 Sec. 2070. Section 307.23, Code 2023, is amended to read as

34 follows:

35 **307.23 ~~General~~ Legal counsel.**

1 1. ~~The general counsel shall be a special assistant attorney~~
2 ~~general appointed by the attorney general who shall act as the~~
3 ~~attorney for the department. The general counsel shall have~~
4 ~~the following duties and responsibilities~~ It shall be the duty
5 of the attorney general to do all of the following:

6 a. Act as legal advisor to the department, commission, and
7 ~~the~~ director.

8 b. Provide all legal services for the department.

9 2. The attorney general shall appoint ~~additional~~ assistant
10 attorneys general as ~~the director deems~~ necessary to carry
11 out ~~the~~ these duties assigned to the office of the general
12 counsel. ~~The salary of the general counsel shall be fixed by~~
13 ~~the director, subject to the approval of the attorney general.~~
14 ~~The director shall provide and furnish a suitable office for~~
15 ~~the general counsel upon request of the attorney general.~~

16 Sec. 2071. Section 327C.30, Code 2023, is amended to read
17 as follows:

18 **327C.30 Duty of department, ~~general counsel~~ attorney general,**
19 **and county attorney.**

20 When any proceeding has been instituted under sections
21 327C.28 and **327C.29**, the ~~department~~ attorney general counsel
22 shall prosecute the same, and the county attorney of the
23 county in which such proceeding is pending shall render such
24 assistance as the ~~department~~ attorney general counsel may
25 require.

26 Sec. 2072. Section 331.756, subsection 49, Code 2023, is
27 amended to read as follows:

28 49. Assist, upon request, the ~~department of~~
29 ~~transportation's~~ attorney general counsel in the prosecution of
30 violations of common carrier laws and regulations as provided
31 in **section 327C.30**.

32 Sec. 2073. Section 475A.1, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

34 1. *Appointment.* The attorney general shall appoint a
35 ~~competent attorney to the office of consumer advocate, who~~
1 shall serve at the pleasure of the attorney general, subject to
2 confirmation by the senate, no less frequently than once every
3 four years, in accordance with [section 2.32](#). The consumer
4 advocate is the chief administrator of the consumer advocate
5 division of the department of justice. ~~The advocate's term of~~
6 ~~office is for four years. The term begins and ends in the same~~
7 ~~manner as set forth in [section 69.19](#).~~

8 2. *Vacancy.* If a vacancy occurs in the office of consumer
9 advocate, the vacancy shall be filled ~~for the unexpired term in~~
10 the same manner as an original appointment under the procedures
11 of [section 2.32](#).

12 Sec. 2074. Section 475A.1, subsection 5, Code 2023, is
13 amended by striking the subsection.

14 Sec. 2075. Section 475A.2, subsections 2 and 5, Code 2023,
15 are amended to read as follows:

16 2. ~~Act as attorney for and represent~~ Represent the interests
17 of all consumers generally and the public generally in all
18 proceedings before the utilities board.

19 5. ~~Act as attorney for and represent~~ Represent the
20 interests of all consumers generally and the public generally
21 in proceedings before federal and state agencies and related
22 judicial review proceedings and appeals, at the discretion of
23 the consumer advocate.

24 Sec. 2076. Section 475A.3, subsection 2, Code 2023, is
25 amended to read as follows:

26 2. *Employees.* ~~The consumer advocate~~ attorney general
27 may employ attorneys, legal assistants, secretaries, clerks,
28 and other employees ~~the consumer advocate finds~~ necessary
29 for the full and efficient discharge of the duties and
30 responsibilities of the ~~office~~ consumer advocate division. The
31 consumer advocate may employ consultants as expert witnesses
32 or technical advisors pursuant to contract as the consumer
33 advocate finds necessary for the full and efficient discharge

34 of the duties of the office. ~~Employees of the consumer~~
35 ~~advocate division, other than the consumer advocate, are~~
1 ~~subject to merit employment, except as provided in section~~
2 ~~8A.412.~~

3 Sec. 2077. REPEAL. Section 13.5, Code 2023, is repealed.

4 Sec. 2078. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION V

7 ECONOMIC DEVELOPMENT AUTHORITY

8 CULTURAL AFFAIRS

9 Sec. 2079. Section 7E.5, subsection 1, paragraph g, Code
10 2023, is amended to read as follows:

11 g. The economic development authority, created in section
12 15.105, which has responsibility for ensuring that the
13 economic development policies of the state are effectively and
14 efficiently carried out, and for managing the state's interest
15 in the areas of the arts, history, and other cultural matters.

16 Sec. 2080. Section 7E.5, subsection 1, paragraph 1, Code
17 2023, is amended by striking the paragraph.

18 Sec. 2081. Section 8A.412, subsection 14, Code 2023, is
19 amended by striking the subsection.

20 Sec. 2082. Section 15.108, subsection 5, paragraph c, Code
21 2023, is amended to read as follows:

22 c. Coordinate and develop with the department of
23 transportation, the department of natural resources, ~~the~~
24 ~~department of cultural affairs,~~ the enhance Iowa board,
25 other state agencies, and local and regional entities public
26 interpretation, marketing, and education programs that
27 encourage Iowans and out-of-state visitors to participate in
28 the recreational and leisure opportunities available in Iowa.
29 The authority shall establish and administer a program that
30 helps connect both Iowa residents and residents of other states
31 to new and existing Iowa experiences as a means to enhance the
32 economic, social, and cultural well-being of the state. The
33 program shall include a broad range of new opportunities, both

34 rural and urban, including main street destinations, green
35 space initiatives, and artistic and cultural attractions.

1 Sec. 2083. Section 15.108, subsection 5, paragraph 1, Code
2 2023, is amended by striking the paragraph.

3 Sec. 2084. Section 15.108, subsection 9, Code 2023, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 9. *Cultural affairs.* To develop the state's interest in
7 the areas of the arts, history, and other cultural matters. To
8 carry out this responsibility, the authority shall:

9 a. Accept, receive, and administer grants or other funds or
10 gifts from public or private agencies, including the federal
11 government, for the authority.

12 b. Administer the Iowa cultural trust, as advised and
13 assisted by the Iowa arts council, as provided in chapter 303A,
14 and do all of the following:

15 (1) Develop and adopt by rule criteria for the issuance
16 of trust fund credits by measuring the efforts of qualified
17 organizations to increase their endowment or other resources
18 for the promotion of the arts, history, or the sciences and
19 humanities in Iowa. For purposes of this paragraph, "*qualified*
20 *organization*" means a tax-exempt, nonprofit organization
21 whose primary mission is to promote the arts, history, or the
22 sciences and humanities in Iowa. If the authority determines
23 that a qualified organization has increased the amount of the
24 qualified organization's endowment and other resources, the
25 authority shall certify the amount of increase in the form of
26 trust fund credits to the treasurer, who shall deposit in the
27 Iowa cultural trust fund, from moneys received for purposes
28 of the trust fund as provided in section 303A.4, subsection
29 2, an amount equal to the trust fund credits. If the amount
30 of the trust fund credits issued by the authority exceeds the
31 amount of moneys available to be deposited in the trust fund as
32 provided in section 303A.4, subsection 2, the outstanding trust
33 fund credits shall not expire but shall be available to draw

34 down additional moneys which become available to be deposited
35 in the trust fund as provided in section 303A.4, subsection 2.

1 (2) Develop and implement, in accordance with subchapter
2 II, part 30, a grant application process for grants issued to
3 qualified organizations.

4 (3) Develop and adopt by rule criteria for the approval of
5 Iowa cultural trust grants. The criteria shall include but
6 shall not be limited to the future stability and sustainability
7 of a qualified organization.

8 (4) Compile, in consultation with the Iowa arts council,
9 a list of grant applications recommended for funding in
10 accordance with the amount available for distribution as
11 provided in section 303A.6, subsection 3. The list of
12 recommended grant applications shall be submitted to the Iowa
13 cultural trust board of trustees for approval.

14 (5) Monitor the allocation and use of grant moneys by all
15 qualified organizations to determine whether moneys are used
16 in accordance with the provisions of this paragraph "b" and
17 subchapter II, part 30. The authority shall annually submit
18 a report with the authority's findings and recommendations to
19 the Iowa cultural trust board of trustees prior to final board
20 action in approving grants for the next succeeding fiscal year.

21 *c.* Design a comprehensive, statewide, long-range plan with
22 the assistance of the Iowa arts council to develop the arts
23 in Iowa. The authority is designated as the state agency for
24 carrying out the plan.

25 *d.* By rule, establish advisory groups as necessary for the
26 receipt of federal funds or grants or the administration of any
27 of the authority's programs.

28 *e.* Develop and implement fee-based educational programming
29 opportunities, including preschool programs, related to arts,
30 history, and other cultural matters for Iowans of all ages.

31 *f.* Conduct surveys of existing art and cultural programs
32 and activities within the state, including but not limited to
33 music, theater, dance, painting, sculpture, architecture, and

34 allied arts and crafts. The authority shall submit a report
35 on the survey to the governor and to the general assembly no
1 later than ten calendar days after the commencement of each
2 first session of the general assembly recommending appropriate
3 legislation or other action as the authority deem appropriate.
4 *g.* Establish and administer a film office. The purpose
5 of the film office is to assist legitimate film, television,
6 and video producers in the production of film, television, and
7 video projects in the state, and to increase the fiscal impact
8 on the state's economy of film, television, and video projects
9 produced in the state.

10 Sec. 2085. Section 15.108, Code 2023, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 12. *Miscellaneous.* To provide other
13 necessary services, the authority shall do all of the
14 following:

15 *a.* Collect and assemble, or cause to have collected and
16 assembled, all pertinent information available regarding the
17 industrial, agricultural, and public and private recreation
18 and tourism opportunities and possibilities of the state
19 of Iowa, including raw materials and products that may be
20 produced from the raw materials; power and water resources;
21 transportation facilities; available markets; the banking and
22 financing facilities; the availability of industrial sites; the
23 advantages of the state as a whole, and particular sections
24 of the state, as industrial locations; the development of a
25 grain alcohol motor fuel industry and its related products;
26 and other fields of research and study as the board deems
27 necessary. This information shall consider the encouragement
28 of new industrial enterprises in the state and the expansion
29 of industries now existing within the state, and allied fields
30 to those industries. The information shall also consider the
31 changing composition of the Iowa family, the level of poverty
32 among different age groups, and different family structures in
33 Iowa society and their impact on Iowa families.

34 *b.* Apply for, receive, contract for, and expend federal
35 funds and grants, and funds and grants from other sources.

1 *c.* Except as otherwise provided in sections 8A.110, 260C.14,
2 and 262.9, provide that an inventor whose research is funded
3 in whole or in part by the state shall assign to the state a
4 proportionate part of the inventor's rights to a letter patent
5 resulting from that research. The state's portion of the
6 royalties or earnings derived from a letter patent shall be
7 paid to the treasurer of state and credited by the treasurer to
8 the general fund of the state. The authority, in conjunction
9 with other state agencies including the board of regents,
10 shall provide incentives to inventors whose research is funded
11 in whole or in part by the state to encourage the inventors
12 to have the invented products produced in the state. The
13 incentives may include the state receiving a smaller portion of
14 the inventor's royalties or earnings than would otherwise occur
15 under this paragraph or other provisions of law.

16 *d.* Administer or oversee federal rural economic development
17 programs in the state.

18 *e.* At the director's discretion, accept payment by
19 credit card of any fees, interest, penalties, subscriptions,
20 registrations, purchases, or other payments, or any portion of
21 such payments, which are due or collected by the authority.
22 The authority may adjust the amount of the payment to reflect
23 the costs of processing the payment as determined by the
24 treasurer of state. Payment by credit card shall include, in
25 addition to all other charges, any discount charged by the
26 credit card issuer.

27 *f.* Provide technical assistance to individuals who
28 are pursuing the purchase and operation of employee-owned
29 businesses.

30 *g.* Administer the Iowa energy center established in section
31 15.120. This paragraph "*g*" is repealed July 1, 2027.

32 *h.* Administer the partner state program created in section
33 15.421.

34 Sec. 2086. Section 15.274, Code 2023, is amended to read as
35 follows:

1 **15.274 Promotional program for national historic landmarks**
2 **and cultural and entertainment districts.**

3 The economic development authority, in cooperation with
4 the state department of transportation ~~and the department of~~
5 ~~cultural affairs~~, shall establish and administer a program
6 designed to promote knowledge of and access to buildings,
7 sites, districts, structures, and objects located in this state
8 that have been designated by the secretary of the interior
9 of the United States as a national historic landmark, unless
10 the national historic landmark is protected under section
11 22.7, subsection 20, and certified cultural and entertainment
12 districts, as established pursuant to [section 303.3B](#). The
13 program shall be designed to maximize the visibility and
14 visitation of national historic landmarks in this state and
15 buildings, sites, structures, and objects located in certified
16 cultural and entertainment districts, as established pursuant
17 to [section 303.3B](#). Methods used to maximize the visibility and
18 visitation of such locations may include the use of tourism
19 literature, signage on highways, maps of the state and cities,
20 and internet sites. For purposes of [this section](#), "highway"
21 means the same as defined in [section 325A.1](#).

22 Sec. 2087. Section 99F.11, subsection 4, paragraph d,
23 subparagraph (1), Code 2023, is amended to read as follows:

24 (1) Five hundred twenty thousand dollars is appropriated
25 each fiscal year to the ~~department of cultural affairs~~ economic
26 development authority with one-half of the moneys allocated for
27 operational support grants and the remaining one-half allocated
28 for the community cultural grants program established under
29 section 303.3.

30 Sec. 2088. Section 103A.45, subsection 4, Code 2023, is
31 amended to read as follows:

32 4. Consult with state agencies, including the state
33 ~~fire marshal~~ department of inspections, appeals, and

34 licensing and the ~~department of cultural affairs~~ economic
35 development authority, governmental subdivisions, architects,
1 engineers, and others who have knowledge of or interest in the
2 rehabilitation, preservation, restoration, and relocation of
3 historic buildings, with respect to matters relating to the
4 state historic building code.

5 Sec. 2089. Section 303.3, subsections 1 and 2, Code 2023,
6 are amended to read as follows:

7 1. The ~~department~~ authority shall establish a grant program
8 for cities and nonprofit, tax-exempt community organizations
9 for the development of community programs that provide local
10 jobs for Iowa residents and also promote Iowa's historic,
11 ethnic, and cultural heritages through the development
12 of festivals, music, drama, cultural programs, or tourist
13 attractions. A city or nonprofit, tax-exempt community
14 organization may submit an application to the ~~department~~
15 authority for review. The ~~department~~ authority shall establish
16 criteria for the review and approval of grant applications.
17 The amount of a grant shall not exceed fifty percent of
18 the cost of the community program. Each application shall
19 include information demonstrating that the city or nonprofit,
20 tax-exempt community organization will provide matching funds
21 of fifty percent of the cost of the program. The matching
22 funds requirement may be met by substituting in-kind services,
23 based on the value of the services, for actual dollars.

24 2. The ~~department~~ authority shall establish a grant program
25 which provides general operating budget support to major,
26 ~~multidisciplined~~ multidisciplinary cultural organizations
27 ~~which~~ that demonstrate cultural and managerial excellence
28 on a continuing basis to the citizens of Iowa. Applicant
29 organizations must be incorporated under **chapter 504**, be exempt
30 from federal taxation, and not be attached or affiliated with
31 an educational institution. Eligible organizations shall
32 be operated on a year-round basis and employ at least one
33 full-time, paid professional staff member. The ~~department~~

34 authority shall establish criteria for review and approval
35 of grant applications. Criteria established shall include,
1 but are not limited to, a matching funds requirement. The
2 matching funds requirement shall permit an applicant to meet
3 the matching requirement by demonstrating that the applicant's
4 budget contains funds, other than state and federal funds, in
5 excess of the grant award.

6 Sec. 2090. Section 303.3A, subsection 1, paragraph c, Code
7 2023, is amended by striking the paragraph.

8 Sec. 2091. Section 303.3A, subsections 2 and 3, Code 2023,
9 are amended to read as follows:

10 2. The ~~department~~ authority shall administer regional
11 conferences and a statewide caucus on arts and cultural
12 enhancement. The purpose of the conferences and caucus is to
13 encourage the development of the arts and culture in the state
14 ~~by~~ in all of the following ways:

15 a. By identifying opportunities for programs involving
16 education, outreach, and enhancement; ~~by.~~

17 b. By reviewing possible changes in enhancement program
18 policies, programs, and funding; ~~and by.~~

19 c. By making recommendations to the ~~department~~ authority
20 regarding funding allocations and priorities for arts and
21 cultural enhancement.

22 3. a. Every four years beginning in June ~~2001~~ 2025, the
23 ~~department~~ authority shall convene a statewide caucus on arts
24 and cultural enhancement.

25 ~~a.~~ b. Prior to the statewide caucus, the ~~department~~
26 authority shall make arrangements to hold a conference in each
27 of several regions of the state as determined by the Iowa arts
28 council. The ~~department~~ authority shall promote attendance
29 of interested persons at each conference. ~~A designee of~~
30 ~~the department shall serve as temporary chairperson until~~
31 ~~persons attending the conference elect a chairperson.~~ The
32 ~~department~~ authority shall provide persons attending the
33 conference with current information regarding cultural programs

34 and expenditures. Persons attending the conference shall
 35 identify opportunities for programs in the areas of education,
 1 outreach, and enhancement, and make recommendations in the
 2 form of a resolution. The persons attending the conference
 3 shall elect six persons from among the attendees to serve
 4 as regional, voting delegates to the statewide caucus. The
 5 conference attendees shall elect a chairperson from among the
 6 six representatives. Other interested persons are encouraged
 7 to attend the statewide caucus as nonvoting attendees.

8 ~~b.~~ c. The ~~department~~ authority shall charge a reasonable
 9 fee for attendance at the statewide caucus on arts and cultural
 10 enhancement.

11 ~~e.~~ d. A designee of the ~~department~~ authority shall call the
 12 statewide caucus to order and serve as temporary chairperson
 13 until persons attending the caucus elect a chairperson.

14 Persons attending the caucus shall discuss the recommendations
 15 of the regional conferences and decide upon recommendations to
 16 be made to the ~~department~~ authority and the general assembly.
 17 Elected chairpersons of the regional conferences shall meet
 18 with representatives of the ~~department~~ authority and present
 19 the recommendations of the caucus.

20 Sec. 2092. Section 303.3B, Code 2023, is amended to read as
 21 follows:

22 **303.3B Cultural and entertainment districts.**

23 1. The ~~department of cultural affairs~~ authority shall
 24 establish and administer a cultural and entertainment district
 25 certification program. The program shall encourage the growth
 26 of communities through the development of areas within a city
 27 or county for public and private uses related to cultural and
 28 entertainment purposes.

29 2. A city or county may create and designate a cultural
 30 and entertainment district subject to certification
 31 by the ~~department of cultural affairs, in consultation~~
 32 ~~with the economic development~~ authority. A cultural and
 33 entertainment district is encouraged to include a unique form

34 of transportation within the district and for transportation
35 between the district and recreational trails. A cultural and
1 entertainment district certification shall remain in effect for
2 ten years following the date of certification. Two or more
3 cities or counties may apply jointly for certification of a
4 district that extends across a common boundary. Through the
5 adoption of ~~administrative~~ rules, the ~~department of cultural~~
6 ~~affairs~~ authority shall develop a certification application
7 for use in the certification process. The provisions of this
8 subsection relating to the adoption of ~~administrative~~ rules
9 shall be construed narrowly.

10 3. The ~~department of cultural affairs~~ authority shall
11 encourage development projects and activities located in
12 certified cultural and entertainment districts through
13 incentives under cultural grant programs pursuant to section
14 303.3, ~~chapter 303A~~ part 30, and any other applicable grant
15 programs.

16 Sec. 2093. Section 303.3C, subsection 1, paragraphs a, d,
17 and f, Code 2023, are amended to read as follows:

18 a. The ~~department of cultural affairs~~ authority shall
19 establish and administer an Iowa great places program for
20 purposes of combining resources of state government in an
21 effort to showcase the unique and authentic qualities of
22 communities, regions, neighborhoods, and districts that
23 make such places exceptional places to work and live. The
24 ~~department of cultural affairs~~ authority shall provide
25 administrative assistance to the Iowa great places board. The
26 ~~department of cultural affairs~~ authority shall coordinate
27 the efforts of the Iowa great places board with the efforts
28 of state agencies participating in the program which shall
29 include, but not be limited to, ~~the economic development~~
30 ~~authority~~, the Iowa finance authority, the department of
31 human rights, the department of natural resources, the state
32 department of transportation, and the department of workforce
33 development.

34 *d.* The ~~department of cultural affairs~~ authority shall work
35 in cooperation with the ~~vision Iowa and community attraction~~
1 ~~and tourism programs~~ enhance Iowa board for purposes of
2 maximizing and leveraging moneys appropriated to identified
3 Iowa great places.

4 *f.* The ~~department of cultural affairs~~ authority shall
5 account for any funds appropriated from the endowment for
6 Iowa's health restricted capitals fund for an identified Iowa
7 great place.

8 Sec. 2094. Section 303.3C, subsection 2, paragraph a, Code
9 2023, is amended to read as follows:

10 *a.* The Iowa great places board is established consisting of
11 twelve members. The board shall be located for administrative
12 purposes within the ~~department of cultural affairs~~ authority
13 and the director shall provide office space, staff assistance,
14 and necessary supplies and equipment for the board. The
15 director shall budget moneys to pay the compensation and
16 expenses of the board. In performing its functions, the board
17 is performing a public function on behalf of the state and is a
18 public instrumentality of the state.

19 Sec. 2095. Section 303.3D, subsections 1 and 3, Code 2023,
20 are amended to read as follows:

21 1. An Iowa great places program fund is created under the
22 authority of the ~~department of cultural affairs~~. The fund
23 shall consist of appropriations made to the fund and transfers
24 of interest, earnings, and moneys from other funds as provided
25 by law. Notwithstanding [section 12C.7, subsection 2](#), interest
26 or earnings on investments or time deposits of the moneys in
27 the Iowa great places program fund shall be credited to the
28 Iowa great places program fund.

29 3. In awarding moneys the ~~department of cultural affairs~~
30 authority shall give consideration to the particular needs of
31 each identified Iowa great place.

32 Sec. 2096. Section 303.3E, Code 2023, is amended to read as
33 follows:

34 **303.3E Culture, history, and arts teams program.**

35 1. The ~~department of cultural affairs~~ authority shall
1 establish and administer a statewide program facilitating the
2 promotion of culture, history, and arts in Iowa. The program's
3 purpose shall be to encourage cooperation and collaboration
4 among the various state and local organizations working in
5 these areas to improve Iowa's quality of life.

6 2. The ~~department~~ authority shall implement the program
7 by working with the local organizations to establish local
8 committees. Each committee shall:

9 a. Include representatives from local organizations
10 dedicated to promoting culture, history, and arts.

11 b. Gather and disseminate information on the cultural,
12 historical, and arts opportunities in the regions.

13 c. Enhance communication among the local organizations.

14 d. Assist the staff members of local organizations in
15 obtaining technical and professional training.

16 3. The ~~department~~ authority shall assist local
17 organizations in the delivery of technical services,
18 professional training, and programming opportunities by working
19 with these committees.

20 Sec. 2097. Section 303.20, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:

22 As used in this ~~subchapter of this chapter~~ part, unless the
23 context otherwise requires:

24 Sec. 2098. Section 303.20, subsections 2 and 3, Code 2023,
25 are amended to read as follows:

26 2. "*Commission*" is the five-person body, elected by the
27 registered voters in the historical preservation district from
28 persons living in the district for the purpose of administering
29 this ~~subchapter of this chapter~~ part.

30 3. "*District*" means a historical preservation district
31 established under this ~~subchapter of this chapter~~ part.

32 Sec. 2099. Section 303.20, subsection 4, Code 2023, is
33 amended by striking the subsection.

34 Sec. 2100. Section 303.21, Code 2023, is amended to read as
35 follows:

1 **303.21 Petition.**

2 1. The eligible voters in an area of asserted historical
3 significance may petition the ~~department~~ authority for a
4 referendum for the establishment of a district.

5 2. The petition must be signed by not less than ten percent
6 of the eligible voters ~~of~~ in the area of asserted historical
7 significance and shall contain both a description of the
8 property suggested for inclusion in the district and the
9 reasons justifying the creation of the district.

10 Sec. 2101. Section 303.22, Code 2023, is amended to read as
11 follows:

12 **303.22 Action by ~~department~~ the authority.**

13 1. The ~~department~~ authority shall hold a hearing not less
14 than thirty days ~~or~~ and not more than sixty days after the
15 petition is received. The ~~department~~ authority shall publish
16 notice of the hearing, at a reasonable time before the hearing
17 is to take place, and shall post notice of the hearing in a
18 reasonable number of places within the suggested district. The
19 cost of notification shall be paid by the persons who petition
20 for the establishment of a district.

21 2. At the hearing the ~~department~~ authority shall hear
22 interested persons, accept written presentations, and shall
23 determine whether the suggested district is an area of
24 historical significance which may properly be established as a
25 historical preservation district pursuant to ~~the provisions of~~
26 this subchapter of this chapter part. The ~~department~~ authority
27 may determine the boundaries which shall be established for the
28 district. The ~~department~~ authority shall not include property
29 which is not included in the suggested district unless the
30 owner of the property is given an opportunity to be heard.

31 3. ~~The department, if it~~ If the authority determines that
32 the suggested district meets the criteria for establishment
33 as a historical preservation district, the authority shall

34 indicate the owners of the property and residents included and
35 shall forward a list of owners and residents to the county
1 commissioner of elections.

2 4. If the ~~department~~ authority determines that the
3 suggested district does not meet the criteria for establishment
4 as a historical preservation district, ~~it~~ the authority shall
5 so notify the petitioners.

6 Sec. 2102. Section 303.23, Code 2023, is amended to read as
7 follows:

8 **303.23 Referendum.**

9 Within thirty days after the receipt of the list of owners
10 of property and residents within the suggested historical
11 preservation district, the ~~department~~ authority shall fix a
12 date not more than forty-five days from the receipt of the
13 petition seeking a referendum on the question of establishment
14 of a historical preservation district. The ~~department~~
15 authority, after consultation with the county commissioner of
16 elections, shall specify the polling place within the suggested
17 district that will best serve the convenience of the voters
18 and shall appoint ~~from residents of the proposed district~~
19 three judges and two clerks of election from residents of the
20 proposed district.

21 Sec. 2103. Section 303.24, Code 2023, is amended to read as
22 follows:

23 **303.24 Notice.**

24 The ~~department~~ authority, after consultation with the county
25 commissioner of elections, shall post notice of the referendum
26 in a reasonable number of places within the suggested district
27 a reasonable time before ~~it~~ the referendum is to take place.
28 The notice shall state the purpose of the referendum, a
29 description of the district, the date of the referendum, the
30 location of the polling place, and the hours ~~when~~ the polls
31 will be open ~~and~~ close.

32 Sec. 2104. Section 303.26, subsection 3, Code 2023, is
33 amended to read as follows:

34 3. Of the initial commission, the person receiving the
35 highest number of votes shall ~~receive~~ serve a five-year term of
1 office, the next highest shall serve a four-year term, the next
2 highest shall serve a three-year term, the next highest shall
3 serve a two-year term, and the fifth highest shall serve a
4 one-year term. Thereafter, an election shall be held annually
5 in the district to elect a member to a five-year term as each
6 term expires.

7 Sec. 2105. Section 303.29, Code 2023, is amended to read as
8 follows:

9 **303.29 Use of structures.**

10 ~~No~~ A change in the use of any structure or property within
11 a designated historical district shall not be permitted until
12 ~~after~~ an application for a certificate of appropriateness
13 has been submitted to, and been approved by the commission.
14 For purposes of this section "use" means the legal enjoyment
15 of property that consists in its employment, exercise, or
16 practice.

17 Sec. 2106. Section 303.32, Code 2023, is amended to read as
18 follows:

19 **303.32 Ordinary maintenance and repair.**

20 ~~Nothing in this subchapter of this chapter~~ This part shall
21 not be construed to prevent the ordinary maintenance or repair
22 of any exterior feature in a district which does not involve a
23 change in design, material or outer appearance, nor ~~to~~ prevent
24 the construction, reconstruction, alteration, restoration
25 or demolition of any such feature which is required ~~by~~ for
26 public safety ~~because of~~ reasons due to an unsafe or dangerous
27 condition.

28 Sec. 2107. Section 303.34, subsections 1 and 4, Code 2023,
29 are amended to read as follows:

30 1. An area of historical significance shall be proposed by
31 the governing body of the city on ~~its~~ the governing body's own
32 motion or upon ~~the~~ receipt by the governing body of a petition
33 signed by residents of the city. The city shall submit a

34 description of the proposed area of historical significance or
35 the petition describing the proposed area, if the proposed area
1 is a result of the receipt of a petition, to the ~~historical~~
2 ~~division which~~ state historic preservation officer who shall
3 determine if the proposed area meets the criteria in subsection
4 2 and may make recommendations concerning the proposed area.
5 Any recommendations made by the ~~division~~ state historic
6 preservation officer shall be made available by the city to
7 the public for viewing during normal working hours at a city
8 government place of public access.

9 4. An area shall be designated an area of historical
10 significance upon enactment of an ordinance ~~of~~ by the city.
11 ~~Before~~ Prior to enactment of the ordinance or enactment of
12 an amendment to the ordinance ~~is enacted~~, the governing body
13 of the city shall submit the ordinance or amendment to the
14 ~~historical division~~ state historic preservation officer for its
15 review and recommendations.

16 Sec. 2108. Section 303.87, Code 2023, is amended to read as
17 follows:

18 **303.87 Duties of Iowa arts council.**

19 The Iowa arts council shall:

20 ~~1. Advise the director with respect to policies, programs,~~
21 ~~and procedures for carrying out the administrator's functions,~~
22 ~~duties, or responsibilities.~~

23 ~~2. Review~~ review programs to be supported and make
24 recommendations on the programs to the director.

25 Sec. 2109. Section 303.88, Code 2023, is amended to read as
26 follows:

27 **303.88 ~~Administrator's~~ Authority's powers and ~~authority~~.**

28 The ~~arts division administrator may~~ authority shall:

29 ~~1. Make and sign any agreements and perform any acts which~~
30 ~~are necessary, desirable, or proper to carry out the purpose of~~
31 ~~the division.~~

32 ~~2. Request and obtain assistance and data from any~~
33 ~~department, division, board, bureau, commission, or agency of~~

34 ~~the state.~~

35 ~~3.~~ Accept any federal funds granted~~7~~ by Act of Congress or
1 by executive order~~7~~ for ~~all or~~ any purposes of this ~~subchapter~~
2 part, and receive and disburse as the official agent of the
3 state any funds made available by the national endowment for
4 the arts.

5 ~~4.~~ 2. Accept gifts, contributions, endowments, bequests,
6 or other moneys available for ~~all or~~ any ~~of the~~ purposes
7 of ~~the division~~ this part. Interest earned on the gifts,
8 contributions, endowments, bequests, or other moneys accepted
9 under this subsection part shall be credited to the fund or
10 funds to which the gifts, contributions, endowments, bequests,
11 or other moneys have been deposited, and is available for ~~all~~
12 ~~or any of the~~ purposes of the ~~division~~ authority under this
13 part.

14 Sec. 2110. Section 303A.1, Code 2023, is amended to read as
15 follows:

16 **303A.1 Short title.**

17 This ~~chapter~~ part shall be known and may be cited as the
18 "*Iowa Cultural Trust Act*".

19 Sec. 2111. Section 303A.3, unnumbered paragraph 1, Code
20 2023, is amended to read as follows:

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

23 Sec. 2112. Section 303A.3, subsections 2 and 3, Code 2023,
24 are amended by striking the subsections.

25 Sec. 2113. Section 303A.4, subsections 1, 2, and 4, Code
26 2023, are amended to read as follows:

27 1. The Iowa cultural trust is created as a public body
28 corporate organized for the purposes, with the powers, and
29 subject to the restrictions, set forth in this chapter part.

30 2. An Iowa cultural trust fund is created in the office
31 of the treasurer of state for the purpose of receiving moneys
32 appropriated by the general assembly and any other moneys
33 available to the trust fund due to the issuance of trust fund

34 credits by the director as provided in section ~~303.1A~~ 15.108,
35 subsection ~~1~~ 9, paragraph ~~"f"~~ "b", subparagraph (1).

1 4. ~~a.~~ The treasurer of state shall act as custodian of
2 the fund, shall invest moneys in the trust fund, and shall
3 transfer the interest attributable to the investment of trust
4 fund moneys to the grant account created in section 303A.7.
5 The trust fund's principal shall not be used or accessed by the
6 department or the board for any purpose.

7 ~~b.~~ ~~Notwithstanding paragraph "a", for each of the following~~
8 ~~fiscal years, the treasurer of state shall transfer the~~
9 ~~following amounts from the principal of the trust fund to the~~
10 ~~grant account created in section 303A.7:~~

11 ~~(1) For the fiscal year beginning July 1, 2013, and ending~~
12 ~~June 30, 2014, fifty thousand dollars.~~

13 ~~(2) For the fiscal year beginning July 1, 2014, and ending~~
14 ~~June 30, 2015, fifty thousand dollars.~~

15 Sec. 2114. Section 303A.5, subsections 1 and 6, Code 2023,
16 are amended to read as follows:

17 1. A board of trustees of the Iowa cultural trust is
18 created. The general responsibility for the proper operation
19 of the trust is vested in the board of trustees, which shall
20 consist of thirteen members as follows:

21 a. Nine public members, five of whom shall be appointed
22 by the governor, subject to confirmation by the senate. The
23 majority leader of the senate, the minority leader of the
24 senate, the speaker of the house, and the minority leader of
25 the house of representatives shall each appoint one public
26 member. A public member of the board appointed in accordance
27 with this section shall not also serve concurrently as a member
28 of the state historical society board of trustees or the Iowa
29 state arts council.

30 b. Four ex officio, nonvoting members, consisting of the
31 treasurer of state or the treasurer's designee, the director of
32 the ~~department of cultural affairs~~ authority or the director's
33 designee, the chairperson of the state historical society

34 board of trustees elected pursuant to [section 303.6](#), and the
35 chairperson of the Iowa arts council designated pursuant to
1 section 303.86.

2 6. The board shall be located for administrative purposes
3 within the ~~department~~ authority. The ~~department~~ authority,
4 subject to approval by the board, shall adopt administrative
5 rules pursuant to [chapter 17A](#) necessary to administer the
6 income derived from the Iowa cultural trust fund and to perform
7 specific powers and duties as provided in [section 303A.6](#). The
8 director shall budget funds to pay the expenses of the board
9 and administer [this chapter part](#).

10 Sec. 2115. Section 303A.6, subsections 1 and 2, Code 2023,
11 are amended to read as follows:

12 1. Enter into agreements with any qualified organization,
13 the state, or any federal or other state agency, or other
14 entity as required to administer [this chapter part](#).

15 2. Approve or disapprove the grants recommended for
16 approval by the director, in consultation with the Iowa arts
17 council and the state historical society of Iowa, in accordance
18 with [section 303.1A 15.108](#), [subsection 1 9](#), paragraph ~~"f"~~,
19 ~~subparagraph (3) "b"~~. The board may ~~delete~~ remove any
20 recommendation from the list, but shall not add to or otherwise
21 amend the list of recommended grants.

22 Sec. 2116. Section 306D.2, subsection 1, unnumbered
23 paragraph 1, Code 2023, is amended to read as follows:

24 The state department of transportation shall prepare a
25 statewide, long-range plan for the protection, enhancement,
26 and identification of highways and secondary roads which pass
27 through unusually scenic areas of the state as identified
28 in [section 306D.1](#). The department of natural resources,
29 ~~department of the~~ economic development authority, ~~and~~
30 ~~department of cultural affairs~~, private organizations, county
31 conservation boards, city park and recreation departments,
32 and the federal agencies having jurisdiction over land in the
33 state shall be encouraged to assist in preparing the plan. The

34 plan shall be coordinated with the state's open space plan
35 if a state open space plan has been approved by the general
1 assembly. The plan shall include, but is not limited to, the
2 following elements:

3 Sec. 2117. Section 321.252, subsection 3, paragraph a,
4 subparagraph (1), Code 2023, is amended to read as follows:

5 (1) The tourist signing committee shall be made up of the
6 directors or ~~their~~ the directors' designees of the departments
7 of agriculture and land stewardship, natural resources,
8 ~~cultural affairs,~~ and transportation, the director or the
9 director's designee of the economic development authority, the
10 chairperson or the chairperson's designee of the Iowa travel
11 council, and a member of the outdoor advertising association
12 of Iowa. The director or the director's designee of the
13 economic development authority shall be the chairperson of the
14 committee.

15 Sec. 2118. Section 404A.1, subsection 3, Code 2023, is
16 amended by striking the subsection.

17 Sec. 2119. Section 404A.1, subsection 8, paragraph b, Code
18 2023, is amended to read as follows:

19 b. The property meets the physical criteria and standards
20 for rehabilitation established by the ~~department~~ authority by
21 rule. To the extent applicable, the physical standards and
22 criteria shall be consistent with the United States secretary
23 of the interior's standards for rehabilitation.

24 Sec. 2120. Section 404A.3, subsection 1, paragraphs c and e,
25 Code 2023, are amended to read as follows:

26 c. The application shall include any information deemed
27 necessary by the authority, ~~in consultation with the~~
28 ~~department,~~ to evaluate the eligibility under the program
29 of the applicant and the rehabilitation project, the amount
30 of projected qualified rehabilitation expenditures of a
31 rehabilitation project, and the amount and source of all
32 funding for a rehabilitation project. An applicant shall
33 have the burden of proof to demonstrate to the authority that

34 the applicant is an eligible taxpayer and the project is a
35 qualified rehabilitation project under the program.

1 e. (1) The authority may charge application and other fees
2 to eligible taxpayers who apply to participate in the program.
3 The amount of such fees shall be determined based on the costs
4 ~~of to~~ the authority ~~and the department associated with~~ of
5 administering the program.

6 (2) Fees collected by the authority pursuant to this
7 paragraph shall be deposited with the authority notwithstanding
8 section 303.9, subsection 1.

9 ~~(3) A portion of the fees collected shall be directed by the~~
10 ~~authority to the department.~~

11 Sec. 2121. Section 404A.3, subsection 3, paragraph b,
12 subparagraph (2), Code 2023, is amended to read as follows:

13 (2) The rehabilitation work to be performed. An eligible
14 taxpayer shall perform the rehabilitation work consistent with
15 the United States secretary of the interior's standards for
16 rehabilitation, as determined by the ~~department~~ authority.

17 Sec. 2122. Section 404A.3, subsection 4, paragraph c,
18 subparagraph (3), subparagraph division (b), Code 2023, is
19 amended to read as follows:

20 (b) "*Prohibited activity*" means a breach or default under
21 the agreement with the ~~department~~ authority, the violation
22 of any warranty provided by the eligible taxpayer to the
23 ~~department~~ authority or the department of revenue, the claiming
24 of a tax credit issued under **this chapter** for expenditures that
25 are not qualified rehabilitation expenditures, the violation of
26 any requirements of **this chapter** or rules adopted pursuant to
27 this chapter, misrepresentation, fraud, or any other unlawful
28 act or omission.

29 Sec. 2123. Section 404A.4, subsection 2, paragraph c, Code
30 2023, is amended to read as follows:

31 c. The amount of a tax credit that was available for
32 approval by the state historical preservation office of the
33 department of cultural affairs under **section 404A.4, Code 2014,**

34 in a fiscal year beginning on or after July 1, 2010, but before
35 July 1, 2014, that was required to be allocated to new projects
1 with final qualified rehabilitation costs of five hundred
2 thousand dollars or less, or seven hundred fifty thousand
3 dollars or less, as the case may be, and that was not finally
4 approved by the state historical preservation office, may be
5 awarded under [section 404A.3](#) during the fiscal years beginning
6 on or after July 1, 2014, but before July 1, 2016.

7 Sec. 2124. Section 404A.6, Code 2023, is amended to read as
8 follows:

9 **404A.6 Rules.**

10 The authority, ~~department,~~ and the department of revenue
11 shall each adopt rules as necessary for the administration of
12 this chapter.

13 Sec. 2125. Section 427.16, subsection 15, Code 2023, is
14 amended to read as follows:

15 15. The ~~department of cultural affairs~~ economic development
16 authority shall adopt rules pursuant to [chapter 17A](#) to
17 administer [this section](#).

18 Sec. 2126. Section 465A.2, subsection 1, paragraph b,
19 unnumbered paragraph 1, Code 2023, is amended to read as
20 follows:

21 Prepare a statewide, long-range plan for the acquisition
22 and protection of significant open space lands throughout
23 the state as identified in [section 465A.1](#). The department
24 of transportation, ~~department of the~~ economic development
25 authority, ~~and department of cultural affairs,~~ private
26 organizations, county conservation boards, city park and
27 recreation departments, and the federal agencies with lands in
28 the state shall be directly involved in preparing the plan.
29 The plan shall include, but is not limited to, the following
30 elements:

31 Sec. 2127. Section 465B.2, subsection 2, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The state department of transportation may enter

34 into contracts for the preparation of the trails plan. The
35 department shall involve the department of natural resources,
1 and the Iowa department of economic development, ~~and the~~
2 ~~department of cultural affairs~~ authority in the preparation of
3 the plan. The recommendations and comments of organizations
4 representing different types of trail users and others with
5 interests in this program shall also be incorporated in the
6 preparation of the trails plan and shall be submitted with the
7 plan to the general assembly. ~~The plan shall be submitted to~~
8 ~~the general assembly no later than January 15, 1988.~~ Existing
9 trail projects involving acquisition or development may receive
10 funding prior to the completion of the trails plan.

11 Sec. 2128. Section 465B.3, Code 2023, is amended to read as
12 follows:

13 **465B.3 Involvement of other agencies.**

14 The department of natural resources, and the economic
15 development authority, ~~and the department of cultural~~
16 ~~affairs~~ shall assist the state department of transportation
17 in developing the statewide plan for recreation trails, in
18 acquiring property, and in the development, promotion, and
19 management of recreation trails.

20 Sec. 2129. REPEAL. Sections 303.1, 303.1A, 303.2, and
21 303.95, Code 2023, are repealed.

22 Sec. 2130. CODE EDITOR DIRECTIVE.

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

- 25 a. Section 303.3 to section 15.436.
- 26 b. Section 303.3A to section 15.437.
- 27 c. Section 303.3B to section 15.438.
- 28 d. Section 303.3C to section 15.439.
- 29 e. Section 303.3D to section 15.440.
- 30 f. Section 303.3E to section 15.441.
- 31 g. Section 303.20 to section 15.445.
- 32 h. Section 303.21 to section 15.446.
- 33 i. Section 303.22 to section 15.447.

- 34 j. Section 303.23 to section 15.448.
- 35 k. Section 303.24 to section 15.449.
- 1 l. Section 303.25 to section 15.450.
- 2 m. Section 303.26 to section 15.451.
- 3 n. Section 303.27 to section 15.452.
- 4 o. Section 303.28 to section 15.453.
- 5 p. Section 303.29 to section 15.454.
- 6 q. Section 303.30 to section 15.455.
- 7 r. Section 303.31 to section 15.456.
- 8 s. Section 303.32 to section 15.457.
- 9 t. Section 303.33 to section 15.458.
- 10 u. Section 303.34 to section 15.459.
- 11 v. Section 303.86 to section 15.465.
- 12 w. Section 303.87 to section 15.466.
- 13 x. Section 303.88 to section 15.467.
- 14 y. Section 303.89 to section 15.470.
- 15 z. Section 303A.1 to section 15.476.
- 16 aa. Section 303A.2 to section 15.477.
- 17 ab. Section 303A.3 to section 15.478.
- 18 ac. Section 303A.4 to section 15.479.
- 19 ad. Section 303A.5 to section 15.480.
- 20 ae. Section 303A.6 to section 15.481.
- 21 af. Section 303A.7 to section 15.482.

22 2. The Code editor shall correct internal references in the
23 Code and in any enacted legislation as necessary due to the
24 enactment of this section.

25 3. The Code editor shall designate the following new parts
26 in subchapter II of chapter 15:

- 27 a. Sections 15.436 through 15.441 as part 26.
- 28 b. Sections 15.445 through 15.459 as part 27.
- 29 c. Sections 15.465 through 15.467 as part 28.
- 30 d. Section 15.470 as part 29.
- 31 e. Sections 15.476 through 15.482 as part 30.

32 STATE HISTORIC PRESERVATION OFFICER

33 Sec. 2131. NEW SECTION. 15.121 State historic preservation

34 **officer.**

35 1. The director shall appoint and the governor shall certify
1 the state historic preservation officer pursuant to federal
2 requirements. The recommendations and decisions of the state
3 historic preservation officer shall be subject to the review
4 and approval of the director of the economic development
5 authority.

6 2. The state historic preservation officer shall conduct
7 historic preservation activities pursuant to federal and
8 state requirements, including but not limited to all of the
9 following:

10 a. Identifying and documenting historic properties.

11 b. Preparing and maintaining a state register of historic
12 places, including those listed on the national register of
13 historic places.

14 c. Conducting historic preservation activities pursuant to
15 federal and state requirements.

16 d. Publishing matters of historical value to the public,
17 and pursuing historical, architectural, and archaeological
18 research and development which may include but are not
19 limited to continuing surveys, excavation, scientific
20 recording, interpretation, and publication of the historical,
21 architectural, archaeological, and cultural sites, buildings,
22 and structures in the state.

23 3. Pursuant to section 103A.42, the state historic
24 preservation officer, in response to an adequately documented
25 request, shall issue an opinion stating whether a property is
26 either included in or appears to meet criteria for inclusion in
27 the national register of historic places.

28 4. Pursuant to section 303.16, subsection 6, paragraph "h",
29 the state historic preservation officer must approve a city or
30 county government as a certified local government prior to a
31 grant or loan fund award to the city or county government for a
32 project in the historic preservation category.

33 5. Pursuant to section 303.18, the state historic

34 preservation officer shall require that a rural electric
35 cooperative or a municipal utility that is constructing an
1 electric distribution and transmission facility for which it is
2 receiving federal funding conduct an archeological site survey.

3 6. Pursuant to section 427.16, subsections 4 and 12, the
4 state historic preservation officer shall be responsible
5 for approving applications for certified substantial
6 rehabilitation.

7 Sec. 2132. Section 457A.1, Code 2023, is amended to read as
8 follows:

9 **457A.1 Acquisition by other than condemnation.**

10 The department of natural resources, soil and water
11 conservation districts as provided in [chapter 161A](#), the
12 ~~historical division of the department of cultural affairs~~
13 state historic preservation officer, the state archaeologist
14 appointed by the state board of regents pursuant to section
15 263B.1, any county conservation board, and any city or agency
16 of a city may acquire by purchase, gift, contract, or other
17 voluntary means, but not by eminent domain, conservation
18 easements in land to preserve scenic beauty, wildlife
19 habitat, riparian lands, wetlands, or forests; promote outdoor
20 recreation, agriculture, soil or water conservation, or open
21 space; or otherwise conserve for the benefit of the public the
22 natural beauty, natural and cultural resources, and public
23 recreation facilities of the state.

24 Sec. 2133. Section 470.5, Code 2023, is amended to read as
25 follows:

26 **470.5 Exceptions.**

27 This chapter does not apply to buildings used on January 1,
28 1980, by the division of adult corrections of the department
29 of human services as maximum security detention facilities or
30 to the renovation of property nominated to, or entered in the
31 national register of historic places, designated by statute, or
32 included in an established list of historic places compiled by
33 the ~~historical division of the department of cultural affairs~~

34 state historic preservation officer.

35 Sec. 2134. CODE EDITOR DIRECTIVE.

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

3 Section 303.18 to section 15.122.

4 2. The Code editor shall correct internal references in the
5 Code and in any enacted legislation as necessary due to the
6 enactment of this section.

7 IOWA FINANCE AUTHORITY

8 Sec. 2135. Section 7C.4A, subsection 1, paragraph b, Code
9 2023, is amended to read as follows:

10 *b.* However, at any time during the calendar year the
11 ~~executive~~ director of the Iowa finance authority may determine
12 that a lesser amount need be allocated to the Iowa finance
13 authority and on that date this lesser amount shall be the
14 amount allocated to the authority and the excess shall be
15 allocated under [subsection 7](#).

16 Sec. 2136. Section 15.106C, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. *a.* The operations of the authority shall be administered
19 by a director who shall be appointed by the governor, subject
20 to confirmation by the senate, and who shall serve ~~for a~~
21 ~~four-year term beginning and ending as provided in section~~
22 ~~69.19 at the pleasure of the governor.~~ An appointment by the
23 governor to fill a vacancy in the office of the director shall
24 be for the balance of the unexpired four-year term.

25 *b.* The director of the economic development authority
26 under paragraph "a" shall also serve as the director of, and
27 administer the operations of, the Iowa finance authority
28 pursuant to section 16.6.

29 Sec. 2137. Section 16.1, Code 2023, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 6A. "*Director*" means the director of the
32 economic development authority who also serves as the director
33 of, and administers the operations of, the Iowa finance

34 authority pursuant to section 15.106C, subsection 1, paragraph
35 "b".

1 Sec. 2138. Section 16.1, subsection 9, Code 2023, is amended
2 by striking the subsection.

3 Sec. 2139. Section 16.1A, subsection 5, Code 2023, is
4 amended to read as follows:

5 5. The board may, by resolution, delegate to the
6 agricultural development board, title guaranty division
7 board, ~~executive~~ director, or other authority employee such
8 of its powers, under such terms and conditions, as it deems
9 appropriate.

10 Sec. 2140. Section 16.2, subsections 6 and 8, Code 2023, are
11 amended to read as follows:

12 6. Members of the authority and the ~~executive~~ director shall
13 give bond as required for public officers in [chapter 64](#).

14 8. Members shall elect a chairperson and vice chairperson
15 annually, and other officers as ~~they~~ the members determine,
16 ~~but and~~ the ~~executive~~ director shall serve as secretary to the
17 authority.

18 Sec. 2141. Section 16.2A, subsections 1, 5, and 7, Code
19 2023, are amended to read as follows:

20 1. A title guaranty division is created within the
21 authority. The division may also be referred to as Iowa title
22 guaranty. The powers of the division relating to the issuance
23 of title guaranties are vested in and shall be exercised by a
24 title guaranty division board of five members appointed by the
25 governor subject to confirmation by the senate. The membership
26 of the title guaranty division board shall include an attorney,
27 an abstractor, a real estate broker, a representative of a
28 lending institution that engages in mortgage lending, and
29 a representative of the housing development industry. The
30 ~~executive~~ director of the authority shall appoint an attorney
31 as director of the title guaranty division, who shall serve
32 as an ex officio member of the title guaranty division board.
33 The appointment of and compensation for the division director

34 are exempt from the merit system provisions of chapter 8A,
35 subchapter IV.

1 5. Members of the title guaranty division board and the
2 director of the title guaranty division shall give bond as
3 required for public officers in [chapter 64](#).

4 7. Members shall elect a chair and vice chair annually and
5 other officers as ~~they~~ the members determine. The ~~executive~~
6 director or the ~~executive~~ director's designee shall serve as
7 secretary to the title guaranty division board.

8 Sec. 2142. Section 16.2B, subsection 2, Code 2023, is
9 amended to read as follows:

10 2. The agricultural development division shall be
11 administered in accordance with the policies of the
12 agricultural development board created in [section 16.2C](#).
13 The ~~executive~~ director of the authority may organize the
14 agricultural development division and employ necessary
15 qualified personnel to administer [subchapter VIII](#).

16 Sec. 2143. Section 16.2C, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. The agricultural development board consists of five
19 members appointed by the governor subject to confirmation by
20 the senate. The ~~executive~~ director of the authority or the
21 ~~executive~~ director's designee shall serve as an ex officio,
22 nonvoting member.

23 Sec. 2144. Section 16.2C, subsection 5, paragraph c, Code
24 2023, is amended to read as follows:

25 c. The appointed members shall elect a chairperson and vice
26 chairperson annually, and other officers as ~~they~~ the members
27 determine. The ~~executive~~ director of the authority or the
28 ~~executive~~ director's designee shall serve as secretary to the
29 board.

30 Sec. 2145. Section 16.2D, subsection 2, paragraph b,
31 subparagraph (8), Code 2023, is amended to read as follows:

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

34 Sec. 2146. Section 16.5, subsection 4, Code 2023, is amended
35 to read as follows:

1 4. Notwithstanding any other provision of law, the
2 authority may elect whether to utilize any or all of the goods
3 or services available from other state agencies in the conduct
4 of its affairs. Departments, boards, commissions, or other
5 agencies of the state shall provide reasonable assistance and
6 services to the authority upon the request of the executive
7 director.

8 Sec. 2147. Section 16.6, Code 2023, is amended to read as
9 follows:

10 **16.6 ~~Executive director~~ Director — responsibilities.**

11 1. ~~The governor, subject to confirmation by the senate,~~
12 ~~shall appoint an executive director of the authority, who~~
13 ~~shall serve at the pleasure of the governor. The executive~~
14 ~~director shall be selected primarily for administrative~~
15 ~~ability and knowledge in the field, without regard to political~~
16 ~~affiliation. The director of the economic development~~
17 ~~authority shall also serve as the director of, and administer~~
18 ~~the operations of, the authority pursuant to section 15.106C,~~
19 ~~subsection 1, paragraph "b".~~ The executive director shall not,
20 directly or indirectly, exert influence to induce any other
21 officers or employees of the state to adopt a political view,
22 or to favor a political candidate for office.

23 2. The executive director shall advise the authority on
24 matters relating to housing and housing finance, carry out
25 all directives from the authority, and hire and supervise the
26 authority's staff pursuant to ~~its~~ the authority's directions.
27 All employees of the authority are exempt from the merit system
28 provisions of **chapter 8A, subchapter IV.**

29 3. The executive director, as secretary of the authority,
30 shall keep a record of the proceedings of the authority and
31 shall be custodian of all books, documents, and papers filed
32 with the authority and of its minute book and seal. The
33 executive director shall have authority to cause to be made

34 copies of all minutes and other records and documents of the
35 authority and to give certificates under the seal of the
1 authority to the effect that such copies are true copies and
2 all persons dealing with the authority may rely upon such
3 certificates.

4 4. The ~~executive~~ director may establish administrative
5 divisions within the authority in order to most efficiently
6 and effectively carry out the authority's responsibilities,
7 provided that any creation or modification of authority
8 divisions be established only after consultation with the board
9 of the authority.

10 Sec. 2148. Section 16.13, subsection 2, paragraph a, Code
11 2023, is amended to read as follows:

12 a. If a member or employee of the authority other than the
13 ~~executive~~ director of the authority has an interest, either
14 direct or indirect, in a contract to which the authority is,
15 or is to be, a party, or in a mortgage lender requesting a loan
16 from, or offering to sell mortgage loans to, the authority,
17 the interest shall be disclosed to the authority in writing
18 and shall be set forth in the minutes of the authority. The
19 member or employee having the interest shall not participate
20 in any action of the authority with respect to that contract
21 or mortgage lender.

22 Sec. 2149. Section 16.13, subsections 3 and 4, Code 2023,
23 are amended to read as follows:

24 3. Nothing in [this section](#) shall be deemed to limit the
25 right of a member, officer, or employee of the authority to
26 acquire an interest in bonds or notes of the authority or to
27 limit the right of a member, officer, or employee other than
28 the ~~executive~~ director to have an interest in a financial
29 institution, including a lending institution, in which the
30 funds of the authority are, or are to be, deposited or which
31 is, or is to be, acting as trustee or paying agent under a trust
32 indenture to which the authority is a party.

33 4. The ~~executive~~ director shall not have an interest in

34 a financial institution, including a lending institution, in
35 which the funds of the authority are, or are to be, deposited
1 or which is, or is to be, acting as trustee or paying agent
2 under a trust indenture to which the authority is a party. The
3 executive director shall not receive, in addition to fixed
4 salary or compensation, any money or valuable thing, either
5 directly or indirectly, or through any substantial interest
6 in any other corporation or business unit, for negotiating,
7 procuring, recommending, or aiding in any purchase or sale
8 of property, or loan, made by the authority, nor shall the
9 executive director be pecuniarily interested, either as
10 principal, coprincipal, agent, or beneficiary, either directly
11 or indirectly, or through any substantial interest in any other
12 corporation or business unit, in any such purchase, sale, or
13 loan.

14 Sec. 2150. Section 16.57A, subsection 2, Code 2023, is
15 amended to read as follows:

16 2. Notwithstanding [section 8.39](#), and any other law to
17 the contrary, with the prior written consent and approval of
18 the governor, the executive director of the authority may
19 transfer any unobligated and unencumbered moneys in any fund
20 created pursuant to [section 16.5, subsection 1](#), paragraph "s",
21 for deposit in the disaster recovery housing assistance fund
22 created in [section 16.57B](#). The prior written consent and
23 approval of the director of the department of management shall
24 not be required to transfer the unobligated and unencumbered
25 moneys.

26 Sec. 2151. Section 16.134, subsection 9, paragraph b,
27 subparagraph (3), Code 2023, is amended to read as follows:

28 (3) The executive director of the authority or the executive
29 director's designee.

30 Sec. 2152. Section 16.134, subsection 10, paragraph a, Code
31 2023, is amended to read as follows:

32 a. A water quality financing review committee is created
33 consisting of the secretary of agriculture or the secretary's

34 designee, the ~~executive~~ director of the authority or the
35 ~~executive~~ director's designee, and the director of the
1 department of natural resources or the director's designee.

2 Sec. 2153. Section 257C.7, Code 2023, is amended to read as
3 follows:

4 **257C.7 Staff.**

5 The ~~executive~~ director and staff of the Iowa finance
6 authority, pursuant to [chapter 16](#), shall also serve as
7 ~~executive~~ director and staff of the advance funding authority,
8 respectively. The ~~executive~~ director shall not, directly or
9 indirectly, exert influence to induce any other officers or
10 employees of the state to adopt a political view, or to favor a
11 political candidate for office.

12 Sec. 2154. Section 257C.12, subsections 1 and 3, Code 2023,
13 are amended to read as follows:

14 1. If a member or employee other than the ~~executive~~
15 director of the authority has an interest, either direct or
16 indirect, in a contract to which the authority is or is to be
17 a party, the interest shall be disclosed to the authority in
18 writing and shall be set forth in the minutes of a meeting
19 of the authority. The member having the interest shall
20 not participate in action by the board with respect to that
21 contract.

22 3. The ~~executive~~ director shall not have an interest in
23 a bank or other financial institution in which the funds of
24 the authority are deposited or which is acting as trustee or
25 paying agent under a trust indenture to which the authority is
26 a party. The ~~executive~~ director shall not receive, in addition
27 to fixed salary or compensation, any money or valuable thing,
28 either directly or indirectly, or through any substantial
29 interest in any other corporation or business unit, for
30 negotiating, procuring, recommending, or aiding in any loan
31 made by the authority, nor shall the ~~executive~~ director be
32 pecuniarily interested, either as principal, co-principal,
33 agent, or beneficiary, either directly or indirectly or through

34 any substantial interest in any other corporation or business
35 unit, in any loan.

1 Sec. 2155. Section 418.5, subsection 2, paragraph f, Code
2 2023, is amended to read as follows:

3 *f.* The ~~executive~~ director of the Iowa finance authority or
4 the ~~executive~~ director's designee.

5 Sec. 2156. Section 466B.3, subsection 4, paragraph j, Code
6 2023, is amended to read as follows:

7 *j.* The ~~executive~~ director of the Iowa finance authority or
8 the ~~executive~~ director's designee.

9

DIVISION VI

10 ECONOMIC DEVELOPMENT AUTHORITY — PARTNER STATE PROGRAM

11 Sec. 2157. NEW SECTION. 15.421 **Partner state program.**

12 1. *a.* A partner state program is created which shall be
13 administered by the authority. The purpose of the partner
14 state program is to establish and maintain relationships
15 between the state and foreign countries, provinces, states,
16 regions, oblasts, municipalities, districts, divisions,
17 counties, prefectures, towns, cities, villages, boroughs,
18 and any other similar political subdivisions to facilitate
19 mutually beneficial exchanges, collaboration, and cooperation
20 with regard to agriculture, culture, education, manufacturing,
21 science and technology, sports and recreation, tourism, and the
22 arts.

23 *b.* A partner state relationship must be formalized in a
24 partner state agreement approved by the governor.

25 *c.* A partner state agreement may be modified or terminated
26 only with the approval of the governor.

27 2. *a.* A partner state program fund is created in the state
28 treasury under the control of the authority and consisting of
29 any moneys appropriated to the fund by the general assembly
30 and any other moneys available and obtained or accepted by the
31 authority for placement in the fund. The fund shall be used
32 to administer the partner state program. The authority shall
33 use any moneys specifically appropriated for purposes of this

34 section only for the purposes of this section.

35 *b.* Notwithstanding section 12C.7, subsection 2, interest
1 or earnings on moneys in the fund shall accrue to the
2 authority and shall be used for purposes of this section.

3 Notwithstanding section 8.33, moneys in the fund at the end of
4 each fiscal year shall not revert to any other fund but shall
5 remain in the fund for expenditure for subsequent fiscal years.

6 Sec. 2158. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 Sec. 2159. APPLICABILITY. This division of this Act applies
9 to all of the following:

10 1. Sister state agreements entered into by the state before
11 the effective date of this division of this Act including
12 agreements with the following:

- 13 a. China, Hebei Province.
- 14 b. Italy, Veneto Region.
- 15 c. Japan, Yamanashi Prefecture.
- 16 d. Republic of Kosovo.
- 17 e. Mexico, Yucatan.
- 18 f. Taiwan.
- 19 g. Ukraine, Cherkasy Oblast.

20 2. Partner state agreement entered into by the state on or
21 after the effective date of this division of this Act.

22 DIVISION VII

23 PUBLIC EMPLOYMENT RELATIONS BOARD

24 Sec. 2160. Section 7E.6, subsection 5, Code 2023, is amended
25 to read as follows:

26 5. Any position of membership on the board of parole, ~~the~~
27 ~~public employment relations board~~, the utilities board, the
28 employment appeal board, and the property assessment appeal
29 board shall be compensated as otherwise provided in law.

30 Sec. 2161. Section 20.1, subsection 2, paragraph g, Code
31 2023, is amended by striking the paragraph.

32 Sec. 2162. Section 20.5, Code 2023, is amended to read as
33 follows:

34 **20.5 Public employment relations board.**

35 1. There is established a board to be known as the "Public
1 Employment Relations Board".

2 a. The board shall consist of three members appointed by the
3 governor, subject to confirmation by the senate. ~~In selecting~~
4 ~~the members of the board, consideration shall be given to~~
5 ~~their knowledge, ability, and experience in the field of~~
6 ~~labor-management relations.~~ No more than two members shall be
7 of the same political affiliation, and no member shall engage
8 in any political activity while holding office ~~and the members~~
9 ~~shall devote full time to their duties.~~

10 b. The members shall be appointed for staggered terms of
11 four years beginning and ending as provided in [section 69.19](#).

12 c. The member first appointed for a term of four years shall
13 serve as chairperson and each of the member's successors shall
14 also serve as chairperson.

15 d. Any vacancy occurring shall be filled in the same manner
16 as regular appointments are made.

17 2. The governor shall appoint an executive director of the
18 board, subject to confirmation by the senate, who shall serve
19 at the pleasure of the governor. The executive director shall
20 serve as the executive officer of the board. In selecting
21 the executive director, consideration shall be given to the
22 person's knowledge, ability, and experience in the field of
23 labor-management relations. The governor shall set the salary
24 of the executive director within the applicable salary range
25 established by the general assembly.

26 ~~2.~~ 3. The board may employ such persons as are necessary
27 for the performance of its functions. Personnel of the board
28 shall be employed pursuant to the provisions of chapter 8A,
29 subchapter IV.

30 ~~3.~~ 4. ~~The chairperson and the remaining two members~~
31 ~~shall be compensated as provided in section 7E.6, subsection~~

32 ~~5.~~ Members of the board ~~and employees of the board~~ shall
33 be allowed their actual and necessary expenses incurred in

34 the performance of their duties and may be entitled to per
35 diem compensation as authorized under section 7E.6. All
1 expenses and salaries shall be paid from appropriations for
2 such purposes and the board shall be subject to the budget
3 requirements of [chapter 8](#).

4 5. The board shall meet at least quarterly and at the call
5 of the chairperson.

6 Sec. 2163. Section 20.6, subsection 1, Code 2023, is amended
7 to read as follows:

8 1. Administer the provisions of [this chapter](#) and delegate
9 the powers and duties of the board to the executive director or
10 persons employed by the board, as appropriate.

11 Sec. 2164. Section 20.11, subsection 5, Code 2023, is
12 amended to read as follows:

13 5. The board's review of proposed decisions and the
14 rehearing ~~or judicial review~~ of final decisions is governed by
15 the provisions of [chapter 17A](#).

16 Sec. 2165. Section 20.13, subsection 3, Code 2023, is
17 amended by striking the subsection.

18 Sec. 2166. NEW SECTION. 20.34 Judicial review.

19 Notwithstanding [chapter 17A](#), in a petition for judicial
20 review of a decision of the board in a contested case under
21 this chapter, the opposing party shall be named the respondent,
22 and the board shall not be named as a respondent. Judicial
23 review of agency action by the board under this chapter is not
24 subject to [chapter 17A](#).

25

DIVISION VIII

26 DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

27 Sec. 2167. Section 16.57B, subsection 4, Code 2023, is
28 amended to read as follows:

29 4. *Registration required.* To be considered for a forgivable
30 loan or grant under the program, a homeowner or renter must
31 register for the disaster case ~~management~~ advocacy program
32 established pursuant to [section 29C.20B](#). The disaster case
33 manager may refer the homeowner or renter to the appropriate

34 local program administrator.

35 Sec. 2168. Section 29C.8, subsection 1, Code 2023, is
1 amended to read as follows:

2 1. The department of homeland security and emergency
3 management shall be under the management of a director who
4 shall be appointed by the governor, subject to confirmation
5 by the senate, and who shall serve at the pleasure of the
6 governor.

7 Sec. 2169. Section 29C.20A, subsections 2, 4, and 5, Code
8 2023, are amended to read as follows:

9 2. The grant funds shall be administered by the department
10 ~~of human services~~. The department shall adopt rules to create
11 the Iowa disaster aid individual assistance grant program. The
12 rules shall specify the eligibility of applicants and eligible
13 items for grant funding. The executive council shall use
14 grant funds to reimburse the department ~~of human services~~ for
15 its actual expenses associated with the administration of the
16 grants. The department ~~of human services~~ may implement an
17 ongoing contract with a provider or providers of a statewide
18 program with local offices throughout the state to serve as the
19 local administrative entity for the grant program so that the
20 program can be implemented with minimal delay when a disaster
21 occurs in a local area. The rules adopted by the department
22 ~~of human services~~ for the program shall include but are not
23 limited to all of the following:

24 a. If a local administrative entity is under contract with
25 the state to provide other services or is implementing a state
26 or federal program and the contract contains a sufficient
27 surety bond or other adequate financial responsibility
28 provision, the department shall accept the existing surety
29 bond or financial responsibility provision in lieu of applying
30 a new or additional surety bond or financial responsibility
31 requirement.

32 b. If the president of the United States has declared a
33 major disaster to exist in this state and federal aid is made

34 available to provide assistance grants to individuals similar
35 to that provided by the Iowa disaster aid individual assistance
1 grant program, the Iowa program shall be discontinued.

2 c. Authorization for the local administrative entity to draw
3 grant funding to pay valid claims on at least a weekly basis.

4 4. A recipient of grant funding shall receive reimbursement
5 for expenses upon presenting a receipt for an eligible expense
6 or shall receive a voucher through a voucher system developed
7 by the department of ~~human services~~ and administered locally
8 within the designated disaster area. A voucher system shall
9 ensure sufficient data collection to discourage and prevent
10 fraud. The department shall consult with long-term disaster
11 recovery committees and disaster recovery case management
12 committees in developing a voucher system.

13 5. The department of ~~human services~~ shall submit an annual
14 report, by January 1 of each year, to the legislative fiscal
15 committee and the general assembly's standing committees on
16 government oversight concerning the activities of the grant
17 program in the previous fiscal year.

18 Sec. 2170. Section 29C.20B, Code 2023, is amended to read
19 as follows:

20 **29C.20B Disaster case management advocacy grant fund and**
21 **program.**

22 1. a. A disaster case ~~management~~ advocacy grant fund is
23 created in the state treasury for the use of the executive
24 council. Moneys in the fund shall be expended ~~if grants are~~
25 ~~awarded pursuant to section 29C.20A~~ available following the
26 governor's proclamation of a state of disaster emergency or the
27 declaration of a major disaster by the president of the United
28 States.

29 b. The executive council may make financial grants to
30 meet disaster-related case ~~management~~ advocacy needs of
31 disaster-affected individuals. The aggregate total of grants
32 awarded shall not be more than one million dollars during a
33 fiscal year. However, within the same fiscal year, additional

34 funds may be specifically authorized by the executive council
 35 to meet additional needs. Upon request of the department of
 1 ~~human services~~, the executive council may make available up to
 2 one hundred thousand dollars, or so much as is necessary, for
 3 contract entity staff support and case management training.

4 c. The department of ~~human services~~ shall work with the
 5 ~~department of homeland security and emergency management~~
 6 ~~and, as selected by the department of human services, a~~
 7 ~~representative~~ representatives of selected nonprofit,
 8 voluntary, and faith-based organizations active in disaster
 9 recovery and response to establish a statewide system of
 10 disaster case management advocacy to be activated following
 11 the governor's proclamation of a disaster emergency or the
 12 declaration of a major disaster by the president of the United
 13 States for individual assistance purposes.

14 2. The department of ~~human services~~ shall administer
 15 disaster case management advocacy grants. The department
 16 of ~~human services~~, in conjunction with the ~~department of~~
 17 ~~homeland security and emergency management~~, shall establish
 18 a disaster case management advocacy program and adopt rules
 19 pursuant to [chapter 17A](#) necessary to administer the program.
 20 The executive council shall use grant moneys to reimburse the
 21 ~~department of human services~~ for actual expenses associated
 22 with the administration of the grants. Under the program, the
 23 ~~department of human services~~ shall coordinate case management
 24 advocacy services locally through one or more contracted
 25 entities. The ~~department of human services~~ shall may implement
 26 an ongoing contract with a provider of a statewide program
 27 with local offices throughout the state to serve as the
 28 local administrative entity for the grant program to allow
 29 implementation of the program with minimal delay ~~if grants are~~
 30 ~~awarded pursuant to~~ [section 29C.20A](#) following a governor's
 31 proclamation of a state of disaster emergency or a declaration
 32 of a major disaster by the president of the United States.

33 3. The department of ~~human services~~, in conjunction with the

34 ~~department of homeland security and emergency management and~~
35 ~~a representative~~ in consultation with representatives of the
1 Iowa voluntary organizations active in disaster, shall adopt
2 rules pursuant to chapter 17A to create coordination mechanisms
3 and standards for the establishment and implementation of
4 a statewide system of disaster case ~~management~~ advocacy.

5 The rules adopted by the department ~~of human services~~ for
6 the program shall include but are not limited to all of the
7 following:

8 *a.* If a local administrative entity is under contract with
9 the state to provide other services or is implementing a state
10 or federal program and the contract contains a ~~sufficient~~
11 ~~surety bond or other~~ adequate financial responsibility
12 provisions, the department shall accept the existing surety
13 bond or financial responsibility provisions in lieu of applying
14 a new or additional ~~surety bond or~~ financial responsibility
15 requirement.

16 *b.* Authorization for the local administrative entity to draw
17 down grant funding to pay valid claims on at least a weekly
18 basis.

19 *c.* Disaster case ~~management~~ advocacy standards.

20 *d.* Disaster case ~~management~~ advocacy policies.

21 *e.* Reporting requirements.

22 *f.* Eligibility criteria.

23 *g.* Coordination mechanisms necessary to carry out the
24 services provided.

25 *h.* Development of formal working relationships with agencies
26 and creation of interagency agreements for those considered to
27 provide disaster case ~~management~~ advocacy services.

28 *i.* Establishment of nonduplication of benefits policies and
29 mechanisms ~~for the exchange of information between agencies to~~
30 ~~ensure compliance with the federal Health Insurance Portability~~
31 ~~and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.~~
32 ~~1936 (1996).~~

33 *j.* Referral to all known available services for individuals

34 from multiple agencies in coordinated service locations.

35 4. By January 1 of each year, the department ~~of human~~
1 ~~services~~ shall submit an annual written report to the
2 legislative fiscal committee and the general assembly's
3 standing committees on government oversight concerning the
4 activities of the grant program during the previous fiscal
5 year.

6 DIVISION IX

7 DEPARTMENT OF VETERANS AFFAIRS

8 Sec. 2171. Section 7E.5, subsection 1, paragraph v, Code
9 2023, is amended to read as follows:

10 v. The department of veterans affairs. ~~However, the~~
11 ~~commission of veterans affairs created in section 35A.2 shall~~
12 ~~have~~ created in section 35A.4, which has primary responsibility
13 for state veterans affairs.

14 Sec. 2172. Section 11.5B, subsection 7, Code 2023, is
15 amended to read as follows:

16 7. ~~Iowa veterans home~~ Department of veterans affairs.

17 Sec. 2173. Section 16.2D, subsection 2, paragraph b,
18 subparagraph (9), Code 2023, is amended to read as follows:

19 (9) The ~~director~~ commandant of the department of veterans
20 affairs or the ~~director's~~ commandant's designee.

21 Sec. 2174. Section 35A.1, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. "*Commandant*" means the commandant ~~of the Iowa veterans~~
24 ~~home appointed in section 35D.13~~ appointed pursuant to section
25 35A.8.

26 Sec. 2175. Section 35A.1, subsection 5, Code 2023, is
27 amended by striking the subsection.

28 Sec. 2176. Section 35A.2, subsections 1 and 3, Code 2023,
29 are amended to read as follows:

30 1. A commission of veterans affairs is created consisting of
31 eleven persons who shall be appointed by the governor, subject
32 to confirmation by the senate. Members shall be appointed to
33 staggered terms of four years beginning and ending as provided

34 in section 69.19. The governor shall fill a vacancy for the
35 unexpired portion of the term. In addition to the members
1 appointed by the governor, ~~the director of the department and~~
2 the commandant ~~of the Iowa veterans home~~ shall serve as a
3 nonvoting, ex officio ~~members~~ member of the commission.

4 3. a. The commissioners are entitled to receive
5 reimbursement for actual expenses incurred while engaged in the
6 performance of official duties. Each member of the commission
7 may also be eligible to receive compensation as provided in
8 section 7E.6.

9 b. ~~The executive director,~~ commandant, and employees of the
10 department ~~and the Iowa veterans home~~ are entitled to receive,
11 in addition to salary, reimbursement for actual expenses
12 incurred while engaged in the performance of official duties.

13 c. All out-of-state travel by commissioners shall be
14 approved by the chairperson of the commission.

15 Sec. 2177. Section 35A.3, subsection 4, Code 2023, is
16 amended by striking the subsection and inserting in lieu
17 thereof the following:

18 4. Review and approve applications for distributions
19 of moneys from the veterans license fee fund pursuant to
20 section 35A.11 and the veterans trust fund pursuant to section
21 35A.13 for the benefit of veterans, spouses of veterans, and
22 dependents of veterans.

23 Sec. 2178. Section 35A.4, Code 2023, is amended to read as
24 follows:

25 **35A.4 Department established.**

26 There is established an Iowa department of veterans affairs
27 which shall consist of a commandant, a commission, ~~an executive~~
28 ~~director,~~ and any additional personnel as employed by the
29 ~~executive director~~ commandant.

30 Sec. 2179. Section 35A.5, subsection 10, paragraph d, Code
31 2023, is amended to read as follows:

32 d. The department through the ~~director~~ commandant shall have
33 the authority to accept suitable cemetery land, in accordance

34 with federal veterans cemetery grant guidelines, from the
35 federal government, state government, state subdivisions,
1 private sources, and any other source wishing to transfer land
2 for use as a veterans cemetery.

3 Sec. 2180. Section 35A.5, subsection 12, Code 2023, is
4 amended to read as follows:

5 12. Adopt rules pursuant to [chapter 17A](#) and establish policy
6 for the management and operation of the department, for the
7 facilitation of programs under the department's authority, and
8 for the performance of duties established under this section.
9 Prior to adopting rules, the department shall submit proposed
10 rules to the commission for review and approval pursuant to the
11 requirements of [section 35A.3](#).

12 Sec. 2181. Section 35A.8, Code 2023, is amended to read as
13 follows:

14 **35A.8 ~~Executive director~~ Commandant — term — duties.**

15 1. The governor shall appoint ~~an executive director~~ a
16 commandant, subject to confirmation by the senate, who shall
17 serve at the pleasure of the governor. The ~~executive director~~
18 commandant is responsible for administering the duties of the
19 department and the commission ~~other than those related to the~~
20 ~~Iowa veterans home.~~

21 2. The ~~executive director~~ commandant shall be a resident
22 of the state of Iowa and an honorably discharged veteran ~~who~~
23 ~~served in the armed forces of the United States during a~~
24 ~~conflict or war. As used in [this section](#), the dates of service~~
25 ~~in a conflict or war shall coincide with the dates of service~~
26 ~~established by the Congress of the United States.~~

27 3. ~~Except for the employment duties and responsibilities~~
28 ~~assigned to the commandant for the Iowa veterans home, the~~
29 ~~executive director~~ The commandant shall employ such personnel
30 as are necessary for the performance of the duties and
31 responsibilities assigned to the department and the commission.
32 All employees shall be selected on a basis of fitness for
33 the work to be performed with due regard to training and

34 experience and shall be subject to the provisions of chapter
35 8A, subchapter IV.

1 Sec. 2182. Section 35D.1, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. As used in [this chapter](#):

4 a. "*Commandant*" means the commandant ~~of the Iowa veterans~~
5 ~~home~~ appointed pursuant to [section 35D.13 35A.8](#).

6 b. "*Commission*" means the commission of veterans affairs
7 established in [section 35A.2](#).

8 c. "*Department*" means the department of veterans affairs
9 established in section 35A.4.

10 ~~e.~~ d. "*Member*" means a patient or resident of the home.

11 Sec. 2183. Section 35D.5, Code 2023, is amended to read as
12 follows:

13 **35D.5 Surviving spouses of veterans.**

14 If a deceased veteran, who would be entitled to admission
15 to the home if the deceased veteran were living, has left a
16 surviving spouse, the spouse is entitled to admission to the
17 home with the same rights, privileges, and benefits as if the
18 veteran were living and a member of the home, if the spouse
19 was married to the veteran for at least one year immediately
20 prior to the veteran's death, is found by the ~~commandant~~
21 department to be disabled, meets the qualifications for nursing
22 or residential level of care, and is a resident of the state of
23 Iowa on the date of the application and immediately preceding
24 the date the application is accepted.

25 Sec. 2184. Section 35D.7, Code 2023, is amended to read as
26 follows:

27 **35D.7 Contributing to own support.**

28 1. Except as otherwise provided in [chapter 249A](#) and other
29 provisions of [this chapter](#), a member of the home who receives
30 a pension, compensation, or gratuity from the United States
31 government, or income from any source of more than one hundred
32 forty dollars per month, shall contribute to the member's own
33 maintenance or support while a member of the home. The amount

34 of the contribution and the method of collection shall be
35 determined by the ~~commandant~~ department, but the amount shall
1 in no case exceed the actual cost of keeping and maintaining
2 the person in the home.

3 2. Sums paid to and received by the ~~commandant~~ department
4 for the support of members of the home shall be considered
5 repayment receipts as defined in [section 8.2](#) and credited to
6 the Iowa veterans home account referred to in section 35D.18,
7 subsection 3.

8 3. The ~~commandant~~ department may allow any member of the
9 home to render assistance in the care of the home and its
10 grounds as the member's psychosocial and physical condition
11 permit, as a phase of that member's rehabilitation program.
12 The ~~commandant~~ department shall compensate each member who
13 furnishes assistance at rates approved by the commission.

14 Sec. 2185. Section 35D.10, Code 2023, is amended to read as
15 follows:

16 **35D.10 Payment to spouse.**

17 Except as otherwise provided in [chapter 249A](#) and other
18 provisions of [this chapter](#), a member of the home who receives a
19 pension or compensation and who has a spouse shall deposit with
20 the ~~commandant~~ department on receipt of the member's pension or
21 compensation check one-half of its amount, which shall be sent
22 by the eighth day of the month or at once if any such pension
23 or compensation is received after the eighth day of the month
24 to the spouse.

25 Sec. 2186. Section 35D.11, Code 2023, is amended to read as
26 follows:

27 **35D.11 Handling of pension money and other funds.**

28 1. Pension money deposited with the ~~commandant~~ department
29 is not assignable for any purpose except as provided in section
30 35D.10, or in accordance with [subsection 2](#) of [this section](#).

31 2. The ~~commandant~~ department, if authorized by a member of
32 the home, and pursuant to policies adopted by the commission,
33 may act on behalf of that member in receiving, disbursing, and

34 accounting for personal funds of the member received from any
35 source. The authorization may be given by the member at any
1 time and shall not be a condition of admission to the home.

2 Sec. 2187. Section 35D.12, Code 2023, is amended to read as
3 follows:

4 **35D.12 Bank account for members' deposits.**

5 1. a. The Iowa veterans home, for the convenience of its
6 members, may maintain a commercial account with a federally
7 insured bank for the individual personal deposits of its
8 members. The account shall be known as the Iowa veterans
9 home membership account. The ~~commandant~~ department shall
10 record each member's personal deposits individually and shall
11 deposit the funds in the membership account, where the members'
12 deposits shall be held in the aggregate.

13 b. The Iowa veterans home may withdraw moneys from the
14 account maintained pursuant to [this subsection](#) to establish
15 certificates of deposit for the benefit of all members. The
16 ~~commission~~ department shall adopt rules pursuant to [chapter 17A](#)
17 for the administration of this paragraph.

18 2. The ~~commandant~~ department, if authorized by a member of
19 the home, and pursuant to policies adopted by the commission,
20 may make withdrawals against that member's personal account to
21 pay regular bills and other expenses incurred by the member.
22 The authorization may be given by the member at any time and
23 shall not be a condition of admission to the home.

24 Sec. 2188. Section 35D.15, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The commandant shall administer and enforce all rules
27 adopted by the commission, including rules of discipline and,
28 subject to these rules, may immediately suspend the membership
29 of and discharge any person from the home for infraction of
30 the rules when the ~~commandant~~ department determines that the
31 health, safety, or welfare of the residents of the home is in
32 immediate danger and other reasonable alternatives have been
33 exhausted. The suspension and discharge are temporary pending

34 action by the commission. Judicial review of the action of the
35 commission may be sought in accordance with [chapter 17A](#).

1 Sec. 2189. Section 35D.15, subsection 2, paragraphs a, b, d,
2 and f, Code 2023, are amended to read as follows:

3 a. The ~~commandant~~ department shall, with the input
4 and recommendation of the interdisciplinary resident care
5 committee, involuntarily discharge a member for any of the
6 following reasons:

7 (1) (a) The member has been diagnosed with a substance use
8 disorder but continues to abuse alcohol or an illegal drug in
9 violation of the member's conditional or provisional agreement
10 entered into at the time of admission, and all of the following
11 conditions are met:

12 (i) The member has been provided sufficient notice of any
13 changes in the member's collaborative care plan.

14 (ii) The member has been notified of the member's commission
15 of three offenses and has been given the opportunity to correct
16 the behavior through either of the following options:

17 (A) Being given the opportunity to receive the appropriate
18 level of treatment in accordance with best practices for
19 standards of care.

20 (B) By having been placed on probation by the Iowa veterans
21 home for a second offense.

22 (b) Notwithstanding the member's meeting the criteria
23 for discharge under this subparagraph (1), if the member
24 has demonstrated progress toward the goals established in
25 the member's collaborative care plan, the interdisciplinary
26 resident care committee and the ~~commandant~~ department may
27 exercise discretion regarding the discharge. Notwithstanding
28 any provision to the contrary, the member may be immediately
29 discharged under this subparagraph (1) if the member's actions
30 or behavior jeopardizes the life or safety of other members or
31 staff.

32 (2) (a) The member refuses to utilize the resources
33 available to address issues identified in the member's

34 collaborative care plan, and all of the following conditions
35 are met:

1 (i) The member has been provided sufficient notice of any
2 changes in the member's collaborative care plan.

3 (ii) The member has been notified of the member's commission
4 of three offenses and the member has been placed on probation
5 by the Iowa veterans home for a second offense.

6 (b) Notwithstanding the member's meeting the criteria
7 for discharge under this subparagraph (2), if the member
8 has demonstrated progress toward the goals established in
9 the member's collaborative care plan, the interdisciplinary
10 resident care committee and the ~~commandant~~ department may
11 exercise discretion regarding the discharge. Notwithstanding
12 any provision to the contrary, the member may be immediately
13 discharged if the member's actions or behavior jeopardizes the
14 life or safety of other members or staff.

15 (3) The member no longer requires a residential or nursing
16 level of care, as determined by the interdisciplinary resident
17 care committee.

18 (4) The member requires a level of licensed care not
19 provided at the Iowa veterans home.

20 *b.* (1) If a member is discharged under [this subsection](#),
21 the discharge plan shall include placement in a suitable
22 living situation which may include but is not limited to
23 a transitional living program approved by the commission
24 or a living program provided by the United States veterans
25 administration.

26 (2) If a member is involuntarily discharged under this
27 subsection, the ~~commission~~ department shall, to the greatest
28 extent possible, ensure against the veteran being homeless and
29 ensure that the domicile to which the veteran is discharged is
30 fit and habitable and offers a safe and clean environment which
31 is free from health hazards and provides appropriate heating,
32 ventilation, and protection from the elements.

33 *d.* Annually, by the fourth Monday of each session of the

34 general assembly, the ~~commandant~~ department shall submit a
35 report to the veterans affairs committees of the senate and
1 house of representatives specifying the number, circumstances,
2 and placement of each member involuntarily discharged from the
3 Iowa veterans home under this subsection during the previous
4 calendar year.

5 *f.* Any involuntary discharge by the ~~commandant~~ department
6 under this subsection shall comply with the rules adopted by
7 the commission under this subsection and by the department of
8 inspections and appeals pursuant to section 135C.14, subsection
9 8, paragraph "f".

10 Sec. 2190. Section 35D.17, Code 2023, is amended to read as
11 follows:

12 **35D.17 Report by ~~commandant~~ department.**

13 The ~~commandant~~ department shall, biennially, make a full
14 and detailed report to the governor, the commission, and the
15 general assembly, showing the condition of the home, the
16 number of members in the Iowa veterans home, the order and
17 discipline enforced, and the needs of the home financially and
18 otherwise, together with an itemized statement of all receipts
19 and disbursements and any other matters of importance in the
20 management and control of the Iowa veterans home.

21 Sec. 2191. REPEAL. Sections 35D.13 and 35D.14, Code 2023,
22 are repealed.

23 DIVISION X

24 OFFICE OF DRUG CONTROL POLICY

25 Sec. 2192. Section 80.4, subsection 1, Code 2023, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *g.* Office of drug control policy.

28 Sec. 2193. Section 80.5, Code 2023, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 10. The department shall receive and review
31 the budget submitted by the drug policy director and assist the
32 drug policy director in directing the office of drug control
33 policy pursuant to section 80E.1.

34 Sec. 2194. Section 80E.1, Code 2023, is amended to read as
35 follows:

1 **80E.1 Drug policy ~~coordinator~~ director.**

2 1. The office of drug control policy is established in
3 the department of public safety. A drug policy ~~coordinator~~
4 director shall be appointed by the governor, ~~subject to~~
5 ~~confirmation by the senate, and shall serve at the pleasure of~~
6 ~~the governor~~ commissioner of the department of public safety.
7 ~~The governor shall fill a vacancy in the office in the same~~
8 ~~manner as the original appointment was made.~~ The ~~coordinator~~
9 director shall be selected primarily for administrative
10 ability. The ~~coordinator~~ director shall not be selected on
11 the basis of political affiliation and shall not engage in
12 political activity while holding the office. ~~The salary of the~~
13 ~~coordinator shall be fixed by the governor.~~

14 2. The ~~coordinator~~ director shall:

15 a. Direct the ~~governor's~~ office of drug control policy,
16 and coordinate and monitor all statewide drug enforcement
17 efforts, coordinate and monitor all state and federal substance
18 use disorder treatment grants and programs, coordinate and
19 monitor all statewide substance ~~abuse~~ use disorder prevention
20 and education programs in communities and schools, and engage
21 in such other related activities as required by law. The
22 ~~coordinator~~ director shall work in coordinating the efforts of
23 the department of corrections, the department of education,
24 ~~the Iowa department of public health, the department of public~~
25 ~~safety,~~ and the department of health and human services. The
26 ~~coordinator~~ director shall assist in the development and
27 implementation of local and community strategies to fight
28 substance ~~abuse~~ use disorder, including local law enforcement,
29 education, and treatment activities.

30 b. Submit an annual report to the governor and general
31 assembly by November 1 of each year concerning the activities
32 and programs of the ~~coordinator~~ director and other departments
33 related to drug enforcement, substance use disorder treatment

34 programs, and substance ~~abuse~~ use disorder prevention and
35 education programs. The report shall include an assessment
1 of needs with respect to programs related to substance use
2 disorder treatment and drug enforcement.

3 c. Submit an advisory budget recommendation to the governor
4 and general assembly concerning enforcement programs, treatment
5 programs, and education programs related to drugs within the
6 various departments. The ~~coordinator~~ director shall work
7 with these departments in developing the departmental budget
8 requests to be submitted to the legislative services agency and
9 the general assembly.

10 3. ~~The governor's office of drug control policy shall be~~
11 ~~an independent office, located at the same location as the~~
12 ~~department of public safety.~~ Administrative support services
13 may shall be provided to the ~~governor's~~ office of drug control
14 policy by the department of public safety.

15 Sec. 2195. Section 80E.4, Code 2023, is amended to read as
16 follows:

17 **80E.4 Drug abuse resistance education fund.**

18 A drug abuse resistance education fund is created as a
19 separate fund in the state treasury under the control of the
20 ~~governor's office~~ department of public safety for the office
21 of drug control policy for use by the drug abuse resistance
22 education program and other programs with a similar purpose.
23 The fund shall consist of appropriations made to the fund
24 and transfers of interest, moneys collected from the crime
25 services surcharge established in [section 911.1](#), and earnings.
26 All moneys in the fund are appropriated to the ~~governor's~~
27 ~~office of drug control policy~~ department of public safety.
28 Notwithstanding [section 8.33](#), any balance in the fund on June
29 30 of any fiscal year shall not revert to any other fund of the
30 state but shall remain available for the purposes described in
31 this section.

32 Sec. 2196. Section 124.101, subsection 22, Code 2023, is
33 amended to read as follows:

34 22. "Office" means the ~~governor's~~ office of drug control
35 policy, as referred to in [section 80E.1](#).

1

DIVISION XI

2

DEPARTMENT OF WORKFORCE DEVELOPMENT

3

PRIMARY DEPARTMENT RESPONSIBILITIES

4

Sec. 2197. Section 84A.5, subsection 3, Code 2023, is
5 amended to read as follows:

6

3. The department of workforce development is responsible
7 for administration of unemployment compensation benefits
8 and collection of employer contributions under [chapter 96](#),
9 providing for the delivery of free public employment services
10 established pursuant to [chapter 96](#), other job placement and
11 training programs established pursuant to [section 84A.6](#),
12 employment agencies under chapter 84H, and the delivery of
13 services located throughout the state.

14 Sec. 2198. Section 84A.5, subsection 7, Code 2023, is
15 amended by adding the following new paragraphs:

16 NEW PARAGRAPH. *f*. The statewide work-based learning
17 intermediary network program under section 84A.16.

18 NEW PARAGRAPH. *g*. The new jobs training program under
19 chapter 260E, in consultation with the community colleges.

20 NEW PARAGRAPH. *h*. The Iowa jobs training act under chapter
21 260F.

22 NEW PARAGRAPH. *i*. The workforce development fund program
23 under chapter 84F.

24 NEW PARAGRAPH. *j*. The accelerated career education
25 program under chapter 260G, in coordination with the community
26 colleges.

27 NEW PARAGRAPH. *k*. The older American community service
28 employment program under section 84A.17.

29 NEW PARAGRAPH. *l*. The apprenticeship training program under
30 chapter 84D.

31 NEW PARAGRAPH. *m*. The future ready Iowa registered
32 apprenticeship development program under section 84E.1.

33 NEW PARAGRAPH. *n*. The future ready Iowa expanded registered

34 apprenticeship opportunities program under section 84E.2.

35 NEW PARAGRAPH. o. Adult education and literacy programs
1 under section 84A.19.

2 REGIONAL INDUSTRY SECTOR PARTNERSHIPS

3 Sec. 2199. Section 260H.2, subsection 2, paragraph a, Code
4 2023, is amended to read as follows:

5 a. A pathways for academic career and employment fund is
6 created for the community colleges in the state treasury to be
7 administered by the department of education and the department
8 of workforce development. The moneys in the pathways for
9 academic career and employment fund are appropriated to the
10 department of education for the pathways for academic career
11 and employment program.

12 Sec. 2200. Section 260H.7B, Code 2023, is amended to read
13 as follows:

14 **260H.7B Regional industry sector partnerships.**

15 1. A community college and the department of workforce
16 development may use moneys for the pathways for academic career
17 and employment program to provide staff and support for the
18 development and implementation of a regional industry sector
19 partnerships partnership within the each region served by
20 the each community college. For purposes of this section,
21 "community college" means the same as defined in section 260C.2.

22 2. ~~Regional,~~ A regional industry sector ~~partnerships~~
23 partnership may ~~include but are~~ engage in but is not limited to
24 the following activities:

25 a. ~~Bringing together~~ Collaborating with representatives
26 from industry sectors, government, education, local workforce
27 boards, community-based organizations, labor, economic
28 development organizations, and other stakeholders within the
29 regional labor market to determine how pathways for academic
30 career and employment projects should address workforce skills
31 gaps, occupational shortages, and wage gaps.

32 b. Integrating pathways for academic career and employment
33 projects and other existing supply-side strategies with

34 workforce needs within the region served by the community
35 college in that region.

1 c. Developing pathways for academic career and employment
2 projects that focus on the workforce skills, from entry level
3 to advanced, required by industry sectors within the region
4 served by the community college.

5 d. Structuring pathways so that instruction and learning of
6 workforce skills are aligned with industry-recognized standards
7 where such standards exist.

8 Sec. 2201. Section 260H.8, Code 2023, is amended to read as
9 follows:

10 **260H.8 Rules.**

11 The department of education, in consultation with the
12 community colleges, the economic development authority, and the
13 department of workforce development, shall adopt rules pursuant
14 to [chapter 17A](#) and ~~this chapter~~ to implement ~~the provisions of~~
15 [this chapter](#). Local workforce development boards established
16 pursuant to [section 84A.4](#) shall be consulted in the development
17 and implementation of rules ~~to be~~ adopted pursuant to this
18 ~~chapter~~ section.

19 Sec. 2202. CODE EDITOR DIRECTIVE.

20 1. The Code editor is directed to make the following
21 transfer:

22 Section 260H.7B to section 84A.15.

23 2. The Code editor shall correct internal references in the
24 Code and in any enacted legislation as necessary due to the
25 enactment of this section.

26 Sec. 2203. TRANSITION PROVISIONS. A regional industry
27 sector partnership entered into by a community college prior
28 to the effective date of this division of this Act shall be
29 valid and continue per the terms of the agreement between the
30 community college and the partnership.

31 STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK

32 Sec. 2204. Section 256.40, Code 2023, is amended to read as
33 follows:

34 **256.40 Statewide work-based learning intermediary network —**
35 **fund — steering committee — regional networks.**

1 1. A statewide work-based learning intermediary network
2 program is established in the department of workforce
3 development and shall be administered by the department. A
4 separate, statewide work-based learning intermediary network
5 fund is created in the state treasury under the control of the
6 department of workforce development. The fund shall consist
7 of all moneys deposited in the fund, including any moneys
8 appropriated by the general assembly and any other moneys
9 available to and obtained or accepted by the department of
10 workforce development from federal or private sources for
11 purposes of the program. Notwithstanding [section 8.33](#), moneys
12 in the fund at the end of a fiscal year shall not revert to
13 the general fund of the state. Notwithstanding [section 12C.7](#),
14 subsection 2, interest or earnings on moneys in the fund shall
15 be credited to the fund.

16 2. The purpose of the program shall be to prepare students
17 for the workforce by ~~connecting business and the education~~
18 ~~system~~ facilitating cooperation and collaboration between
19 businesses and entities within the state system of education,
20 as that state system of education is described in section
21 256.1, subsection 1, and offering to offer relevant, work-based
22 learning activities to students and teachers. The program
23 shall do all of the following:

24 a. ~~Better prepare~~ Prepare students to make informed
25 postsecondary education and career decisions.

26 b. Provide communication and coordination in order to build
27 and sustain relationships between employers and local youth,
28 the state system of education ~~system~~, and the community at
29 large.

30 c. Connect students to ~~local~~ career opportunities within the
31 state, creating economic capital for the ~~region~~ state using a
32 skilled and available workforce.

33 d. Provide a one-stop contact point for information

34 useful to both educators and employers, including information
35 ~~on~~ related to internships, job shadowing experiences,
1 apprenticeable occupations as defined in [section 15B.2](#),
2 and other workplace learning opportunities for students,
3 ~~particularly~~ including those related to occupations in
4 science, technology, engineering, ~~or~~ mathematics ~~occupations~~,
5 ~~occupations related to~~ critical infrastructure, ~~and~~ commercial
6 and residential construction, ~~or~~ and targeted industries as
7 defined in [section 15.102](#).

8 e. Integrate services provided through the program with
9 other career exploration-related activities, which may include
10 but are not limited to ~~the~~ a student's career and academic
11 plans and career information and decision-making systems
12 ~~utilized in accordance with~~ under [section 279.61](#).

13 f. Facilitate the attainment of portable credentials of
14 value to employers such as the national career readiness
15 certificate, where appropriate.

16 g. Develop work-based capacity with employers.

17 h. Provide core services, which may include student job
18 shadowing, student internships, and teacher or student tours.

19 3. a. The department of workforce development shall
20 establish and facilitate a steering committee comprised of
21 representatives from the department of ~~workforce development~~
22 education, the economic development authority, the community
23 colleges, the institutions under the control of the state board
24 of regents, accredited private institutions, area education
25 agencies, school districts, the workplace learning connection,
26 and an apprenticeship sponsor as defined in [section 15B.2](#). The
27 steering committee shall be responsible for the development
28 and implementation of the statewide work-based learning
29 intermediary network.

30 4. b. The steering committee shall develop a design for
31 a statewide network comprised of fifteen regional work-based
32 learning intermediary networks. The design shall include
33 network specifications, strategic functions, and desired

34 outcomes. The steering committee shall recommend program
 35 parameters and reporting requirements to the department of
 1 workforce development.

2 ~~5.~~ 4. Each regional network shall establish an advisory
 3 council to provide advice and assistance to the regional
 4 network. The advisory council shall include representatives of
 5 business and industry, including construction trade industry
 6 professionals, and shall meet at least annually.

7 ~~6.~~ 5. Each regional network or consortium of networks shall
 8 annually submit a work-based learning plan to the department of
 9 workforce development. Each plan shall include provisions to
 10 provide core services referred to in [subsection 2](#), paragraph
 11 "h", to all school districts within the region and for the
 12 integration of job shadowing and other work-based learning
 13 activities into secondary career and technical education
 14 programs.

15 ~~7.~~ 6. *a.* Moneys Upon approval by the department of
 16 workforce development of a region's work-based learning plan
 17 submitted pursuant to subsection 5, moneys deposited in the
 18 statewide work-based learning intermediary network fund created
 19 in [subsection 1](#) shall be distributed annually by the department
 20 of workforce development to each region for the implementation
 21 of the statewide work-based learning intermediary network ~~upon~~
 22 ~~approval by the department of the region's work-based learning~~
 23 ~~plan submitted pursuant to [subsection 6](#).~~

24 *b.* If the balance in the statewide work-based learning
 25 intermediary network fund on July 1 of a fiscal year is one
 26 million five hundred thousand dollars or less, the department
 27 of workforce development shall distribute moneys in the fund to
 28 regions or consortiums of regions on a competitive basis. If
 29 the balance in the statewide work-based learning intermediary
 30 network fund on July 1 of a fiscal year is greater than one
 31 million five hundred thousand dollars, the department of
 32 workforce development shall distribute one hundred thousand
 33 dollars to each region and distribute the remaining moneys

34 pursuant to the same formula established for distribution of
35 funds by the department of education in section 260C.18C.

1 ~~8.~~ 7. The department of workforce development shall provide
2 oversight of the statewide work-based learning intermediary
3 network. The department of workforce development shall require
4 each region to submit an annual report on ~~its~~ the region's
5 ongoing implementation of the statewide work-based learning
6 intermediary network program ~~to the department.~~

7 ~~9.~~ 8. Each regional network shall match the moneys received
8 pursuant to subsection 7 6 with financial resources equal to at
9 least twenty-five percent of the amount of the moneys received
10 pursuant to subsection 7 6. The financial resources used
11 to provide the match may include private donations, in-kind
12 contributions, or public moneys other than the moneys received
13 pursuant to subsection 7 6.

14 ~~10.~~ 9. The ~~state board of education~~ department of workforce
15 development shall adopt rules under chapter 17A for the
16 administration of this section.

17 Sec. 2205. CODE EDITOR DIRECTIVE.

18 1. The Code editor is directed to make the following
19 transfer:

20 Section 256.40, as amended in this division of this Act, to
21 section 84A.16.

22 2. The Code editor shall correct internal references in the
23 Code and in any enacted legislation as necessary due to the
24 enactment of this section.

25 INDUSTRIAL NEW JOBS TRAINING

26 Sec. 2206. Section 15A.7, subsection 3, Code 2023, is
27 amended to read as follows:

28 3. That the employer shall agree to pay wages for the jobs
29 for which the credit is taken of at least the laborshed wage,
30 ~~as calculated by the authority pursuant to section 15.327,~~
31 subsection 15. For purposes of this subsection, "laborshed
32 wage" means the wage level represented by those wages within
33 two standard deviations from the mean wage within the laborshed

34 area in which the eligible business is located, as calculated
35 by the department of workforce development by rule, using the
1 most current covered wage and employment data available to
2 the department for the laborshed area. Eligibility for the
3 supplemental credit shall be based on a one-time determination
4 of starting wages by the community college.

5 Sec. 2207. Section 260E.7, Code 2023, is amended to read as
6 follows:

7 **260E.7 Program review by ~~economic development authority~~**
8 **department of workforce development.**

9 1. The ~~economic development authority~~ department of
10 workforce development, in consultation with the department of
11 education, ~~and the department of revenue, and the department~~
12 ~~of workforce development~~, shall coordinate and review the new
13 jobs training program. The ~~economic development authority~~
14 department of workforce development shall adopt, amend, and
15 repeal rules under [chapter 17A](#) that the community college will
16 use in developing projects with new and expanding industrial
17 new jobs training proposals and that the ~~economic development~~
18 ~~authority~~ department of workforce development shall use to
19 review and report on the new jobs training program as required
20 in [this section](#).

21 2. a. The ~~authority~~ department of workforce development,
22 in consultation with the community colleges participating
23 in the new jobs training program pursuant to [this chapter](#),
24 shall identify the information necessary to effectively
25 coordinate and review the program, and the community colleges
26 shall provide such information to the ~~authority~~ department.
27 Using the information provided, the ~~authority~~ department, in
28 consultation with the community colleges, shall issue a report
29 on the effectiveness of the program.

30 b. In coordinating and reviewing the program, the department
31 of workforce development shall give due regard ~~shall be given~~
32 to the confidentiality of certain information provided by the
33 community colleges, ~~and the authority shall comply with the~~

34 ~~provisions of [section 15.118](#) to the extent that such provisions~~
35 ~~are applicable to the new jobs training program.~~

1 3. ~~The authority~~ department of workforce development
2 is authorized to make any rule that is adopted, amended,
3 or repealed effective immediately upon filing with the
4 administrative rules coordinator or at a subsequent stated date
5 prior to indexing and publication, or at a stated date less
6 than thirty-five days after filing, indexing, and publication.

7 Sec. 2208. Section 403.21, subsections 2 and 3, Code 2023,
8 are amended to read as follows:

9 2. The community college shall send a copy of the final
10 agreement prepared pursuant to [section 260E.3](#) to the ~~economic~~
11 ~~development authority~~ department of workforce development.

12 For each year in which incremental property taxes are used to
13 pay job training certificates issued for a project creating
14 new jobs, the community college shall provide to the ~~economic~~
15 ~~development authority~~ department of workforce development
16 a report of the incremental property taxes and new jobs
17 credits from withholding generated for that year, a specific
18 description of the training conducted, the number of employees
19 provided program services under the project, the median
20 wage of employees in the new jobs in the project, and the
21 administrative costs directly attributable to the project.

22 3. For each year in which incremental property taxes are
23 used to retire debt service on a jobs training advance issued
24 for a project creating new jobs, the community college shall
25 provide to the ~~economic development authority~~ department of
26 workforce development a report of the incremental property
27 taxes and new jobs credits from withholding generated for that
28 year, a specific description of the training conducted, the
29 number of employees provided services under the project, the
30 median wage of employees in the new jobs in the project, and
31 the administrative costs directly attributable to the project.

32 Sec. 2209. Section 422.16A, Code 2023, is amended to read
33 as follows:

34 **422.16A Job training withholding — certification and**
35 **transfer.**

1 Upon the completion by a business of its repayment
2 obligation for a training project funded under [chapter 260E](#),
3 including a job training project funded under [section 15A.8](#)
4 or repaid in whole or in part by the supplemental new jobs
5 credit from withholding under [section 15A.7](#) or section 15E.197,
6 Code 2014, the sponsoring community college shall report to
7 the ~~economic development authority~~ department of workforce
8 development the amount of withholding paid by the business
9 to the community college during the final twelve months of
10 withholding payments. The ~~economic development authority~~
11 department of workforce development shall notify the department
12 of revenue of that amount. The department of revenue shall
13 credit to the workforce development fund account established in
14 section 15.342A twenty-five percent of that amount each quarter
15 for a period of ten years. If the amount of withholding from
16 the business or employer is insufficient, the department of
17 revenue shall prorate the quarterly amount credited to the
18 workforce development fund account. The maximum amount from
19 all employers which shall be transferred to the workforce
20 development fund account in any year is seven million seven
21 hundred fifty thousand dollars.

22 Sec. 2210. CODE EDITOR DIRECTIVE.

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

25 a. Section 15A.7 to section 260J.1.

26 b. Section 15A.8 to section 260J.2.

27 2. The Code editor shall correct internal references in the
28 Code and in any enacted legislation as necessary due to the
29 enactment of this section.

30 JOB TRAINING

31 Sec. 2211. Section 260F.2, subsection 2, Code 2023, is
32 amended by striking the subsection.

33 Sec. 2212. Section 260F.2, subsections 4, 5, and 11, Code

34 2023, are amended to read as follows:

35 4. *"Date of commencement of the project"* means the date
1 of the preliminary agreement or the date an application for
2 assistance is received by the ~~authority~~ department.

3 5. *"Eligible business"* or *"business"* means a business
4 training employees which is engaged in interstate or intrastate
5 commerce for the purpose of manufacturing, processing, or
6 assembling products, conducting research and development, or
7 providing services in interstate commerce, but excludes retail,
8 health, or professional services and which meets the other
9 criteria established by the ~~authority~~ department. *"Eligible*
10 *business"* does not include a business whose training costs can
11 be economically funded under [chapter 260E](#), a business which
12 closes or substantially reduces its employment base in order
13 to relocate substantially the same operation to another area
14 of the state, or a business which is involved in a strike,
15 lockout, or other labor dispute in Iowa.

16 11. *"Project"* means a training arrangement which is the
17 subject of an agreement entered into between the community
18 college and a business to provide program services. *"Project"*
19 also means a training arrangement which is sponsored by the
20 ~~authority~~ department and administered under [sections 260F.6A](#)
21 and [260F.6B](#).

22 Sec. 2213. Section 260F.2, Code 2023, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4A. *"Department"* means the department of
25 workforce development.

26 Sec. 2214. Section 260F.3, subsection 5, Code 2023, is
27 amended to read as follows:

28 5. Other criteria established by the department of
29 education.

30 Sec. 2215. Section 260F.6, subsections 1 and 2, Code 2023,
31 are amended to read as follows:

32 1. There is established for the community colleges a job
33 training fund in the ~~economic development authority~~ department

34 of workforce development in the workforce development fund
35 established in section 15.342A. The job training fund consists
1 of moneys appropriated for the purposes of **this chapter** plus
2 the interest and principal from repayment of advances made to
3 businesses for program costs, plus the repayments, including
4 interest, of loans made from that retraining fund, and interest
5 earned from moneys in the job training fund.

6 2. To provide funds for the present payment of the costs
7 of a training program by the business, the community college
8 may provide to the business an advance of the moneys to be used
9 to pay for the program costs as provided in the agreement.
10 To receive the funds for this advance from the job training
11 fund established in **subsection 1**, the community college shall
12 submit an application to the **authority department**. The amount
13 of the advance shall not exceed fifty thousand dollars for
14 any business site, or one hundred thousand dollars within
15 a three-fiscal-year period for any business site. If the
16 project involves a consortium of businesses, the maximum award
17 per project shall not exceed one hundred thousand dollars.
18 Participation in a consortium does not affect a business
19 site's eligibility for individual project assistance. Prior
20 to approval a business shall agree to match program amounts
21 in accordance with criteria established by the **authority**
22 **department**.

23 Sec. 2216. Section 260F.6A, Code 2023, is amended to read
24 as follows:

25 **260F.6A Business network training projects.**

26 The community colleges and the **authority department** are
27 authorized to fund business network training projects which
28 include five or more businesses and are located in two or more
29 community college districts. A business network training
30 project must have a designated organization or lead business
31 to serve as the administrative entity that will coordinate the
32 training program. The businesses must have common training
33 needs and develop a plan to meet those needs. The **authority**

34 department shall adopt rules governing **this section's** operation
35 and participant eligibility.

1 Sec. 2217. Section 260F.6B, Code 2023, is amended to read
2 as follows:

3 **260F.6B High technology apprenticeship program.**

4 The community colleges and the authority department
5 are authorized to fund high technology apprenticeship
6 programs which comply with the requirements specified in
7 section 260C.44 and which may include both new and statewide
8 apprenticeship programs. Notwithstanding the provisions
9 of **section 260F.6, subsection 2**, relating to maximum award
10 amounts, moneys allocated to the community colleges with high
11 technology apprenticeship programs shall be distributed to the
12 community colleges based upon contact hours under the programs
13 administered during the prior fiscal year as determined by
14 the department of education. The authority department shall
15 adopt rules governing **this section's** operation and participant
16 eligibility.

17 Sec. 2218. Section 260F.7, Code 2023, is amended to read as
18 follows:

19 **260F.7 ~~Authority to coordinate~~ Coordination — department of**
20 **workforce development.**

21 The authority department, in consultation with the
22 department of education ~~and the department of workforce~~
23 ~~development~~, shall coordinate the jobs training program. A
24 project shall not be funded under **this chapter** unless the
25 authority department approves the project. The authority
26 department shall adopt rules pursuant to **chapter 17A** governing
27 the program's operation and eligibility for participation in
28 the program. The authority department shall establish by rule
29 criteria for determining what constitutes an eligible business.

30 Sec. 2219. Section 260F.8, subsection 1, Code 2023, is
31 amended to read as follows:

32 1. For each fiscal year, the authority department shall
33 make funds available to the community colleges. The authority

34 department shall allocate by formula from the moneys in
35 the fund an amount for each community college to be used to
1 provide the financial assistance for proposals of businesses
2 whose applications have been approved by the ~~authority~~
3 department. The financial assistance shall be provided by
4 the ~~authority~~ department from the amount set aside for that
5 community college. If any portion of the moneys set aside for
6 a community college have not been used or committed by May
7 1 of the fiscal year, that portion is available for use by
8 the ~~authority~~ department to provide financial assistance to
9 businesses applying to other community colleges. The ~~authority~~
10 department shall adopt by rule a formula for this set-aside.

11 Sec. 2220. TRANSITION PROVISIONS.

12 1. A project that is entered into by a community college
13 and a business under section 260F.3 prior to the effective
14 date of this division of this Act shall be valid and continue
15 as provided in the terms of the agreement and shall be
16 administered by the department of workforce development.

17 2. A project sponsored by and administered under section
18 260F.6A or 260F.6B by the economic development authority prior
19 to the effective date of this division of this Act shall be
20 valid and continue as provided by the terms of the training
21 arrangement and shall be administered by the department of
22 workforce development.

23 WORKFORCE DEVELOPMENT FUND PROGRAM

24 Sec. 2221. Section 15.108, subsection 6, Code 2023, is
25 amended by striking the subsection.

26 Sec. 2222. Section 15.341, Code 2023, is amended to read as
27 follows:

28 **15.341 Workforce development fund program.**

29 This ~~part~~ chapter shall be known as the "*Workforce*
30 *Development Fund*" program.

31 Sec. 2223. Section 15.342, Code 2023, is amended to read as
32 follows:

33 **15.342 Purpose.**

34 The purpose of this ~~part~~ chapter shall be to provide a
35 mechanism for funding workforce development programs listed in
1 section 15.343, subsection 2, in order to more efficiently meet
2 the needs identified within those individual programs.

3 Sec. 2224. Section 15.342A, Code 2023, is amended to read
4 as follows:

5 **15.342A Workforce development fund account.**

6 1. A workforce development fund account is established in
7 the office of the treasurer of state under the control of the
8 authority department of workforce development. The account
9 shall receive funds pursuant to [section 422.16A](#).

10 2. For the fiscal year beginning July 1, ~~2014~~ 2023,
11 and for each fiscal year thereafter, there is annually
12 appropriated from the workforce development fund account to the
13 apprenticeship training program fund created in [section 15B.3](#)
14 three million dollars for the purposes of [chapter 15B](#).

15 3. For the fiscal year beginning July 1, ~~2014~~ 2023, and for
16 each fiscal year thereafter, there is annually appropriated
17 from the workforce development fund account to the job training
18 fund created in [section 260F.6](#) four million seven hundred fifty
19 thousand dollars for the purposes of [chapter 260F](#).

20 Sec. 2225. Section 15.343, subsections 1 and 2, Code 2023,
21 are amended to read as follows:

22 1. *a.* A workforce development fund is created as a
23 revolving fund in the state treasury under the control of the
24 authority department of workforce development consisting of any
25 moneys appropriated by the general assembly for that purpose
26 and any other moneys available to and obtained or accepted by
27 the authority department of workforce development from the
28 federal government or private sources for placement in the
29 fund. The fund shall also include moneys appropriated to the
30 fund from the workforce development fund account established
31 in [section 15.342A](#).

32 *b.* Notwithstanding [section 8.33](#), moneys in the workforce
33 development fund at the end of each fiscal year shall not

34 revert to any other fund but shall remain in the workforce
35 development fund for expenditure for subsequent fiscal years.

1 2. The assets of the fund shall be used by the authority
2 department of workforce development for the following programs
3 and purposes:

4 a. Projects under chapter 260F. The authority department of
5 workforce development shall require a match from all businesses
6 participating in a training project under chapter 260F.

7 b. Apprenticeship programs under section 260C.44, including
8 new or statewide building trades apprenticeship programs.

9 ~~c. To cover the costs of the administration of workforce~~
10 ~~development programs and services available through the~~
11 ~~authority. A portion of these funds may be used to~~ To support
12 efforts by the community colleges to provide workforce services
13 to Iowa employers.

14 Sec. 2226. Section 15.344, Code 2023, is amended to read as
15 follows:

16 **15.344 Common system — assessment and tracking.**

17 The authority department of workforce development shall use
18 information from the customer tracking system ~~administered by~~
19 ~~the department of workforce development~~ under section 84A.5 to
20 determine the economic impact of the programs. To the extent
21 possible, the authority department shall track individuals and
22 businesses who have received assistance or services through
23 the fund to determine whether the assistance or services have
24 resulted in increased wages paid to the individuals or paid by
25 the businesses.

26 Sec. 2227. CODE EDITOR DIRECTIVE.

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

29 a. Section 15.341 to section 84F.1.

30 b. Section 15.342 to section 84F.2.

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

32 d. Section 15.343 to section 84F.4.

33 e. Section 15.344 to section 84F.5.

34 2. The Code editor shall correct internal references in the
35 Code and in any enacted legislation as necessary due to the
1 enactment of this section.

2 ACCELERATED CAREER EDUCATION PROGRAM

3 Sec. 2228. Section 260G.3, subsection 2, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:

5 An agreement may include reasonable and necessary provisions
6 to implement the accelerated career education program. If
7 an agreement is entered into, the community college and the
8 employer shall notify the department of revenue as soon as
9 possible. The community college shall also file a copy of the
10 agreement with the ~~economic development authority~~ department
11 of workforce development as required in [section 260G.4B](#). The
12 agreement shall provide for program costs, including deferred
13 costs, which may be paid from any of the following sources:

14 Sec. 2229. Section 260G.4B, Code 2023, is amended to read
15 as follows:

16 **260G.4B Maximum statewide program job credit.**

17 1. The total amount of program job credits from all
18 employers which shall be allocated for all accelerated career
19 education programs in the state in any one fiscal year shall
20 not exceed five million four hundred thousand dollars. A
21 community college shall file a copy of each agreement with
22 the ~~economic development authority~~ department of workforce
23 development. The ~~authority~~ department of workforce development
24 shall maintain an annual record of the proposed program job
25 credits under each agreement for each fiscal year. Upon
26 receiving a copy of an agreement, the ~~authority~~ department of
27 workforce development shall allocate any available amount of
28 program job credits to the community college according to the
29 agreement sufficient for the fiscal year and for the term of
30 the agreement. When the total available program job credits
31 are allocated for a fiscal year, the ~~authority~~ department of
32 workforce development shall notify all community colleges that
33 the maximum amount has been allocated and that further program

34 job credits will not be available for the remainder of the
 35 fiscal year. Once program job credits have been allocated to
 1 a community college, the full allocation shall be received by
 2 the community college throughout the fiscal year and for the
 3 term of the agreement even if the statewide program job credit
 4 maximum amount is subsequently allocated and used.

5 2. ~~For the fiscal years beginning July 1, 2000, and~~
 6 ~~July 1, 2001, the department of economic development shall~~
 7 ~~allocate eighty thousand dollars of the first one million two~~
 8 ~~hundred thousand dollars of program job credits authorized and~~
 9 ~~available for that fiscal year to each community college. This~~
 10 ~~allocation shall be used by each community college to provide~~
 11 ~~funding for approved programs. For the fiscal year beginning~~
 12 ~~July 1, 2002~~ 2023, and for every fiscal year thereafter,
 13 the ~~economic development authority~~ department of workforce
 14 development shall divide equally among the community colleges
 15 thirty percent of the program job credits available for that
 16 fiscal year for allocation to each community college to be used
 17 to provide funding for approved programs. If any portion of
 18 the allocation to a community college under **this subsection**
 19 has not been committed by April 1 of the fiscal year for which
 20 the allocation is made, the uncommitted portion is available
 21 for use by other community colleges. Once a community college
 22 has committed its allocation for any fiscal year under this
 23 subsection, the community college may receive additional
 24 program job credit allocations from those program job credits
 25 authorized and still available for that fiscal year.

26 Sec. 2230. Section 260G.4C, Code 2023, is amended to read
 27 as follows:

28 **260G.4C ~~Facilitator~~ Administration and reporting.**

29 The ~~economic development authority~~ department of workforce
 30 development shall administer the statewide allocations of
 31 program job credits to accelerated career education programs.
 32 The ~~authority~~ department of workforce development shall provide
 33 information about the accelerated career education programs ~~in~~

34 ~~accordance with its annual reporting requirements in section~~
35 ~~15.107B~~ to the general assembly annually on or before March 15.

1 Sec. 2231. Section 260G.6, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. An accelerated career education fund is established
4 in the state treasury under the control of the department of
5 workforce development consisting of moneys appropriated to the
6 fund for purposes of funding the cost of accelerated career
7 education program capital projects.

8 Sec. 2232. TRANSITION PROVISIONS.

9 1. On the effective date of this division of this Act,
10 all unencumbered and unobligated moneys remaining in the
11 accelerated career education fund established in section 260G.6
12 shall be under the control of the department of workforce
13 development.

14 2. a. All agreements entered into by a community college
15 under section 260G.3 prior to the effective date of this
16 division of this Act shall be valid and continue as provided
17 in the terms of the agreement.

18 b. Job credits shall be honored per an agreement entered
19 into under paragraph "a" that includes a provision for program
20 job credits.

21 OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

22 Sec. 2233. Section 231.23A, subsection 2, Code 2023, is
23 amended by striking the subsection.

24 Sec. 2234. Section 231.51, Code 2023, is amended to read as
25 follows:

26 **231.51 Older American community service employment program.**

27 1. The department of workforce development shall direct
28 and administer the older American community service employment
29 program as authorized by the federal Act ~~in coordination with~~
30 ~~the department of workforce development~~ Older Americans Act of
31 1965, 42 U.S.C. §3001 et seq., as amended.

32 2. The purpose of the program is to foster individual
33 economic self-sufficiency and to increase the number of

34 participants placed in unsubsidized employment in the public
35 and private sectors while maintaining the community service
1 focus of the program.

2 3. Funds appropriated to the department of workforce
3 development from the United States department of labor shall
4 be distributed to subgrantees in accordance with federal
5 requirements.

6 4. The department of workforce development shall require
7 such uniform reporting and financial accounting by subgrantees
8 as may be necessary to fulfill the purposes of [this section](#).

9 5. The older American community service employment program
10 shall be coordinated with the federal Workforce Innovation and
11 Opportunity Act administered by the department of workforce
12 development.

13 Sec. 2235. REPEAL. Section 231.53, Code 2023, is repealed.

14 Sec. 2236. CODE EDITOR DIRECTIVE.

15 1. The Code editor is directed to make the following
16 transfer:

17 Section 231.51 to section 84A.17.

18 2. The Code editor shall correct internal references in the
19 Code and in any enacted legislation as necessary due to the
20 enactment of this section.

21 Sec. 2237. TRANSITION PROVISIONS. On the effective date
22 of this division of this Act, all unencumbered and unobligated
23 moneys remaining in any account or fund under the control of
24 the department on aging and relating to this division of this
25 Act shall be transferred to a comparable fund or account under
26 the control of the department of workforce development for
27 purposes of this division of this Act. Notwithstanding section
28 8.33, the moneys transferred in accordance with this subsection
29 shall not revert to the account or fund from which the moneys
30 are appropriated or transferred.

31 VOCATIONAL REHABILITATION

32 Sec. 2238. Section 19B.2, subsection 2, Code 2023, is
33 amended to read as follows:

34 2. It is the policy of this state to permit special
35 appointments by bypassing the usual testing procedures for any
1 applicant for whom the division of vocational rehabilitation
2 services of the department of ~~education~~ workforce development
3 or the department for the blind has certified the applicant's
4 disability and competence to perform the job. The department
5 of administrative services, in cooperation with the department
6 for the blind and the division of vocational rehabilitation
7 services, shall develop appropriate certification procedures.
8 This subsection should not be interpreted to bar promotional
9 opportunities for persons who are blind or persons with
10 physical or mental disabilities. If **this subsection** conflicts
11 with any other provisions of **this chapter**, the provisions of
12 this subsection govern.

13 Sec. 2239. Section 84A.1, subsection 4, Code 2023, is
14 amended to read as follows:

15 4. The department of workforce development shall include
16 the division of ~~labor services, the division of workers'~~
17 ~~compensation,~~ vocational rehabilitation services, and other
18 divisions as appropriate.

19 Sec. 2240. Section 84A.1A, subsection 1, paragraph a,
20 subparagraph (7), Code 2023, is amended to read as follows:

21 (7) The administrator of the division of Iowa vocational
22 rehabilitation services of the department of ~~education~~
23 workforce development or the administrator's designee.

24 Sec. 2241. Section 84A.4, subsection 2, paragraph b,
25 subparagraph (4), subparagraph division (a), subparagraph
26 subdivision (iii), Code 2023, is amended to read as follows:

27 (iii) The members shall include at least one appropriate
28 representative of the programs carried out under Tit. I of
29 the federal Rehabilitation Act of 1973, as codified at 29
30 U.S.C. §720 et seq., relating to vocational rehabilitation
31 services, excluding 29 U.S.C. §732 and 741, serving the local
32 workforce development area and nominated by the administrator
33 of the division of vocational rehabilitation services of the

34 department of ~~education~~ workforce development or director of
35 the department for the blind, as appropriate.

1 Sec. 2242. Section 85.70, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. An employee who has sustained an injury resulting
4 in permanent partial or permanent total disability, for
5 which compensation is payable under **this chapter** other than
6 an injury to the shoulder compensable pursuant to section
7 85.34, subsection 2, paragraph "n", and who cannot return
8 to gainful employment because of such disability, shall upon
9 application to and approval by the workers' compensation
10 commissioner be entitled to a one hundred dollar weekly
11 payment from the employer in addition to any other benefit
12 payments, during each full week in which the employee is
13 actively participating in a vocational rehabilitation program
14 recognized by the vocational rehabilitation services division
15 of the department of ~~education~~ workforce development. The
16 workers' compensation commissioner's approval of such
17 application for payment may be given only after a careful
18 evaluation of available facts, and after consultation with the
19 employer or the employer's representative. Judicial review
20 of the decision of the workers' compensation commissioner
21 may be obtained in accordance with the terms of the Iowa
22 administrative procedure Act, **chapter 17A**, and in section
23 86.26. Such additional benefit payment shall be paid for a
24 period not to exceed thirteen consecutive weeks except that
25 the workers' compensation commissioner may extend the period
26 of payment not to exceed an additional thirteen weeks if the
27 circumstances indicate that a continuation of training will in
28 fact accomplish rehabilitation.

29 Sec. 2243. Section 256.1, subsection 1, paragraph d, Code
30 2023, is amended by striking the paragraph.

31 Sec. 2244. Section 256.35A, subsection 2, paragraph b, Code
32 2023, is amended to read as follows:

33 *b.* In addition, representatives of the department of

34 ~~education workforce development~~, the division of vocational
35 rehabilitation of the department of ~~education workforce~~
1 development, the department of public health, the department of
2 human services, the Iowa developmental disabilities council,
3 the division of insurance of the department of commerce, and
4 the state board of regents shall serve as ex officio members
5 of the advisory council. Ex officio members shall work
6 together in a collaborative manner to serve as a resource to
7 the advisory council. The council may also form workgroups
8 as necessary to address specific issues within the technical
9 purview of individual members.

10 Sec. 2245. Section 259.2, Code 2023, is amended to read as
11 follows:

12 **259.2 Custodian of funds.**

13 1. The treasurer of state is custodian of moneys received
14 by the state from appropriations made by the Congress of the
15 United States for the vocational rehabilitation of individuals
16 with disabilities, and may receive and provide for the proper
17 custody of the moneys and make disbursement of ~~them~~ the moneys
18 upon the requisition of the director of the department of
19 ~~education workforce development~~.

20 2. The treasurer of state is appointed custodian of moneys
21 paid by the federal government to the state for the purpose of
22 carrying out the agreement relative to making determinations
23 of disability under Tit. II and Tit. XVI of the federal Social
24 Security Act as amended, 42 U.S.C. ch. 7, and may receive the
25 moneys and make disbursements of ~~them~~ the moneys upon the
26 requisition of the director of the department of ~~education~~
27 workforce development.

28 Sec. 2246. Section 259.3, Code 2023, is amended to read as
29 follows:

30 ~~259.3 Board and division~~ Division of vocational
31 rehabilitation services.

32 The division of vocational rehabilitation services
33 is established in the department of ~~education workforce~~

34 development. The director of the department of ~~education~~
35 workforce development shall cooperate with the United States
1 secretary of education in carrying out the federal law cited
2 in [sections 259.1](#) and [259.2](#) providing for the vocational
3 rehabilitation of individuals with disabilities. ~~The state~~
4 ~~board of education shall adopt rules under [chapter 17A](#) for the~~
5 ~~administration of [this chapter](#).~~

6 Sec. 2247. Section 259.5, Code 2023, is amended to read as
7 follows:

8 **259.5 Report to governor.**

9 The division of vocational rehabilitation services shall
10 report biennially to the governor the condition of vocational
11 rehabilitation within the state, designating the educational
12 institutions, establishments, plants, factories, and other
13 agencies in which training is being given, and include a
14 detailed statement of expenditures of the state and federal
15 funds in the rehabilitation of individuals with disabilities.

16 Sec. 2248. Section 259.6, Code 2023, is amended to read as
17 follows:

18 **259.6 Gifts and donations.**

19 The division of vocational rehabilitation services may
20 receive gifts and donations from either public or private
21 sources offered unconditionally or under conditions related to
22 the vocational rehabilitation of individuals with disabilities
23 that are consistent with [this chapter](#).

24 Sec. 2249. Section 259.7, Code 2023, is amended to read as
25 follows:

26 **259.7 Fund.**

27 All the moneys received as gifts or donations shall be
28 deposited in the state treasury and shall constitute a
29 permanent fund to be called the special fund for the vocational
30 rehabilitation of individuals with disabilities, to be used
31 by the director of the department of ~~education~~ workforce
32 development in carrying out the provisions of [this chapter](#) or
33 for related purposes.

34 Sec. 2250. Section 259.8, Code 2023, is amended to read as
35 follows:

1 **259.8 Report of gifts.**

2 A ~~full~~ report of all gifts and donations offered and
3 accepted, together with the ~~names of the donors~~ name of each
4 donor and the ~~respective amounts~~ amount contributed by each
5 donor, and all disbursements from the special fund for the
6 vocational rehabilitation of individuals with disabilities
7 shall be submitted ~~at call or~~ biennially to the governor ~~of the~~
8 state by the division department of workforce development.

9 Sec. 2251. NEW SECTION. 259.10 Rules.

10 The department of workforce development shall adopt rules
11 under chapter 17A for the administration of this chapter.

12 Sec. 2252. CODE EDITOR DIRECTIVE.

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

- 15 a. Section 259.1 to section 84G.1.
- 16 b. Section 259.2 to section 84G.2.
- 17 c. Section 259.3 to section 84G.3.
- 18 d. Section 259.4 to section 84G.4.
- 19 e. Section 259.5 to section 84G.5.
- 20 f. Section 259.6 to section 84G.6.
- 21 g. Section 259.7 to section 84G.7.
- 22 h. Section 259.8 to section 84G.8.
- 23 i. Section 259.9 to section 84G.9.
- 24 j. Section 259.10 to section 84G.10.

25 2. The Code editor shall correct internal references in the
26 Code and in any enacted legislation as necessary due to the
27 enactment of this section.

28 Sec. 2253. TRANSITION PROVISION. The agreement between the
29 director of the department of education and the commissioner of
30 the United States social security administration under section
31 259.9 shall remain in full force and effect until amended,
32 repealed, or supplemented by the United States social security
33 administration or by the department of workforce development.

34 APPRENTICESHIP TRAINING PROGRAM

35 Sec. 2254. Section 15.106A, subsection 2, paragraph a, Code
1 2023, is amended to read as follows:

2 a. That through [this section](#) and [section 15.106B](#), the
3 authority has been granted broad general powers and specific
4 program powers over all of the authority's statutory programs,
5 including but not limited to the programs created pursuant to
6 chapters 15, [15A](#), ~~[15B](#)~~, ~~[15C](#)~~, [15E](#), and [15J](#).

7 Sec. 2255. Section 15B.2, subsection 5, Code 2023, is
8 amended by striking the subsection.

9 Sec. 2256. Section 15B.2, Code 2023, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 6A. "*Department*" means the department of
12 workforce development.

13 NEW SUBSECTION. 9A. "*Targeted industries*" means the
14 industries of advanced manufacturing, biosciences, and
15 information technology.

16 Sec. 2257. Section 15B.2, subsection 7, Code 2023, is
17 amended to read as follows:

18 7. "*Financial assistance*" means assistance provided only
19 from the funds, rights, and assets legally available to
20 the ~~authority~~ department and includes but is not limited to
21 assistance in the forms of grants, loans, forgivable loans, and
22 royalty payments.

23 Sec. 2258. Section 15B.3, subsections 1, 2, 3, and 4, Code
24 2023, are amended to read as follows:

25 1. An apprenticeship training program fund is created as a
26 revolving fund in the state treasury under the control of the
27 ~~authority~~ department.

28 2. The fund shall consist of moneys appropriated for
29 purposes of the apprenticeship training program, and any other
30 moneys lawfully available to the ~~authority~~ department for
31 purposes of [this chapter](#).

32 3. Moneys in the fund are appropriated to the ~~authority~~
33 department for the purposes of [this chapter](#).

34 4. No more than two percent of the total moneys deposited
35 in the fund on July 1 of a fiscal year is appropriated to the
1 authority department for the purposes of administering this
2 chapter.

3 Sec. 2259. Section 15B.3, subsection 6, Code 2023, is
4 amended by striking the subsection.

5 Sec. 2260. Section 15B.4, subsection 1, paragraph a, Code
6 2023, is amended to read as follows:

7 a. An apprenticeship sponsor or lead apprenticeship
8 sponsor that conducts an apprenticeship program that is
9 registered with the United States department of labor, office
10 of apprenticeship, through Iowa, for apprentices who will
11 be employed at worksites located in this state may apply to
12 the authority department for financial assistance under this
13 section if the apprenticeship program includes a minimum of one
14 hundred contact hours per apprentice for each training year of
15 the apprenticeship program.

16 Sec. 2261. Section 15B.4, subsection 2, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:

18 The authority department shall provide financial assistance
19 in the form of training grants to eligible apprenticeship
20 sponsors or lead apprenticeship sponsors in the following
21 manner:

22 Sec. 2262. Section 15B.4, subsection 3, unnumbered
23 paragraph 1, Code 2023, is amended to read as follows:

24 An apprenticeship sponsor or lead apprenticeship sponsor
25 seeking financial assistance under [this section](#) shall provide
26 the following information to the authority department:

27 Sec. 2263. Section 15B.4, subsection 3, paragraph e, Code
28 2023, is amended to read as follows:

29 e. Any other information the authority department reasonably
30 determines is necessary.

31 Sec. 2264. Section 15B.4, subsection 4, Code 2023, is
32 amended to read as follows:

33 4. The apprenticeship sponsor or lead apprenticeship

34 sponsor and the ~~authority~~ department shall enter into an
35 agreement regarding the provision of any financial assistance
1 to the apprenticeship sponsor or lead apprenticeship sponsor.

2 Sec. 2265. NEW SECTION. 15B.5 Rules.

3 The department shall adopt rules to administer this chapter.

4 Sec. 2266. 2021 Iowa Acts, chapter 45, section 5, is amended
5 to read as follows:

6 SEC. 5. APPLICABILITY. This Act applies to financial
7 assistance provided by the economic development authority to
8 apprenticeship sponsors and lead apprenticeship sponsors that
9 apply for financial assistance on or after July 1, 2021, and on
10 or before June 30, 2023.

11 Sec. 2267. CODE EDITOR DIRECTIVE.

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

14 a. Section 15B.1 to section 84D.1.

15 b. Section 15B.2 to section 84D.2.

16 c. Section 15B.3 to section 84D.3.

17 d. Section 15B.4 to section 84D.4.

18 e. Section 15B.5 to section 84D.5.

19 2. The Code editor shall correct internal references in the
20 Code and in any enacted legislation as necessary due to the
21 enactment of this section.

22 Sec. 2268. TRANSITION PROVISION. All agreements entered
23 into by an apprenticeship sponsor or lead apprenticeship
24 sponsor and the economic development authority regarding the
25 provision of any financial assistance to the apprenticeship
26 sponsor or lead apprenticeship sponsor prior to the effective
27 date of this division of this Act shall be valid and continue
28 as provided in the terms of the agreement.

29 FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM

30 Sec. 2269. Section 15C.1, subsection 1, paragraph f, Code
31 2023, is amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 *f.* "Department" means the department of workforce

34 development.

35 Sec. 2270. Section 15C.1, subsection 1, paragraphs g and h,
1 Code 2023, are amended to read as follows:

2 *g. "Eligible apprenticeable occupation" means an*
3 apprenticeable occupation identified by the workforce
4 development board or a community college pursuant to section
5 84A.1B, subsection 14, as a high-demand job, ~~after consultation~~
6 ~~with the authority.~~

7 *h. "Financial assistance" means assistance provided only*
8 from the funds, rights, and assets legally available to
9 the authority department and includes but is not limited
10 to assistance in the form of a reimbursement grant to
11 support the costs associated with establishing a new
12 eligible apprenticeable occupation or an additional eligible
13 apprenticeable occupation in an applicant's apprenticeship
14 program.

15 Sec. 2271. Section 15C.1, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. *Program created.* Subject to an appropriation of funds
18 by the general assembly for this purpose, a future ready Iowa
19 registered apprenticeship development program is created
20 which shall be administered by the authority department. The
21 purpose of the program is to provide financial assistance to
22 incentivize small and medium-sized apprenticeship sponsors to
23 establish new or additional eligible apprenticeable occupations
24 in the apprenticeship sponsor's apprenticeship program in order
25 to support the growth of apprenticeship programs and expand
26 high-quality work-based learning experiences in high-demand
27 fields and careers for persons who are employed in eligible
28 apprenticeable occupations in Iowa.

29 Sec. 2272. Section 15C.1, subsection 3, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 An apprenticeship sponsor may apply to the authority
32 department, on forms provided by the authority department and
33 in accordance with the authority's department's instructions,

34 to receive financial assistance under the program. The
35 authority department shall provide upon request and on the
1 ~~authority's department's~~ internet site information about the
2 program, the application, application instructions, and the
3 application period established each year for funding available
4 under the program. The application shall include a description
5 of how the financial assistance awarded under **this section**
6 would be used to establish an apprenticeship program or add new
7 or additional apprenticeable occupations to the apprenticeship
8 sponsor's apprenticeship program and the anticipated program
9 expenses identified by the applicant.

10 Sec. 2273. Section 15C.1, subsection 3, paragraph a,
11 subparagraphs (1) and (2), Code 2023, are amended to read as
12 follows:

13 (1) Twenty or fewer apprentices are registered in the
14 existing apprenticeship program as of December 31 of the
15 calendar year prior to the date the authority department
16 receives the apprenticeship sponsor's application.

17 (2) More than seventy percent of the applicant's
18 apprentices ~~shall be~~ are residents of Iowa, and the remainder
19 of the applicant's apprentices ~~shall be~~ are residents of states
20 contiguous to Iowa. In determining the number of apprentices
21 in an applicant's apprenticeship program, the authority
22 department may calculate the average number of apprentices in
23 the program within the most recent two-year period.

24 Sec. 2274. Section 15C.1, subsections 4 and 5, Code 2023,
25 are amended to read as follows:

26 4. *Rules.* The authority department shall adopt rules
27 pursuant to **chapter 17A** establishing a staff review and
28 application approval process, application scoring criteria, the
29 minimum score necessary for approval of financial assistance,
30 procedures for notification of an award of financial
31 assistance, the terms of agreement between the apprenticeship
32 sponsor and the authority department, and any other rules
33 deemed necessary for the implementation and administration of

34 this section.

35 5. *Agreement.* Prior to distributing financial assistance
1 under [this section](#), the ~~authority~~ department shall enter
2 into an agreement with the apprenticeship sponsor awarded
3 financial assistance in accordance with [this section](#), and the
4 financial assistance recipient shall confirm the expenses for
5 establishing the program or adding the additional occupations
6 as identified in the approved application, and shall meet all
7 terms established by the ~~authority~~ department for receipt of
8 financial assistance under [this section](#).

9 Sec. 2275. Section 15C.1, subsection 6, paragraph b, Code
10 2023, is amended to read as follows:

11 b. Notwithstanding [section 8.33](#), moneys appropriated to the
12 ~~authority~~ department by the general assembly for purposes of
13 this section that remain unencumbered or unobligated at the
14 end of the fiscal year shall not revert to the general fund
15 but shall remain available for expenditure for the purposes
16 designated in subsequent fiscal years.

17 Sec. 2276. CODE EDITOR DIRECTIVE.

18 1. The Code editor is directed to make the following
19 transfer:

20 Section 15C.1 to section 84E.1.

21 2. The Code editor shall correct internal references in the
22 Code and in any enacted legislation as necessary due to the
23 enactment of this section, including references to chapter 15C.

24 Sec. 2277. TRANSITION PROVISION. All agreements entered
25 into by an apprenticeship sponsor and the economic development
26 authority under section 15C.1, subsection 5, prior to the
27 effective date of this division of this Act shall be valid and
28 continue as provided in the terms of the agreement.

29 FUTURE READY IOWA EXPANDED REGISTERED APPRENTICESHIP
30 OPPORTUNITIES PROGRAM

31 Sec. 2278. Section 15C.2, subsection 1, paragraph e, Code
32 2023, is amended by striking the paragraph and inserting in
33 lieu thereof the following:

34 e. "Department" means the department of workforce
35 development.

1 Sec. 2279. Section 15C.2, subsection 1, paragraph h, Code
2 2023, is amended to read as follows:

3 h. "Financial assistance" means assistance provided only
4 from the funds, rights, and assets legally available to
5 the authority department and includes but is not limited
6 to assistance in the form of a reimbursement grant of one
7 thousand dollars per apprentice in an eligible apprenticeable
8 occupation.

9 Sec. 2280. Section 15C.2, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. *Program created.* Subject to an appropriation of funds
12 by the general assembly for this purpose, a future ready Iowa
13 expanded registered apprenticeship opportunities program
14 is created which shall be administered by the authority
15 department. The purpose of the program is to provide
16 financial assistance to encourage apprenticeship sponsors of
17 apprenticeship programs with twenty or fewer apprentices to
18 maintain apprenticeship programs in high-demand occupations.

19 Sec. 2281. Section 15C.2, subsection 3, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:

21 An eligible apprenticeship sponsor may apply to the
22 authority department, on forms provided by the authority
23 department and in accordance with the authority's department's
24 instructions, to receive financial assistance under the
25 program. The authority department shall provide upon request
26 and on the authority's department's internet site information
27 about the program, the application, application instructions,
28 and the application period established each year for funding
29 available under the program.

30 Sec. 2282. Section 15C.2, subsection 3, paragraph a,
31 subparagraphs (1) and (2), Code 2023, are amended to read as
32 follows:

33 (1) Twenty or fewer apprentices are registered in the

34 apprenticeship program as of December 31 of the calendar
35 year prior to the date the authority department receives the
1 eligible apprenticeship sponsor's application.

2 (2) More than seventy percent of the applicant's
3 apprentices are residents of Iowa, and the remainder of the
4 applicant's apprentices are residents of states contiguous
5 to Iowa. In determining the number of apprentices in an
6 applicant's apprenticeship program, the authority department
7 may calculate the average number of apprentices in the program
8 within the most recent two-year period.

9 Sec. 2283. Section 15C.2, subsections 4 and 5, Code 2023,
10 are amended to read as follows:

11 4. *Rules.* The authority department shall adopt rules
12 pursuant to [chapter 17A](#) establishing a staff review and
13 application approval process, application scoring criteria, the
14 minimum score necessary for approval of financial assistance,
15 procedures for notification of an award of financial
16 assistance, the terms of agreement between the apprenticeship
17 sponsor and the authority department, and any other rules
18 deemed necessary for the implementation and administration of
19 this section.

20 5. *Agreement.* Prior to distributing financial assistance
21 under [this section](#), the authority department shall enter into
22 an agreement with the eligible apprenticeship sponsor awarded
23 financial assistance in accordance with [this section](#), and
24 the financial assistance recipient shall confirm the number
25 of apprentices in eligible apprenticeable occupations as
26 identified in the approved application, and shall meet all
27 terms established by the authority department for receipt of
28 financial assistance under [this section](#).

29 Sec. 2284. Section 15C.2, subsection 7, paragraph b, Code
30 2023, is amended to read as follows:

31 *b.* Notwithstanding [section 8.33](#), moneys appropriated to the
32 authority department by the general assembly for purposes of
33 this section that remain unencumbered or unobligated at the

34 end of the fiscal year shall not revert to the general fund
35 but shall remain available for expenditure for the purposes
1 designated in subsequent fiscal years.

2 Sec. 2285. CODE EDITOR DIRECTIVE.

3 1. The Code editor is directed to make the following
4 transfer:

5 Section 15C.2 to section 84E.2.

6 2. The Code editor shall correct internal references in the
7 Code and in any enacted legislation as necessary due to the
8 enactment of this section, including references to chapter 15C.

9 Sec. 2286. TRANSITION PROVISION. All agreements entered
10 into by an apprenticeship sponsor and the economic development
11 authority under section 15C.2, subsection 5, regarding the
12 provision of any financial assistance to the apprenticeship
13 sponsor prior to the effective date of this division of this
14 Act shall be valid and continue as provided in the terms of the
15 agreement.

16 EMPLOYMENT AGENCIES

17 Sec. 2287. Section 94A.1, subsection 2, Code 2023, is
18 amended to read as follows:

19 2. ~~"Commissioner"~~ "Director" means the ~~labor commissioner,~~
20 ~~appointed pursuant to [section 91.2](#),~~ director of the department
21 of workforce development or the ~~labor commissioner's~~ director's
22 designee.

23 Sec. 2288. Section 94A.2, Code 2023, is amended to read as
24 follows:

25 **94A.2 Licensing.**

26 1. An employment agency shall obtain a license from the
27 ~~commissioner~~ director prior to transacting any business.
28 Licenses expire on June 30 of each year.

29 2. A license application shall be in the form prescribed by
30 the ~~commissioner~~ director and shall be accompanied by all of
31 the following:

32 a. A surety company bond in the sum of thirty thousand
33 dollars, to be approved by the ~~commissioner~~ director and

34 conditioned to pay any damages that may accrue to any person
35 due to a wrongful act or violation of law on the part of the
1 applicant in the conduct of business.

2 *b.* The schedule of fees to be charged by the employment
3 agency.

4 *c.* All contract forms to be signed by an employee.

5 *d.* An application fee of seventy-five dollars.

6 3. The ~~commissioner~~ director shall grant or deny a license
7 within thirty days from the filing date of a completed
8 application.

9 4. The ~~commissioner~~ director may revoke, suspend, or annul a
10 license ~~in accordance with chapter 17A~~ upon good cause pursuant
11 to rules adopted by the director.

12 Sec. 2289. Section 94A.4, subsection 4, paragraph d, Code
13 2023, is amended to read as follows:

14 *d.* Charge an employee any fee greater than the fee schedule
15 on file with the ~~commissioner~~ director without prior consent
16 of the ~~commissioner~~ director.

17 Sec. 2290. Section 94A.5, Code 2023, is amended to read as
18 follows:

19 **94A.5 Powers and duties of the ~~commissioner~~ director.**

20 ~~1. At any time, the commissioner~~ The director may examine
21 the records, books, and any papers relating to the conduct and
22 operation of an employment agency at any time.

23 ~~2. The commissioner shall adopt rules pursuant to chapter~~
24 ~~17A to administer~~ this chapter.

25 Sec. 2291. Section 94A.6, Code 2023, is amended to read as
26 follows:

27 **94A.6 Violations.**

28 1. A person who violates a provision of this chapter or who
29 refuses the ~~commissioner~~ director access to records, books, and
30 papers pursuant to an examination under section 94A.5 shall be
31 guilty of a simple misdemeanor.

32 2. If a person violates a provision of this chapter or
33 refuses the ~~commissioner~~ director access to records, books,

34 and papers pursuant to an examination under section 94A.5, the
35 ~~commissioner~~ director shall assess a civil penalty against the
1 person in an amount not greater than two thousand dollars.

2 Sec. 2292. NEW SECTION. 94A.7 Rules.

3 1. The director shall adopt rules pursuant to chapter 17A to
4 administer this chapter.

5 2. The director may establish rules pursuant to chapter
6 17A to assess and collect interest on fees and penalties owed
7 to the department of workforce development. The director may
8 delay or, following written notice, deny the issuance of a
9 license, if the applicant for the license owes a debt to the
10 department of workforce development.

11 Sec. 2293. CODE EDITOR DIRECTIVE.

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

- 14 a. Section 94A.1 to section 84H.1.
- 15 b. Section 94A.2 to section 84H.2.
- 16 c. Section 94A.3 to section 84H.3.
- 17 d. Section 94A.4 to section 84H.4.
- 18 e. Section 94A.5 to section 84H.5.
- 19 f. Section 94A.6 to section 84H.6.
- 20 g. Section 94A.7 to section 84H.7.

21 2. The Code editor shall correct internal references in the
22 Code and in any enacted legislation as necessary due to the
23 enactment of this section.

24 REPORTS AND RECORDS

25 Sec. 2294. Section 91.12, Code 2023, is amended to read as
26 follows:

27 **91.12 Reports and records ~~to division of labor services.~~**

28 1. An owner, operator, or manager of every factory,
29 mill, workshop, mine, store, railway, business house, public
30 or private work, or any other establishment where labor is
31 employed, shall submit to the ~~division of labor services~~
32 department of workforce development reports in the form
33 and manner prescribed by the ~~commissioner~~ director of the

34 department of workforce development by rule, for the purpose of
35 compiling labor statistics. The owner, operator, or business
1 manager shall submit the reports within sixty days from receipt
2 of notice, and shall certify under oath the accuracy of the
3 reports. For purposes of this section, "factory", "mill",
4 "workshop", "mine", "store", "railway", "business house", and
5 "public or private work" shall mean any factory, mill, workshop,
6 mine, store, railway, business house, or public or private work
7 where wage earners are employed for compensation.

8 2. Notwithstanding chapter 22, records containing submitted
9 under subsection 1 that contain identifiable financial
10 institution or credit card account numbers obtained by the
11 commissioner shall be kept confidential.

12 3. a. Any officer or employee of the department of
13 workforce development who makes unlawful use of a report
14 submitted under subsection 1 shall be guilty of a serious
15 misdemeanor.

16 b. Any person who has access to a report submitted under
17 subsection 1 who makes unlawful use of the report shall be
18 guilty of a serious misdemeanor.

19 c. Any owner, operator, or manager of a factory, mill,
20 workshop, mine, store, railway, business house, or public or
21 private work who fails to submit the report required under
22 subsection 1 shall be guilty of a simple misdemeanor.

23 4. The director of the department of workforce development
24 shall adopt rules pursuant to chapter 17A to administer this
25 section.

26 Sec. 2295. CODE EDITOR DIRECTIVE.

27 1. The Code editor is directed to make the following
28 transfer:

29 Section 91.12 to section 84A.18.

30 2. The Code editor shall correct internal references in the
31 Code and in any enacted legislation as necessary due to the
32 enactment of this section.

33

ADULT EDUCATION

34 Sec. 2296. NEW SECTION. 84A.19 Adult education and literacy
35 programs.

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

3 a. "Adult education and literacy programs" means adult basic
4 education, adult education leading to a high school equivalency
5 diploma under chapter 259A, English as a second language
6 instruction, and workplace and family literacy instruction.

7 b. "Community colleges" means the same as defined in section
8 260C.2.

9 2. The department of workforce development and community
10 colleges shall jointly implement adult education and literacy
11 programs to assist adults and youths sixteen years of age and
12 older who are not in school in obtaining the knowledge and
13 skills necessary for further education, work, and community
14 involvement.

15 3. The department of workforce development, in consultation
16 with community colleges, shall prescribe standards for adult
17 education and literacy programs including but not limited
18 to contextualized and integrated instruction, assessments,
19 instructor qualification and professional development, data
20 collection and reporting, and performance benchmarks.

21 4. The department of workforce development, in consultation
22 with community colleges, shall adopt rules pursuant to chapter
23 17A to administer this section.

24 Sec. 2297. Section 260C.50, Code 2023, is amended to read
25 as follows:

26 **260C.50 Adult education and literacy programs.**

27 1. For purposes of **this section**, "~~adult education and~~
28 ~~literacy programs~~" means ~~adult basic education, adult education~~
29 ~~leading to a high school equivalency diploma under chapter~~
30 ~~259A, English as a second language instruction, workplace and~~
31 ~~family literacy instruction, or integrated basic education and~~
32 ~~technical skills instruction.~~

33 2. The department and the community colleges shall jointly

34 implement adult education ~~and literacy programs~~ to assist
35 adults and youths sixteen years of age and older who are not
1 in school in obtaining the knowledge and skills necessary for
2 further education, work, and community involvement.

3 3. The state board, in consultation with the community
4 colleges, shall prescribe standards for adult education ~~and~~
5 ~~literacy programs~~ including but not limited to contextualized
6 and integrated instruction, assessments, instructor
7 qualification and professional development, data collection and
8 reporting, and performance benchmarks.

9 4. The state board, in consultation with the community
10 colleges, shall adopt rules pursuant to [chapter 17A](#) to
11 administer [this section](#).

12 DIVISION XII

13 DEPARTMENT OF REVENUE

14 IOWA LOTTERY

15 Sec. 2298. Section 7E.6, subsection 3, Code 2023, is amended
16 to read as follows:

17 3. Any position of membership on the ~~board of the Iowa~~
18 lottery authority board created in section 99G.8 shall receive
19 compensation of fifty dollars per day and expenses.

20 Sec. 2299. Section 68B.35, subsection 2, paragraph e, Code
21 2023, is amended to read as follows:

22 e. Members of the state banking council, the Iowa ethics
23 and campaign disclosure board, the credit union review board,
24 the economic development authority, the employment appeal
25 board, the environmental protection commission, the health
26 facilities council, the Iowa finance authority, the Iowa public
27 employees' retirement system investment board, the ~~board of~~
28 ~~the Iowa lottery authority~~ board created in section 99G.8, the
29 natural resource commission, the board of parole, the petroleum
30 underground storage tank fund board, the public employment
31 relations board, the state racing and gaming commission, the
32 state board of regents, the transportation commission, the
33 office of consumer advocate, the utilities board, the Iowa

34 telecommunications and technology commission, and any full-time
35 members of other boards and commissions as defined under
1 section 7E.4 who receive an annual salary for their service
2 on the board or commission. The Iowa ethics and campaign
3 disclosure board shall conduct an annual review to determine
4 if members of any other board, commission, or authority should
5 file a statement and shall require the filing of a statement
6 pursuant to rules adopted pursuant to [chapter 17A](#).

7 Sec. 2300. Section 99B.1, subsection 22, Code 2023, is
8 amended to read as follows:

9 22. "*Merchandise*" means goods or services that are bought
10 and sold in the regular course of business. "*Merchandise*"
11 includes lottery tickets or shares sold or authorized under
12 chapter 99G. The value of the lottery ticket or share is the
13 price of the lottery ticket or share as established by the Iowa
14 ~~lottery authority~~ department of revenue pursuant to chapter
15 99G. "*Merchandise*" includes a gift card if the gift card is not
16 redeemable for cash.

17 Sec. 2301. Section 99G.1, Code 2023, is amended to read as
18 follows:

19 **99G.1 Title.**

20 This chapter may be cited as the "*Iowa Lottery Authority*
21 *Act*".

22 Sec. 2302. Section 99G.2, subsection 2, Code 2023, is
23 amended by striking the subsection.

24 Sec. 2303. Section 99G.3, subsections 2 and 4, Code 2023,
25 are amended by striking the subsections.

26 Sec. 2304. Section 99G.3, Code 2023, is amended by adding
27 the following new subsections:

28 NEW SUBSECTION. 1A. "*Administrator*" means the administrator
29 of the Iowa lottery appointed pursuant to section 99G.5.

30 NEW SUBSECTION. 4A. "*Department*" means the department of
31 revenue.

32 NEW SUBSECTION. 4B. "*Director*" means the director of the
33 department of revenue or the director's designee.

34 NEW SUBSECTION. 4C. "*Division*" means the Iowa lottery
35 division of the department of revenue.

1 Sec. 2305. Section 99G.3, subsections 3, 7, 14, and 18, Code
2 2023, are amended to read as follows:

3 3. "*Board*" means the board of directors of the authority
4 Iowa lottery created in section 99G.8.

5 7. "*Lottery*", "*lotteries*", "*lottery game*", "*lottery games*",
6 or "*lottery products*" means any game of chance approved by the
7 board and operated pursuant to **this chapter** and games using
8 mechanical or electronic devices, provided that the authority
9 division shall not authorize a monitor vending machine or a
10 player-activated gaming machine that utilizes an internal
11 randomizer to determine winning and nonwinning plays and that
12 upon random internal selection of a winning play dispenses
13 coins, currency, or a ticket, credit, or token to the player
14 that is redeemable for cash or a prize, and excluding gambling
15 or gaming conducted pursuant to **chapter 99B, 99D, or 99F.**

16 14. "*Retailer*" means a person who sells lottery tickets
17 or shares on behalf of the authority division pursuant to a
18 license issued by the authority department.

19 18. "*Vendor*" means a person who provides or proposes to
20 provide goods or services to the authority department pursuant
21 to a ~~major~~ procurement contract, but does not include an
22 employee of the authority department under this chapter, a
23 retailer, or a state agency or instrumentality thereof.

24 Sec. 2306. Section 99G.3, subsection 8, Code 2023, is
25 amended by striking the subsection.

26 Sec. 2307. Section 99G.4, Code 2023, is amended to read as
27 follows:

28 **99G.4 Iowa lottery authority created.**

29 1. An Iowa lottery authority is created, ~~effective~~
30 ~~September 1, 2003,~~ which shall ~~administer the state lottery~~ be
31 administered by the division. ~~The authority shall be deemed to~~
32 ~~be a public authority and an instrumentality of the state, and~~
33 ~~not a state agency. However, the authority shall be considered~~

34 a state agency for purposes of ~~chapters 17A, 21, 22, 28E, 68B,~~
35 ~~91B, 97B, 509A, and 669.~~

1 2. The income and property of the authority department under
2 this chapter shall be exempt from all state and local taxes,
3 and the sale of lottery tickets and shares issued and sold by
4 the authority division and its retail licensees shall be exempt
5 from all state and local sales taxes.

6 Sec. 2308. Section 99G.5, Code 2023, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **99G.5 Lottery administrator.**

9 1. An administrator of the lottery under this chapter shall
10 be appointed by the governor subject to confirmation by the
11 senate and shall serve at the pleasure of the governor. The
12 administrator shall be qualified by training and experience to
13 manage a lottery.

14 2. The salary of the lottery administrator shall be set by
15 the governor within the applicable salary range established by
16 the general assembly.

17 3. The lottery administrator shall be an employee of the
18 department and shall direct the day-to-day operations and
19 management of the lottery under this chapter as specified by
20 the director.

21 Sec. 2309. Section 99G.6, Code 2023, is amended to read as
22 follows:

23 **99G.6 Power to administer oaths and take testimony —**
24 **subpoena.**

25 The ~~chief executive officer~~ administrator or the chief
26 ~~executive officer's~~ administrator's designee if authorized
27 to conduct an inquiry, investigation, or hearing under
28 this chapter may administer oaths and take testimony under
29 oath relative to the matter of inquiry, investigation, or
30 hearing. At a hearing ordered by the ~~chief executive officer~~
31 administrator, the ~~chief executive officer~~ administrator or the
32 designee may subpoena witnesses and require the production of
33 records, paper, or documents pertinent to the hearing.

34 Sec. 2310. Section 99G.7, subsection 1, unnumbered
35 paragraph 1, Code 2023, is amended to read as follows:

1 The ~~chief executive officer of the authority~~ administrator
2 shall direct and supervise all administrative and technical
3 activities in accordance with the provisions of this
4 chapter and with the administrative rules, policies, and
5 procedures adopted by the board. The ~~chief executive officer~~
6 administrator shall do all of the following:

7 Sec. 2311. Section 99G.7, subsection 1, paragraphs b and c,
8 Code 2023, are amended by striking the paragraphs.

9 Sec. 2312. Section 99G.7, subsection 1, paragraphs d, e, f,
10 g, and i, Code 2023, are amended to read as follows:

11 *d.* Promote or provide for promotion of the lottery and any
12 functions related to the authority division under this chapter.

13 *e.* Prepare a budget for the approval of the ~~board~~ director
14 for activities of the division under this chapter.

15 *f.* Require bond from such retailers and vendors in such
16 amounts as required by the ~~board~~ division.

17 *g.* Report semiannually to the general assembly's standing
18 committees on government oversight regarding the operations of
19 the authority division.

20 *i.* Perform other duties ~~generally associated with a chief~~
21 ~~executive officer of an authority of an entrepreneurial nature~~
22 as necessary to administer this chapter.

23 Sec. 2313. Section 99G.7, subsections 2, 3, and 4, Code
24 2023, are amended to read as follows:

25 2. The ~~chief executive officer~~ administrator shall conduct
26 an ongoing study of the operation and administration of lottery
27 laws similar to **this chapter** in other states or countries,
28 of available literature on the subject, of federal laws and
29 regulations which may affect the operation of the lottery
30 and of the reaction of citizens of this state to existing
31 or proposed features of lottery games with a view toward
32 implementing improvements that will tend to serve the purposes
33 of **this chapter.**

34 3. The ~~chief executive officer~~ director may for good cause
35 suspend, revoke, or refuse to renew any contract entered into
1 in accordance with the provisions of this chapter or the
2 administrative rules, policies, and procedures of the board.

3 4. The ~~chief executive officer or the chief executive~~
4 ~~officer's designee~~ administrator or the administrator's
5 designee may conduct hearings and administer oaths to persons
6 for the purpose of assuring the security or integrity of
7 lottery operations or to determine the qualifications of or
8 compliance by vendors and retailers.

9 Sec. 2314. Section 99G.8, subsections 1, 4, 6, and 13, Code
10 2023, are amended to read as follows:

11 1. ~~The authority shall be administered by a~~ A board of
12 directors comprised of five members appointed by the governor
13 subject to confirmation by the senate is created within the
14 department. Board members appointed when the senate is not
15 in session shall serve only until the end of the next regular
16 session of the general assembly, unless confirmed by the
17 senate.

18 4. No officer or employee of the ~~authority~~ department shall
19 be a member of the board.

20 6. A majority of members in office shall constitute a quorum
21 for the transaction of any business and for the exercise of any
22 power or function of the ~~authority~~ board.

23 13. Board members shall not have any direct or indirect
24 interest in an undertaking that puts their personal interest
25 in conflict with that of the ~~authority~~ department under this
26 chapter including but not limited to an interest in a ~~major~~
27 procurement contract or a participating retailer.

28 Sec. 2315. Section 99G.8, subsection 15, Code 2023, is
29 amended by striking the subsection.

30 Sec. 2316. Section 99G.9, unnumbered paragraph 1, Code
31 2023, is amended to read as follows:

32 The board shall provide the ~~chief executive officer~~ director
33 and the administrator with private-sector perspectives of a

34 large marketing enterprise. The board shall do all of the
35 following:

1 Sec. 2317. Section 99G.9, subsections 1 and 5, Code 2023,
2 are amended by striking the subsections.

3 Sec. 2318. Section 99G.9, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. Approve, disapprove, amend, or modify the terms of ~~major~~
6 lottery procurements recommended by the ~~chief executive officer~~
7 administrator.

8 Sec. 2319. Section 99G.9, subsection 3, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 Adopt policies and procedures and promulgate administrative
11 rules pursuant to [chapter 17A](#) relating to the management and
12 operation of the ~~authority~~ Iowa lottery. The administrative
13 rules promulgated pursuant to [this subsection](#) may include but
14 shall not be limited to the following:

15 Sec. 2320. Section 99G.9, subsection 3, paragraph c, Code
16 2023, is amended to read as follows:

17 c. The number and amount of prizes, including but not
18 limited to prizes of free tickets or shares in lottery games
19 conducted by the ~~authority~~ division and merchandise prizes.
20 The ~~authority~~ division shall maintain and make available for
21 public inspection at its offices during regular business hours
22 a detailed listing of the estimated number of prizes of each
23 particular denomination that are expected to be awarded in
24 any game that is on sale or the estimated odds of winning the
25 prizes and, after the end of the claim period, shall maintain
26 and make available a listing of the total number of tickets
27 or shares sold in a game and the number of prizes of each
28 denomination that were awarded.

29 Sec. 2321. Section 99G.9, subsection 3, paragraph j, Code
30 2023, is amended by striking the paragraph.

31 Sec. 2322. Section 99G.9, subsection 4, Code 2023, is
32 amended to read as follows:

33 4. Adopt game specific rules. The promulgation of game

34 specific rules shall not be subject to the requirements of
35 chapter 17A. However, game specific rules shall be made
1 available to the public prior to the time the games go on
2 sale and shall be kept on file at the office of the ~~authority~~
3 division.

4 Sec. 2323. Section 99G.10, Code 2023, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **99G.10 Lottery personnel.**

7 1. An employee of the division shall not have a financial
8 interest in any vendor doing business or proposing to do
9 business with the department under this chapter. However, an
10 employee may own shares of a mutual fund which may hold shares
11 of a vendor corporation provided the employee does not have the
12 ability to influence the investment functions of the mutual
13 fund.

14 2. An employee of the division with decision-making
15 authority under this chapter shall not participate in any
16 decision involving a retailer with whom the employee has a
17 financial interest.

18 3. A background investigation shall be conducted by
19 the department of public safety, division of criminal
20 investigation, on each applicant who has reached the final
21 selection process prior to employment by the department under
22 this chapter. For positions not designated as sensitive by the
23 department, the investigation may consist of a state criminal
24 history background check, work history, and financial review.
25 The department shall identify those sensitive positions of
26 the division which require full background investigations,
27 which positions shall include, at a minimum, any officer of
28 the division, and any employee with operational management
29 responsibilities, security duties, or system maintenance or
30 programming responsibilities related to the division's data
31 processing or network hardware, software, communication, or
32 related systems under this chapter. In addition to a work
33 history and financial review, a full background investigation

34 may include a national criminal history check through the
35 federal bureau of investigation. The screening of employees
1 through the federal bureau of investigation shall be conducted
2 by submission of fingerprints through the state criminal
3 history repository to the federal bureau of investigation. The
4 results of background investigations conducted pursuant to this
5 section shall not be considered public records under chapter
6 22.

7 4. A person who has been convicted of a felony or bookmaking
8 or other form of illegal gambling or of a crime involving moral
9 turpitude shall not be employed by the department under this
10 chapter.

11 5. The department shall bond employees with access to Iowa
12 lottery funds or lottery revenue under this chapter in such
13 an amount as provided by the department and may bond other
14 employees under this chapter as deemed necessary.

15 Sec. 2324. Section 99G.11, subsections 1, 2, and 3, Code
16 2023, are amended to read as follows:

17 1. A member of the board, any officer, or other employee
18 of the authority division shall not directly or indirectly,
19 individually, as a member of a partnership or other
20 association, or as a shareholder, director, or officer of a
21 corporation have an interest in a business that contracts for
22 the operation or marketing of the lottery as authorized by this
23 chapter, unless the business is controlled or operated by a
24 consortium of lotteries in which the authority division has an
25 interest.

26 2. Notwithstanding the provisions of [chapter 68B](#), a
27 person contracting or seeking to contract with the state to
28 supply gaming equipment or materials for use in the operation
29 of the lottery, an applicant for a license to sell tickets
30 or shares in the lottery, or a retailer shall not offer a
31 member of the board, any officer, or other employee of the
32 authority division, or a member of their immediate family a
33 gift, gratuity, or other thing having a value of more than the

34 limits established in [chapter 68B](#), other than food and beverage
35 consumed at a meal. For purposes of [this subsection](#), “*member*
1 *of their immediate family*” means a spouse, child, stepchild,
2 brother, brother-in-law, stepbrother, sister, sister-in-law,
3 stepsister, parent, parent-in-law, or step-parent of the board
4 member, the officer, or other employee who resides in the same
5 household in the same principal residence of the board member,
6 officer, or other employee.

7 3. If a board member, officer, or other employee of the
8 authority division violates a provision of [this section](#), the
9 board member, officer, or employee shall be immediately removed
10 from the office or position.

11 Sec. 2325. Section 99G.12, subsection 2, paragraphs a and b,
12 Code 2023, are amended to read as follows:

13 a. The self-service kiosk shall be owned or leased by the
14 authority department.

15 b. The self-service kiosk shall only be located in a retail
16 location licensed by the authority division pursuant to this
17 chapter. The authority division shall determine, in its sole
18 discretion, the placement of the self-service kiosk.

19 Sec. 2326. Section 99G.21, subsections 1, 3, 4, and 5, Code
20 2023, are amended to read as follows:

21 1. Funds of the state shall not be used or obligated to pay
22 the expenses or prizes of the authority department under this
23 chapter.

24 3. Notwithstanding any other provision of law, any
25 purchase of real property and any borrowing of more than one
26 million dollars by the authority department for purposes of
27 this chapter shall require written notice from the authority
28 department to the general assembly’s standing committees on
29 government oversight and the prior approval of the executive
30 council.

31 4. The powers enumerated in [this section](#) are cumulative of
32 and in addition to those powers enumerated elsewhere in this
33 chapter and no such powers limit or restrict any other powers

34 of the authority department under this chapter.

35 5. Departments, boards, commissions, or other agencies of
1 this state shall provide reasonable assistance and services to
2 the authority department for purposes of this chapter upon the
3 request of the ~~chief executive officer~~ director.

4 Sec. 2327. Section 99G.21, subsection 2, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:

6 ~~The authority shall have any and all powers necessary~~
7 ~~or convenient to carry out and effectuate~~ department, in
8 carrying out the purposes and provisions of this chapter which
9 ~~are not in conflict with the Constitution of the State of~~
10 ~~Iowa, including, but without limiting the generality of the~~
11 foregoing, shall have the following powers:

12 Sec. 2328. Section 99G.21, subsection 2, paragraphs h, i, l,
13 p, and q, Code 2023, are amended by striking the paragraphs.

14 Sec. 2329. Section 99G.22, subsections 1, 3, 4, and 6, Code
15 2023, are amended to read as follows:

16 1. The authority department shall investigate the financial
17 responsibility, security, and integrity of any lottery system
18 vendor who is a finalist in submitting a bid, proposal, or
19 offer as part of a ~~major~~ procurement contract. Before a ~~major~~
20 procurement contract is awarded, the division of criminal
21 investigation of the department of public safety shall conduct
22 a background investigation of the vendor to whom the contract
23 is to be awarded. ~~The chief executive officer and board~~
24 administrator shall consult with the division of criminal
25 investigation and shall provide for the scope of the background
26 investigation and due diligence to be conducted in connection
27 with ~~major~~ procurement contracts. At the time of submitting
28 a bid, proposal, or offer to the authority department on a
29 ~~major~~ procurement contract, ~~the authority shall require that~~
30 each vendor shall be required to submit to the division of
31 criminal investigation appropriate investigation authorization
32 to facilitate this investigation, together with an advance
33 of funds to meet the anticipated investigation costs. If

34 the division of criminal investigation determines that
35 additional funds are required to complete an investigation,
1 the vendor will be so advised. The background investigation
2 by the division of criminal investigation may include a
3 national criminal history check through the federal bureau of
4 investigation. The screening of vendors or their employees
5 through the federal bureau of investigation shall be conducted
6 by submission of fingerprints through the state criminal
7 history repository to the federal bureau of investigation.

8 3. A ~~major~~ procurement contract shall not be entered into
9 with any lottery system vendor who has not complied with
10 the disclosure requirements described in [this section](#), and
11 any contract with such a vendor is voidable ~~at the option~~
12 ~~of the authority~~. Any contract with a vendor that does not
13 comply with the requirements for periodically updating such
14 disclosures during the tenure of the contract as may be
15 specified in such contract may be terminated ~~by the authority~~.
16 The provisions of [this section](#) shall be construed broadly
17 and liberally to achieve the ends of full disclosure of
18 all information necessary to allow for a full and complete
19 evaluation by the ~~authority~~ department of the competence,
20 integrity, background, and character of vendors for ~~major~~
21 procurements.

22 4. A ~~major~~ procurement contract shall not be entered into
23 with any vendor who has been found guilty of a felony related
24 to the security or integrity of the lottery in this or any
25 other jurisdiction.

26 6. If, based on the results of a background investigation,
27 the ~~board~~ department determines that the best interests of
28 the ~~authority~~ department, including but not limited to the
29 ~~authority's~~ department's reputation for integrity, would be
30 served thereby, the ~~board~~ department may disqualify a potential
31 vendor from contracting with the ~~authority~~ department for a
32 ~~major~~ procurement contract or from acting as a subcontractor in
33 connection with a contract for a ~~major~~ procurement contract.

34 Sec. 2330. Section 99G.22, subsection 5, Code 2023, is
35 amended by striking the subsection.

1 Sec. 2331. Section 99G.23, Code 2023, is amended to read as
2 follows:

3 **99G.23 Vendor bonding, and tax filing, ~~and competitive~~
4 ~~bidding~~.**

5 1. ~~The authority may purchase, lease, or lease-purchase~~
6 ~~such goods or services as are necessary for effectuating the~~
7 ~~purposes of this chapter.~~ The authority division may make
8 procurements that integrate functions such as lottery game
9 design, lottery ticket distribution to retailers, supply of
10 goods and services, and advertising. In all procurement
11 decisions under this chapter, the authority division shall
12 take into account the particularly sensitive nature of the
13 lottery and shall act to promote and ensure security, honesty,
14 fairness, and integrity in the operation and administration
15 of the lottery and the objectives of raising net proceeds for
16 state programs.

17 2. Each vendor shall, at the execution of the contract
18 with the authority division, post a performance bond or letter
19 of credit from a bank or credit provider acceptable to the
20 authority division in an amount as deemed necessary by the
21 authority division for that particular bid or contract.

22 3. Each vendor shall be qualified to do business in this
23 state and shall file appropriate tax returns as provided by the
24 laws of this state.

25 ~~4. All major procurement contracts must be competitively~~
26 ~~bid pursuant to policies and procedures approved by the board~~
27 ~~unless there is only one qualified vendor and that vendor has~~
28 ~~an exclusive right to offer the service or product.~~

29 Sec. 2332. Section 99G.24, Code 2023, is amended to read as
30 follows:

31 **99G.24 Retailer compensation — licensing.**

32 1. The general assembly recognizes that to conduct a
33 successful lottery, the authority department must develop and

34 maintain a statewide network of lottery retailers that will
35 serve the public convenience and promote the sale of tickets
1 or shares and the playing of lottery games while ensuring the
2 integrity of the lottery operations, games, and activities.

3 2. The board shall determine the compensation to be paid
4 to licensed retailers. Compensation may include provision
5 for variable payments based on sales volume or incentive
6 considerations.

7 3. The authority department shall issue a license
8 certificate to each person with whom it contracts as a retailer
9 for purposes of display as provided in [this section](#). Every
10 lottery retailer shall post its license certificate, or a
11 facsimile thereof, and keep it conspicuously displayed in a
12 location on the premises accessible to the public. No license
13 shall be assignable or transferable. Once issued, a license
14 shall remain in effect until canceled, suspended, or terminated
15 by the authority department.

16 4. A licensee under this section shall cooperate with the
17 authority department by using point-of-purchase materials,
18 posters, and other marketing material when requested to do so
19 by the authority department. Lack of cooperation is sufficient
20 cause for revocation of a retailer's license.

21 5. The board shall develop a list of objective criteria upon
22 which the qualification of lottery retailers shall be based.
23 Separate criteria shall be developed to govern the selection
24 of retailers of instant tickets and on-line retailers. In
25 developing these criteria, the board shall consider such
26 factors as the applicant's financial responsibility, security
27 of the applicant's place of business or activity, accessibility
28 to the public, integrity, and reputation. The criteria shall
29 include but not be limited to the volume of expected sales
30 and the sufficiency of existing licensees to serve the public
31 convenience.

32 6. The applicant shall be current in filing all applicable
33 tax returns to the state of Iowa and in payment of all taxes,

34 interest, and penalties owed to the state of Iowa, excluding
35 items under formal appeal pursuant to applicable statutes. The
1 department ~~of revenue~~ is authorized and directed to provide
2 this information to ~~the authority~~ those employees of the
3 division designated to receive this information.

4 7. A person, partnership, unincorporated association,
5 authority, or other business entity shall not be selected as
6 a lottery retailer if the person or entity meets any of the
7 following conditions:

8 a. Has been convicted of a criminal offense related to
9 the security or integrity of the lottery in this or any other
10 jurisdiction.

11 b. Has been convicted of any illegal gambling activity,
12 false statements, perjury, fraud, or a felony in this or any
13 other jurisdiction.

14 c. Has been found to have violated the provisions of
15 this chapter or any regulation, policy, or procedure of
16 the ~~authority or of the lottery~~ division unless either ten
17 years have passed since the violation or the board finds the
18 violation both minor and unintentional in nature.

19 d. Is a vendor or any employee or agent of any vendor doing
20 business with the ~~authority~~ department under this chapter or
21 the division.

22 e. Resides in the same household as an officer of the
23 ~~authority~~ division.

24 f. Is less than eighteen years of age.

25 g. Does not demonstrate financial responsibility sufficient
26 to adequately meet the requirements of the proposed enterprise.

27 h. Has not demonstrated that the applicant is the true
28 owner of the business proposed to be licensed and that all
29 persons holding at least a ten percent ownership interest in
30 the applicant's business have been disclosed.

31 i. Has knowingly made a false statement of material fact to
32 the ~~authority~~ department.

33 8. Persons applying to become lottery retailers may be

34 charged a uniform application fee for each lottery outlet.

35 9. Any lottery retailer contract executed pursuant to
1 this section may, for good cause, be suspended, revoked, or
2 terminated by the ~~chief executive officer~~ director or the
3 ~~chief executive officer's~~ director's designee if the retailer
4 is found to have violated any provision of **this chapter**
5 or objective criteria established by the board. Cause for
6 suspension, revocation, or termination may include, but is not
7 limited to, sale of tickets or shares to a person under the
8 age of twenty-one and failure to pay for lottery products in a
9 timely manner.

10 Sec. 2333. Section 99G.25, Code 2023, is amended to read as
11 follows:

12 **99G.25 License not assignable.**

13 Any lottery retailer license certificate or contract shall
14 not be transferable or assignable. The authority department
15 may issue a temporary license when deemed in the best interests
16 of the state. A lottery retailer shall not contract with any
17 person for lottery goods or services, except with the approval
18 of the board.

19 Sec. 2334. Section 99G.26, Code 2023, is amended to read as
20 follows:

21 **99G.26 Retailer bonding.**

22 The authority department may require any retailer to post an
23 appropriate bond, as determined by the authority department,
24 using a cash bond or an insurance company acceptable to the
25 authority department.

26 Sec. 2335. Section 99G.27, Code 2023, is amended to read as
27 follows:

28 **99G.27 Lottery retail licenses — cancellation, suspension,
29 revocation, or termination.**

30 1. A lottery retail license issued by the authority
31 department pursuant to **this chapter** may be canceled, suspended,
32 revoked, or terminated by the authority department for reasons
33 including, but not limited to, any of the following:

34 a. A violation of **this chapter**, a regulation, or a policy or
35 procedure of the authority division.

1 b. Failure to accurately or timely account or pay for
2 lottery products, lottery games, revenues, or prizes as
3 required by the authority division.

4 c. Commission of any fraud, deceit, or misrepresentation.

5 d. Insufficient sales.

6 e. Conduct prejudicial to public confidence in the lottery.

7 f. The retailer filing for or being placed in bankruptcy or
8 receivership.

9 g. Any material change as determined in the sole discretion
10 of the authority department in any matter considered by
11 the authority department in executing the contract with the
12 retailer.

13 h. Failure to meet any of the objective criteria established
14 by the authority division pursuant to **this chapter**.

15 i. Other conduct likely to result in injury to the property,
16 revenue, or reputation of the authority department under this
17 chapter.

18 2. A lottery retailer license may be temporarily suspended
19 by the authority department without prior notice if the
20 ~~chief executive officer~~ director or designee determines that
21 further sales by the licensed retailer are likely to result in
22 immediate injury to the property, revenue, or reputation of the
23 authority department.

24 3. The board shall adopt administrative rules governing
25 appeals of lottery retailer licensing disputes.

26 Sec. 2336. Section 99G.28, Code 2023, is amended to read as
27 follows:

28 **99G.28 Proceeds held in trust.**

29 All proceeds from the sale of the lottery tickets or shares
30 shall constitute a trust fund until paid to the authority
31 division directly, through electronic funds transfer to the
32 authority division, or through the authority's division's
33 authorized collection representative. A lottery retailer

34 and officers of a lottery retailer's business shall have a
35 fiduciary duty to preserve and account for lottery proceeds and
1 lottery retailers shall be personally liable for all proceeds.
2 Proceeds shall include unsold products received but not paid
3 for by a lottery retailer and cash proceeds of the sale of any
4 lottery products net of allowable sales commissions and credit
5 for lottery prizes paid to winners by lottery retailers. Sales
6 proceeds of pull-tab tickets shall include the sales price
7 of the lottery product net of allowable sales commission and
8 prizes contained in the product. Sales proceeds and unused
9 instant tickets shall be delivered to the authority division or
10 its authorized collection representative upon demand.

11 Sec. 2337. Section 99G.29, Code 2023, is amended to read as
12 follows:

13 **99G.29 Retailer rental calculations — lottery ticket sales**
14 **treatment.**

15 If a lottery retailer's rental payments for the business
16 premises are contractually computed, in whole or in part, on
17 the basis of a percentage of retail sales and such computation
18 of retail sales is not explicitly defined to include sales
19 of tickets or shares in a state-operated or state-managed
20 lottery, only the compensation received by the lottery retailer
21 from the authority department may be considered the amount of
22 the lottery retail sale for purposes of computing the rental
23 payment.

24 Sec. 2338. Section 99G.30, Code 2023, is amended to read as
25 follows:

26 **99G.30 Ticket sales requirements — penalties.**

27 1. Lottery tickets or shares may be distributed by the
28 authority division for promotional purposes.

29 2. A ticket or share shall not be sold at a price other
30 than that fixed by the authority division and a sale shall not
31 be made other than by a retailer or an employee of the retailer
32 who is authorized by the retailer to sell tickets or shares. A
33 person who violates a provision of **this subsection** is guilty

34 of a simple misdemeanor.

35 3. A ticket or share shall not be sold to a person who has
1 not reached the age of twenty-one. Any person who knowingly
2 sells a lottery ticket or share to a person under the age
3 of twenty-one shall be guilty of a simple misdemeanor. It
4 shall be an affirmative defense to a charge of a violation
5 under [this section](#) that the retailer reasonably and in good
6 faith relied upon presentation of proof of age in making the
7 sale. A prize won by a person who has not reached the age
8 of twenty-one but who purchases a winning ticket or share in
9 violation of [this subsection](#) shall be forfeited. [This section](#)
10 does not prohibit the lawful purchase of a ticket or share for
11 the purpose of making a gift to a person who has not reached the
12 age of twenty-one. The board shall adopt administrative rules
13 governing the payment of prizes to persons who have not reached
14 the age of twenty-one.

15 4. Except for the authority department, a retailer shall
16 only sell lottery products on the licensed premises and not
17 through the mail or by technological means except as the
18 authority department may provide or authorize.

19 5. The retailer may accept payment by cash, check, money
20 order, debit card, or electronic funds transfer. The retailer
21 shall not extend or arrange credit for the purchase of a ticket
22 or share. As used in [this subsection](#), "cash" means United
23 States currency.

24 6. Nothing in [this chapter](#) shall be construed to prohibit
25 the authority department from designating certain of its
26 agents and employees to sell or give lottery tickets or shares
27 directly to the public.

28 7. No elected official's name shall be printed on tickets.

29 Sec. 2339. Section 99G.31, subsections 1 and 2, Code 2023,
30 are amended to read as follows:

31 1. The ~~chief executive officer~~ administrator shall award
32 the designated prize to the holder of the ticket or share upon
33 presentation of the winning ticket or confirmation of a winning

34 share. The prize shall be given to only one person as provided
35 in this section; however, a prize shall be divided between
1 holders of winning tickets if there is more than one winning
2 ticket.

3 2. The authority division shall only pay prizes for lottery
4 tickets or shares that the authority department determines were
5 legally purchased, legally possessed, and legally presented.

6 Sec. 2340. Section 99G.31, subsection 3, unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:

8 The authority board shall adopt administrative rules,
9 policies, and procedures to establish a system of verifying
10 the validity of tickets or shares claimed to win prizes and
11 to effect payment of such prizes, subject to the following
12 requirements:

13 Sec. 2341. Section 99G.31, subsection 3, paragraphs b, d, f,
14 g, h, and i, Code 2023, are amended to read as follows:

15 *b.* A prize shall not be paid arising from claimed tickets
16 that are stolen, counterfeit, altered, fraudulent, unissued,
17 produced or issued in error, unreadable, not received, or
18 not recorded by the authority division within applicable
19 deadlines; lacking in captions that conform and agree with the
20 play symbols as appropriate to the particular lottery game
21 involved; or not in compliance with such additional specific
22 administrative rules, policies, and public or confidential
23 validation and security tests of the authority division
24 appropriate to the particular lottery game involved.

25 *d.* Unclaimed prize money for the prize on a winning ticket
26 or share shall be retained for a period deemed appropriate
27 by the ~~chief executive officer~~ administrator, subject to
28 approval by the board. If a valid claim is not made for the
29 money within the applicable period, the unclaimed prize money
30 shall be added to the pool from which future prizes are to be
31 awarded or used for special prize promotions. Notwithstanding
32 this subsection, the disposition of unclaimed prize money from
33 multijurisdictional games shall be made in accordance with the

34 rules of the multijurisdictional game.

35 *f.* The authority division is discharged of all liability
1 upon payment of a prize pursuant to [this section](#).

2 *g.* No ticket or share issued by the authority division
3 shall be purchased by and no prize shall be paid to any member
4 of the board of directors; any officer or employee of the
5 authority department under this chapter; or to any spouse,
6 child, brother, sister, or parent residing as a member of the
7 same household in the principal place of residence of any such
8 person.

9 *h.* No ticket or share issued by the authority division shall
10 be purchased by and no prize shall be paid to any officer,
11 employee, agent, or subcontractor of any vendor or to any
12 spouse, child, brother, sister, or parent residing as a member
13 of the same household in the principal place of residence
14 of any such person if such officer, employee, agent, or
15 subcontractor has access to confidential information which may
16 compromise the integrity of the lottery.

17 *i.* The proceeds of any lottery prize shall be subject to
18 state and federal income tax laws. An amount deducted from the
19 prize for payment of a state tax, pursuant to section 422.16,
20 subsection 1, shall be transferred ~~by the authority~~ to the
21 department ~~of revenue~~ on behalf of the prize winner.

22 Sec. 2342. Section 99G.32, Code 2023, is amended to read as
23 follows:

24 **99G.32 Authority Department legal representation — lottery.**

25 The authority department shall retain the services of legal
26 counsel to advise the authority department and the board
27 under this chapter and to provide representation in legal
28 proceedings. The authority department may retain the attorney
29 general or a full-time assistant attorney general in that
30 capacity and provide reimbursement for the cost of advising and
31 representing the board and the authority department.

32 Sec. 2343. Section 99G.33, Code 2023, is amended to read as
33 follows:

34 **99G.33 Law enforcement investigations.**

35 The department of public safety, division of criminal
1 investigation, shall be the primary state agency responsible
2 for investigating criminal violations under [this chapter](#).
3 The ~~chief executive officer~~ director shall contract with
4 the department of public safety for investigative services,
5 including the employment of special agents and support
6 personnel, and procurement of necessary equipment to carry out
7 the responsibilities of the division of criminal investigation
8 under the terms of the contract and [this chapter](#).

9 Sec. 2344. Section 99G.34, unnumbered paragraph 1, Code
10 2023, is amended to read as follows:

11 The records of the authority department under this chapter
12 shall be governed by the provisions of [chapter 22](#), provided
13 that, in addition to records that may be kept confidential
14 pursuant to [section 22.7](#), the following records shall be kept
15 confidential, unless otherwise ordered by a court, by the
16 lawful custodian of the records, or by another person duly
17 authorized to release such information:

18 Sec. 2345. Section 99G.34, subsections 1, 4, and 7, Code
19 2023, are amended to read as follows:

20 1. Marketing plans, research data, and proprietary
21 intellectual property owned or held by the authority department
22 for purposes of this chapter under contractual agreements.

23 4. Security records pertaining to investigations and
24 intelligence-sharing information between lottery security
25 officers and those of other lotteries and law enforcement
26 agencies, the security portions or segments of lottery
27 requests for proposals, proposals by vendors to conduct
28 lottery operations, and records of the security division of
29 the authority department under this chapter pertaining to game
30 security data, ticket validation tests, and processes.

31 7. Security reports and other information concerning bids
32 or other contractual data, the disclosure of which would impair
33 the efforts of the authority department to contract for goods

34 or services on favorable terms under this chapter.

35 Sec. 2346. Section 99G.35, Code 2023, is amended to read as
1 follows:

2 **99G.35 Security.**

3 1. The ~~authority's~~ department's chief security officer
4 and investigators under this chapter shall be qualified by
5 training and experience in law enforcement to perform their
6 respective duties in support of the activities of the security
7 office. The chief security officer and investigators shall not
8 have sworn peace officer status. The lottery security office
9 shall perform all of the following activities in support of the
10 authority mission of the department under this chapter:

11 a. Supervise ticket or share validation and lottery
12 drawings, provided that the ~~authority~~ department may enter
13 into cooperative agreements with multijurisdictional lottery
14 administrators for shared security services at drawings and
15 game show events involving more than one participating lottery.

16 b. Inspect at times determined solely by the ~~authority~~
17 department the facilities of any vendor or lottery retailer in
18 order to determine the integrity of the vendor's product or the
19 operations of the retailer in order to determine whether the
20 vendor or the retailer is in compliance with its contract.

21 c. Report any suspected violations of [this chapter](#) to
22 the appropriate county attorney or the attorney general and
23 to any law enforcement agencies having jurisdiction over the
24 violation.

25 d. Upon request, provide assistance to any county attorney,
26 the attorney general, the department of public safety, or any
27 other law enforcement agency.

28 e. Upon request, provide assistance to retailers in meeting
29 their licensing contract requirements and in detecting retailer
30 employee theft.

31 f. Monitor ~~authority~~ division operations for compliance with
32 internal security requirements.

33 g. Provide physical security at the ~~authority's~~ central

34 operations facilities used by the department for purposes of
35 this chapter.

1 *h.* Conduct on-press product production surveillance,
2 testing, and quality approval for printed scratch and pull-tab
3 tickets.

4 *i.* Coordinate employee and retailer background
5 investigations conducted by the department of public safety,
6 division of criminal investigation.

7 2. The authority department may enter into
8 intelligence-sharing, reciprocal use, or restricted use
9 agreements for purposes of this chapter with the federal
10 government, law enforcement agencies, lottery regulation
11 agencies, and gaming enforcement agencies of other
12 jurisdictions which provide for and regulate the use of
13 information provided and received pursuant to the agreement.

14 3. Records, documents, and information in the possession of
15 the authority department received under this chapter pursuant
16 to an intelligence-sharing, reciprocal use, or restricted
17 use agreement entered into by the authority department with
18 a federal department or agency, any law enforcement agency,
19 or the lottery regulation or gaming enforcement agency of any
20 jurisdiction shall be considered investigative records of a law
21 enforcement agency and are not subject to [chapter 22](#) and shall
22 not be released under any condition without the permission of
23 the person or agency providing the record or information.

24 Sec. 2347. Section 99G.36, subsection 5, Code 2023, is
25 amended to read as follows:

26 5. No person shall knowingly or intentionally make
27 a material false statement in any lottery prize claim,
28 make a material false statement in any application for a
29 license or proposal to conduct lottery activities, or make a
30 material false entry in any book or record which is compiled
31 or maintained or submitted to the ~~authority or the board~~
32 department pursuant to the provisions of [this chapter](#). Any
33 person who violates the provisions of [this subsection](#) shall be

34 guilty of a class "D" felony.

35 Sec. 2348. Section 99G.37, Code 2023, is amended by striking
1 the section and inserting in lieu thereof the following:

2 **99G.37 Competitive bidding.**

3 All procurement contracts under this chapter must be
4 competitively bid in accordance with chapter 8A, subchapter
5 III, part 2. Procurement contracts shall take into
6 consideration the greatest integrity for the Iowa lottery.
7 In any bidding process, the services of the department of
8 administrative services shall be utilized.

9 Sec. 2349. Section 99G.38, Code 2023, is amended to read as
10 follows:

11 **99G.38 Authority Lottery finance — self-sustaining.**

12 1. The authority department may borrow, or accept and
13 expend, in accordance with the provisions of **this chapter**, such
14 moneys as may be received from any source, including income
15 from the ~~authority's~~ department's operations, for effectuating
16 its business purposes under this chapter, including the payment
17 of the initial expenses of initiation, administration, and
18 operation of the authority department under this chapter and
19 the lottery.

20 2. The authority department as it relates to the lottery
21 shall be self-sustaining and self-funded. Moneys in the
22 general fund of the state shall not be used or obligated to pay
23 the expenses of the authority department under this chapter
24 or prizes of the lottery, and no claim for the payment of an
25 expense of the lottery or prizes of the lottery may be made
26 against any moneys other than moneys credited to the authority
27 department operating account pursuant to this chapter.

28 3. The state of Iowa offset program, as provided in section
29 8A.504, shall be available to the authority department to
30 facilitate receipt of funds owed to the authority department
31 under this chapter.

32 Sec. 2350. Section 99G.39, subsections 1 and 3, Code 2023,
33 are amended to read as follows:

34 1. Upon receipt of any revenue, the ~~chief executive officer~~
 35 director shall deposit the moneys in the lottery fund created
 1 pursuant to [section 99G.40](#). At least fifty percent of the
 2 projected annual revenue accruing from the sale of tickets
 3 or shares shall be allocated for payment of prizes to the
 4 holders of winning tickets. After the payment of prizes, the
 5 expenses of conducting the lottery shall be deducted from the
 6 ~~authority's~~ department's revenue under this chapter prior to
 7 disbursement. Expenses for advertising production and media
 8 purchases shall not exceed four percent of the ~~authority's~~
 9 department's gross revenue under this chapter for the year.

10 3. Two million five hundred thousand dollars in lottery
 11 revenues shall be transferred each fiscal year to the veterans
 12 trust fund established pursuant to [section 35A.13](#) prior to
 13 deposit of the lottery revenues in the general fund pursuant
 14 to [section 99G.40](#). However, if the balance of the veterans
 15 trust fund is fifty million dollars or more, the moneys shall
 16 be appropriated to the department ~~of revenue~~ for distribution
 17 to county directors of veteran affairs, with fifty percent
 18 of the moneys to be distributed equally to each county and
 19 fifty percent of the moneys to be distributed to each county
 20 based upon the population of veterans in the county, so long
 21 as the moneys distributed to a county do not supplant moneys
 22 appropriated by that county for the county director of veteran
 23 affairs.

24 Sec. 2351. Section 99G.39, subsection 6, paragraph b, Code
 25 2023, is amended to read as follows:

26 *b.* The treasurer of state shall, each quarter, prepare
 27 an estimate of the gaming revenues and lottery revenues that
 28 will become available during the remainder of the appropriate
 29 fiscal year for the purposes described in paragraph "a". The
 30 department of management and the department ~~of revenue~~ shall
 31 take appropriate actions to provide that the amount of gaming
 32 revenues and lottery revenues that will be available during the
 33 remainder of the appropriate fiscal year is sufficient to cover

34 any anticipated deficiencies.

35 Sec. 2352. Section 99G.40, Code 2023, is amended to read as
1 follows:

2 **99G.40 Audits and reports — lottery fund.**

3 1. To ensure the financial integrity of the lottery, the
4 authority department shall do all of the following:

5 a. Submit quarterly and annual reports to the governor,
6 state auditor, and the general assembly disclosing the total
7 lottery revenues, prize disbursements, and other expenses
8 of the authority department under this chapter during the
9 reporting period. The fourth quarter report shall be included
10 in the annual report made pursuant to [this section](#). The annual
11 report shall include a complete statement of lottery revenues,
12 prize disbursements, and other expenses, and recommendations
13 for changes in the law that the ~~chief executive officer~~
14 director deems necessary or desirable for purposes of this
15 chapter. The annual report shall be submitted within one
16 hundred twenty days after the close of the fiscal year. The
17 ~~chief executive officer~~ director shall report immediately to
18 the governor, the treasurer of state, and the general assembly
19 any matters that require immediate changes in the law in order
20 to prevent abuses or evasions of [this chapter](#) or rules adopted
21 or to rectify undesirable conditions in connection with the
22 administration or operation of the lottery.

23 b. Maintain weekly or more frequent records of lottery
24 transactions, including the distribution of tickets or shares
25 to retailers, revenues received, claims for prizes, prizes
26 paid, prizes forfeited, and other financial transactions of the
27 authority department under this chapter.

28 c. The authority department shall deposit in the lottery
29 fund created in [subsection 2](#) any moneys received by retailers
30 from the sale of tickets or shares less the amount of any
31 compensation due the retailers. The ~~chief executive officer~~
32 director may require licensees to file with the authority
33 department reports of receipts and transactions in the sale

34 of tickets or shares. The reports shall be in the form and
35 contain the information the ~~chief executive officer~~ director
1 requires.

2 2. A lottery fund is created in the office of the treasurer
3 of state and shall exist as the recipient fund for ~~authority~~
4 department receipts under this chapter. The fund consists
5 of all revenues received from the sale of lottery tickets or
6 shares and all other moneys lawfully credited or transferred
7 to the fund. The ~~chief executive officer~~ director shall
8 certify quarterly that portion of the fund that has been
9 transferred to the general fund of the state under ~~this chapter~~
10 and shall cause that portion to be transferred to the general
11 fund of the state. However, upon the request of the ~~chief~~
12 ~~executive officer~~ director and subject to the approval by
13 the treasurer of state, an amount sufficient to cover the
14 foreseeable administrative expenses of the lottery for a period
15 of twenty-one days may be retained from the lottery fund.
16 Prior to the quarterly transfer to the general fund of the
17 state, the ~~chief executive officer~~ director may direct that
18 lottery revenue shall be deposited in the lottery fund and in
19 interest-bearing accounts designated by the treasurer of state.
20 Interest or earnings paid on the deposits or investments is
21 considered lottery revenue and shall be transferred to the
22 general fund of the state in the same manner as other lottery
23 revenue.

24 3. The ~~chief executive officer~~ director shall certify
25 before the last day of the month following each quarter
26 that portion of the lottery fund resulting from the previous
27 quarter's sales to be transferred to the general fund of the
28 state.

29 4. ~~For informational purposes only, the chief executive~~
30 ~~officer shall submit to the department of management by October~~
31 ~~1 of each year a proposed operating budget for the authority~~
32 ~~for the succeeding fiscal year. This budget proposal shall~~
33 ~~also be accompanied by an estimate of the net proceeds to~~

34 ~~be deposited into the general fund during the succeeding~~
 35 ~~fiscal year. This budget shall be on forms prescribed by the~~
 1 ~~department of management. A copy of the information required~~
 2 ~~to be submitted to the department of management pursuant to~~
 3 ~~this subsection shall be submitted to the general assembly's~~
 4 ~~standing committees on government oversight and the legislative~~
 5 ~~services agency by October 1 of each year.~~

6 5. ~~4.~~ The authority shall adopt the same fiscal year
 7 ~~as that used by state government and activities of the~~
 8 ~~division shall be audited annually as part of the audit of~~
 9 ~~the department by the auditor of state or a certified public~~
 10 ~~accounting firm appointed by the auditor. The auditor of state~~
 11 ~~or a designee conducting an audit of the activities of the~~
 12 ~~division under this chapter shall have access and authority to~~
 13 ~~examine any and all records of licensees necessary to determine~~
 14 ~~compliance with this chapter and the rules adopted pursuant to~~
 15 ~~this chapter. The cost of audits and examinations conducted~~
 16 ~~by the auditor of state or a designee shall be paid for by the~~
 17 ~~authority as provided in chapter 11.~~

18 Sec. 2353. Section 99G.41, Code 2023, is amended to read as
 19 follows:

20 **99G.41 Prize offsets — garnishments.**

21 1. Any claimant agency may submit to the ~~authority~~
 22 ~~department~~ a list of the names of all persons indebted to such
 23 claimant agency or to persons on whose behalf the claimant
 24 agency is acting. The full amount of the debt shall be
 25 collectible from any lottery winnings due the debtor without
 26 regard to limitations on the amounts that may be collectible
 27 in increments through garnishment or other proceedings. Such
 28 list shall constitute a valid lien upon and claim of lien
 29 against the lottery winnings of any debtor named in such list.
 30 The list shall contain the names of the debtors, their social
 31 security numbers if available, and any other information that
 32 assists the ~~authority~~ ~~department~~ in identifying the debtors
 33 named in the list.

34 2. The authority department is authorized and directed
35 to withhold any winnings paid out directly by the authority
1 department subject to the lien created by [this section](#) and
2 send notice to the winner. However, if the winner appears
3 and claims winnings in person, the authority department shall
4 notify the winner at that time by hand delivery of such action.
5 The authority department shall pay the funds over to the agency
6 administering the offset program.

7 3. Notwithstanding the provisions of [section 99G.34](#)
8 which prohibit disclosure by the authority department of
9 certain portions of the contents of prize winner records or
10 information, and notwithstanding any other confidentiality
11 statute, the authority department may provide to a claimant
12 agency all information necessary to accomplish and effectuate
13 the intent of [this section](#).

14 4. The information obtained by a claimant agency from
15 the authority department in accordance with [this section](#)
16 shall retain its confidentiality and shall only be used by a
17 claimant agency in the pursuit of its debt collection duties
18 and practices. Any employee or prior employee of any claimant
19 agency who unlawfully discloses any such information for any
20 other purpose, except as otherwise specifically authorized by
21 law, shall be subject to the same penalties specified by law
22 for unauthorized disclosure of confidential information by
23 an agent or employee of the authority department under [this](#)
24 [chapter](#).

25 5. Except as otherwise provided in [this chapter](#),
26 attachments, garnishments, or executions authorized and issued
27 pursuant to law shall be withheld if timely served upon the
28 authority department.

29 6. The provisions of [this section](#) shall only apply to prizes
30 paid directly by the authority department and shall not apply
31 to any retailers authorized by the ~~board~~ department to pay
32 prizes of up to six hundred dollars after deducting the price
33 of the ticket or share.

34 Sec. 2354. Section 99G.42, Code 2023, is amended to read as
35 follows:

1 **99G.42 Compulsive gamblers — treatment program information.**

2 The ~~authority~~ department shall cooperate with the gambling
3 treatment program administered by the ~~Iowa~~ department of ~~public~~
4 health and human services to incorporate information regarding
5 the gambling treatment program and its toll-free telephone
6 number in printed materials distributed by the ~~authority~~
7 department pursuant to this chapter.

8 Sec. 2355. IOWA LOTTERY — TRANSITION PROVISIONS.

9 1. For purposes of this section, unless the context
10 otherwise requires:

11 a. "Department" means the department of revenue.

12 b. "Iowa lottery authority" means the Iowa lottery
13 authority established pursuant to 2003 Iowa Acts, chapter 178,
14 section 66.

15 2. The department shall be the legal successor to the
16 Iowa lottery authority and, as such, shall assume all rights,
17 privileges, obligations, and responsibilities of the Iowa
18 lottery authority. The promulgated rules of the Iowa lottery
19 authority shall remain in full force and effect as the rules of
20 the department until amended or repealed by the department. In
21 addition, the department may continue the security practices
22 and procedures utilized by the Iowa lottery authority until
23 amended or repealed by the department.

24 3. At 12:01 a.m. on July 1, 2023, the department shall
25 become the legal successor to the Iowa lottery authority.

26 4. Personnel of the Iowa lottery authority employed on
27 July 1, 2023, shall transition to the department as department
28 employees under chapter 99G. The chief executive officer
29 of the Iowa lottery authority on July 1, 2023, shall be the
30 lottery administrator, as provided in this Act, on that date
31 without the requirement to be reappointed by the governor.

32 5. The department shall function as the legal successor to
33 the Iowa lottery authority and shall assume all of the assets

34 and obligations of the Iowa lottery authority, and funds of the
35 state shall not be used or obligated to pay the expenses or
1 prizes of the department or its predecessor, the Iowa lottery
2 authority.

3 6. In order to effect an immediate and efficient transition
4 of the lottery from the Iowa lottery authority to the
5 department, as soon as practicable, the department shall do all
6 of the following:

7 a. Take such steps and enter into such agreements as
8 the director of the department may determine are necessary
9 and proper in order to effect the transfer, assignment, and
10 delivery to the department from the Iowa lottery authority
11 of all the tangible and intangible assets constituting the
12 lottery, including the exclusive right to operate the lottery
13 and the assignment to and assumption by the department of all
14 agreements, covenants, and obligations of the Iowa lottery
15 authority and other agencies of the state, relating to the
16 operation and management of the lottery.

17 b. Receive as transferee from the Iowa lottery authority all
18 of the tangible and intangible assets constituting the lottery
19 including, without limitation, the exclusive authorization
20 to operate a lottery in the state of Iowa and ownership of
21 annuities and bonds purchased prior to the date of transfer and
22 held in the name of the Iowa lottery for payment of lottery
23 prizes, and shall assume and discharge all of the agreements,
24 covenants, and obligations of the Iowa lottery authority
25 entered into and constituting part of the operation and
26 management of the lottery. In consideration for such transfer
27 and assumption, the department shall transfer to the state all
28 net profits of the department under chapter 99G, at such times
29 and subject to such financial transfer requirements as are
30 provided in this division of this Act.

31 ALCOHOLIC BEVERAGE CONTROL

32 Sec. 2356. Section 123.3, subsections 1 and 19, Code 2023,
33 are amended by striking the subsections.

34 Sec. 2357. Section 123.3, Code 2023, is amended by adding
35 the following new subsections:

1 NEW SUBSECTION. 16A. "*Department*" means the department of
2 revenue.

3 NEW SUBSECTION. 17A. "*Director*" means the director of the
4 department of revenue or the director's designee.

5 Sec. 2358. Section 123.3, subsections 6, 14, 16, 26, 29, 30,
6 and 38, Code 2023, are amended to read as follows:

7 6. "*Application*" means a written request for the issuance
8 of a permit, license, or certificate that is supported by a
9 verified statement of facts and submitted electronically, or in
10 a manner prescribed by the ~~administrator~~ director.

11 14. "*Commercial establishment*" means a place of business
12 which is at all times equipped with sufficient tables and
13 seats to accommodate twenty-five persons at one time, and
14 the licensed premises of which conform to the standards and
15 specifications of the ~~division~~ department.

16 16. "*Completed application*" means an application where all
17 necessary fees have been paid in full, any required bonds have
18 been submitted, the applicant has provided all information
19 requested by the ~~division~~ department, and the application
20 meets the requirements of [section 123.92, subsection 2](#), if
21 applicable.

22 26. The terms "*in accordance with the provisions of this*
23 *chapter*", "*pursuant to the provisions of this title*", or similar
24 terms shall include all rules and regulations of the ~~division~~
25 department adopted to aid in the administration or enforcement
26 of those provisions.

27 29. "*Licensed premises*" or "*premises*" means all rooms,
28 enclosures, contiguous areas, or places susceptible of precise
29 description satisfactory to the ~~administrator~~ director where
30 alcoholic beverages, wine, or beer is sold or consumed under
31 authority of a retail alcohol license, wine permit, or beer
32 permit. A single licensed premises may consist of multiple
33 rooms, enclosures, areas, or places if they are wholly within

34 the confines of a single building or contiguous grounds.

35 30. "Local authority" means the city council of any
1 incorporated city in this state, or the county board of
2 supervisors of any county in this state, which is empowered by
3 this chapter to approve or deny applications for retail alcohol
4 licenses; empowered to recommend that such licenses be granted
5 and issued by the ~~division~~ department; and empowered to take
6 other actions reserved to them by **this chapter**.

7 38. "Permit" or "license" means an express written
8 authorization issued by the ~~division~~ department for the
9 manufacture or sale, or both, of alcoholic liquor, wine, or
10 beer.

11 Sec. 2359. Section 123.3, subsection 40, paragraphs a and d,
12 Code 2023, are amended to read as follows:

13 a. The person has such financial standing and good
14 reputation as will satisfy the ~~administrator~~ director that the
15 person will comply with **this chapter** and all laws, ordinances,
16 and regulations applicable to the person's operations under
17 this chapter. However, the ~~administrator~~ director shall not
18 require the person to post a bond to meet the requirements of
19 this paragraph.

20 d. The person has not been convicted of a felony. However,
21 if the person's conviction of a felony occurred more than
22 five years before the date of the application for a license
23 or permit, and if the person's rights of citizenship have
24 been restored by the governor, the ~~administrator~~ director
25 may determine that the person is of good moral character
26 notwithstanding such conviction.

27 Sec. 2360. Section 123.4, Code 2023, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **123.4 Alcoholic beverage control.**

30 The department of revenue shall administer and enforce the
31 laws of this state concerning alcoholic beverage control.

32 Sec. 2361. Section 123.5, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. An alcoholic beverages commission is created within
35 the ~~division~~ department. The commission is composed of five
1 members, not more than three of whom shall belong to the same
2 political party.

3 Sec. 2362. Section 123.6, Code 2023, is amended to read as
4 follows:

5 **123.6 Commission meetings.**

6 The commission shall meet on or before July 1 of each year
7 for the purpose of selecting one of its members as chairperson
8 for the succeeding year. The commission shall otherwise meet
9 quarterly or at the call of the chairperson or ~~administrator~~
10 director or when three members file a written request for a
11 meeting. Written notice of the time and place of each meeting
12 shall be given to each member of the commission. A majority of
13 the commission members shall constitute a quorum.

14 Sec. 2363. Section 123.7, Code 2023, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **123.7 Duties of director.**

17 The director shall supervise the daily operations of the
18 department under this chapter and shall execute the alcoholic
19 beverage control policies of the department.

20 Sec. 2364. Section 123.8, Code 2023, is amended to read as
21 follows:

22 **123.8 Duties of commission ~~and administrator.~~**

23 1. The commission, in addition to the duties specifically
24 enumerated in **this chapter**, shall act as a ~~division~~
25 policy-making body under this chapter and serve in an advisory
26 capacity to the ~~administrator~~ director and department. The
27 ~~administrator shall supervise the daily operations of the~~
28 ~~division and shall execute the policies of the division as~~
29 ~~determined by the commission.~~

30 2. The commission may review and affirm, reverse, or amend
31 all actions of the ~~administrator~~ director under this chapter,
32 including but not limited to the following instances:

33 a. Purchases of alcoholic liquor for resale by the ~~division~~

34 department.

35 *b.* The establishment of wholesale prices of alcoholic
1 liquor.

2 Sec. 2365. Section 123.9, unnumbered paragraph 1, Code
3 2023, is amended to read as follows:

4 The ~~administrator~~ director, in executing ~~divisional~~ the
5 alcoholic beverage control functions of the department, shall
6 have the following duties and powers:

7 Sec. 2366. Section 123.9, subsections 1, 4, and 7, Code
8 2023, are amended to read as follows:

9 1. To receive alcoholic liquors on a bailment system for
10 resale by the ~~division~~ department in the manner set forth in
11 this chapter.

12 4. To appoint clerks, agents, or other employees required
13 for carrying out the provisions of [this chapter](#); to dismiss
14 employees for cause; to assign employees to divisions and
15 bureaus as created by the administrator director within the
16 ~~division~~ department; and to designate their title, duties, and
17 powers. All employees of the ~~division~~ department for purposes
18 of this chapter are subject to [chapter 8A, subchapter IV](#),
19 unless exempt under [section 8A.412](#).

20 7. To accept alcoholic liquors ordered delivered to the
21 ~~alcoholic beverages division~~ department pursuant to chapter
22 809A, and offer for sale and deliver the alcoholic liquors to
23 class "E" retail alcohol licensees, unless the ~~administrator~~
24 director determines that the alcoholic liquors may be
25 adulterated or contaminated. If the ~~administrator~~ director
26 determines that the alcoholic liquors may be adulterated or
27 contaminated, the ~~administrator~~ director shall order their
28 destruction.

29 Sec. 2367. Section 123.10, unnumbered paragraph 1, Code
30 2023, is amended to read as follows:

31 The ~~administrator~~ director, with the approval of the
32 commission and subject to [chapter 17A](#), may adopt rules as
33 necessary to carry out [this chapter](#). The ~~administrator's~~

34 director's authority under this chapter extends to, but is not
35 limited to, the following:

1 Sec. 2368. Section 123.10, subsections 1, 6, 14, and 15,
2 Code 2023, are amended to read as follows:

3 1. Prescribing the duties of officers, clerks, agents, or
4 other employees of the ~~division~~ department under this chapter
5 and regulating their conduct while in the discharge of their
6 duties.

7 6. Providing for the issuance and electronic distribution
8 of price lists which show the price to be paid by class
9 "E" retail alcohol licensees for each brand, class, or
10 variety of liquor kept for sale by the ~~division~~ department,
11 providing for the filing or posting of prices charged in sales
12 between class "A" beer and class "A" wine permit holders and
13 retailers, as provided in [this chapter](#), and establishing or
14 controlling the prices based on minimum standards of fill,
15 quantity, or alcoholic content for each individual sale of
16 alcoholic beverages as deemed necessary for retail or consumer
17 protection. However, the ~~division~~ department shall not
18 regulate markups, prices, discounts, allowances, or other terms
19 of sale at which alcoholic liquor may be purchased by the
20 retail public or retail alcohol licensees from class "E" retail
21 alcohol licensees or at which wine may be purchased and sold
22 by class "A" and retail wine permittees, or change, nullify,
23 or vary the terms of an agreement between a holder of a vintner
24 certificate of compliance and a class "A" wine permittee.

25 14. Prescribing the uniform fee to be assessed against
26 a retail alcohol licensee, except a class "B", special class
27 "B", or class "E" retail alcohol licensee, to cover the
28 administrative costs incurred by the ~~division~~ department
29 resulting from the failure of the licensee to maintain dramshop
30 liability insurance coverage pursuant to section 123.92,
31 subsection 2, paragraph "a".

32 15. Prescribing the uniform fee, not to exceed one hundred
33 dollars, to be assessed against a licensee or permittee under

34 this chapter for a contested case hearing conducted by the
35 ~~division~~ department or by an administrative law judge from
1 the department of inspections and appeals which results in
2 administrative action taken against the licensee or permittee
3 by the ~~division~~ department.

4 Sec. 2369. Section 123.11, Code 2023, is amended to read as
5 follows:

6 **123.11 Compensation and expenses.**

7 Members of the commission, the ~~administrator~~ director, and
8 other employees of the ~~division~~ department shall be allowed
9 their actual and necessary expenses while traveling on business
10 of the ~~division~~ department under this chapter outside of their
11 place of residence, however, an itemized account of such
12 expenses shall be verified by the claimant and approved by the
13 ~~administrator~~ director. If such account is paid, the same
14 shall be filed with the ~~division~~ department and be and remain
15 a part of its permanent records. Each member appointed to
16 the commission is entitled to receive reimbursement of actual
17 expenses incurred while attending meetings. Each member of
18 the commission may also be eligible to receive compensation
19 as provided in [section 7E.6](#). All expenses and salaries of
20 commission members, the ~~administrator~~ director, and other
21 employees shall be paid from appropriations for such purposes
22 and the ~~division~~ department shall be subject to the budget
23 requirements of [chapter 8](#).

24 Sec. 2370. Section 123.12, Code 2023, is amended to read as
25 follows:

26 **123.12 Exemption from suit.**

27 ~~No~~ A commission member or officer or employee of the ~~division~~
28 department shall not be personally liable for damages sustained
29 by any person due to the act of such member, officer, or
30 employee performed in the reasonable discharge of the member's,
31 officer's, or employee's duties as enumerated in [this chapter](#).

32 Sec. 2371. Section 123.13, Code 2023, is amended to read as
33 follows:

34 **123.13 Prohibitions on commission members and employees.**

35 1. Commission members, officers, and employees of the
1 ~~division~~ department under this chapter shall not, while holding
2 such office or position, do any of the following:

3 *a.* Hold any other office or position under the laws of this
4 state, or any other state or territory or of the United States.

5 *b.* Engage in any occupation, business, endeavor, or activity
6 which would or does conflict with their duties under this
7 chapter.

8 *c.* Directly or indirectly, use their office or employment
9 to influence, persuade, or induce any other officer, employee,
10 or person to adopt their political views or to favor any
11 particular candidate for an elective or appointive public
12 office.

13 *d.* Directly or indirectly, solicit or accept, in any manner
14 or way, any money or other thing of value for any person
15 seeking an elective or appointive public office, or to any
16 political party or any group of persons seeking to become a
17 political party.

18 2. Except as provided in [section 123.5, subsection 3](#), a
19 commission member or ~~division~~ department employee under this
20 chapter shall not, directly or indirectly, individually, or as
21 a member of a partnership or shareholder in a corporation, have
22 any interest in dealing in or in the manufacture of alcoholic
23 liquor, wine, or beer, and shall not receive any kind of profit
24 nor have any interest in the purchase or sale of alcoholic
25 liquor, wine, or beer by persons so authorized under this
26 chapter. However, [this subsection](#) does not prohibit any member
27 or employee from lawfully purchasing and keeping alcoholic
28 liquor, wine, or beer in the member's or employee's possession
29 for personal use.

30 3. Any officer or employee violating [this section](#) or any
31 other provisions of [this chapter](#) shall, in addition to any
32 other penalties provided by law, be subject to suspension or
33 discharge from employment. Any commission member shall, in

34 addition to any other penalties provided by law, be subject to
35 removal from office as provided by [chapter 66](#).

1 Sec. 2372. Section 123.14, Code 2023, is amended to read as
2 follows:

3 **123.14 Alcoholic beverage control law enforcement.**

4 1. The department of public safety is the primary alcoholic
5 beverage control law enforcement authority for this state.

6 2. The county attorney, the county sheriff and the sheriff's
7 deputies, and the police department of every city, and the
8 ~~alcoholic beverages division of the department of commerce,~~
9 shall be supplementary aids to the department of public safety
10 for purposes of alcoholic beverage control law enforcement.

11 Any neglect, misfeasance, or malfeasance shown by any peace
12 officer included in [this section](#) shall be sufficient cause
13 for the peace officer's removal as provided by law. This
14 section shall not be construed to affect the duties and
15 responsibilities of any county attorney or peace officer with
16 respect to law enforcement.

17 3. The department of public safety shall have full access
18 to all records, reports, audits, tax reports and all other
19 documents and papers in the ~~alcoholic beverages division~~
20 department pertaining to liquor licensees and wine and beer
21 permittees and their business.

22 Sec. 2373. Section 123.16, unnumbered paragraph 1, Code
23 2023, is amended to read as follows:

24 The ~~commission~~ department shall cause to be prepared an
25 annual report to the governor of the state, ending with June 30
26 of each fiscal year, on the operation and financial position of
27 the ~~division~~ department under this chapter for the preceding
28 fiscal year. The report shall include but is not limited to
29 the following information:

30 Sec. 2374. Section 123.16, subsections 1 and 7, Code 2023,
31 are amended to read as follows:

32 1. Amount of profit or loss from ~~division~~ department
33 operations under this chapter.

34 7. Amount of fees paid to the ~~division~~ department from
35 retail alcohol licenses, wine permits, and beer permits, in
1 gross, and the amount of retail alcohol license fees returned
2 to local subdivisions of government as provided under this
3 chapter.

4 Sec. 2375. Section 123.17, Code 2023, is amended to read as
5 follows:

6 **123.17 Beer and liquor control fund — allocations to**
7 **substance abuse programs — use of civil penalties.**

8 1. There shall be established within the office of
9 the treasurer of state a fund to be known as the beer and
10 liquor control fund. The fund shall consist of any moneys
11 appropriated by the general assembly for deposit in the fund
12 and moneys received from the sale of alcoholic liquors by the
13 ~~division~~ department, from the issuance of permits and licenses,
14 and of moneys and receipts received by the ~~division~~ department
15 from any other source under this chapter.

16 2. *a.* The director of the department of administrative
17 services shall periodically transfer from the beer and liquor
18 control fund to the general fund of the state those revenues
19 of the ~~division~~ department which are not necessary for the
20 purchase of liquor for resale by the ~~division~~ department,
21 or for remittances to local authorities or other sources as
22 required by **this chapter**, or for other obligations and expenses
23 of the ~~division~~ department which are paid from such fund.

24 *b.* All moneys received by the ~~division~~ department from
25 the issuance of vintner's certificates of compliance and wine
26 permits shall be transferred by the director of the department
27 of administrative services to the general fund of the state.

28 3. Notwithstanding **subsection 2**, if gaming revenues under
29 sections 99D.17 and **99F.11** are insufficient in a fiscal year to
30 meet the total amount of such revenues directed to be deposited
31 in the revenue bonds debt service fund and the revenue bonds
32 federal subsidy holdback fund during the fiscal year pursuant
33 to **section 8.57, subsection 5**, paragraph "e", the difference

34 shall be paid from moneys deposited in the beer and liquor
35 control fund prior to transfer of such moneys to the general
1 fund pursuant to [subsection 2](#) and prior to the transfer of such
2 moneys pursuant to [subsections 5 and 6](#). If moneys deposited in
3 the beer and liquor control fund are insufficient during the
4 fiscal year to pay the difference, the remaining difference
5 shall be paid from moneys deposited in the beer and liquor
6 control fund in subsequent fiscal years as such moneys become
7 available.

8 4. The treasurer of state shall, each quarter, prepare
9 an estimate of the gaming revenues and of the moneys to be
10 deposited in the beer and liquor control fund that will become
11 available during the remainder of the appropriate fiscal year
12 for the purposes described in [subsection 3](#). The department
13 of management, the department of inspections and appeals, and
14 the department of ~~commerce~~ shall take appropriate actions to
15 provide that the sum of the amount of gaming revenues available
16 to be deposited into the revenue bonds debt service fund and
17 the revenue bonds federal subsidy holdback fund during a fiscal
18 year and the amount of moneys to be deposited in the beer and
19 liquor control fund available to be deposited into the revenue
20 bonds debt service fund and the revenue bonds federal subsidy
21 holdback fund during such fiscal year will be sufficient to
22 cover any anticipated deficiencies.

23 5. After any transfer provided for in [subsection 3](#) is
24 made, the department of ~~commerce~~ shall transfer into a special
25 revenue account in the general fund of the state, a sum of
26 money at least equal to seven percent of the gross amount
27 of sales made by the ~~division~~ department from the beer and
28 liquor control fund on a monthly basis but not less than nine
29 million dollars annually. Of the amounts transferred, two
30 million dollars, plus an additional amount determined by the
31 general assembly, shall be appropriated to the Iowa department
32 of public health for use by the staff who administer the
33 comprehensive substance abuse program under [chapter 125](#) for

34 substance abuse treatment and prevention programs. Any amounts
35 received in excess of the amounts appropriated to the Iowa
1 department of public health for use by the staff who administer
2 the comprehensive substance abuse program under [chapter 125](#)
3 shall be considered part of the general fund balance.

4 6. After any transfers provided for in subsections 3 and
5 5, the department of ~~commerce~~ shall receive a transfer to the
6 ~~division~~ from the beer and liquor control fund and before any
7 other transfer to the general fund, an amount sufficient to pay
8 the costs incurred by the ~~division~~ department for collecting
9 and properly disposing of the liquor containers.

10 7. After any transfers provided for in subsections 3, 5,
11 and 6, and before any other transfer to the general fund,
12 the department of ~~commerce~~ shall transfer to the economic
13 development authority from the beer and liquor control fund
14 two million dollars annually for statewide tourism marketing
15 services and efforts pursuant to [section 15.275](#).

16 8. After any transfers provided for in subsections 3, 5, 6,
17 and 7, and before any other transfer to the general fund, the
18 department of ~~commerce~~ shall transfer from the beer and liquor
19 control fund one million dollars to the Iowa department of
20 public health for distribution pursuant to [section 125.59](#).

21 9. Civil penalties imposed and collected by the ~~division~~
22 department under this chapter shall be credited to the general
23 fund of the state. The moneys from the civil penalties shall
24 be used by the ~~division~~ department, subject to appropriation by
25 the general assembly, for the purposes of providing educational
26 programs, information and publications for alcoholic
27 beverage licensees and permittees, local authorities, and law
28 enforcement agencies regarding the laws and rules which govern
29 the alcoholic beverages industry, and for promoting compliance
30 with alcoholic beverage laws and rules.

31 Sec. 2376. Section 123.18, Code 2023, is amended to read as
32 follows:

33 **123.18 Appropriations.**

34 ~~Division~~ Department appropriations for purposes of this
35 chapter shall be paid by the treasurer of state upon the orders
1 of the ~~administrator~~ director, in such amounts and at such
2 times as the ~~administrator~~ director deems necessary to carry on
3 operations in accordance with the terms of this chapter.

4 Sec. 2377. Section 123.22, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. The ~~division~~ department has the exclusive right of
7 importation into the state of all forms of alcoholic liquor,
8 except as otherwise provided in this chapter, and a person
9 shall not import alcoholic liquor, except that an individual of
10 legal age may import and have in the individual's possession
11 an amount of alcoholic liquor not exceeding nine liters per
12 calendar month that the individual personally obtained outside
13 the state. Alcoholic liquor imported by an individual pursuant
14 to this subsection shall be for personal consumption only in
15 a private home or other private accommodation. A distillery
16 shall not sell alcoholic liquor within the state to any person
17 but only to the ~~division~~ department, except as otherwise
18 provided in this chapter. This section vests in the ~~division~~
19 department exclusive control within the state as purchaser of
20 all alcoholic liquor sold by distilleries within the state
21 or imported, except beer and wine, and except as otherwise
22 provided in this chapter. The ~~division~~ department shall
23 receive alcoholic liquor on a bailment system for resale by the
24 ~~division~~ department in the manner set forth in this chapter.
25 The ~~division~~ department shall act as the sole wholesaler of
26 alcoholic liquor to class "E" retail alcohol licensees.

27 Sec. 2378. Section 123.23, subsections 1, 2, 3, and 5, Code
28 2023, are amended to read as follows:

29 1. Any manufacturer, distiller, or importer of alcoholic
30 liquors shipping, selling, or having alcoholic liquors brought
31 into this state for resale by the state shall, as a condition
32 precedent to the privilege of so trafficking in alcoholic
33 liquors in this state, annually make application for and hold

34 a distiller's certificate of compliance which shall be issued
 35 by the ~~administrator~~ director for that purpose. No brand of
 1 alcoholic liquor shall be sold by the ~~division~~ department
 2 in this state unless the manufacturer, distiller, importer,
 3 and all other persons participating in the distribution of
 4 that brand in this state have obtained a certificate. The
 5 certificate of compliance shall expire at the end of one year
 6 from the date of issuance and shall be renewed for a like
 7 period upon application to the ~~administrator~~ director unless
 8 otherwise suspended or revoked for cause. Each completed
 9 application for a certificate of compliance or renewal shall
 10 be submitted electronically, or in a manner prescribed by the
 11 ~~administrator~~ director, and shall be accompanied by a fee
 12 of two hundred dollars payable to the ~~division~~ department.
 13 However, **this subsection** need not apply to a manufacturer,
 14 distiller, or importer who ships or sells in this state no more
 15 than eleven gallons or its case equivalent during any fiscal
 16 year as a result of "special orders" which might be placed, as
 17 defined and allowed by ~~divisional~~ departmental rules adopted
 18 under **this chapter**.

19 2. At the time of applying for a certificate of compliance,
 20 each applicant shall submit to the ~~division~~ department
 21 electronically, or in a manner prescribed by the ~~administrator~~
 22 director, the name and address of its authorized agent
 23 for service of process which shall remain effective until
 24 changed for another, and a list of names and addresses of all
 25 representatives, employees, or attorneys whom the applicant has
 26 appointed in the state of Iowa to represent it for any purpose.
 27 The listing shall be amended by the certificate holder as
 28 necessary to keep the listing current with the ~~division~~
 29 department.

30 3. The ~~administrator~~ director and the attorney general
 31 are authorized to require any certificate holder or person
 32 listed as the certificate holder's representative, employee,
 33 or attorney to disclose such financial and other records and

34 transactions as may be considered relevant in discovering
35 violations of [this chapter](#) or of rules and regulations of
1 the ~~division~~ department under [this chapter](#) or of any other
2 provision of law by any person.

3 5. [This section](#) shall not require the listing of those
4 persons who are employed on premises where alcoholic liquors
5 are manufactured, processed, bottled, or packaged in Iowa or
6 persons who are thereafter engaged in the transporting of such
7 alcoholic liquors to the ~~division~~ department.

8 Sec. 2379. Section 123.24, Code 2023, is amended to read as
9 follows:

10 **123.24 Alcoholic liquor sales by the ~~division~~ department —**
11 **dishonored payments — liquor prices.**

12 1. The ~~division~~ department shall sell alcoholic liquor at
13 wholesale only. The ~~division~~ department shall sell alcoholic
14 liquor to class "E" retail alcohol licensees only. The
15 ~~division~~ department shall offer the same price on alcoholic
16 liquor to all class "E" retail alcohol licensees without regard
17 for the quantity of purchase or the distance for delivery.

18 2. The price of alcoholic liquor sold by the ~~division~~
19 department shall consist of the following:

20 a. The manufacturer's price.

21 b. A markup of up to fifty percent of the wholesale price
22 paid by the ~~division~~ department for the alcoholic liquor.

23 The ~~division~~ department may increase the markup on selected
24 kinds of alcoholic liquor sold by the ~~division~~ department if
25 the average return to the ~~division~~ department on all sales of
26 alcoholic liquor does not exceed the wholesale price paid by
27 the ~~division~~ department and the fifty percent markup.

28 c. A split case charge in an amount determined by the
29 ~~division~~ department when alcoholic liquor is sold in quantities
30 which require a case to be split.

31 d. A bottle surcharge in an amount sufficient, when added to
32 the amount not refunded to class "E" retail alcohol licensees
33 pursuant to [section 455C.2](#), to pay the costs incurred by the

34 ~~division~~ department for collecting and properly disposing of
 35 the liquor containers. The amount collected pursuant to this
 1 paragraph, in addition to any amounts not refunded to class "E"
 2 retail alcohol licensees pursuant to [section 455C.2](#), shall be
 3 deposited in the beer and liquor control fund established under
 4 section 123.17.

5 3. *a.* The ~~division~~ department may accept from a class
 6 "E" retail alcohol licensee electronic funds transferred by
 7 automated clearing house, wire transfer, or another method
 8 deemed acceptable by the ~~administrator~~ director, in payment of
 9 alcoholic liquor. If a payment is subsequently dishonored,
 10 the ~~division~~ department shall cause a notice of nonpayment
 11 and penalty to be served upon the class "E" retail alcohol
 12 licensee or upon any person in charge of the licensed premises.
 13 The notice shall state that if payment or satisfaction for
 14 the dishonored payment is not made within ten days of the
 15 service of notice, the licensee's retail alcohol license may
 16 be suspended under [section 123.39](#). The notice of nonpayment
 17 and penalty shall be in a form prescribed by the ~~administrator~~
 18 director, and shall be sent by certified mail.

19 *b.* If upon notice and hearing under [section 123.39](#) and
 20 pursuant to the provisions of [chapter 17A](#) concerning a
 21 contested case hearing, the ~~administrator~~ director determines
 22 that the class "E" retail alcohol licensee failed to satisfy
 23 the obligation for which the payment was issued within ten days
 24 after the notice of nonpayment and penalty was served on the
 25 licensee as provided in paragraph "a" of [this subsection](#), the
 26 ~~administrator~~ director may suspend the licensee's class "E"
 27 retail alcohol license for a period not to exceed ten days.

28 4. The ~~administrator~~ director may refuse to sell alcoholic
 29 liquor to a class "E" retail alcohol licensee who tenders a
 30 payment which is subsequently dishonored until the outstanding
 31 obligation is satisfied.

32 Sec. 2380. Section 123.25, Code 2023, is amended to read as
 33 follows:

34 **123.25 Consumption on premises.**

35 An officer, clerk, agent, or employee of the ~~division~~
1 department employed in a state-owned warehouse under this
2 chapter shall not allow any alcoholic beverage to be consumed
3 on the premises, nor shall a person consume any alcoholic
4 liquor on the premises except for testing or sampling purposes
5 only.

6 Sec. 2381. Section 123.26, Code 2023, is amended to read as
7 follows:

8 **123.26 Restrictions on sales — seals — labeling.**

9 Alcoholic liquor shall not be sold by a class "E" retail
10 alcohol licensee except in a sealed container with identifying
11 markers as prescribed by the ~~administrator~~ director and affixed
12 in the manner prescribed by the ~~administrator~~ director, and no
13 such container shall be opened upon the premises of a state
14 warehouse. The ~~division~~ department shall cooperate with the
15 department of natural resources so that only one identifying
16 marker or mark is needed to satisfy the requirements of this
17 section and [section 455C.5, subsection 1](#). Possession of
18 alcoholic liquors which do not carry the prescribed identifying
19 markers is a violation of [this chapter](#) except as provided in
20 section 123.22.

21 Sec. 2382. Section 123.27, Code 2023, is amended to read as
22 follows:

23 **123.27 Sales and deliveries prohibited.**

24 It is unlawful to transact the sale or delivery of alcoholic
25 liquor in, on, or from the premises of a state warehouse:

26 1. After the closing hour as established by the
27 ~~administrator~~ director.

28 2. On any legal holiday except those designated by the
29 ~~administrator~~ director.

30 3. During other periods or days as designated by the
31 ~~administrator~~ director.

32 Sec. 2383. Section 123.28, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

34 1. It is lawful to transport, carry, or convey alcoholic
35 liquors from the place of purchase by the ~~division~~ department
1 to a state warehouse or depot established by the ~~division~~
2 department or from one such place to another and, when so
3 permitted by **this chapter**, it is lawful for the ~~division~~
4 department, a common carrier, or other person to transport,
5 carry, or convey alcoholic liquor sold from a state warehouse,
6 depot, or point of purchase by the state to any place to which
7 the liquor may be lawfully delivered under **this chapter**.

8 2. The ~~division~~ department shall deliver alcoholic liquor
9 purchased by class "E" retail alcohol licensees. Class "E"
10 retail alcohol licensees may deliver alcoholic liquor purchased
11 by class "C", class "D", or class "F" retail alcohol licensees,
12 and class "C", class "D", or class "F" retail alcohol licensees
13 may transport alcoholic liquor purchased from class "E" retail
14 alcohol licensees.

15 Sec. 2384. Section 123.29, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. **This chapter** does not prohibit the sale of patent and
18 proprietary medicines, tinctures, food products, extracts,
19 toiletries, perfumes, and similar products, which are not
20 susceptible of use as a beverage, but which contain alcoholic
21 liquor, wine, or beer as one of their ingredients. These
22 products may be sold through ordinary wholesale and retail
23 businesses without a license or permit issued by the ~~division~~
24 department.

25 Sec. 2385. Section 123.30, subsections 1 and 2, Code 2023,
26 are amended to read as follows:

27 1. a. A retail alcohol license may be issued to any person
28 who is of good moral character as defined by **this chapter**.

29 b. As a condition for issuance of a retail alcohol license
30 or wine or beer permit, the applicant must give consent
31 to members of the fire, police, and health departments
32 and the building inspector of cities; the county sheriff
33 or deputy sheriff; members of the department of public

34 safety; representatives of the ~~division~~ department and of
35 the department of inspections and appeals; certified police
1 officers; and any official county health officer to enter upon
2 areas of the premises where alcoholic beverages are stored,
3 served, or sold, without a warrant during business hours of
4 the licensee or permittee to inspect for violations of this
5 chapter or ordinances and regulations that cities and boards
6 of supervisors may adopt. However, a subpoena issued under
7 section 421.17 or a warrant is required for inspection of
8 private records, a private business office, or attached living
9 quarters. Persons who are not certified peace officers shall
10 limit the scope of their inspections of licensed premises
11 to the regulatory authority under which the inspection is
12 conducted. All persons who enter upon a licensed premises to
13 conduct an inspection shall present appropriate identification
14 to the owner of the establishment or the person who appears
15 to be in charge of the establishment prior to commencing
16 an inspection; however, this provision does not apply to
17 undercover criminal investigations conducted by peace officers.

18 *c.* As a further condition for the issuance of a class "E"
19 retail alcohol license, the applicant shall post a bond in
20 a sum of not less than five thousand nor more than fifteen
21 thousand dollars as determined on a sliding scale established
22 by the ~~division~~ department; however, a bond shall not be
23 required if all purchases of alcoholic liquor from the ~~division~~
24 department by the licensee are made by means that ensure that
25 the ~~division~~ department will receive full payment in advance of
26 delivery of the alcoholic liquor.

27 *d.* A class "E" retail alcohol license may be issued to a
28 city council for premises located within the limits of the city
29 if there are no class "E" retail alcohol licensees operating
30 within the limits of the city and no other applications for a
31 class "E" license for premises located within the limits of
32 the city at the time the city council's application is filed.
33 If a class "E" retail alcohol license is subsequently issued

34 to a private person for premises located within the limits of
35 the city, the city council shall surrender its license to the
1 ~~division~~ department within one year of the date that the class
2 "E" retail alcohol licensee begins operating, liquidate any
3 remaining assets connected with the liquor store, and cease
4 operating the liquor store.

5 2. A retail alcohol license shall not be issued for premises
6 which do not constitute a safe and proper place or building
7 and which do not conform to all applicable laws, ordinances,
8 resolutions, and health and fire regulations. A licensee
9 shall not have or maintain any interior access to residential
10 or sleeping quarters unless permission is granted by the
11 ~~administrator~~ director in the form of a living quarters permit.

12 Sec. 2386. Section 123.30, subsection 3, paragraph d,
13 subparagraphs (1) and (5), Code 2023, are amended to read as
14 follows:

15 (1) A class "E" retail alcohol license may be issued and
16 shall authorize the holder to purchase alcoholic liquor in
17 original unopened containers from the ~~division~~ department
18 only, wine from a class "A" wine permittee only, and beer from
19 a class "A" beer permittee only; to sell alcoholic liquor,
20 wine, and beer in original unopened containers at retail to
21 patrons for consumption off the licensed premises; and to sell
22 alcoholic liquor and high alcoholic content beer at wholesale
23 to other retail alcohol licensees, provided the holder has
24 filed with the ~~division~~ department a basic permit issued by the
25 alcohol and tobacco tax and trade bureau of the United States
26 department of the treasury.

27 (5) The ~~division~~ department may issue a class "E" retail
28 alcohol license for premises covered by a retail alcohol
29 license for on-premises consumption under any of the following
30 circumstances:

31 (a) If the premises are in a county having a population
32 under nine thousand five hundred in which no other class
33 "E" retail alcohol license has been issued by the ~~division~~

34 department, and no other application for a class "E" retail
35 alcohol license has been made within the previous twelve
1 consecutive months.

2 (b) If, notwithstanding any provision of this chapter to the
3 contrary, the premises covered by a retail alcohol license is a
4 grocery store that is at least five thousand square feet.

5 Sec. 2387. Section 123.31, subsection 1, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:

7 A person applying for a retail alcohol license shall submit a
8 completed application electronically, or in a manner prescribed
9 by the ~~administrator~~ director, which shall set forth under oath
10 the following:

11 Sec. 2388. Section 123.31, subsection 1, paragraphs e and g,
12 Code 2023, are amended to read as follows:

13 e. When required by the ~~administrator~~ director, and in
14 such form and containing such information as the ~~administrator~~
15 director may require, a description of the premises where the
16 applicant intends to use the license, to include a sketch or
17 drawing of the premises and, if applicable, the number of
18 square feet of interior floor space which comprises the retail
19 sales area of the premises.

20 g. Any other information as required by the ~~administrator~~
21 director.

22 Sec. 2389. Section 123.31, subsection 2, paragraph d, Code
23 2023, is amended to read as follows:

24 d. That the premises where the applicant intends to use the
25 license conforms to all applicable laws, health regulations,
26 and fire regulations, and constitutes a safe and proper place
27 or building and that the applicant shall not have or maintain
28 any interior access to residential or sleeping quarters unless
29 permission is granted by the ~~administrator~~ director in the form
30 of a living quarters permit.

31 Sec. 2390. Section 123.31A, subsection 3, unnumbered
32 paragraph 1, Code 2023, is amended to read as follows:

33 Subject to the rules of the ~~division~~ department, sales made

34 pursuant to [this section](#) may be made in a container other
35 than the original container only if all of the following
1 requirements are met:

2 Sec. 2391. Section 123.31A, subsection 3, paragraph d, Code
3 2023, is amended to read as follows:

4 *d.* The container to be sold shall be securely sealed
5 by a method authorized by the ~~division~~ department that is
6 designed so that if the sealed container is reopened or the
7 seal tampered with, it is visibly apparent that the seal on the
8 container of beer or wine has been tampered with or the sealed
9 container has otherwise been reopened.

10 Sec. 2392. Section 123.31A, subsection 4, Code 2023, is
11 amended to read as follows:

12 4. A container of beer or wine other than the original
13 container that is sold and sealed in compliance with the
14 requirements of [subsection 3](#) and the ~~division's~~ department's
15 rules shall not be deemed an open container subject to the
16 requirements of [sections 321.284](#) and [321.284A](#) if the sealed
17 container is unopened and the seal has not been tampered with,
18 and the contents of the container have not been partially
19 removed.

20 Sec. 2393. Section 123.32, subsection 1, paragraph b,
21 unnumbered paragraph 1, Code 2023, is amended to read as
22 follows:

23 A completed application for a class "D" retail alcohol
24 license and for any of the following certificates, licenses,
25 or permits shall be submitted to the ~~division~~ department
26 electronically, or in a manner prescribed by the ~~administrator~~
27 director, which shall proceed in the same manner as in the case
28 of an application approved by local authorities:

29 Sec. 2394. Section 123.32, subsections 2, 6, 7, 8, and 9,
30 Code 2023, are amended to read as follows:

31 2. *Action by local authorities.* The local authority
32 shall either approve or disapprove the issuance of a retail
33 alcohol license, shall endorse its approval or disapproval

34 on the application, and shall forward the application with
35 the necessary fee and bond, if required, to the ~~division~~
1 department. There is no limit upon the number of retail
2 alcohol licenses which may be approved for issuance by local
3 authorities.

4 6. *Action by ~~administrator~~ director.*

5 a. Upon receipt of an application having been disapproved by
6 the local authority, the ~~administrator~~ director shall notify
7 the applicant that the applicant may appeal the disapproval of
8 the application to the ~~administrator~~ director. The applicant
9 shall be notified by certified mail or personal service, and
10 the application, the fee, and any bond shall be returned to the
11 applicant.

12 b. Upon receipt of an application having been approved by
13 the local authority, the ~~division~~ department shall make an
14 investigation as the ~~administrator~~ director deems necessary to
15 determine that the applicant complies with all requirements
16 for holding a license, and may require the applicant to appear
17 to be examined under oath to demonstrate that the applicant
18 complies with all of the requirements to hold a license. If
19 the ~~administrator~~ director requires the applicant to appear
20 and to testify under oath, a record shall be made of all
21 testimony or evidence and the record shall become a part of the
22 application. The ~~administrator~~ director may appoint a member
23 of the ~~division~~ department or may request an administrative
24 law judge of the department of inspections and appeals to
25 receive the testimony under oath and evidence, and to issue a
26 proposed decision to approve or disapprove the application for
27 a license. The ~~administrator~~ director may affirm, reverse,
28 or modify the proposed decision to approve or disapprove the
29 application for the license. If the application is approved by
30 the ~~administrator~~ director, the license shall be issued. If
31 the application is disapproved by the ~~administrator~~ director,
32 the applicant shall be so notified by certified mail or
33 personal service and the appropriate local authority shall

34 be notified electronically, or in a manner prescribed by the
35 ~~administrator~~ director.

1 7. *Appeal to ~~administrator~~ director.* An applicant for a
2 retail alcohol license may appeal from the local authority's
3 disapproval of an application for a license or permit to the
4 ~~administrator~~ director. In the appeal the applicant shall
5 be allowed the opportunity to demonstrate in an evidentiary
6 hearing conducted pursuant to [chapter 17A](#) that the applicant
7 complies with all of the requirements for holding the license
8 or permit. The ~~administrator~~ director may appoint a member of
9 the ~~division~~ department or may request an administrative law
10 judge from the department of inspections and appeals to conduct
11 the evidentiary hearing and to render a proposed decision to
12 approve or disapprove the issuance of the license or permit.
13 The ~~administrator~~ director may affirm, reverse, or modify the
14 proposed decision. If the ~~administrator~~ director determines
15 that the applicant complies with all of the requirements
16 for holding a license or permit, the ~~administrator~~ director
17 shall order the issuance of the license or permit. If the
18 ~~administrator~~ director determines that the applicant does not
19 comply with the requirements for holding a license or permit,
20 the ~~administrator~~ director shall disapprove the issuance of the
21 license or permit.

22 8. *Judicial review.* The applicant or the local
23 authority may seek judicial review of the action of the
24 ~~administrator~~ director in accordance with the terms of the Iowa
25 administrative procedure Act, [chapter 17A](#). Notwithstanding
26 the terms of the Iowa administrative procedure Act, chapter
27 17A, petitions for judicial review may be filed in the
28 district court of the county where the premises covered by the
29 application are situated.

30 9. *Suspension by local authority.* A retail alcohol licensee
31 whose license has been suspended or revoked or a civil penalty
32 imposed by a local authority for a violation of [this chapter](#)
33 or suspended by a local authority for violation of a local

34 ordinance may appeal the suspension, revocation, or civil
35 penalty to the ~~administrator~~ director. The ~~administrator~~
1 director may appoint a member of the ~~division~~ department or
2 may request an administrative law judge from the department
3 of inspections and appeals to hear the appeal which shall
4 be conducted in accordance with [chapter 17A](#) and to issue a
5 proposed decision. The ~~administrator~~ director may review the
6 proposed decision upon the motion of a party to the appeal or
7 upon the ~~administrator's~~ director's own motion in accordance
8 with [chapter 17A](#). Upon review of the proposed decision, the
9 ~~administrator~~ director may affirm, reverse, or modify the
10 proposed decision. A retail alcohol licensee or a local
11 authority aggrieved by a decision of the ~~administrator~~ director
12 may seek judicial review of the decision pursuant to chapter
13 17A.

14 Sec. 2395. Section 123.33, Code 2023, is amended to read as
15 follows:

16 **123.33 Records.**

17 Every holder of a license or permit under [this chapter](#)
18 shall maintain records, in printed or electronic format,
19 which include income statements, balance sheets, purchase and
20 sales invoices, purchase and sales ledgers, and any other
21 records as the ~~administrator~~ director may require. The records
22 required and the premises of the licensee or permittee shall be
23 accessible and open to inspection pursuant to section 123.30,
24 subsection 1, during normal business hours of the licensee or
25 permittee.

26 Sec. 2396. Section 123.34, subsection 1, paragraph a, Code
27 2023, is amended to read as follows:

28 a. The ~~administrator~~ director may issue eight-month seasonal
29 class "C", special class "C", class "D", and class "F" retail
30 alcohol licenses.

31 Sec. 2397. Section 123.34, subsection 2, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The ~~administrator~~ director may issue fourteen-day class

34 "C", special class "C", class "D", and class "F" retail alcohol
35 licenses.

1 Sec. 2398. Section 123.34, subsection 3, paragraph a, Code
2 2023, is amended to read as follows:

3 a. The ~~administrator~~ director may issue five-day class "C",
4 special class "C", class "D", and class "F" retail alcohol
5 licenses.

6 Sec. 2399. Section 123.35, subsection 2, unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:

8 Notwithstanding [section 123.31](#) and any other provision
9 of [this chapter](#) to the contrary, a class "E" retail alcohol
10 license shall automatically renew without the endorsement of
11 a local authority or approval by the ~~administrator~~ director
12 upon collection of the annual fee by the ~~division~~ department,
13 provided all of the following conditions are met since the
14 preceding license was issued:

15 Sec. 2400. Section 123.35, subsection 2, paragraphs a, e,
16 and h, Code 2023, are amended to read as follows:

17 a. The licensee has given written consent to the ~~division~~
18 department to have the license automatically renewed as
19 provided in [this section](#).

20 e. The licensee has not submitted payment for alcoholic
21 liquor to the ~~division~~ department that was subsequently
22 dishonored.

23 h. A local authority has not notified the ~~division~~
24 department, in a manner established by the ~~division~~ department
25 and made available to local authorities, that automatic renewal
26 should not occur and that further review of the licensee by
27 the ~~division~~ department and the applicable local authority is
28 warranted.

29 Sec. 2401. Section 123.35, subsection 3, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 Notwithstanding [sections 123.23](#), [123.135](#), [123.180](#), and any
32 other provision of [this chapter](#) to the contrary, a distiller's,
33 brewer's, or vintner's certificate of compliance shall

34 automatically renew without approval by the ~~administrator~~
35 director upon collection of the annual fee by the ~~division~~
1 department, provided all of the following conditions are met
2 since the preceding certificate was issued:

3 Sec. 2402. Section 123.35, subsection 3, paragraph a, Code
4 2023, is amended to read as follows:

5 a. The certificate holder has given written consent to
6 the ~~division~~ department to have the certificate automatically
7 renewed as provided in [this section](#).

8 Sec. 2403. Section 123.35, subsection 4, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 Notwithstanding [section 123.187](#) and any other provision of
11 this chapter to the contrary, a wine direct shipper's permit
12 shall automatically renew without approval by the ~~administrator~~
13 director upon collection of the annual fee by the ~~division~~
14 department, provided all of the following conditions are met
15 since the preceding permit was issued:

16 Sec. 2404. Section 123.35, subsection 4, paragraph a, Code
17 2023, is amended to read as follows:

18 a. The permittee has given written consent to the ~~division~~
19 department to have the permit automatically renewed as provided
20 in [this section](#).

21 Sec. 2405. Section 123.36, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:

23 The following fees shall be paid to the ~~division~~ department
24 annually for retail alcohol licenses issued under section
25 123.30:

26 Sec. 2406. Section 123.36, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. The ~~division~~ department shall credit all fees to the beer
29 and liquor control fund. The ~~division~~ department shall remit
30 to the appropriate local authority a sum equal to sixty-five
31 percent of the fees collected for each class "B", class "C",
32 or class "F" license except special class "C" licenses or
33 class "E" licenses, covering premises located within the local

34 authority's jurisdiction. The ~~division~~ department shall remit
35 to the appropriate local authority a sum equal to seventy-five
1 percent of the fees collected for each special class "C"
2 license covering premises located within the local authority's
3 jurisdiction. Those fees collected for each class "E" retail
4 alcohol license shall be credited to the beer and liquor
5 control fund.

6 Sec. 2407. Section 123.37, subsections 2, 3, and 4, Code
7 2023, are amended to read as follows:

8 2. The ~~administrator~~ director may compromise and settle
9 doubtful and disputed claims for taxes imposed under
10 this chapter or for taxes of doubtful collectibility,
11 notwithstanding [section 7D.9](#). The ~~administrator~~ director may
12 enter into informal settlements pursuant to [section 17A.10](#) to
13 compromise and settle doubtful and disputed claims for taxes
14 imposed under [this chapter](#). The ~~administrator~~ director may
15 make a claim under a licensee's or permittee's penal bond for
16 taxes of doubtful collectibility. Whenever a compromise or
17 settlement is made, the ~~administrator~~ director shall make a
18 complete record of the case showing the tax assessed, reports
19 and audits, if any, the licensee's or permittee's grounds for
20 dispute or contest, together with all evidence of the dispute
21 or contest, and the amounts, conditions, and settlement or
22 compromise of the dispute or contest.

23 3. A licensee or permittee who disputes the amount of tax
24 imposed must pay all tax and penalty pertaining to the disputed
25 tax liability prior to appealing the disputed tax liability to
26 the ~~administrator~~ director.

27 4. The ~~administrator~~ director shall adopt rules
28 establishing procedures for payment of disputed taxes imposed
29 under [this chapter](#). If it is determined that the tax is not
30 due in whole or in part, the ~~division~~ department shall promptly
31 refund the part of the tax payment which is determined not to
32 be due.

33 Sec. 2408. Section 123.38, subsection 1, Code 2023, is

34 amended to read as follows:

35 1. A retail alcohol license, wine permit, or beer permit
1 is a personal privilege and is revocable for cause. It is not
2 property nor is it subject to attachment and execution nor
3 alienable nor assignable, and it shall cease upon the death
4 of the permittee or licensee. However, the ~~administrator of~~
5 ~~the division~~ director may in the ~~administrator's~~ director's
6 discretion allow the executor or administrator of the estate of
7 a permittee or licensee to operate the business of the decedent
8 for a reasonable time not to exceed the expiration date of the
9 permit or license. Every permit or license shall be issued in
10 the name of the applicant and no person holding a permit or
11 license shall allow any other person to use it.

12 Sec. 2409. Section 123.38, subsection 2, paragraph a,
13 unnumbered paragraph 1, Code 2023, is amended to read as
14 follows:

15 Any licensee or permittee, or the executor or administrator
16 of the estate of a licensee or permittee, or any person duly
17 appointed by the court to take charge of and administer the
18 property or assets of the licensee or permittee for the benefit
19 of the licensee's or permittee's creditors, may voluntarily
20 surrender a license or permit to the ~~division~~ department. When
21 a license or permit is surrendered, the ~~division~~ department
22 shall notify the local authority, and the ~~division~~ department
23 or the local authority shall refund to the person surrendering
24 the license or permit, a proportionate amount of the fee
25 received by the ~~division~~ department or the local authority for
26 the license or permit as follows:

27 Sec. 2410. Section 123.38, subsection 2, paragraphs b and c,
28 Code 2023, are amended to read as follows:

29 b. For purposes of **this subsection**, any portion of license
30 or permit fees used for the purposes authorized in section
31 331.424, subsection 1, paragraph "a", subparagraphs (1) and
32 (2), shall not be deemed received either by the ~~division~~
33 department or by a local authority.

34 c. No refund shall be made to any licensee or permittee upon
35 the surrender of the license or permit if there is at the time
1 of surrender a complaint filed with the ~~division~~ department
2 or local authority charging the licensee or permittee with a
3 violation of [this chapter](#).

4 Sec. 2411. Section 123.38, subsection 3, Code 2023, is
5 amended to read as follows:

6 3. The local authority may in its discretion authorize a
7 licensee or permittee to transfer the license or permit from
8 one location to another within the same incorporated city,
9 or within a county outside the corporate limits of a city,
10 provided that the premises to which the transfer is to be made
11 would have been eligible for a license or permit in the first
12 instance and such transfer will not result in the violation
13 of any law. All transfers authorized, and the particulars
14 of same, shall be reported to the ~~administrator~~ director
15 by the local authority. The ~~administrator~~ director may by
16 rule establish a uniform transfer fee to be assessed by all
17 local authorities upon licensees or permittees to cover the
18 administrative costs of such transfers, such fee to be retained
19 by the local authority involved.

20 Sec. 2412. Section 123.38A, Code 2023, is amended to read
21 as follows:

22 **123.38A Confidential investigative records.**

23 In order to assure a free flow of information for
24 accomplishing the purposes of [section 123.4](#) and section
25 123.9, subsection 6, all complaint information, investigation
26 files, audit files, and inspection files, other investigation
27 reports, and other investigative information in the possession
28 of the ~~division~~ department or employees acting under the
29 authority of the ~~administrator~~ director under this chapter
30 are privileged and confidential, and are not subject to
31 discovery, subpoena, or other means of legal compulsion for
32 their release before administrative or criminal charges are
33 filed. However, investigative information in the possession

34 of ~~division~~ department employees under this chapter may be
35 disclosed to the licensing authorities of a city or county
1 within this state, in another state, the District of Columbia,
2 or territory or county in which the licensee or permittee is
3 licensed or permitted or has applied for a license or permit.
4 In addition, the investigative information can be shared with
5 any law enforcement agency or other state agency that also
6 has investigative, regulatory, or enforcement jurisdiction
7 authorized by law. Records received by the ~~division~~ department
8 for purposes of this chapter from other agencies which would
9 be confidential if created by the ~~division~~ department are
10 considered confidential.

11 Sec. 2413. Section 123.39, subsections 1 and 4, Code 2023,
12 are amended to read as follows:

13 1. *a.* (1) The ~~administrator~~ director or the local
14 authority may suspend a class "B", special class "B" native
15 wine, class "C", special class "C", class "E", or class "F"
16 retail alcohol license, or charity beer, spirits, and wine
17 special event license for a period not to exceed one year,
18 revoke the license, or impose a civil penalty not to exceed one
19 thousand dollars per violation.

20 (2) The ~~administrator~~ director may suspend a certificate
21 of compliance, a class "D" retail alcohol license, a
22 manufacturer's license, a broker's permit, a class "A" native
23 distilled spirits license, a class "A" or special class "A"
24 beer permit, a class "A" wine permit, a wine direct shipper's
25 permit, or a wine carrier permit for a period not to exceed one
26 year, revoke the license, permit, or certificate, or impose a
27 civil penalty not to exceed one thousand dollars per violation.

28 *b.* A license, permit, or certificate of compliance issued
29 under this chapter may be suspended or revoked, or a civil
30 penalty may be imposed for any of the following causes:

31 (1) Misrepresentation of any material fact in the
32 application for the license, permit, or certificate.

33 (2) Violation of any of the provisions of this chapter.

34 (3) Any change in the ownership or interest in the business
35 operated under a retail alcohol license which change was not
1 previously reported in a manner prescribed by the ~~administrator~~
2 director within thirty days of the change and subsequently
3 approved by the local authority, when applicable, and the
4 ~~division~~ department.

5 (4) An event which would have resulted in disqualification
6 from receiving the license, permit, or certificate when
7 originally issued.

8 (5) Any sale, hypothecation, or transfer of the license,
9 permit, or certificate.

10 (6) The failure or refusal on the part of any license,
11 permit, or certificate holder to render any report or remit any
12 taxes to the ~~division~~ department under [this chapter](#) when due.

13 c. A criminal conviction is not a prerequisite to
14 suspension, revocation, or imposition of a civil penalty
15 pursuant to [this section](#).

16 d. A local authority which acts pursuant to [this section](#),
17 section 123.32, or [section 123.50](#) shall notify the ~~division~~
18 department in writing of the action taken, and shall notify the
19 license or permit holder of the right to appeal a suspension,
20 revocation, or imposition of a civil penalty to the ~~division~~
21 department.

22 e. Before suspension, revocation, or imposition of a civil
23 penalty by the ~~administrator~~ director, the license, permit,
24 or certificate holder shall be given written notice and an
25 opportunity for a hearing. The ~~administrator~~ director may
26 appoint a member of the ~~division~~ department or may request an
27 administrative law judge from the department of inspections
28 and appeals to conduct the hearing and issue a proposed
29 decision. Upon the motion of a party to the hearing or upon
30 the ~~administrator's~~ director's own motion, the ~~administrator~~
31 director may review the proposed decision in accordance
32 with [chapter 17A](#). Upon review of the proposed decision, the
33 ~~administrator~~ director may affirm, reverse, or modify the

34 proposed decision. A license, permit, or certificate holder
35 aggrieved by a decision of the ~~administrator~~ director may seek
1 judicial review of the ~~administrator's~~ director's decision in
2 accordance with [chapter 17A](#).

3 *f.* Civil penalties imposed and collected by the local
4 authority under [this section](#) shall be retained by the local
5 authority. Civil penalties imposed and collected by the
6 ~~division~~ department under [this section](#) shall be credited to
7 the general fund of the state pursuant to section 123.17,
8 subsection 9.

9 4. If the cause for suspension is a first offense
10 violation of [section 123.49, subsection 2](#), paragraph "h",
11 the ~~administrator~~ director or local authority shall impose a
12 civil penalty in the amount of five hundred dollars in lieu of
13 suspension of the license or permit.

14 Sec. 2414. Section 123.41, subsections 1, 2, 3, and 4, Code
15 2023, are amended to read as follows:

16 1. Each completed application to obtain or renew a
17 manufacturer's license shall be submitted to the ~~division~~
18 department electronically, or in a manner prescribed by the
19 ~~administrator~~ director, and shall be accompanied by a fee of
20 three hundred dollars payable to the ~~division~~ department. The
21 ~~administrator~~ director may in accordance with [this chapter](#)
22 grant and issue to a manufacturer a manufacturer's license,
23 valid for a one-year period after date of issuance, which shall
24 allow the manufacture, storage, and wholesale disposition and
25 sale of alcoholic liquors to the ~~division~~ department and to
26 customers outside of the state.

27 2. As a condition precedent to the approval and granting
28 of a manufacturer's license, an applicant shall file with the
29 ~~division~~ department a basic permit issued by the alcohol and
30 tobacco tax and trade bureau of the United States department
31 of the treasury, and a statement under oath that the applicant
32 will faithfully observe and comply with all laws, rules, and
33 regulations governing the manufacture and sale of alcoholic

34 liquor.

35 3. A person who holds an experimental distilled spirits
1 plant permit or its equivalent issued by the alcohol and
2 tobacco tax and trade bureau of the United States department
3 of the treasury may produce alcohol for use as fuel without
4 obtaining a manufacturer's license from the ~~division~~
5 department.

6 4. A person who holds a manufacturer's license shall file
7 with the ~~division~~ department, on or before the fifteenth day of
8 each calendar month, all documents filed by the manufacturer
9 with the alcohol and tobacco tax and trade bureau of the United
10 States department of the treasury, including all production,
11 storage, and processing reports.

12 Sec. 2415. Section 123.42, subsections 1 and 2, Code 2023,
13 are amended to read as follows:

14 1. Prior to representing or promoting alcoholic liquor
15 products in the state, the broker shall submit a completed
16 application to the ~~division~~ department electronically, or in a
17 manner prescribed by the ~~administrator~~ director, for a broker's
18 permit. The ~~administrator~~ director may in accordance with this
19 chapter issue a broker's permit which shall be valid for one
20 year from the date of issuance unless it is sooner suspended or
21 revoked for a violation of [this chapter](#).

22 2. At the time of applying for a broker's permit, each
23 applicant shall submit to the ~~division~~ department a list of
24 names and addresses of all manufacturers, distillers, and
25 importers whom the applicant has been appointed to represent
26 in the state of Iowa for any purpose. The listing shall be
27 amended by the broker as necessary to keep the listing current
28 with the ~~division~~ department.

29 Sec. 2416. Section 123.43, subsection 1, unnumbered
30 paragraph 1, Code 2023, is amended to read as follows:

31 A person applying for a class "A" native distilled spirits
32 license shall submit an application electronically, or in a
33 manner prescribed by the ~~administrator~~ director, which shall

34 set forth under oath the following:

35 Sec. 2417. Section 123.43, subsection 1, paragraphs e and g,
1 Code 2023, are amended to read as follows:

2 e. When required by the ~~administrator~~ director, and in
3 such form and containing such information as the ~~administrator~~
4 director may require, a description of the premises where the
5 applicant intends to use the license, to include a sketch or
6 drawing of the premises and, if applicable, the number of
7 square feet of interior floor space which comprises the retail
8 sales area of the premises.

9 g. Any other information as required by the ~~administrator~~
10 director.

11 Sec. 2418. Section 123.43, subsection 2, unnumbered
12 paragraph 1, Code 2023, is amended to read as follows:

13 Except as otherwise provided in [this chapter](#), the
14 ~~administrator~~ director shall issue a class "A" native distilled
15 spirits license to any applicant who establishes all of the
16 following:

17 Sec. 2419. Section 123.43, subsection 2, paragraph d, Code
18 2023, is amended to read as follows:

19 d. That the applicant has filed with the ~~division~~ department
20 a basic permit issued by the alcohol and tobacco tax and trade
21 bureau of the United States department of the treasury, and
22 that the applicant will faithfully observe and comply with all
23 laws, rules, and regulations governing the manufacture and sale
24 of alcoholic liquor.

25 Sec. 2420. Section 123.43A, subsections 1, 3, 4, and 5, Code
26 2023, are amended to read as follows:

27 1. Subject to rules of the ~~division~~ department, a native
28 distillery holding a class "A" native distilled spirits license
29 issued pursuant to [section 123.43](#) may sell or offer for sale
30 native distilled spirits. As provided in [this section](#), sales
31 of native distilled spirits manufactured on the premises may
32 be made at retail for off-premises consumption when sold on
33 the premises of the native distillery that manufactures native

34 distilled spirits. All sales intended for resale in this
35 state shall be made through the state's wholesale distribution
1 system.

2 3. A native distillery shall not sell native distilled
3 spirits other than as permitted in [this chapter](#) and shall
4 not allow native distilled spirits sold for consumption off
5 the premises to be consumed upon the premises of the native
6 distillery. However, native distilled spirits may be tasted
7 pursuant to the rules of the ~~division~~ department on the
8 premises where fermented, distilled, or matured, when no charge
9 is made for the tasting.

10 4. The sale of native distilled spirits to the ~~division~~
11 department for wholesale disposition and sale by the ~~division~~
12 department shall be subject to the requirements of [this chapter](#)
13 regarding such disposition and sale.

14 5. A native distillery issued a class "A" native distilled
15 spirits license shall file with the ~~division~~ department, on or
16 before the fifteenth day of each calendar month, all documents
17 filed by the native distillery with the alcohol and tobacco
18 tax and trade bureau of the United States department of the
19 treasury, including all production, storage, and processing
20 reports.

21 Sec. 2421. Section 123.44, Code 2023, is amended to read as
22 follows:

23 **123.44 Gifts prohibited.**

24 A manufacturer or broker shall not give away alcoholic
25 liquor at any time in connection with the manufacturer's or
26 broker's business except for testing or sampling purposes only.
27 A manufacturer, distiller, vintner, brewer, broker, wholesaler,
28 or importer, organized as a corporation pursuant to the laws of
29 this state or any other state, who deals in alcoholic beverages
30 subject to regulation under [this chapter](#) shall not offer or
31 give anything of value to a commission member, official or
32 employee of the ~~division~~ department under [this chapter](#), or
33 directly or indirectly contribute in any manner any money or

34 thing of value to a person seeking a public or appointive
35 office or a recognized political party or a group of persons
1 seeking to become a recognized political party.

2 Sec. 2422. Section 123.46A, subsection 2, Code 2023, is
3 amended to read as follows:

4 2. Licensees authorized to sell wine, beer, or mixed drinks
5 or cocktails for consumption off the licensed premises in a
6 container other than the original container may deliver the
7 wine, beer, or mixed drinks or cocktails to a home or other
8 designated location in this state only if the container other
9 than the original container has been sold and securely sealed
10 in compliance with [this chapter](#) or the rules of the ~~division~~
11 department. Deliveries shall be limited to alcoholic beverages
12 authorized by the licensee's license or permit.

13 Sec. 2423. Section 123.46A, subsection 3, paragraph g, Code
14 2023, is amended to read as follows:

15 g. Delivery of alcoholic liquor, wine, beer, or mixed drinks
16 or cocktails shall be made by the licensee, the licensee's
17 employee, or a third party, provided the licensee has entered
18 into a written agreement with the third party that authorizes
19 the third party to act as an agent of the licensee for the
20 purpose of delivering alcoholic liquor, wine, beer, or mixed
21 drinks or cocktails. Each licensee shall submit to the
22 ~~division~~ department electronically, or in a manner prescribed
23 by the ~~administrator~~ director, a list of names and addresses of
24 all third parties it has authorized to act as its agent for the
25 purpose of delivering alcoholic liquor, wine, beer, or mixed
26 drinks or cocktails. The licensee shall provide the ~~division~~
27 department with amendments to the list as necessary to ensure
28 the ~~division~~ department possesses an accurate, current list.

29 Sec. 2424. Section 123.49, subsection 2, paragraph d,
30 subparagraphs (1), (2), and (3), Code 2023, are amended to read
31 as follows:

32 (1) Keep on premises covered by a retail alcohol license any
33 alcoholic liquor in any container except the original package

34 purchased from the ~~division~~ department, and except mixed drinks
35 or cocktails mixed on the premises for immediate consumption
1 on the licensed premises or as otherwise provided by this
2 paragraph "d". This prohibition does not apply to holders
3 of a class "D" retail alcohol license or to alcoholic liquor
4 delivered in accordance with [section 123.46A](#).

5 (2) Mixed drinks or cocktails mixed on the premises that are
6 not for immediate consumption may be consumed on the licensed
7 premises subject to the requirements of this subparagraph
8 pursuant to rules adopted by the ~~division~~ department. The
9 rules shall provide that the mixed drinks or cocktails be
10 stored, for no longer than seventy-two hours, in a labeled
11 container in a quantity that does not exceed three gallons.
12 The rules shall also provide that added flavors and other
13 nonbeverage ingredients included in the mixed drinks or
14 cocktails shall not include hallucinogenic substances or added
15 caffeine or other added stimulants including but not limited to
16 guarana, ginseng, and taurine. The rules shall also require
17 that the licensee keep records as to when the contents in
18 a particular container were mixed and the recipe used for
19 that mixture. In addition, mixed drinks or cocktails mixed
20 on the premises pursuant to this subparagraph may be sold
21 for consumption off the licensed premises as provided in and
22 subject to the requirements of subparagraph (3).

23 (3) Mixed drinks or cocktails mixed on premises covered
24 by a class "C" retail alcohol license for consumption off the
25 licensed premises may be sold if the mixed drink or cocktail is
26 immediately filled in a sealed container and is promptly taken
27 from the licensed premises prior to consumption of the mixed
28 drink or cocktail. A mixed drink or cocktail that is sold in a
29 sealed container in compliance with the requirements of this
30 subparagraph and rules adopted by the ~~division~~ department shall
31 not be deemed an open container subject to the requirements
32 of [sections 321.284](#) and [321.284A](#) if the sealed container is
33 unopened and the seal has not been tampered with, and the

34 contents of the container have not been partially removed.

35 Sec. 2425. Section 123.50, subsection 2, Code 2023, is
1 amended to read as follows:

2 2. The conviction of any retail alcohol licensee for a
3 violation of any of the provisions of [section 123.49](#), subject
4 to [subsection 3](#) of [this section](#), is grounds for the suspension
5 or revocation of the license or permit by the ~~division~~
6 department or the local authority. However, if any retail
7 alcohol licensee is convicted of any violation of section
8 123.49, subsection 2, paragraph "a" or "e", or any retail
9 alcohol licensee, excluding a special class "B" or class "D"
10 retail alcohol licensee, is convicted of a violation of section
11 123.49, subsection 2, paragraph "d", the retail alcohol license
12 shall be revoked and shall immediately be surrendered by the
13 holder, and the bond, if any, of the license holder shall be
14 forfeited to the ~~division~~ department. However, the ~~division~~
15 department shall retain only that portion of the bond equal
16 to the amount the ~~division~~ department determines the license
17 holder owes the ~~division~~ department.

18 Sec. 2426. Section 123.50, subsection 3, unnumbered
19 paragraph 1, Code 2023, is amended to read as follows:

20 If any retail alcohol licensee or employee of a licensee is
21 convicted or found in violation of section 123.49, subsection
22 2, paragraph "h", the ~~administrator~~ director or local authority
23 shall, in addition to criminal penalties fixed for violations
24 by [this section](#), assess a civil penalty as follows:

25 Sec. 2427. Section 123.50, subsection 4, Code 2023, is
26 amended to read as follows:

27 4. In addition to any other penalties imposed under this
28 chapter, the ~~division~~ department shall assess a civil penalty
29 up to the amount of five thousand dollars upon a class "E"
30 retail alcohol licensee when the class "E" retail alcohol
31 license is revoked for a violation of [section 123.59](#). Failure
32 to pay the civil penalty as required under [this subsection](#)
33 shall result in forfeiture of the bond to the ~~division~~

34 department. However, the ~~division~~ department shall retain
35 only that portion of the bond equal to the amount the ~~division~~
1 department determines the license or permit holder owes the
2 ~~division~~ department.

3 Sec. 2428. Section 123.50A, subsections 1, 2, and 4, Code
4 2023, are amended to read as follows:

5 1. If sufficient funding is appropriated, the ~~division~~
6 department shall develop an alcohol compliance employee
7 training program, not to exceed two hours in length for
8 employees and prospective employees of licensees and
9 permittees, to inform the employees about state laws and
10 regulations regarding the sale of alcoholic beverages to
11 persons under legal age, and compliance with and the importance
12 of laws regarding the sale of alcoholic beverages to persons
13 under legal age. In developing the alcohol compliance employee
14 training program, the ~~division~~ department may consult with
15 stakeholders who have expertise in the laws and regulations
16 regarding the sale of alcoholic beverages to persons under
17 legal age.

18 2. The alcohol compliance employee training program shall
19 be made available to employees and prospective employees
20 of licensees and permittees at no cost to the employee,
21 the prospective employee, or the licensee or permittee, and
22 in a manner which is as convenient and accessible to the
23 extent practicable throughout the state so as to encourage
24 attendance. Contingent upon the availability of specified
25 funds for provision of the program, the ~~division~~ department
26 shall schedule the program on at least a monthly basis and the
27 program shall be available at a location in at least a majority
28 of counties.

29 4. The ~~division~~ department shall also offer periodic
30 continuing employee training and recertification for employees
31 who have completed initial training and received an initial
32 certificate of completion as part of the alcohol compliance
33 employee training program.

34 Sec. 2429. Section 123.56, subsections 3 and 4, Code 2023,
35 are amended to read as follows:

1 3. Upon filing a suit in equity in district court pursuant
2 to [subsection 2](#), the county attorney or city attorney shall
3 notify the ~~administrator~~ director of the action. Upon
4 receiving notice, the ~~administrator~~ director shall issue an
5 order reducing the hours during which alcoholic beverages may
6 be sold or consumed at retail on the licensed premises to
7 between 6:00 a.m. and 10:00 p.m. each day of the week during
8 the pendency of the action in equity. The county attorney or
9 city attorney shall notify the ~~administrator~~ director of any
10 final action or judgment entered resulting from the action.

11 4. In an action seeking abatement of a public safety
12 nuisance as provided in [this section](#), evidence of other
13 current violations of [this chapter](#) may be received by the
14 court and considered in determining the remedial provisions
15 of any abatement order. In addition, evidence of prior
16 sanctions, violations of law, nuisance behavior, or general
17 reputation relating to the licensed premises may be admissible
18 in determining the reasonableness of remedial provisions of an
19 abatement order. However, evidence of a prior conviction of
20 the licensee, managers, employees, or contemporaneous patrons
21 and guests is not necessary for purposes of considering or
22 issuing an abatement order under [this section](#). In an action
23 under [this section](#), the ~~administrator~~ director may submit
24 to the court a report as evidence on behalf of the ~~division~~
25 department regarding the compliance history of the licensee or
26 permittee for consideration by the court.

27 Sec. 2430. Section 123.57, Code 2023, is amended to read as
28 follows:

29 **123.57 Examination of accounts.**

30 The financial condition and transactions of all offices,
31 departments, warehouses, and depots ~~of~~ concerning the division
32 alcohol beverage control activities of the department shall be
33 examined at least once each year by the state auditor and at

34 shorter periods if requested by the ~~administrator~~ director,
35 governor, commission, or the general assembly's standing
1 committees on government oversight.

2 Sec. 2431. Section 123.58, Code 2023, is amended to read as
3 follows:

4 **123.58 Auditing.**

5 All provisions of sections 11.6, 11.11, 11.14, 11.21,
6 11.31, and 11.41, relating to auditing of financial records
7 of governmental subdivisions which are not inconsistent with
8 this chapter are applicable to the ~~division~~ department and its
9 offices, warehouses, and depots under this chapter.

10 Sec. 2432. Section 123.92, subsection 1, paragraph a, Code
11 2023, is amended to read as follows:

12 a. Subject to the limitation amount specified in paragraph
13 "c", if applicable, any third party who is not the intoxicated
14 person who caused the injury at issue and who is injured in
15 person or property or means of support by an intoxicated person
16 or resulting from the intoxication of a person, has a right of
17 action for damages actually sustained, severally or jointly
18 against any licensee or permittee, whether or not the license
19 or permit was issued by the ~~division~~ department or by the
20 licensing authority of any other state, who sold and served any
21 alcoholic beverage directly to the intoxicated person, provided
22 that the person was visibly intoxicated at the time of the sale
23 or service.

24 Sec. 2433. Section 123.92, subsection 2, paragraphs a and c,
25 Code 2023, are amended to read as follows:

26 a. Every retail alcohol licensee, except a class "B",
27 special class "B", or class "E" retail alcohol licensee, shall
28 furnish proof of financial responsibility by the existence of
29 a liability insurance policy in an amount determined by the
30 ~~division~~ department. If an insurer provides dramshop liability
31 insurance at a new location to a licensee or permittee who has
32 a positive loss experience at other locations for which such
33 insurance is provided by the insurer, and the insurer bases

34 premium rates at the new location on the negative loss history
35 of the previous licensee at that location, the insurer shall
1 examine and consider adjusting the premium for the new location
2 not less than thirty months after the insurance is issued,
3 based on the loss experience of the licensee at that location
4 during that thirty-month period of time.

5 c. The purpose of dramshop liability insurance is to provide
6 protection for members of the public who experience damages as
7 a result of licensees serving patrons any alcoholic beverage
8 to a point that reaches or exceeds the standard set forth in
9 law for liability. Minimum coverage requirements for such
10 insurance are not for the purpose of making the insurance
11 affordable for all licensees regardless of claims experience.
12 A dramshop liability insurance policy obtained by a licensee
13 shall meet the minimum insurance coverage requirements as
14 determined by the ~~division~~ department and is a mandatory
15 condition for holding a license.

16 Sec. 2434. Section 123.95, subsection 2, paragraph a, Code
17 2023, is amended to read as follows:

18 a. The holder of an annual class "C" retail alcohol license
19 may act as the agent of a private social host for the purpose
20 of providing and serving alcoholic beverages as part of a food
21 catering service for a private social gathering in a private
22 place, provided the licensee has applied for and been granted a
23 catering privilege by the ~~division~~ department. The holder of
24 an annual special class "C" retail alcohol license shall not
25 act as the agent of a private social host for the purpose of
26 providing and serving wine and beer as part of a food catering
27 service for a private social gathering in a private place. An
28 applicant for a class "C" retail alcohol license shall state
29 on the application for the license that the licensee intends
30 to engage in catering food and alcoholic beverages for private
31 social gatherings and the catering privilege shall be noted on
32 the license.

33 Sec. 2435. Section 123.125, Code 2023, is amended to read

34 as follows:

35 **123.125 Issuance of beer permits.**

1 The ~~administrator~~ director shall issue class "A" and special
2 class "A" beer permits and may suspend or revoke permits for
3 cause as provided in [this chapter](#).

4 Sec. 2436. Section 123.126A, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. Notwithstanding any provision of [this chapter](#) to the
7 contrary, a manufacturer of beer may obtain and possess
8 alcoholic liquor from the ~~division~~ department for the purpose
9 of manufacturing canned cocktails.

10 Sec. 2437. Section 123.127, subsection 1, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:

12 A person applying for a class "A" or special class "A" beer
13 permit shall submit a completed application electronically, or
14 in a manner prescribed by the ~~administrator~~ director, which
15 shall set forth under oath the following:

16 Sec. 2438. Section 123.127, subsection 1, paragraphs e and
17 g, Code 2023, are amended to read as follows:

18 e. When required by the ~~administrator~~ director, and in
19 such form and containing such information as the ~~administrator~~
20 director may require, a description of the premises where
21 the applicant intends to use the permit, to include a sketch
22 or drawing of the premises and, if applicable, the number of
23 square feet of interior floor space which comprises the retail
24 sales area of the premises.

25 g. Any other information as required by the ~~administrator~~
26 director.

27 Sec. 2439. Section 123.127, subsection 2, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:

29 The ~~administrator~~ director shall issue a class "A" or
30 special class "A" beer permit to any applicant who establishes
31 all of the following:

32 Sec. 2440. Section 123.127, subsection 2, paragraphs d and
33 g, Code 2023, are amended to read as follows:

34 *d.* That the applicant has filed with the ~~division~~ department
35 a basic permit issued by the alcohol and tobacco tax and trade
1 bureau of the United States department of the treasury, and
2 that the applicant will faithfully observe and comply with all
3 laws, rules, and regulations governing the manufacture and sale
4 of beer.

5 *g.* That the applicant has submitted a bond in the amount
6 of ten thousand dollars in a manner prescribed by the
7 ~~administrator~~ director with good and sufficient sureties to be
8 approved by the ~~division~~ department conditioned upon compliance
9 with [this chapter](#).

10 Sec. 2441. Section 123.130, subsection 1, paragraph a, Code
11 2023, is amended to read as follows:

12 *a.* Any person holding a class "A" beer permit issued by
13 the ~~division~~ department shall be authorized to manufacture
14 and sell, or sell at wholesale, beer for consumption off the
15 premises, such sales within the state to be made only to
16 persons holding a subsisting class "A" beer permit, or retail
17 alcohol licenses, excluding a special class "B" retail native
18 wine license, issued in accordance with the provisions of this
19 chapter. However, a person holding a class "A" beer permit
20 issued by the ~~division~~ department who also holds a brewer's
21 notice issued by the alcohol and tobacco tax and trade bureau
22 of the United States department of the treasury shall be
23 authorized to sell, at wholesale, no more than thirty thousand
24 barrels of beer on an annual basis for consumption off the
25 premises to a licensee authorized under [this chapter](#) to sell
26 beer at retail.

27 Sec. 2442. Section 123.130, subsection 5, Code 2023, is
28 amended to read as follows:

29 5. A manufacturer of beer issued a class "A" or special
30 class "A" beer permit shall file with the ~~division~~ department,
31 on or before the fifteenth day of each calendar month, all
32 documents filed with the alcohol and tobacco tax and trade
33 bureau of the United States department of the treasury,

34 including all brewer's operation and excise tax return reports.

35 Sec. 2443. Section 123.135, subsections 1, 2, and 3, Code
1 2023, are amended to read as follows:

2 1. A manufacturer, brewer, bottler, importer, or vendor of
3 beer, or any agent thereof, desiring to ship or sell beer, or
4 have beer brought into this state for resale by a class "A"
5 beer permittee, shall first make application for and be issued
6 a brewer's certificate of compliance by the ~~administrator~~
7 director for that purpose. The certificate of compliance
8 expires at the end of one year from the date of issuance and
9 shall be renewed for a like period upon application to the
10 ~~administrator~~ director unless otherwise revoked for cause.
11 Each completed application for a certificate of compliance or
12 renewal of a certificate shall be submitted electronically,
13 or in a manner prescribed by the ~~administrator~~ director, and
14 shall be accompanied by a fee of two hundred dollars payable
15 to the ~~division~~ department. Each holder of a certificate
16 of compliance shall furnish the information in a manner the
17 ~~administrator~~ director requires.

18 2. At the time of applying for a certificate of compliance,
19 each applicant shall file with the ~~division~~ department a list
20 of all class "A" beer permittees with whom it intends to do
21 business and shall designate the geographic area in which its
22 products are to be distributed by such permittee. The listing
23 of class "A" beer permittees and geographic area as filed with
24 the ~~division~~ department shall be amended by the holder of a
25 certificate of compliance as necessary to keep the listing
26 current with the ~~division~~ department.

27 3. All class "A" beer permit holders shall sell only
28 those brands of beer which are manufactured, brewed,
29 bottled, shipped, or imported by a person holding a current
30 certificate of compliance. Any employee or agent working for
31 or representing the holder of a certificate of compliance
32 within this state shall submit electronically, or in a manner
33 prescribed by the ~~administrator~~ director, the employee's or

34 agent's name and address with the ~~division~~ department.

35 Sec. 2444. Section 123.137, subsection 1, Code 2023, is
1 amended to read as follows:

2 1. A person holding a class "A" or special class "A" beer
3 permit shall, on or before the tenth day of each calendar month
4 commencing on the tenth day of the calendar month following
5 the month in which the person is issued a beer permit, make a
6 report under oath to the ~~division~~ department electronically, or
7 in a manner prescribed by the ~~administrator~~ director, showing
8 the exact number of barrels of beer, or fractional parts of
9 barrels, sold by the beer permit holder during the preceding
10 calendar month. The report shall also state information the
11 ~~administrator~~ director requires, and beer permit holders shall
12 at the time of filing a report pay to the ~~division~~ department
13 the amount of tax due at the rate fixed in [section 123.136](#).

14 Sec. 2445. Section 123.138, Code 2023, is amended to read
15 as follows:

16 **123.138 Records required — keg identification label.**

17 1. Each class "A" or special class "A" beer permittee shall
18 keep proper records showing the amount of beer sold by the
19 permittee, and these records shall be at all times open to
20 inspection by the ~~administrator~~ director and to other persons
21 pursuant to [section 123.30, subsection 1](#). Each retail alcohol
22 licensee as described in [section 123.30](#) shall keep proper
23 records showing each purchase of beer made by the licensee, and
24 the date and the amount of each purchase and the name of the
25 person from whom each purchase was made, which records shall be
26 open to inspection pursuant to [section 123.30, subsection 1](#),
27 during normal business hours of the licensee.

28 2. *a.* Each retail alcohol licensee who sells beer for
29 off-premises consumption shall affix to each keg of beer an
30 identification label provided by the ~~administrator~~ director.
31 The label provided shall allow for its full removal when
32 common external keg cleaning procedures are performed. For
33 the purposes of [this subsection](#), "keg" means all durable and

34 disposable containers with a liquid capacity of five gallons or
35 more. Each retail alcohol licensee shall also keep a record
1 of the identification label number of each keg of beer sold by
2 the licensee with the name and address of the purchaser and
3 the number of the purchaser's driver's license, nonoperator's
4 identification card, or military identification card, if
5 the military identification card contains a picture and
6 signature. This information shall be retained by the licensee
7 for a minimum of ninety days. The records kept pursuant to
8 this subsection shall be available for inspection by any law
9 enforcement officer during normal business hours.

10 *b.* (1) The ~~division~~ department shall provide the keg
11 identification labels described in paragraph "a" and shall,
12 prior to utilizing a label, notify licensed brewers and
13 licensed beer importers of the type of label to be utilized.
14 Each label shall contain a number and the following statement:
15 It is unlawful to sell, give, or otherwise supply any
16 alcoholic beverage, wine, or beer to any person under legal
17 age. Any person who defaces this label shall be guilty of
18 criminal mischief punishable pursuant to [section 716.6](#).

19 (2) The identification label shall be placed on the keg at
20 the time of retail sale. The licensee shall obtain the labels
21 referred to in [this subsection](#) from the ~~division~~ department.
22 The cost of the labels to licensees shall not exceed the
23 ~~division's~~ department's cost of producing and distributing
24 the labels. The moneys collected by the ~~division~~ department
25 relating to the sale of labels shall be credited to the beer
26 and liquor control fund.

27 *c.* The provisions of [this subsection](#) shall be implemented
28 uniformly throughout the state. The provisions of this
29 subsection shall preempt any local county or municipal
30 ordinance regarding keg registration or the sale of beer in
31 kegs. In addition, a county or municipality shall not adopt or
32 continue in effect an ordinance regarding keg registration or
33 the sale of beer in kegs.

34 Sec. 2446. Section 123.143, subsection 1, Code 2023, is
35 amended to read as follows:

1 1. All permit fees collected by the ~~division~~ department
2 under this subchapter shall accrue to the beer and liquor
3 control fund, except as otherwise provided. All taxes
4 collected by the ~~division~~ department under this subchapter
5 shall accrue to the state general fund, except as otherwise
6 provided.

7 Sec. 2447. Section 123.173, subsection 3, Code 2023, is
8 amended to read as follows:

9 3. A class "A" wine permittee shall be required to deliver
10 wine to a retail alcohol licensee, and a retail alcohol
11 licensee shall be required to accept delivery of wine from a
12 class "A" wine permittee, only at the licensed premises of the
13 retail alcohol licensee. Except as specifically permitted by
14 the ~~division~~ department upon good cause shown, delivery or
15 transfer of wine from an unlicensed premises to a licensed
16 retail alcohol licensee's premises, or from one licensed retail
17 alcohol licensee's premises to another licensed retail alcohol
18 licensee's premises, even if there is common ownership of all
19 of the premises by one retail permittee, is prohibited.

20 Sec. 2448. Section 123.173A, subsection 2, Code 2023, is
21 amended to read as follows:

22 2. Upon application to the ~~division~~ department and receipt
23 of a charity beer, spirits, and wine special event license, an
24 authorized nonprofit entity may conduct a charity special event
25 subject to the requirements of this section.

26 Sec. 2449. Section 123.173A, subsection 4, paragraph a,
27 Code 2023, is amended to read as follows:

28 a. The charity event shall be conducted on a premises
29 covered by a valid retail alcohol license issued by the
30 ~~division~~ department.

31 Sec. 2450. Section 123.173A, subsection 5, paragraph b,
32 Code 2023, is amended to read as follows:

33 b. The retail alcohol license number issued by the ~~division~~

34 department for the premises where a charity event is to be
35 conducted, if applicable.

1 Sec. 2451. Section 123.174, Code 2023, is amended to read
2 as follows:

3 **123.174 Issuance of wine permits.**

4 The ~~administrator~~ director shall issue wine permits as
5 provided in this chapter, and may suspend or revoke a wine
6 permit for cause as provided in this chapter.

7 Sec. 2452. Section 123.175, subsection 1, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:

9 A person applying for a class "A" wine permit shall submit a
10 completed application electronically, or in a manner prescribed
11 by the ~~administrator~~ director, which shall set forth under oath
12 the following:

13 Sec. 2453. Section 123.175, subsection 1, paragraphs e and
14 g, Code 2023, are amended to read as follows:

15 e. When required by the ~~administrator~~ director, and in
16 such form and containing such information as the ~~administrator~~
17 director may require, a description of the premises where the
18 applicant intends to use the permit, to include a sketch or
19 drawing of the premises.

20 g. Any other information as required by the ~~administrator~~
21 director.

22 Sec. 2454. Section 123.175, subsection 2, unnumbered
23 paragraph 1, Code 2023, is amended to read as follows:

24 The ~~administrator~~ director shall issue a class "A" wine
25 permit to any applicant who establishes all of the following:

26 Sec. 2455. Section 123.175, subsection 2, paragraphs d and
27 g, Code 2023, are amended to read as follows:

28 d. That the applicant has filed with the ~~division~~ department
29 a basic permit issued by the alcohol and tobacco tax and trade
30 bureau of the United States department of the treasury, and
31 that the applicant will faithfully observe and comply with all
32 the laws, rules, and regulations governing the manufacture and
33 sale of wine.

34 g. That the applicant has submitted a bond in the amount
35 of five thousand dollars in a manner prescribed by the
1 ~~administrator~~ director with good and sufficient sureties to be
2 approved by the ~~division~~ department conditioned upon compliance
3 with [this chapter](#).

4 Sec. 2456. Section 123.176, subsections 1, 2, 7, and 8, Code
5 2023, are amended to read as follows:

6 1. Subject to rules of the ~~division~~ department,
7 manufacturers of native wines from grapes, cherries, other
8 fruits or other fruit juices, vegetables, vegetable juices,
9 dandelions, clover, honey, or any combination of these
10 ingredients, holding a class "A" wine permit as required by
11 this chapter, may sell, keep, or offer for sale and deliver the
12 wine. Notwithstanding [section 123.24, subsection 2](#), paragraph
13 "b", or any other provision of [this chapter](#), manufacturers
14 of native wine may obtain and possess grape brandy from the
15 ~~division~~ department for the sole purpose of manufacturing wine.

16 2. Native wine may be sold at retail for off-premises
17 consumption when sold on the premises of the manufacturer, or
18 in a retail establishment operated by the manufacturer. Sales
19 may also be made to class "A" or retail alcohol licensees as
20 authorized by [sections 123.30](#) and [123.177](#). A manufacturer of
21 native wines shall not sell the wines other than as permitted
22 in [this chapter](#) and shall not allow wine sold to be consumed
23 upon the premises of the manufacturer. However, prior to
24 sale, native wines may be tasted pursuant to the rules of the
25 ~~division~~ department on the premises where made, when no charge
26 is made for the tasting.

27 7. A manufacturer may use the space and equipment of another
28 manufacturer for the purpose of manufacturing native wine,
29 provided that such an alternating proprietorship arrangement
30 is approved by the alcohol and tobacco tax and trade bureau
31 of the United States department of the treasury. A separate
32 class "A" wine permit shall be issued to each manufacturer,
33 and each manufacturer shall be subject to the provisions

34 of this chapter and the rules of the ~~division~~ department.
35 Notwithstanding subsection 5, not more than one class "C"
1 retail alcohol license shall be issued to a premises with
2 alternating proprietorships.

3 8. A manufacturer of native wines shall file with the
4 ~~division~~ department, on or before the fifteenth day of each
5 calendar month, all documents filed with the alcohol and
6 tobacco tax and trade bureau of the United States department of
7 the treasury, including all wine premises operations and excise
8 tax return reports.

9 Sec. 2457. Section 123.180, subsections 1, 2, and 3, Code
10 2023, are amended to read as follows:

11 1. A manufacturer, vintner, bottler, importer, or vendor of
12 wine, or an agent thereof, desiring to ship, sell, or have wine
13 brought into this state for sale at wholesale by a class "A"
14 permittee shall first make application for and shall be issued
15 a vintner's certificate of compliance by the ~~administrator~~
16 director for that purpose. The vintner's certificate of
17 compliance shall expire at the end of one year from the
18 date of issuance and shall be renewed for a like period upon
19 application to the ~~administrator~~ director unless otherwise
20 revoked for cause. Each completed application for a vintner's
21 certificate of compliance or renewal of a certificate shall
22 be submitted electronically, or in a manner prescribed by the
23 ~~administrator~~ director, and shall be accompanied by a fee of
24 two hundred dollars payable to the ~~division~~ department. Each
25 holder of a vintner's certificate of compliance shall furnish
26 the information required by the ~~administrator~~ director in the
27 form the ~~administrator~~ director requires. A vintner or wine
28 bottler whose plant is located in Iowa and who otherwise holds
29 a class "A" wine permit to sell wine at wholesale is exempt
30 from the fee, but not the other terms and conditions. The
31 holder of a vintner's certificate of compliance may also hold a
32 class "A" wine permit.

33 2. At the time of applying for a vintner's certificate

34 of compliance, each applicant shall file with the ~~division~~
35 department a list of all class "A" wine permittees with
1 whom it intends to do business. The listing of class "A"
2 wine permittees as filed with the ~~division~~ department shall
3 be amended by the holder of the certificate of compliance
4 as necessary to keep the listing current with the ~~division~~
5 department.

6 3. All class "A" wine permit holders shall sell only those
7 brands of wine which are manufactured, bottled, fermented,
8 shipped, or imported by a person holding a current vintner's
9 certificate of compliance. An employee or agent working for
10 or representing the holder of a vintner's certificate of
11 compliance within this state shall register the employee's
12 or agent's name and address with the ~~division~~ department.
13 These names and addresses shall be filed with the ~~division's~~
14 department's copy of the certificate of compliance issued
15 except that this provision does not require the listing of
16 those persons who are employed on the premises of a bottling
17 plant, or winery where wine is manufactured, fermented,
18 or bottled in Iowa or the listing of those persons who are
19 thereafter engaged in the transporting of the wine.

20 Sec. 2458. Section 123.184, Code 2023, is amended to read
21 as follows:

22 **123.184 Report of gallonage sales — penalty.**

23 1. Each class "A" wine permit holder on or before the
24 tenth day of each calendar month commencing on the tenth day
25 of the calendar month following the month in which the person
26 is issued a permit, shall make a report under oath to the
27 ~~division~~ department electronically, or in a manner prescribed
28 by the ~~administrator~~ director, showing the exact number of
29 gallons of wine and fractional parts of gallons sold by that
30 permit holder during the preceding calendar month. The report
31 also shall state whatever reasonable additional information
32 the ~~administrator~~ director requires. The permit holder at
33 the time of filing this report shall pay to the ~~division~~

34 department the amount of tax due at the rate fixed in section
35 123.183. A penalty of ten percent of the amount of the tax
1 shall be assessed and collected if the report required to be
2 filed pursuant to [this subsection](#) is not filed and the tax paid
3 within the time required by [this subsection](#).

4 2. Each wine direct shipper license holder shall make a
5 report under oath to the ~~division~~ department electronically,
6 or in a manner prescribed by the ~~administrator~~ director, on
7 or before the tenth day of the calendar months of June and
8 December, showing the exact number of gallons of wine and
9 fractional parts of gallons sold and shipped pursuant to
10 section 123.187 during the preceding six-month calendar period.
11 The report shall also state whatever reasonable additional
12 information the ~~administrator~~ director requires. The license
13 holder at the time of filing this report shall pay to the
14 ~~division~~ department the amount of tax due at the rate fixed
15 in [section 123.183](#). A penalty of ten percent of this amount
16 shall be assessed and collected if the report required to be
17 filed pursuant to [this subsection](#) is not filed and the tax paid
18 within the time required by [this subsection](#).

19 Sec. 2459. Section 123.186, subsections 1 and 2, Code 2023,
20 are amended to read as follows:

21 1. The ~~division~~ department shall adopt as rules the
22 substance of the federal regulations

[27 C.F.R. pt. 6](#), [27 C.F.R.](#)
23 [pt. 8](#), [27 C.F.R. pt. 10](#), and [27 C.F.R. pt. 11](#).

24 2. The ~~division~~ department shall adopt as rules the
25 substance of [27 C.F.R. §6.88](#), to permit a manufacturer of
26 alcoholic beverages, wine, or beer, or an agent of such
27 manufacturer, to provide to a retailer without charge wine and
28 beer coil cleaning services, including carbon dioxide filters
29 and other necessary accessories to properly clean the coil and
30 affix carbon dioxide filters. The rules shall provide that the
31 manufacturer shall be responsible for paying the costs of any
32 filters provided.

33 Sec. 2460. Section 123.187, subsection 2, paragraphs b and
34 d, Code 2023, are amended to read as follows:

35 *b.* A wine manufacturer applying for a wine direct
1 shipper permit shall submit an application for the permit
2 electronically, or in a manner prescribed by the ~~administrator~~
3 director, accompanied by a true copy of the manufacturer's
4 current alcoholic beverage license or permit issued by the
5 state where the manufacturer is primarily located and a copy
6 of the manufacturer's basic permit issued by the alcohol and
7 tobacco tax and trade bureau of the United States department of
8 the treasury.

9 *d.* A permit issued pursuant to [this section](#) may be
10 renewed annually by submitting a renewal application with
11 the ~~administrator~~ director in a manner prescribed by the
12 ~~administrator~~ director, accompanied by the twenty-five dollar
13 permit fee.

14 Sec. 2461. Section 123.187, subsection 3, paragraph c, Code
15 2023, is amended to read as follows:

16 *c.* All containers of wine shipped directly to a resident
17 of this state shall be conspicuously labeled with the words
18 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
19 REQUIRED FOR DELIVERY" or shall be conspicuously labeled with
20 alternative wording preapproved by the ~~administrator~~ director.

21 Sec. 2462. Section 123.187, subsections 4 and 5, Code 2023,
22 are amended to read as follows:

23 4. A wine direct shipper permittee shall remit to the
24 ~~division~~ department an amount equivalent to the wine gallonage
25 tax on wine subject to direct shipment at the rate specified
26 in [section 123.183](#) for deposit as provided in section 123.183,
27 subsections 2 and 3. The amount shall be remitted at the time
28 and in the manner provided in section 123.184, subsection
29 2, and the ten percent penalty specified therein shall be
30 applicable.

31 5. A wine direct shipper permittee shall be deemed to have
32 consented to the jurisdiction of the ~~division~~ department or any

33 other agency or court in this state concerning enforcement of
34 this section and any related laws, rules, or regulations. A
35 permit holder shall allow the ~~division~~ department to perform an
1 audit of shipping records upon request.

2 Sec. 2463. Section 123.188, subsections 1, 2, and 3, Code
3 2023, are amended to read as follows:

4 1. A person desiring to deliver wine subject to direct
5 shipment within this state pursuant to [section 123.187](#) shall
6 submit an application for a wine carrier permit electronically,
7 or in a manner prescribed by the ~~administrator~~ director, which
8 shall be accompanied by a fee in the amount of one hundred
9 dollars.

10 2. The ~~administrator~~ director may in accordance with this
11 chapter issue a wine carrier permit which shall be valid
12 for one year from the date of issuance unless it is sooner
13 suspended or revoked for a violation of [this chapter](#).

14 3. A permit issued pursuant to [this section](#) may be
15 renewed annually by submitting a renewal application with
16 the ~~administrator~~ director in a manner prescribed by the
17 ~~administrator~~ director, accompanied by the one hundred dollar
18 permit fee.

19 Sec. 2464. Section 123.188, subsection 4, paragraph c, Code
20 2023, is amended to read as follows:

21 c. A wine carrier permittee shall maintain records of wine
22 shipped which include the permit number and name of the wine
23 manufacturer, quantity of wine shipped, recipient's name and
24 address, and an electronic or paper form of signature from
25 the recipient of the wine. Records shall be submitted to the
26 ~~division~~ department on a monthly basis in a form and manner to
27 be determined by the ~~division~~ department.

28 Sec. 2465. Section 321.19, subsection 1, paragraph c,
29 subparagraph (3), Code 2023, is amended to read as follows:

30 (3) Persons in the department of justice, ~~the alcoholic~~
31 ~~beverages division of the department of commerce~~, disease
32 investigators of the Iowa department of public health, the

33 department of inspections and appeals, and the department of
34 revenue, who are regularly assigned to conduct investigations
35 which cannot reasonably be conducted with a vehicle displaying
1 "official" state registration plates.

2 Sec. 2466. Section 453A.2, subsections 4, 6, and 7, Code
3 2023, are amended to read as follows:

4 4. ~~The alcoholic beverages division of the~~ department of
5 ~~commerce~~, a county, or a city may directly enforce **this section**
6 in district court and initiate proceedings pursuant to section
7 453A.22 before a permit-issuing authority which issued the
8 permit against a permit holder violating **this section**.

9 6. If a county or a city has not assessed a penalty pursuant
10 to **section 453A.22, subsection 2**, for a violation of subsection
11 1, within sixty days of the adjudication of the violation,
12 the matter shall be transferred to and be the exclusive
13 responsibility of the ~~alcoholic beverages division of the~~
14 ~~department of commerce~~. Following transfer of the matter, if
15 the violation is contested, the ~~alcoholic beverages division~~
16 ~~of the department of commerce~~ shall request an administrative
17 hearing before an administrative law judge, assigned by the
18 division of administrative hearings of the department of
19 inspections and appeals in accordance with the provisions of
20 section 10A.801, to adjudicate the matter pursuant to chapter
21 17A.

22 7. A tobacco compliance employee training fund is
23 created in the office of the treasurer of state. The fund
24 shall consist of civil penalties assessed by the ~~alcoholic~~
25 ~~beverages division of the department of commerce~~ under
26 section 453A.22 for violations of **this section**. Moneys in
27 the fund are appropriated to the ~~alcoholic beverages division~~
28 ~~of the department of commerce~~ and shall be used to develop
29 and administer the tobacco compliance employee training
30 program under **section 453A.5**. Moneys deposited in the fund
31 shall not be transferred, used, obligated, appropriated, or
32 otherwise encumbered except as provided in **this subsection**.

33 Notwithstanding [section 8.33](#), any unexpended balance in the
34 fund at the end of the fiscal year shall be retained in the
35 fund.

1 Sec. 2467. Section 453A.5, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. ~~The alcoholic beverages division of the~~ department of
4 ~~commerce~~ shall develop a tobacco compliance employee training
5 program not to exceed two hours in length for employees and
6 prospective employees of retailers, as defined in sections
7 453A.1 and [453A.42](#), to inform the employees about state and
8 federal laws and regulations regarding the sale of tobacco,
9 tobacco products, alternative nicotine products, vapor
10 products, and cigarettes to persons under twenty-one years of
11 age and compliance with and the importance of laws regarding
12 the sale of tobacco, tobacco products, alternative nicotine
13 products, vapor products, and cigarettes to persons under
14 twenty-one years of age.

15 Sec. 2468. Section 453A.13, subsection 2, paragraph c, Code
16 2023, is amended to read as follows:

17 ~~c. The department, or a~~ A city or county, shall submit
18 a duplicate of any application for a retail permit to the
19 ~~alcoholic beverages division of the department of commerce~~
20 within thirty days of the issuance. ~~The alcoholic beverages~~
21 ~~division of the department of commerce~~ shall submit the current
22 list of all retail permits issued to the Iowa department of
23 public health by the last day of each quarter of a state fiscal
24 year.

25 Sec. 2469. Section 453A.22, subsection 2, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:

27 If a retailer or employee of a retailer has violated section
28 453A.2 or [section 453A.36, subsection 6](#), the department or
29 local authority, or ~~the alcoholic beverages division of the~~
30 ~~department of commerce~~ following transfer of the matter to the
31 ~~alcoholic beverages division of the department of commerce~~
32 pursuant to [section 453A.2, subsection 6](#), in addition to the

33 other penalties fixed for such violations in [this section](#),
34 shall assess a penalty upon the same hearing and notice as
35 prescribed in [subsection 1](#) as follows:

1 Sec. 2470. Section 453A.22, subsection 6, Code 2023, is
2 amended to read as follows:

3 6. The ~~department or~~ local authority shall report the
4 suspension or revocation of a retail permit under [this section](#)
5 to the ~~alcoholic beverages division of the~~ department of
6 ~~commerce~~ within thirty days of the suspension or revocation of
7 the retail permit.

8 Sec. 2471. Section 453A.47A, subsection 6, Code 2023, is
9 amended to read as follows:

10 6. *Issuance.* Cities may issue retail permits to retailers
11 located within their respective limits. County boards of
12 supervisors may issue retail permits to retailers located in
13 their respective counties, outside of the corporate limits of
14 cities. The city or county shall submit a duplicate of any
15 application for a retail permit to the ~~alcoholic beverages~~
16 ~~division of the~~ department of ~~commerce~~ within thirty days of
17 issuance of a permit. The ~~alcoholic beverages division of the~~
18 department of ~~commerce~~ shall submit the current list of all
19 retail permits issued to the Iowa department of public health
20 by the last day of each quarter of a state fiscal year.

21 Sec. 2472. Section 455C.3, subsections 2 and 5, Code 2023,
22 are amended to read as follows:

23 2. A distributor shall accept and pick up from a
24 participating dealer served by the distributor or a redemption
25 center for a dealer served by the distributor at least weekly,
26 or when the distributor delivers the beverage product if
27 deliveries are less frequent than weekly, any empty beverage
28 container of the kind, size, and brand sold by the distributor,
29 and shall pay to the participating dealer or redemption center
30 the refund value of a beverage container and the reimbursement
31 as provided under [section 455C.2](#) within one week following
32 pickup of the containers or when the participating dealer

33 normally pays the distributor for the deposit on beverage
34 products purchased from the distributor if less frequent than
35 weekly. A distributor or employee or agent of a distributor is
1 not in violation of [this subsection](#) if a redemption center is
2 closed when the distributor attempts to make a regular pickup
3 of empty beverage containers. [This subsection](#) does not apply
4 to a distributor selling alcoholic liquor to the ~~alcoholic~~
5 ~~beverages division of the department of commerce revenue~~.

6 5. ~~The alcoholic beverages division of the department~~
7 ~~of commerce revenue~~ shall provide for the disposal of
8 empty beverage containers as required under subsection
9 2. ~~The division~~ department of revenue shall give priority
10 consideration to the recycling of the empty beverage containers
11 to the extent possible, before any other appropriate disposal
12 method is considered or implemented.

13 CONFORMING CHANGES

14 Sec. 2473. Section 7E.5, subsection 1, paragraph c, Code
15 2023, is amended to read as follows:

16 c. The department of revenue, created in [section 421.2](#),
17 which has primary responsibility for revenue collection
18 and revenue law compliance, the Iowa lottery, and alcoholic
19 beverage control.

20 Sec. 2474. Section 421.17, Code 2023, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 39. Administer chapters 99G and 123.

23 Sec. 2475. REPEAL. Section 546.9, Code 2023, is repealed.

24 DIVISION XIII

25 DEPARTMENT FOR THE BLIND

26 Sec. 2476. Section 216B.2, subsection 1, Code 2023, is
27 amended to read as follows:

28 1. The commission for the blind is established consisting
29 of three members appointed by the governor, subject to
30 confirmation by the senate. Members of the commission shall
31 serve three-year terms beginning and ending as provided in
32 section 69.19. ~~The members of the commission shall appoint~~

33 ~~officers for the commission.~~ A majority of the members of the
34 commission shall constitute a quorum.

35 Sec. 2477. NEW SECTION. **216B.3A Director — duties.**

1 1. The director of the department shall be appointed by
2 the governor, subject to confirmation by the senate, and shall
3 serve at the pleasure of the governor. The governor shall set
4 the salary of the director within the applicable salary range
5 established by the general assembly.

6 2. The director shall be the executive officer of the
7 commission and shall be responsible for implementing policy set
8 by the commission. The director shall carry out programs and
9 policies as determined by the commission.

10 Sec. 2478. Section 216B.5, Code 2023, is amended to read as
11 follows:

12 **216B.5 Commission employees.**

13 The commission may employ staff who shall be qualified by
14 experience to assume the responsibilities of the offices. ~~The
15 director shall be the administrative officer of the commission
16 and shall be responsible for implementing policy set by the
17 commission. The director shall carry out programs and policies
18 as determined by the commission.~~

19 Sec. 2479. APPOINTMENT OF DIRECTOR. On or before July 1,
20 2023, the governor shall appoint a director of the department
21 for the blind, effective July 1, 2023, as provided in this
22 division of this Act.

23 Sec. 2480. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.

25 DIVISION XIV

26 DEPARTMENT OF EDUCATION

27 IOWA EDUCATIONAL SERVICES FOR THE BLIND AND VISUALLY IMPAIRED
28 AND IOWA SCHOOL FOR THE DEAF

29 Sec. 2481. Section 70A.14, subsection 3, paragraph c, Code
30 2023, is amended by striking the paragraph.

31 Sec. 2482. Section 70A.17A, subsection 1, paragraph
32 d, subparagraph (3), Code 2023, is amended by striking the

33 subparagraph.

34 Sec. 2483. Section 235A.15, subsection 2, paragraph
35 c, subparagraph (4), Code 2023, is amended by striking the
1 subparagraph.

2 Sec. 2484. NEW SECTION. **256.95 Iowa educational services**
3 **for the blind and visually impaired and Iowa school for the deaf.**

4 The department shall do all of the following:

- 5 1. Administer the Iowa educational services for the blind
6 and visually impaired program.
- 7 2. Govern the Iowa school for the deaf.
- 8 3. Establish a hall of fame for distinguished graduates
9 of the Iowa school for the deaf, distinguished graduates of
10 the Iowa braille and sight saving school, and distinguished
11 participants in the Iowa educational services for the blind and
12 visually impaired program.

13 Sec. 2485. NEW SECTION. **256.103 Employees — contracts —**
14 **termination and discharge procedures.**

15 Sections 279.12 through 279.19 and section 279.27 apply to
16 employees of the Iowa school for the deaf, who are licensed
17 pursuant to subchapter VII, part 3. In following those
18 sections in chapter 279, the references to boards of directors
19 of school districts shall be interpreted to apply to the
20 department.

21 Sec. 2486. NEW SECTION. **256.104 Students residing on**
22 **state-owned land.**

23 The department shall pay to the local school boards the
24 tuition payments and transportation costs, as otherwise
25 authorized by statutes for the elementary or high school
26 education of students residing on land owned by the state and
27 under the control of the department. Such payments shall be
28 made from moneys appropriated to the department.

29 Sec. 2487. NEW SECTION. **256.105 Transfer of a student to**
30 **the university of Iowa hospitals and clinics.**

31 The department may send any student of the Iowa school for
32 the deaf to the university of Iowa hospitals and clinics for

33 treatment and care. The department shall pay the traveling
 34 expenses of such student, and when necessary the traveling
 35 expenses of an attendant for the student, out of funds
 1 appropriated for the use of the department.

2 Sec. 2488. NEW SECTION. 256.107 Administrative rules.

3 The state board shall adopt rules pursuant to chapter 17A to
 4 administer this subchapter.

5 Sec. 2489. Section 256B.2, subsection 2, paragraph c, Code
 6 2023, is amended to read as follows:

7 c. For those children who cannot adapt to the regular
 8 educational or home living conditions, and who are attending
 9 facilities under ~~chapters chapter 263, 269, and 270~~ or chapter
 10 256, subchapter V, upon the request of the board of directors
 11 of an area education agency, the department of human services
 12 shall provide residential or detention facilities and the area
 13 education agency shall provide special education programs and
 14 services. The area education agencies shall cooperate with
 15 the ~~board of regents~~ department of education to provide the
 16 services required by this chapter.

17 Sec. 2490. Section 256B.3, subsection 9, Code 2023, is
 18 amended to read as follows:

19 9. To cooperate with existing agencies such as the
 20 department of human services, the Iowa department of public
 21 health, the Iowa school for the deaf, ~~the Iowa braille and~~
 22 ~~sight saving school~~, the children's hospitals, or other
 23 agencies concerned with the welfare and health of children
 24 requiring special education in the coordination of their
 25 educational activities for such children.

26 Sec. 2491. Section 256B.10, subsection 1, paragraph a, Code
 27 2023, is amended to read as follows:

28 a. The department ~~of education~~ shall work with the ~~state~~
 29 Iowa school for the deaf, the area education agencies, school
 30 districts, and the early hearing detection and intervention
 31 program in the Iowa department of public health for purposes
 32 of coordinating, developing, and disseminating resources for

33 use by parents or guardians, early hearing detection and
34 intervention programs, the ~~state~~ Iowa school for the deaf,
35 area education agencies, school districts, and accredited
1 nonpublic schools to inform deaf and hard-of-hearing children's
2 expressive and receptive language acquisition or development.

3 Sec. 2492. Section 256B.10, subsection 1, paragraph b,
4 unnumbered paragraph 1, Code 2023, is amended to read as
5 follows:

6 The duties of the department ~~of education~~ shall, at a
7 minimum, include all of the following:

8 Sec. 2493. Section 256B.10, subsection 3, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:

10 The department ~~of education~~, in consultation with the ~~state~~
11 Iowa school for the deaf, the area education agencies, school
12 districts, and the early hearing detection and intervention
13 program in the Iowa department of public health, shall select
14 existing tools or assessments that may be used by qualified
15 educators to assess American sign language and English language
16 and literacy development of deaf and hard-of-hearing children
17 from birth through age eight.

18 Sec. 2494. Section 256B.10, subsections 4 and 7, Code 2023,
19 are amended to read as follows:

20 4. The department ~~of education~~ shall disseminate the parent
21 resource developed pursuant to [this section](#) to parents and
22 guardians of deaf and hard-of-hearing children and, consistent
23 with federal law, shall disseminate the educator tools and
24 assessments selected pursuant to [subsection 3](#) to early hearing
25 detection and intervention programs, area education agencies,
26 school districts, accredited nonpublic schools, and the
27 ~~state~~ Iowa school for the deaf for use in the development and
28 modification of individualized family service or individualized
29 education program plans, and shall provide materials and
30 training on the use of such materials to assist deaf and
31 hard-of-hearing children in kindergarten readiness using
32 American sign language or English, or both, from birth through

33 age eight.

34 7. The department ~~of education~~ shall annually compile,
35 and publish on the department's internet site, a report using
1 existing data reported in compliance with the state performance
2 plan on pupils with disabilities, required under federal law,
3 that is specific to language and literacy development in deaf
4 and hard-of-hearing children from birth through age eight,
5 including those children who are deaf or hard of hearing and
6 have other disabilities, relative to the children's peers who
7 are not deaf or hard of hearing.

8 Sec. 2495. Section 256B.10, subsection 5, paragraphs a, b,
9 and e, Code 2023, are amended to read as follows:

10 a. If moneys are appropriated by the general assembly for
11 a fiscal year for the purpose provided in [this subsection](#),
12 the department ~~of education~~ shall develop guidelines for a
13 comprehensive family support mentoring program that meets the
14 language and communication needs of families.

15 b. The department ~~of education~~ shall work with the early
16 hearing detection and intervention program in the Iowa
17 department of public health, the state Iowa school for the
18 deaf, and the area education agencies when developing the
19 guidelines. The department ~~of education~~, in consultation with
20 the Iowa school for the deaf, shall administer the family
21 support mentoring program for deaf or hard-of-hearing children.

22 e. The department ~~of education~~ shall coordinate family
23 support mentoring activities with the early hearing detection
24 and intervention program in the Iowa department of public
25 health, the state Iowa school for the deaf, the area education
26 agencies, and nonprofit organizations that provide family
27 support mentoring to parents with deaf or hard-of-hearing
28 children.

29 Sec. 2496. Section 256B.10, subsection 5, paragraph d,
30 unnumbered paragraph 1, Code 2023, is amended to read as
31 follows:

32 In establishing the family support mentoring program, the

33 department of ~~education~~ may do all of the following:

34 Sec. 2497. Section 261E.2, subsection 8, Code 2023, is
35 amended to read as follows:

1 8. "*Student*" means any individual enrolled in grades nine
2 through twelve in a school district who meets the criteria in
3 section 261E.3, subsection 1. "*Student*" includes an individual
4 attending an accredited nonpublic school or the Iowa school
5 for the deaf ~~or the Iowa braille and sight saving school~~ for
6 purposes of [sections 261E.4](#) and [261E.6](#).

7 Sec. 2498. Section 261E.6, subsections 3, 4, and 6, Code
8 2023, are amended to read as follows:

9 3. *Authorization.* To participate in this program, an
10 eligible student shall make application to an eligible
11 postsecondary institution to allow the eligible student to
12 enroll for college credit in a nonsectarian course offered at
13 the institution. A comparable course, as defined in rules
14 adopted by the board of directors of the school district
15 consistent with department administrative rule, must not be
16 offered by the school district or accredited nonpublic school
17 the student attends. A course is ineligible for purposes
18 of [this section](#) if the school district has a contractual
19 agreement with the eligible postsecondary institution under
20 section 261E.8 that meets the requirements of section 257.11,
21 subsection 3, and the course may be delivered through such an
22 agreement in accordance with [section 257.11, subsection 3](#).
23 If the postsecondary institution accepts an eligible student
24 for enrollment under [this section](#), the institution shall send
25 written notice to the student, the student's parent or legal
26 guardian in the case of a minor child, and the student's school
27 district or accredited nonpublic school and the school district
28 in the case of a nonpublic school student, or the Iowa school
29 for the deaf ~~or the Iowa braille and sight saving school~~. The
30 notice shall list the course, the clock hours the student will
31 be attending the course, and the number of hours of college
32 credit that the eligible student will receive from the eligible

33 postsecondary institution upon successful completion of the
34 course.

35 4. *Credits.*

1 a. A school district, the Iowa school for the deaf, ~~the~~
2 ~~Iowa braille and sight saving school~~, or accredited nonpublic
3 school shall grant high school credit to an eligible student
4 enrolled in a course under [this chapter](#) if the eligible student
5 successfully completes the course as determined by the eligible
6 postsecondary institution. The board of directors of the
7 school district, ~~the board of regents~~ department of education
8 for the Iowa school for the deaf ~~and the Iowa braille and~~
9 ~~sight saving school~~, or authorities in charge of an accredited
10 nonpublic school shall determine the number of high school
11 credits that shall be granted to an eligible student who
12 successfully completes a course. Eligible students may take
13 up to seven semester hours of credit during the summer months
14 when school is not in session and receive credit for that
15 attendance, if the student pays the cost of attendance for
16 those summer credit hours.

17 b. The high school credits granted to an eligible
18 student under [this section](#) shall count toward the graduation
19 requirements and subject area requirements of the school
20 district of residence, the Iowa school for the deaf, ~~the Iowa~~
21 ~~braille and sight saving school~~, or accredited nonpublic school
22 of the eligible student. Evidence of successful completion
23 of each course and high school credits and college credits
24 received shall be included in the student's high school
25 transcript.

26 6. *Definition.* For purposes of [this section](#) and section
27 261E.7, unless the context otherwise requires, "*eligible*
28 *student*" means a student classified by the board of directors
29 of a school district, by the ~~state board of regents~~ department
30 of education for pupils of the Iowa school for the deaf ~~and the~~
31 ~~Iowa braille and sight saving school~~, or by the authorities
32 in charge of an accredited nonpublic school as a ninth or

33 tenth grade student who is identified according to the school
34 district's gifted and talented criteria and procedures,
35 pursuant to [section 257.43](#), as a gifted and talented child,
1 or an eleventh or twelfth grade student, during the period
2 the student is participating in the postsecondary enrollment
3 options program.

4 Sec. 2499. Section 261E.7, subsection 1, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:

6 Not later than June 30 of each year, a school district
7 shall pay a tuition reimbursement amount to a postsecondary
8 institution that has enrolled its resident eligible
9 students under [this chapter](#), unless the eligible student is
10 participating in open enrollment under [section 282.18](#), in which
11 case, the tuition reimbursement amount shall be paid by the
12 receiving district. However, if a child's residency changes
13 during a school year, the tuition shall be paid by the district
14 in which the child was enrolled as of the date specified in
15 section 257.6, subsection 1, or the district in which the child
16 was counted under [section 257.6, subsection 1, paragraph "a"](#),
17 subparagraph (6). For students enrolled at the Iowa school
18 for the deaf ~~and the Iowa braille and sight saving school,~~
19 ~~the state board of regents~~ department of education shall pay
20 a tuition reimbursement amount by June 30 of each year. The
21 amount of tuition reimbursement for each separate course shall
22 equal the lesser of:

23 Sec. 2500. Section 262.7, subsections 4 and 5, Code 2023,
24 are amended by striking the subsections.

25 Sec. 2501. Section 262.9, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. Elect a president of each of the institutions of higher
28 learning; ~~a superintendent of each of the other institutions;~~
29 a treasurer and a secretarial officer for each institution
30 annually; professors, instructors, officers, and employees;
31 and fix their compensation. ~~Sections 279.12 through 279.19~~
32 ~~and [section 279.27](#) apply to employees of the Iowa braille and~~

33 ~~sight saving school and the Iowa school for the deaf, who are~~
34 ~~licensed pursuant to [chapter 272](#). In following those sections~~
35 ~~in [chapter 279](#), the references to boards of directors of~~
1 ~~school districts shall be interpreted to apply to the board of~~
2 ~~regents.~~

3 Sec. 2502. Section 262.9, subsection 21, Code 2023, is
4 amended by striking the subsection.

5 Sec. 2503. Section 262.43, Code 2023, is amended to read as
6 follows:

7 **262.43 Students residing on state-owned land.**

8 The state board of regents shall pay to the local school
9 boards the tuition payments and transportation costs, as
10 otherwise authorized by statutes for the elementary or high
11 school education of students residing on land owned by the
12 state and under the control of the state board of regents.
13 Such payments for the three institutions of higher learning,
14 the state university of Iowa, the Iowa state university of
15 science and technology, and the university of northern Iowa,
16 shall be made from the funds of the respective institutions
17 other than state appropriations, ~~and for the two noncollegiate~~
18 ~~institutions, the Iowa braille and sight saving school and the~~
19 ~~Iowa school for the deaf, the payments and costs shall be paid~~
20 ~~from moneys appropriated to the state board of regents.~~

21 Sec. 2504. Section 263.21, Code 2023, is amended to read as
22 follows:

23 **263.21 Transfer of patients from state institutions.**

24 The director of the department of human services, in respect
25 to institutions under the director's control, the administrator
26 of any of the divisions of the department, in respect to
27 the institutions under the administrator's control, and the
28 director of the department of corrections, in respect to the
29 institutions under the department's control, ~~and the state~~
30 ~~board of regents, in respect to the Iowa braille and sight~~
31 ~~saving school and the Iowa school for the deaf, may send any~~
32 inmate, student, or patient of an institution, or any person

33 committed or applying for admission to an institution, to the
34 university of Iowa hospitals and clinics for treatment and
35 care. The department of human services, and the department of
1 corrections, ~~and the state board of regents~~ shall respectively
2 pay the traveling expenses of such patient, and when necessary
3 the traveling expenses of an attendant for the patient, out of
4 funds appropriated for the use of the institution from which
5 the patient is sent.

6 Sec. 2505. Section 269.1, Code 2023, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **269.1 Iowa educational services for the blind and visually**
9 **impaired program.**

10 Any resident of the state under twenty-one years of age who
11 is blind or visually impaired shall be entitled to receive the
12 services of the Iowa educational services for the blind and
13 visually impaired program. The department shall coordinate
14 with area education agencies and school districts on the
15 provision of these services for any eligible student.

16 Sec. 2506. Section 270.3, Code 2023, is amended to read as
17 follows:

18 **270.3 Admission — Iowa school for the deaf.**

19 Any resident of the state less than twenty-one years of
20 age who has a hearing loss which is too severe to acquire an
21 education in the public schools is eligible to attend the Iowa
22 school for the deaf. Nonresidents similarly situated may be
23 admitted to ~~an education therein~~ the Iowa school for the deaf
24 upon such terms as may be fixed by the ~~state board of regents~~
25 department. The fee for nonresidents shall be set by the ~~state~~
26 ~~board of regents~~ department.

27 Sec. 2507. Section 270.4, Code 2023, is amended to read as
28 follows:

29 **270.4 Clothing and prescriptions.**

30 The superintendent of the Iowa school for the deaf shall
31 provide students, who would otherwise be without, with clothing
32 or prescription refills, and shall bill the student's parent

33 or guardian, if the student is a minor, or the student if the
34 student has attained the age of majority, for any clothing or
35 prescription refills provided. The bill shall be presumptive
1 evidence in all courts.

2 Sec. 2508. Section 270.8, Code 2023, is amended to read as
3 follows:

4 **270.8 Residence during vacation.**

5 The residence of indigent or homeless children may, by order
6 of the ~~state board of regents~~ department, be continued during
7 vacation months.

8 Sec. 2509. Section 270.9, Code 2023, is amended to read as
9 follows:

10 **270.9 Iowa school for the deaf and the Iowa braille and sight**
11 **~~saving school~~ — transportation reimbursement.**

12 Funds appropriated to the Iowa school for the deaf and
13 ~~the Iowa braille and sight saving school~~ for payments to the
14 parents or guardians of pupils in either that institution shall
15 be expended as follows:

16 1. Transportation reimbursement at a rate established
17 annually by the ~~state board of regents~~ department to the
18 parents or guardians of children who do not reside in the
19 institution, but are transported to the institution on a daily
20 basis.

21 2. Transportation reimbursement at a rate established
22 annually by the ~~state board of regents~~ department to the
23 parents or guardians for transportation from the institution
24 to the residence of the parent or guardian and return to the
25 institution for children who reside in the institution.

26 Sec. 2510. Section 270.10, Code 2023, is amended to read as
27 follows:

28 **270.10 Merger Closure requirements.**

29 ~~1.~~ The ~~state board of regents~~ department shall not merge
30 close the Iowa school for the deaf at Council Bluffs with the
31 ~~Iowa braille and sight saving school at Vinton or close either~~
32 ~~of those institutions~~ until all of the following requirements

33 have been met:

34 ~~a.~~ 1. The department of management has presented to the
35 general assembly a comprehensive plan, program, and fiscal
1 analysis of the existing circumstances and the circumstances
2 which would prevail upon the proposed ~~merger or~~ closing,
3 together with data which would support the contention that the
4 ~~merger or~~ closing will be more efficient and effective than
5 continuation of the existing ~~facilities~~ facility. The analysis
6 shall include a detailed study of the educational implications
7 of the ~~merger or~~ closing, the impact on the students, and
8 the opinions and research of nationally recognized experts
9 in the field of the education of ~~visually impaired and deaf~~
10 or hard-of-hearing students. The comprehensive plan shall
11 further include a study relating to the programming, fiscal
12 consequences, and political implications which would result if
13 ~~either a merger or~~ an agreement under [chapter 28E](#) should be
14 implemented between the Iowa school for the deaf in Council
15 Bluffs and comparable state programs in the state of Nebraska.

16 ~~b.~~ 2. The general assembly has studied the plans, programs,
17 and fiscal analysis and has reviewed their impact on the
18 programs.

19 ~~c.~~ 3. The general assembly has enacted legislation
20 authorizing ~~either the closing or the merger~~ to take effect not
21 sooner than two years after the enactment of the legislation.

22 ~~2. This section shall not apply to an agreement related to~~
23 ~~the sale or transfer of the property of the Iowa braille and~~
24 ~~sight saving school at Vinton entered into between the state~~
25 ~~of Iowa and the city of Vinton.~~

26 Sec. 2511. Section 280.16, subsection 7, Code 2023, is
27 amended to read as follows:

28 ~~7. The Iowa braille and sight saving school, the Iowa school~~
29 ~~for the deaf, and the institutions under the control of the~~
30 department of human services as provided in [section 218.1](#) are
31 exempt from the provisions of [this section](#).

32 Sec. 2512. Section 321.1, subsection 8, paragraph i, Code

33 2023, is amended to read as follows:

34 *i.* If authorized to transport students or clients by the
35 superintendent of the ~~Iowa braille and sight saving school~~
1 ~~or of the~~ Iowa school for the deaf, or the superintendent's
2 respective designee, an employee of the ~~Iowa braille and~~
3 ~~sight saving school or the~~ Iowa school for the deaf is not a
4 chauffeur when transporting the students or clients.

5 Sec. 2513. Section 331.381, subsection 9, Code 2023, is
6 amended to read as follows:

7 9. Comply with ~~chapters 269 and 270~~ chapter 256, subchapter
8 V, in regard to the payment of costs for pupils at the ~~Iowa~~
9 ~~braille and sight saving school and the~~ Iowa school for the
10 deaf.

11 Sec. 2514. Section 331.424, subsection 1, paragraph a,
12 subparagraph (1), subparagraph division (b), Code 2023, is
13 amended to read as follows:

14 (b) Clothing, transportation, medical, or other services
15 provided persons attending the ~~Iowa braille and sight saving~~
16 ~~school~~, the Iowa school for the deaf, or the university of Iowa
17 hospitals and clinics' center for disabilities and development
18 for children with severe disabilities at Iowa City, for which
19 the county becomes obligated to pay pursuant to sections
20 263.12, ~~269.2~~, and 270.4.

21 Sec. 2515. Section 331.552, subsection 13, Code 2023, is
22 amended to read as follows:

23 13. Make transfer payments to the state for school expenses
24 for ~~blind and deaf~~ and hard-of-hearing children and support of
25 persons with mental illness as provided in ~~sections~~ section
26 230.21 and ~~269.2~~.

27 Sec. 2516. Section 483A.24, subsection 7, Code 2023, is
28 amended to read as follows:

29 7. A license shall not be required of minor pupils of
30 the ~~Iowa braille and sight saving school~~, Iowa school for
31 the deaf, or of minor residents of other state institutions
32 under the control of an administrator of a division of the

33 department of human services. In addition, a person who is
34 on active duty with the armed forces of the United States,
35 on authorized leave from a duty station located outside of
1 this state, and a resident of the state of Iowa shall not be
2 required to have a license to hunt or fish in this state. The
3 military person shall carry the person's leave papers and a
4 copy of the person's current earnings statement showing a
5 deduction for Iowa income taxes while hunting or fishing. In
6 lieu of carrying the person's earnings statement, the military
7 person may also claim residency if the person is registered to
8 vote in this state. If a deer or wild turkey is taken, the
9 military person shall immediately contact a state conservation
10 officer to obtain an appropriate tag to transport the animal.
11 A license shall not be required of residents of county care
12 facilities or any person who is receiving supplementary
13 assistance under [chapter 249](#).

14 Sec. 2517. REPEAL. Section 269.2, Code 2023, is repealed.

15 Sec. 2518. CODE EDITOR DIRECTIVE.

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

18 a. Section 256B.10 to section 256.106.

19 b. Section 269.1 to section 256.96.

20 c. Section 270.1 to section 256.98.

21 d. Section 270.3 to section 256.97.

22 e. Section 270.4 to section 256.99.

23 f. Section 270.8 to section 256.100.

24 g. Section 270.9 to section 256.101.

25 h. Section 270.10 to section 256.102.

26 2. The Code editor shall correct internal references in the
27 Code and in any enacted legislation as necessary due to the
28 enactment of this section.

29 3. The Code editor may designate sections 256.95 through
30 256.107, as amended or enacted in this division of this Act, as
31 new subchapter V within chapter 256, entitled "Iowa educational
32 services for the blind and visually impaired program and Iowa

33 school for the deaf”.

34 Sec. 2519. TRANSITION PROVISIONS.

35 1. The property and records in the custody of the state
1 board of regents relating to the Iowa braille and sight saving
2 school, the Iowa school for the deaf, the hall of fame for
3 distinguished graduates at the Iowa braille and sight saving
4 school, and the hall of fame for distinguished graduates at the
5 Iowa school for the deaf shall be transferred to the department
6 of education.

7 2. All employees of the Iowa school for the deaf established
8 pursuant to chapter 270 shall be considered employees of the
9 department of education on the effective date of this division
10 of this Act without incurring any loss in salary, benefits, or
11 accrued years of service.

12 INNOVATION DIVISION

13 Sec. 2520. Section 268.7, Code 2023, is amended to read as
14 follows:

15 **268.7 ~~Science,~~ Innovation division — science, technology,**
16 **engineering, and mathematics collaborative initiative.**

17 1. The innovation division of the department of education
18 is created. The chief administrative officer of the division
19 is the administrator who shall be a highly qualified science,
20 technology, engineering, and mathematics advocate and shall be
21 appointed by the director.

22 2. The administrator shall do all of the following:

23 a. Direct and organize the activities of the division,
24 including the science, technology, engineering, and mathematics
25 collaborative initiative created in subsection 3.

26 b. Control all property of the division.

27 c. Perform other duties imposed by law.

28 ~~±. 3.~~ 3. A science, technology, engineering, and mathematics
29 collaborative initiative is established at the university of
30 northern Iowa within the innovation division for purposes
31 of supporting activities directly related to recruitment of
32 prekindergarten through grade twelve mathematics and science

33 teachers for ongoing mathematics and science programming for
34 students enrolled in prekindergarten through grade twelve.

35 ~~2.~~ 4. The collaborative initiative shall prioritize
1 student interest in achievement in science, technology,
2 engineering, and mathematics; reach every student and teacher
3 in every school district in the state; identify, recruit,
4 prepare, and support the best mathematics and science teachers;
5 and sustain exemplary programs ~~through the university's Iowa~~
6 ~~mathematics and science education partnership.~~ The university
7 innovation division shall collaborate with the community
8 colleges to develop science, technology, engineering, and
9 mathematics professional development programs for community
10 college instructors and for purposes of science, technology,
11 engineering, and mathematics curricula development.

12 ~~3.~~ 5. Subject to an appropriation of ~~funds~~ moneys by the
13 general assembly, the ~~initiative~~ innovation division shall
14 administer the following:

15 *a.* Regional science, technology, engineering, and
16 mathematics networks for Iowa, the purpose of which is to
17 equalize science, technology, engineering, and mathematics
18 education enrichment opportunities available to learners
19 statewide. The ~~initiative~~ innovation division shall establish
20 six geographically similar regional science, technology,
21 engineering, and mathematics networks across Iowa that
22 complement and leverage existing resources, including ~~but~~
23 ~~not limited to~~ extension service assets, area education
24 agencies, state accredited postsecondary institutions,
25 informal educational centers, school districts, economic
26 development zones, and existing public and private science,
27 technology, engineering, and mathematics partnerships. Each
28 network shall be managed by a highly qualified science,
29 technology, engineering, and mathematics advocate positioned
30 at a network hub to be determined through a competitive
31 application process. Oversight for each regional network
32 shall be provided by a regional advisory board. Members of

33 the board shall be appointed by the governor. The membership
34 shall represent prekindergarten through grade twelve school
35 districts and schools, and higher education, business,
1 nonprofit organizations, youth agencies, and other appropriate
2 stakeholders.

3 *b.* A focused array of the best science, technology,
4 engineering, and mathematics enrichment opportunities, selected
5 through a competitive application process, that can be expanded
6 to meet future needs. A limited, focused list of selected
7 exemplary programs shall be made available to each regional
8 network.

9 *c.* Statewide science, technology, engineering, and
10 mathematics programming designed to increase participation of
11 students and teachers in successful learning experiences; to
12 increase the number of science, technology, engineering, and
13 mathematics-related teaching majors offered by the state's
14 universities; to elevate public awareness of the opportunities;
15 and to increase collaboration and partnerships.

16 ~~4.~~ 6. The initiative innovation division shall evaluate the
17 effectiveness of programming to document best practices.

18 7. The state board shall adopt rules pursuant to chapter 17A
19 to administer this section.

20 Sec. 2521. CODE EDITOR DIRECTIVE.

21 1. The Code editor is directed to make the following
22 transfer:

23 Section 268.7 to section 256.111.

24 2. The Code editor shall correct internal references in the
25 Code and in any enacted legislation as necessary due to the
26 enactment of this section.

27 3. The Code editor may designate section 256.111, as enacted
28 in this division of this Act, as new subchapter VI within
29 chapter 256, entitled "Innovation Division".

30 Sec. 2522. TRANSITION PROVISIONS.

31 1. The property and records in the custody of the state
32 board of regents or the university of northern Iowa relating

33 to the science, technology, engineering, and mathematics
34 collaborative initiative shall be transferred to the department
35 of education on or before the effective date of this division
1 of this Act.

2 2. All employees of the university of northern Iowa whose
3 primary workplace is located at the university of northern Iowa
4 under the science, technology, engineering, and mathematics
5 collaborative initiative established pursuant to section 268.7
6 shall be considered employees of the innovation division of the
7 department of education on the effective date of this division
8 of this Act without incurring any loss in salary, benefits, or
9 accrued years of service.

10 3. The state board of regents and the university of
11 northern Iowa shall assist the department of education in
12 implementing this division of this Act by providing for an
13 effective transition of powers and duties from one entity
14 to another under section 268.7, chapters 256 and 262, and
15 related administrative rules. To the extent requested by
16 the department of education, such assistance shall include
17 assisting in cooperating with federal agencies such as the
18 United States department of education.

19 4. Any contract issued or entered into by the state board
20 of regents or the university of northern Iowa relating to the
21 provisions of section 268.7, in effect on the effective date
22 of this division of this Act, shall continue in full force and
23 effect pending transfer of such contract to the innovation
24 division of the department of education.

25 5. Federal funds utilized by the state board of regents or
26 the university of northern Iowa prior to the effective date of
27 this division of this Act to employ personnel necessary for
28 the administration of the science, technology, engineering,
29 and mathematics collaborative initiative established pursuant
30 to section 268.7 shall be applied to and be available for the
31 transfer of such personnel from the state board of regents or
32 the university of northern Iowa to the innovation division of

33 the department of education.

34 HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES

35 Sec. 2523. Section 256.1, subsection 1, Code 2023, is
1 amended by adding the following new paragraphs:

2 NEW PARAGRAPH. g. The Iowa educational services for the
3 blind and visually impaired program.

4 NEW PARAGRAPH. h. The Iowa school for the deaf.

5 NEW PARAGRAPH. i. The science, technology, engineering,
6 and mathematics collaborative initiative within the innovation
7 division of the department.

8 NEW PARAGRAPH. j. The college student aid commission within
9 the higher education division of the department.

10 NEW PARAGRAPH. k. The board of educational examiners within
11 the higher education division of the department.

12 NEW PARAGRAPH. l. Career and technical education programs
13 offered by school districts or community colleges.

14 Sec. 2524. Section 256.7, unnumbered paragraph 1, Code
15 2023, is amended to read as follows:

16 Except for the ~~college student aid commission, the~~
17 ~~commission of libraries and division of library services,~~
18 higher education division; the bureaus, boards, and commissions
19 within the higher education division; and the public
20 broadcasting board and division, the state board shall:

21 Sec. 2525. Section 256.9, unnumbered paragraph 1, Code
22 2023, is amended to read as follows:

23 Except for the ~~college student aid commission, the~~
24 ~~commission of libraries and division of library services,~~
25 higher education division; the bureaus, boards, and commissions
26 within the higher education division; and the public
27 broadcasting board and division, the director shall:

28 Sec. 2526. NEW SECTION. 256.121 Higher education division
29 created.

30 1. The higher education division of the department of
31 education is created. The chief administrative officer of the
32 division is the administrator who shall be appointed by the

33 director.

34 2. The administrator shall do all of the following:

35 a. Administer and coordinate all of the following bureaus,
1 boards, and commissions within the higher education division:

2 (1) The career and technical education bureau under part 2.

3 (2) The board of educational examiners under part 3.

4 (3) The college student aid commission under part 4.

5 (4) The community colleges bureau under chapter 260C.

6 b. Direct and organize the activities of the division.

7 c. Control all property of the division.

8 d. Hire and control the personnel employed by the division.

9 e. Perform other duties imposed by law.

10 Sec. 2527. CODE EDITOR DIRECTIVE. The Code editor may
11 designate section 256.121 as new subchapter VII within chapter
12 256, entitled "Higher Education Division", and new part 1
13 within new subchapter VII entitled "General Provisions".

14 COMMUNITY COLLEGES AND POST-SECONDARY READINESS BUREAU

15 Sec. 2528. Section 256.7, subsection 2, Code 2023, is
16 amended to read as follows:

17 2. Constitute the state board for career and technical
18 education under ~~chapter 258~~ subchapter VII, part 2.

19 Sec. 2529. Section 256.11, subsection 5, paragraph h,
20 subparagraph (2), Code 2023, is amended to read as follows:

21 (2) Instructional programs provided under subparagraph (1)
22 shall comply with the provisions of ~~chapter 258~~ subchapter VII,
23 part 2, relating to career and technical education, and shall
24 be articulated with postsecondary programs of study and include
25 field, laboratory, or on-the-job training. Each sequential
26 unit shall contain a portion of a career and technical
27 education program approved by the department. Standards for
28 instructional programs shall include but not be limited to new
29 and emerging technologies; job-seeking, job-adaptability, and
30 other employment, self-employment and entrepreneurial skills
31 that reflect current industry standards and labor-market needs;
32 and reinforcement of basic academic skills.

33 Sec. 2530. Section 257.51, subsection 3, Code 2023, is
34 amended to read as follows:

35 3. The department of education shall adopt rules to
1 establish and administer a career academy grant program
2 to provide for the allocation of money in the fund in
3 the form of competitive grants, not to exceed one million
4 dollars per grant, to school corporations for career academy
5 infrastructure, career academy equipment, or both, in
6 accordance with the goals of [this section](#) and to further the
7 goals of the establishment and operation of career academies
8 under [section 258.15](#). The rules adopted by the department
9 of education shall specify the eligibility of applicants
10 and eligible items for grant funding. Priority for grants
11 shall first be given to applications to establish new career
12 academies that are organized as regional centers pursuant to
13 ~~chapter 258~~ [256, subchapter VII, part 2](#). Subsequent priority
14 shall be given to applications for expanding existing career
15 academies.

16 Sec. 2531. Section 258.3, Code 2023, is amended to read as
17 follows:

18 **258.3 ~~Personnel~~ Community colleges and post-secondary**
19 **readiness bureau — personnel.**

20 The director of the department ~~of education~~ shall appoint
21 the bureau chief of the community colleges and post-secondary
22 readiness bureau, and the bureau chief shall direct the work of
23 personnel as necessary to carry out this ~~chapter~~ part.

24 Sec. 2532. Section 258.3A, subsection 3, Code 2023, is
25 amended to read as follows:

26 3. Adopt rules prescribing standards for approval of school
27 district career and technical education programs; and community
28 colleges with career and technical education programs; and
29 practitioner preparation schools, departments, and classes,
30 applying for federal and state moneys under this ~~chapter~~ part.

31 Sec. 2533. Section 258.4, subsection 10, Code 2023, is
32 amended to read as follows:

33 10. Notwithstanding the accreditation process contained
34 in [section 256.11](#), permit school districts that provide a
35 program which does not meet the standards for accreditation
1 for career and technical education to cooperate with the
2 regional career and technical education planning partnership
3 and contract for an approved program under this ~~chapter~~ part
4 without losing accreditation. A school district that fails
5 to cooperate with the regional career and technical education
6 planning partnership and contract for an approved program
7 shall, however, be subject to [section 256.11](#).

8 Sec. 2534. Section 258.6, Code 2023, is amended to read as
9 follows:

10 **258.6 Definitions.**

11 As used in this ~~chapter~~ part:

12 1. *"Approved career and technical education program"* means
13 a career and technical education program offered by a school
14 district or community college and approved by the ~~department~~
15 bureau which meets the standards for career and technical
16 education programs adopted by the state board under this
17 ~~chapter~~ part.

18 2. *"Approved practitioner preparation school, department,*
19 *or class"* means a school, department, or class approved by the
20 state board as entitled under this ~~chapter~~ part to federal
21 moneys for the training of teachers of career and technical
22 education subjects.

23 3. *"Approved regional career and technical education*
24 *planning partnership"* means a regional entity that meets the
25 standards for regional career and technical education planning
26 partnerships adopted by the state board pursuant to section
27 258.3A and [section 258.14](#).

28 4. *"Career academy"* means a career academy established under
29 section 258.15.

30 5. *"Career and technical education service area"* means
31 any one of the service areas specified in section 256.11,
32 subsection 5, paragraph "h".

33 ~~6. "Department" means the department of education.~~

34 ~~7. "Director" means the director of the department of~~
35 ~~education.~~

1 ~~8.~~ 6. "Sector partnership" means a regional industry sector
2 partnership established pursuant to [section 260H.7B](#).

3 ~~9.~~ 7. "State board" means the state board for career and
4 technical education as provided in [section 258.2](#).

5 ~~10.~~ 8. "Work-based learning" means opportunities and
6 experiences that include but are not limited to tours, job
7 shadowing, rotations, mentoring, entrepreneurship, service
8 learning, internships, and apprenticeships.

9 ~~11.~~ 9. "Work-based learning intermediary network" means the
10 statewide work-based learning intermediary network established
11 pursuant to [section 256.40](#).

12 Sec. 2535. Section 258.9, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. The board of directors of a school district or community
15 college that maintains a career and technical education
16 program receiving federal or state funds under this ~~chapter~~
17 part shall, as a condition of approval by the state board,
18 appoint a local advisory council for each career and technical
19 education program offered by the school district or community
20 college. However, a school district and a community college
21 that maintain a career and technical education program
22 receiving federal or state funds may create a joint local
23 advisory council. The membership of each local advisory
24 council shall consist of public members with expertise in
25 the occupation or occupational field related to the career
26 and technical education program. The local advisory council
27 shall give advice and assistance to the board of directors,
28 administrators, and instructors in the establishment and
29 maintenance of the career and technical education program.

30 Sec. 2536. Section 258.11, Code 2023, is amended to read as
31 follows:

32 **258.11 Salary and expenses for administration.**

33 The director may make expenditures for salaries and other
34 expenses as necessary to the proper administration of this
35 ~~chapter~~ part.

1 Sec. 2537. Section 260C.14, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. Determine the curriculum to be offered in such school or
4 college subject to approval of the director and ensure that all
5 career and technical education offerings are competency-based,
6 provide any minimum competencies required by the department
7 of education, comply with any applicable requirements in
8 ~~chapter 258~~ 256, subchapter VII, part 2, and are articulated
9 with local school district career and technical education
10 programs. If an existing private educational institution or an
11 existing vocational institution offering a career and technical
12 education program within the merged area has facilities and
13 curriculum of adequate size and quality which would duplicate
14 the functions of the area school, the board of directors shall
15 discuss with the institution the possibility of entering into
16 contracts to have the existing institution offer facilities
17 and curriculum to students of the merged area. The board of
18 directors shall consider any proposals submitted by the private
19 institution for providing such facilities and curriculum. The
20 board of directors may enter into such contracts. In approving
21 curriculum, the director shall ascertain that all courses
22 and programs submitted for approval are needed and that the
23 curriculum being offered by an area school does not duplicate
24 programs provided by existing public or private facilities in
25 the area. In determining whether duplication would actually
26 exist, the director shall consider the needs of the area
27 and consider whether the proposed programs are competitive
28 as to size, quality, tuition, purposes, and area coverage
29 with existing public and private educational or vocational
30 institutions within the merged area. If the board of directors
31 of the merged area chooses not to enter into contracts with
32 private institutions under this subsection, the board shall

33 submit a list of reasons why contracts to avoid duplication
34 were not entered into and an economic impact statement relating
35 to the board's decision.

1 Sec. 2538. Section 598.21B, subsection 2, paragraph e,
2 subparagraph (1), subparagraph division (c), Code 2023, is
3 amended to read as follows:

4 (c) The parent is attending a career and technical education
5 program approved pursuant to chapter ~~258~~ 256, subchapter VII,
6 part 2.

7 Sec. 2539. EMERGENCY RULES. The state board of education
8 may adopt emergency rules under section 17A.4, subsection 3,
9 and section 17A.5, subsection 2, paragraph "b", to implement
10 the provisions of this division of this Act pertaining to the
11 career and technical education bureau and the rules shall
12 be effective immediately upon filing unless a later date is
13 specified in the rules. Any rules adopted in accordance with
14 this section shall also be published as a notice of intended
15 action as provided in section 17A.4.

16 Sec. 2540. CODE EDITOR DIRECTIVE.

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

- 19 a. Section 258.1 to section 256.126.
- 20 b. Section 258.2 to section 256.127.
- 21 c. Section 258.3 to section 256.128.
- 22 d. Section 258.3A to section 256.129.
- 23 e. Section 258.4 to section 256.130.
- 24 f. Section 258.5 to section 256.131.
- 25 g. Section 258.6 to section 256.125.
- 26 h. Section 258.9 to section 256.132.
- 27 i. Section 258.10 to section 256.133.
- 28 j. Section 258.11 to section 256.134.
- 29 k. Section 258.12 to section 256.135.
- 30 l. Section 258.14 to section 256.136.
- 31 m. Section 258.15 to section 256.137.

32 2. The Code editor shall correct internal references in the

33 Code and in any enacted legislation as necessary due to the
34 enactment of this section.

35 3. The Code editor may designate sections 256.125 through
1 256.137, as amended or enacted in this division of this Act,
2 as new part 2 entitled "Career and Technical Education Bureau"
3 within the subchapter entitled "Higher Education Division" as
4 enacted by another division of this Act.

5 Sec. 2541. TRANSITION PROVISIONS.

6 1. Any contract issued or entered into by the state board
7 of education or the department of education relating to the
8 provisions of chapter 258, in effect on the effective date
9 of this division of this Act, shall continue in full force
10 and effect pending transfer of such contract to the higher
11 education division of the department of education.

12 2. All employees of the department of education who work
13 under the career and technical education program established
14 pursuant to chapter 258 shall be considered employees of the
15 career and technical education bureau of the higher education
16 division of the department of education on the effective date
17 of this division of this Act without incurring any loss in
18 salary, benefits, or accrued years of service.

19 BOARD OF EDUCATIONAL EXAMINERS

20 Sec. 2542. Section 20.17, subsection 10, paragraph a, Code
21 2023, is amended to read as follows:

22 a. In the absence of an impasse agreement negotiated
23 pursuant to [section 20.19](#) which provides for a different
24 completion date, public employees represented by a certified
25 employee organization who are teachers licensed under chapter
26 ~~272~~ 256, subchapter VII, part 3, and who are employed by a
27 public employer which is a school district or area education
28 agency shall complete the negotiation of a proposed collective
29 bargaining agreement not later than May 31 of the year
30 when the agreement is to become effective. The board shall
31 provide, by rule, a date on which impasse items in such cases
32 must be submitted to binding arbitration and for such other

33 procedures as deemed necessary to provide for the completion
34 of negotiations of proposed collective bargaining agreements
35 not later than May 31. The date selected for the mandatory
1 submission of impasse items to binding arbitration in such
2 cases shall be sufficiently in advance of May 31 to ensure that
3 the arbitrator's award can be reasonably made by May 31.

4 Sec. 2543. Section 20.19, subsection 1, Code 2023, is
5 amended to read as follows:

6 1. As the first step in the performance of their duty to
7 bargain, the public employer and the employee organization
8 shall endeavor to agree upon impasse procedures. Such
9 agreement shall provide for implementation of these impasse
10 procedures not later than one hundred twenty days prior to
11 the certified budget submission date of the public employer.
12 However, if public employees represented by the employee
13 organization are teachers licensed under chapter ~~272~~ 256,
14 subchapter VII, part 3, and the public employer is a school
15 district or area education agency, the agreement shall provide
16 for implementation of impasse procedures not later than one
17 hundred twenty days prior to May 31 of the year when the
18 collective bargaining agreement is to become effective. If the
19 public employer is a community college, the agreement shall
20 provide for implementation of impasse procedures not later than
21 one hundred twenty days prior to May 31 of the year when the
22 collective bargaining agreement is to become effective. If
23 the public employer is not subject to the budget certification
24 requirements of [section 24.17](#) and other applicable sections,
25 the agreement shall provide for implementation of impasse
26 procedures not later than one hundred twenty days prior
27 to the date the next fiscal or budget year of the public
28 employer commences. If the parties fail to agree upon impasse
29 procedures under the provisions of [this section](#), the impasse
30 procedures provided in [sections 20.20](#) and [20.22](#) shall apply.

31 Sec. 2544. Section 20.20, Code 2023, is amended to read as
32 follows:

33 **20.20 Mediation.**

34 In the absence of an impasse agreement negotiated pursuant
35 to [section 20.19](#) or the failure of either party to utilize its
1 procedures, one hundred twenty days prior to the certified
2 budget submission date, or one hundred twenty days prior to
3 May 31 of the year when the collective bargaining agreement
4 is to become effective if public employees represented by the
5 employee organization are teachers licensed under chapter
6 272 256, subchapter VII, part 3, and the public employer is
7 a school district or area education agency, the board shall,
8 upon the request of either party, appoint an impartial and
9 disinterested person to act as mediator. If the public
10 employer is a community college, and in the absence of an
11 impasse agreement negotiated pursuant to [section 20.19](#) or
12 the failure of either party to utilize its procedures, one
13 hundred twenty days prior to May 31 of the year when the
14 collective bargaining agreement is to become effective, the
15 board, upon the request of either party, shall appoint an
16 impartial and disinterested person to act as mediator. If the
17 public employer is not subject to the budget certification
18 requirements of [section 24.17](#) or other applicable sections and
19 in the absence of an impasse agreement negotiated pursuant
20 to [section 20.19](#), or the failure of either party to utilize
21 its procedures, one hundred twenty days prior to the date the
22 next fiscal or budget year of the public employer commences,
23 the board, upon the request of either party, shall appoint an
24 impartial and disinterested person to act as a mediator. It
25 shall be the function of the mediator to bring the parties
26 together to effectuate a settlement of the dispute, but the
27 mediator may not compel the parties to agree.

28 Sec. 2545. Section 235A.15, subsection 2, paragraph e,
29 subparagraph (9), Code 2023, is amended to read as follows:

30 (9) To the board of educational examiners created under
31 chapter 272 256 for purposes of determining whether a license,
32 certificate, or authorization should be issued, denied, or

33 revoked.

34 Sec. 2546. Section 235B.6, subsection 2, paragraph e,
35 subparagraph (13), Code 2023, is amended to read as follows:

1 (13) To the board of educational examiners created under
2 chapter ~~272~~ 256 for purposes of determining whether a license,
3 certificate, or authorization should be issued, denied, or
4 revoked.

5 Sec. 2547. Section 256.7, subsection 26, paragraph a,
6 subparagraph (2), Code 2023, is amended to read as follows:

7 (2) The rules shall allow a school district or accredited
8 nonpublic school to award high school credit to an enrolled
9 student upon the demonstration of required competencies for
10 a course or content area, as approved by a teacher licensed
11 under ~~chapter 272~~ subchapter VII, part 3. The school district
12 or accredited nonpublic school shall determine the assessment
13 methods by which a student demonstrates sufficient evidence of
14 the required competencies.

15 Sec. 2548. Section 256.7, subsection 32, paragraph c, Code
16 2023, is amended to read as follows:

17 c. Rules adopted pursuant to [this subsection](#) shall require
18 that online learning coursework offered by school districts,
19 accredited nonpublic schools, and area education agencies be
20 rigorous, high-quality, aligned with the Iowa core and core
21 content requirements and standards and the national standards
22 of quality for online courses issued by an internationally
23 recognized association for kindergarten through grade twelve
24 online learning, and taught by a teacher licensed under ~~chapter~~
25 ~~272~~ subchapter VII, part 3, who has specialized training or
26 experience in online learning, including but not limited to an
27 online-learning-for-Iowa-educators-professional-development
28 project offered by area education agencies, a teacher
29 preservice program, or comparable coursework.

30 Sec. 2549. Section 256.9, subsection 55, Code 2023, is
31 amended to read as follows:

32 55. Develop and maintain a list of approved online

33 providers that provide course content through an online
 34 learning platform taught by a teacher licensed under ~~chapter~~
 35 272 subchapter VII, part 3, who has specialized training or
 1 experience in online learning including but not limited to an
 2 online-learning-for-Iowa-educators-professional-development
 3 project offered by area education agencies, a teacher
 4 preservice program, or comparable coursework, and whose online
 5 learning coursework meets the requirements established by
 6 rule pursuant to [section 256.7, subsection 32](#), paragraph "c".
 7 Providers shall apply for approval annually or as determined
 8 by the department.

9 Sec. 2550. Section 256.11, subsections 9, 9A, and 9B, Code
 10 2023, are amended to read as follows:

11 9. Beginning July 1, 2006, each school district shall have a
 12 qualified teacher librarian who shall be licensed by the board
 13 of educational examiners under ~~chapter 272~~ subchapter VII,
 14 part 3. The state board shall establish in rule a definition
 15 of and standards for an articulated sequential kindergarten
 16 through grade twelve media program. A school district that
 17 entered into a contract with an individual for employment as a
 18 media specialist or librarian prior to June 1, 2006, shall be
 19 considered to be in compliance with [this subsection](#) until June
 20 30, 2011, if the individual is making annual progress toward
 21 meeting the requirements for a teacher librarian endorsement
 22 issued by the board of educational examiners under ~~chapter~~
 23 272 subchapter VII, part 3. A school district that entered
 24 into a contract with an individual for employment as a media
 25 specialist or librarian who holds at least a master's degree in
 26 library and information studies shall be considered to be in
 27 compliance with [this subsection](#) until the individual leaves the
 28 employ of the school district.

29 9A. Beginning July 1, 2007, each school district shall have
 30 a qualified guidance counselor who shall be licensed by the
 31 board of educational examiners under ~~chapter 272~~ subchapter
 32 VII, part 3. Each school district shall work toward the

33 goal of having one qualified guidance counselor for every
34 three hundred fifty students enrolled in the school district.
35 The state board shall establish in rule a definition of and
1 standards for an articulated sequential kindergarten through
2 grade twelve guidance and counseling program.

3 9B. Beginning July 1, 2007, each school district shall have
4 a school nurse to provide health services to its students.
5 Each school district shall work toward the goal of having one
6 school nurse for every seven hundred fifty students enrolled in
7 the school district. For purposes of [this subsection](#), "school
8 nurse" means a person who holds an endorsement or a statement of
9 professional recognition for school nurses issued by the board
10 of educational examiners under [chapter 272 subchapter VII, part](#)
11 [3](#).

12 Sec. 2551. Section 256.11, subsection 17, paragraph a,
13 subparagraph (1), subparagraph division (a), Code 2023, is
14 amended to read as follows:

15 (a) The school district or accredited nonpublic school
16 makes every reasonable and good faith effort to employ a
17 teacher licensed under [chapter 272 subchapter VII, part 3](#), for
18 the specified subject and is unable to employ such a teacher.

19 Sec. 2552. Section 256.11, subsection 17, paragraph c,
20 subparagraphs (1) and (3), Code 2023, are amended to read as
21 follows:

22 (1) An online learning platform if the course is developed
23 by the school district or accredited nonpublic school itself
24 or is developed by a partnership or consortium of schools
25 that have developed the course individually or cooperatively,
26 provided the course is taught and supervised by a teacher
27 licensed under [chapter 272 subchapter VII, part 3](#), who has
28 online learning experience and the course content meets the
29 requirements established by rule pursuant to section 256.7,
30 subsection 32, paragraph "c". A partnership or consortium of
31 schools may include two or more school districts or accredited
32 nonpublic schools, or any combination thereof.

33 (3) An online learning platform offered, subject to the
 34 initial availability of federal funds, by the department in
 35 collaboration with one or more area education agencies or in
 1 partnership with school districts and accredited nonpublic
 2 schools. The online learning platform may deliver distance
 3 education to students, including students receiving competent
 4 private instruction under [chapter 299A](#), provided such students
 5 register with the school district of residence and the
 6 coursework offered by the online learning platform is taught
 7 and supervised by a teacher licensed under ~~chapter 272~~
 8 subchapter VII, part 3, who has online learning experience and
 9 the course content meets the requirements established by rule
 10 pursuant to [section 256.7, subsection 32](#), paragraph "c". The
 11 department and the area education agencies operating online
 12 learning programs pursuant to [section 273.16](#) shall coordinate
 13 to ensure the most effective use of resources and delivery
 14 of services. Federal funds, if available, may be used to
 15 offset what would otherwise be costs to school districts for
 16 participation in the program.

17 Sec. 2553. Section 256.16, subsection 2, Code 2023, is
 18 amended to read as follows:

19 2. A person initially applying for a license shall
 20 successfully complete a practitioner preparation program
 21 approved under [section 256.7, subsection 3](#), and containing the
 22 subject matter specified in [this section](#), before the initial
 23 action by the board of educational examiners under ~~chapter 272~~
 24 subchapter VII, part 3, takes place.

25 Sec. 2554. Section 256.41, subsection 2, Code 2023, is
 26 amended to read as follows:

27 2. Online learning curricula shall be provided and
 28 supervised by a teacher licensed under ~~chapter 272~~ subchapter
 29 VII, part 3.

30 Sec. 2555. Section 256.43, subsection 1, paragraph d, Code
 31 2023, is amended to read as follows:

32 *d.* High-quality online instruction taught by teachers

33 licensed under ~~chapter 272~~ subchapter VII, part 3.

34 Sec. 2556. Section 256.43, subsection 2, paragraph a, Code
35 2023, is amended to read as follows:

1 a. At the discretion of the school board or authorities in
2 charge of an accredited nonpublic school, after consideration
3 of circumstances created by necessity, convenience, and
4 cost-effectiveness, courses developed by private providers may
5 be utilized by the school district or school in implementing a
6 high-quality online learning program. Courses obtained from
7 private providers shall be taught by teachers licensed under
8 ~~chapter 272~~ subchapter VII, part 3.

9 Sec. 2557. Section 256.43, subsection 3, Code 2023, is
10 amended to read as follows:

11 3. *Grading.* Grades in online courses shall be based,
12 at a minimum, on whether a student mastered the subject,
13 demonstrated competency, and met the standards established
14 by the school district. Grades shall be conferred only by
15 teachers licensed under ~~chapter 272~~ subchapter VII, part 3.

16 Sec. 2558. Section 256C.3, subsection 2, paragraph a,
17 subparagraph (2), Code 2023, is amended to read as follows:

18 (2) The individual is appropriately licensed under chapter
19 ~~272 256, subchapter VII, part 3,~~ and meets requirements under
20 chapter 284.

21 Sec. 2559. Section 256E.7, subsection 4, paragraph b,
22 subparagraphs (1), (2), and (3), Code 2023, are amended to read
23 as follows:

24 (1) An administrator who holds a valid license under chapter
25 ~~272 256, subchapter VII, part 3.~~

26 (2) A teacher who holds a valid license under chapter ~~272~~
27 256, subchapter VII, part 3.

28 (3) An individual who holds an authorization to be a
29 charter school administrator issued by the board of educational
30 examiners under chapter ~~272 256, subchapter VII, part 3.~~ The
31 board of educational examiners shall adopt rules for the
32 issuance of such authorizations not later than December 31,

33 2021, and such authorizations shall only be valid for service
34 or employment as a charter school administrator.

35 Sec. 2560. Section 257.11, subsection 3, paragraph c,
1 subparagraph (1), Code 2023, is amended to read as follows:

2 (1) The school district has made every reasonable and good
3 faith effort to employ a teacher licensed under chapter ~~272~~
4 256, subchapter VII, part 3, for the science or mathematics
5 unit, as applicable, and is unable to employ such a teacher.
6 For purposes of this paragraph "c", "good faith effort" means
7 the same as defined in [section 279.19A, subsection 9](#).

8 Sec. 2561. Section 260C.48, subsection 1, paragraph a,
9 subparagraph (2), Code 2023, is amended to read as follows:

10 (2) For purposes of subparagraph (1), subparagraph
11 divisions (b) and (c), if the instructor is a licensed
12 practitioner who holds a career and technical endorsement
13 under chapter ~~272~~ 256, subchapter VII, part 3, relevant work
14 experience in the occupational area includes but is not limited
15 to classroom instruction in a career and technical education
16 subject area offered by a school district or accredited
17 nonpublic school.

18 Sec. 2562. Section 261.1, subsection 2, paragraph d,
19 subparagraph (5), Code 2023, is amended to read as follows:

20 (5) One member shall represent practitioners licensed under
21 chapter ~~272~~ 256, subchapter VII, part 3. When appointing
22 this member, the governor shall give careful consideration to
23 any person nominated by an Iowa teacher association or other
24 education stakeholder organization.

25 Sec. 2563. Section 261E.4, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. A school district shall ensure that advanced placement
28 course teachers or instructors are appropriately licensed
29 by the board of educational examiners in accordance with
30 chapter ~~272~~ 256, subchapter VII, part 3, and meet the minimum
31 certification requirements of the national organization that
32 administers the advanced placement program.

33 Sec. 2564. Section 261H.2, subsection 3, paragraph b, Code
34 2023, is amended to read as follows:

35 b. If it is determined, after exhaustion of all available
1 administrative and judicial appeals, that a faculty member
2 knowingly and intentionally restricts the protected speech or
3 otherwise penalizes a student in violation of **this subsection**,
4 the faculty member shall be subject to discipline by the
5 institution through the normal disciplinary processes of the
6 institution, and such discipline may include termination
7 depending on the totality of the facts. If the faculty member
8 is licensed by the board of educational examiners under chapter
9 ~~272~~ 256, subchapter VII, part 3, the board of educational
10 examiners shall conduct a hearing pursuant to **section 272.13**,
11 and the faculty member may be subject to disciplinary action
12 by the board.

13 Sec. 2565. Section 272.1, Code 2023, is amended to read as
14 follows:

15 **272.1 Definitions.**

16 As used in this part, unless the context otherwise requires:

- 17 1. "Administrator" means a person who is licensed to
18 coordinate, supervise, or direct an educational program or the
19 activities of other practitioners.
- 20 2. "Board" means the board of educational examiners.
- 21 3. "Certificate" means limited recognition to perform
22 instruction and instruction-related duties in school, other
23 than those duties for which practitioners are licensed. A
24 certificate is nonexclusive recognition and does not confer the
25 exclusive authority of a license.
- 26 ~~4. "Department" means the state department of education.~~
- 27 ~~5.~~ 4. "License" means the authority that is given to allow
28 a person to legally serve as a practitioner, a school, an
29 institution, or a course of study to legally offer professional
30 development programs, other than those programs offered by
31 practitioner preparation schools, institutions, courses of
32 study, or area education agencies. A license is the exclusive

33 authority to perform these functions.

34 ~~6.~~ 5. "*Offense directly relates*" refers to either of the
35 following:

1 *a.* The actions taken in furtherance of an offense are
2 actions customarily performed within the scope of practice of
3 a licensed profession.

4 *b.* The circumstances under which an offense was committed
5 are circumstances customary to a licensed profession.

6 ~~7.~~ 6. "*Para-educator*" means a person who is certified to
7 assist a teacher in the performance of instructional tasks to
8 support and assist classroom instruction and related school
9 activities.

10 ~~8.~~ 7. "*Practitioner*" means an administrator, teacher,
11 or other licensed professional, including an individual who
12 holds a statement of professional recognition, who provides
13 educational assistance to students.

14 ~~9.~~ 8. "*Practitioner preparation program*" means a program
15 approved by the state board of education which prepares a
16 person to obtain a license as a practitioner.

17 ~~10.~~ 9. "*Principal*" means a licensed member of a school's
18 instructional staff who serves as an instructional leader,
19 coordinates the process and substance of educational and
20 instructional programs, coordinates the budget of the school,
21 provides formative evaluation for all practitioners and other
22 persons in the school, recommends or has effective authority
23 to appoint, assign, promote, or transfer personnel in a school
24 building, implements the local school board's policy in a
25 manner consistent with professional practice and ethics, and
26 assists in the development and supervision of a school's
27 student activities program.

28 ~~11.~~ 10. "*Professional development program*" means a course or
29 program which is offered by a person or agency for the purpose
30 of providing continuing education for the renewal or upgrading
31 of a practitioner's license.

32 ~~12.~~ 11. "*School*" means a school under [section 280.2](#), an

33 area education agency, and a school operated by a state agency
34 for special purposes.

35 ~~13.~~ 12. "*School administration manager*" means a person
1 who is authorized to assist a school principal in performing
2 noninstructional administrative duties.

3 ~~14.~~ 13. "*School service personnel*" means those persons
4 holding a practitioner's license who provide support services
5 for a student enrolled in school or to practitioners employed
6 in a school.

7 ~~15.~~ 14. "*Student*" means a person who is enrolled in
8 a course of study at a school or practitioner preparation
9 program, or who is receiving direct or indirect assistance from
10 a practitioner.

11 ~~16.~~ 15. "*Superintendent*" means an administrator
12 who promotes, demotes, transfers, assigns, or evaluates
13 practitioners or other personnel, and carries out the policies
14 of a governing board in a manner consistent with professional
15 practice and ethics.

16 ~~17.~~ 16. "*Teacher*" means a licensed member of a school's
17 instructional staff who diagnoses, prescribes, evaluates,
18 and directs student learning in a manner which is consistent
19 with professional practice and school objectives, shares
20 responsibility for the development of an instructional program
21 and any coordinating activities, evaluates or assesses student
22 progress before and after instruction, and who uses the student
23 evaluation or assessment information to promote additional
24 student learning.

25 ~~18.~~ 17. "*Work-based learning program supervisor*" means a
26 person who is certified pursuant to [section 272.16](#) to supervise
27 students' opportunities and experiences related to workplace
28 tours, job shadowing, rotations, mentoring, entrepreneurship,
29 service learning, internships, and apprenticeships.

30 Sec. 2566. Section 272.2, unnumbered paragraph 1, Code
31 2023, is amended to read as follows:

32 The board of ~~educational examiners~~ is created within the

33 higher education division of the department of education to
34 exercise the exclusive authority to:

35 Sec. 2567. Section 272.2, subsection 1, paragraph a, Code
1 2023, is amended to read as follows:

2 a. License practitioners, which includes the authority to
3 ~~establish~~ do all of the following:

4 (1) Establish criteria for the licenses; ~~establish.~~

5 (2) Establish issuance and renewal requirements, provided
6 that a continuing education requirement may be completed by
7 electronic means; ~~create.~~

8 (3) Create application and renewal forms; ~~create.~~

9 (4) Create licenses that authorize different instructional
10 functions or specialties; ~~develop.~~

11 (5) Develop a code of professional rights and
12 responsibilities, practices, and ethics, which shall, among
13 other things, address ~~the~~ all of the following:

14 (a) The failure of a practitioner to fulfill contractual
15 obligations under [section 279.13](#); ~~the.~~ In addressing the
16 failure of a practitioner to fulfill contractual obligations,
17 the board shall consider factors beyond the practitioner's
18 control.

19 (b) The failure of an administrator to protect the safety of
20 staff and students; ~~the.~~

21 (c) The failure of an administrator to meet mandatory
22 reporter obligations; ~~the.~~

23 (d) The refusal of a practitioner to implement provisions of
24 an individualized education program or behavioral intervention
25 plan; ~~and habitual.~~

26 (e) Habitual nonparticipation in professional development;
27 ~~and develop.~~

28 (f) The development of any other classifications,
29 distinctions, and procedures which may be necessary to exercise
30 licensing duties. ~~In addressing the failure of a practitioner~~
31 ~~to fulfill contractual obligations, the board shall consider~~
32 ~~factors beyond the practitioner's control.~~

33 Sec. 2568. Section 272.2, subsections 4 and 24, Code 2023,
34 are amended to read as follows:

35 4. Enforce rules adopted by the board through revocation
1 or suspension of a license, or by other disciplinary action
2 against a practitioner or professional development program
3 licensed by the board ~~of educational examiners~~. The
4 board shall designate who may or shall initiate a licensee
5 disciplinary investigation and a licensee disciplinary
6 proceeding, and who shall prosecute a disciplinary proceeding
7 and under what conditions, and shall state the procedures for
8 review by the board of findings of fact if a majority of the
9 board does not hear the disciplinary proceeding. However, in a
10 case alleging failure of a practitioner to fulfill contractual
11 obligations, the person who files a complaint with the board,
12 or the complainant's designee, shall represent the complainant
13 in a disciplinary hearing conducted in accordance with this
14 ~~chapter part~~.

15 24. By August 1, 2021, adopt rules pursuant to [chapter 17A](#),
16 ~~developed in consultation with the department~~, establishing a
17 statement of professional recognition for behavior analysts
18 licensed under [chapter 154D](#).

19 Sec. 2569. Section 272.2, subsection 7, Code 2023, is
20 amended by striking the subsection.

21 Sec. 2570. Section 272.2, subsection 14, paragraph d, Code
22 2023, is amended to read as follows:

23 *d.* An applicant for a license or certificate under this
24 ~~chapter part~~ shall demonstrate that the requirements of
25 the license or certificate have been met and the burden of
26 proof shall be on the applicant. However, if the executive
27 director of the board receives notice from the director of the
28 department ~~of education~~ under [section 256.9, subsection 17](#),
29 that an error in the basic education data survey submission
30 resulted in an incorrect determination relating to licensure
31 of a practitioner, the executive director shall initiate
32 corrective action with the board and the findings of the

33 director of the department of ~~education~~ shall be sufficient
34 evidence to correct such error.

35 Sec. 2571. Section 272.3, subsection 1, unnumbered
1 paragraph 1, Code 2023, is amended to read as follows:

2 The board of ~~educational examiners~~ consists of twelve
3 members. Two ~~must~~ shall be members of the general public, one
4 ~~must~~ shall be the director of ~~the department of education~~ or
5 the director's designee, and the remaining nine members ~~must~~
6 shall be licensed practitioners. One of the public members
7 shall have served on a school board. The public members shall
8 never have held a practitioner's license, but shall have a
9 demonstrated interest in education. The nine practitioners
10 shall be selected from the following areas and specialties of
11 the teaching profession:

12 Sec. 2572. Section 272.3, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. A majority of the licensed practitioner members shall
15 be nonadministrative practitioners. Four of the members shall
16 be administrators. Membership of the board shall comply with
17 the requirements of [sections 69.16](#) and [69.16A](#). A quorum of
18 the board shall consist of six members. Members shall elect a
19 chairperson of the board. Members, except for the director of
20 the department of ~~education~~ or the director's designee, shall
21 be appointed by the governor subject to confirmation by the
22 senate.

23 Sec. 2573. Section 272.4, subsection 1, unnumbered
24 paragraph 1, Code 2023, is amended to read as follows:

25 Members, except for the director of ~~the department of~~
26 ~~education~~ or the director's designee, shall be appointed to
27 serve staggered terms of four years. A member shall not serve
28 more than two consecutive terms, except for the director of ~~the~~
29 ~~department of education~~ or the director's designee, who shall
30 serve until the director's term of office expires. A member of
31 the board, except for the two public members and the director
32 of ~~the department of education~~ or the director's designee,

33 shall hold a valid practitioner's license during the member's
34 term of office. A vacancy exists when any of the following
35 occur:

1 Sec. 2574. Section 272.5, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. The ~~governor~~ director shall appoint an executive
4 director of the board ~~of educational examiners subject to~~
5 ~~confirmation by the senate.~~ The executive director shall
6 possess a background in education licensure and administrative
7 experience ~~and shall serve at the pleasure of the governor.~~
8 The ~~board of educational examiners~~ director shall set the
9 salary of the executive director ~~within the range established~~
10 ~~for the position by the general assembly.~~

11 Sec. 2575. Section 272.9, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. A certificate which was issued by the board ~~of~~
14 ~~educational examiners~~ to a practitioner before July 1, 1989,
15 continues to be in force as long as the certificate complies
16 with the rules and statutes in effect on July 1, 1989.
17 Requirements for the renewal of licenses, under this ~~chapter~~
18 part, do not apply retroactively to renewal of certificates.
19 However, this section does not limit the duties or powers of
20 a school board to select or discharge practitioners or to
21 terminate practitioners' contracts.

22 Sec. 2576. Section 272.9A, subsection 3, Code 2023, is
23 amended to read as follows:

24 3. An administrator formerly employed by an accredited
25 nonpublic school or formerly employed as an administrator in
26 another state or country is exempt from the mentoring and
27 induction requirement under subsection 1 if the administrator
28 can document two years of successful administrator experience
29 and meet or exceed the requirements contained in rules adopted
30 pursuant to this ~~chapter~~ part for endorsement and licensure.
31 However, if an administrator cannot document two years of
32 successful administrator experience when hired by a school

33 district, the administrator shall meet the requirements of
34 subsection 1.

35 Sec. 2577. Section 272.10, subsections 1, 2, and 5, Code
1 2023, are amended to read as follows:

2 1. It is the intent of the general assembly that licensing
3 fees established by the board ~~of educational examiners~~ be
4 sufficient to finance the activities of the board under this
5 ~~chapter~~ part.

6 2. Licensing fees are payable to the treasurer of state and
7 shall be deposited with the executive director of the board.
8 The executive director shall deposit twenty-five percent of
9 the fees collected annually with the treasurer of state and
10 the fees shall be credited to the general fund of the state.
11 The remaining licensing fees collected during the fiscal year
12 shall be retained by and are appropriated to the board for
13 the purposes related to the board's duties. Notwithstanding
14 section 8.33, licensing fees retained by and appropriated to
15 the board pursuant to [this section](#) that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 but shall remain available for expenditure for the activities
18 of the board as provided in this ~~chapter~~ part until the close
19 of the succeeding fiscal year.

20 5. The fees established by the board for the administrative
21 costs of processing complaints and conducting hearings pursuant
22 to [section 272.2, subsection 23](#), may include a fee for personal
23 service by a sheriff, a fee for legal notice when placed in a
24 newspaper, transcription service or court reporter fee, and
25 other fees assessed as costs by the board. The fees collected
26 annually in accordance with [this subsection](#) shall be retained
27 by and are appropriated to the board for the purposes related
28 to the board's duties. Notwithstanding [section 8.33](#), fees
29 retained by and appropriated to the board pursuant to this
30 subsection that remain unencumbered or unobligated at the close
31 of the fiscal year shall not revert but shall remain available
32 for expenditure for the activities of the board as provided

33 in this ~~chapter~~ part until the close of the succeeding fiscal
34 year.

35 Sec. 2578. Section 272.11, Code 2023, is amended to read as
1 follows:

2 **272.11 Expenditures and refunds.**

3 Expenditures and refunds made by the board under this
4 ~~chapter~~ part shall be certified by the executive director of
5 the board to the director of the department of administrative
6 services, and if found correct, the director of the department
7 of administrative services shall approve the expenditures and
8 refunds and draw warrants upon the treasurer of state from the
9 funds appropriated for that purpose.

10 Sec. 2579. Section 272.12, Code 2023, is amended to read as
11 follows:

12 **272.12 Para-educator certificates.**

13 The board ~~of educational examiners~~ shall adopt rules
14 pursuant to [chapter 17A](#) relating to a voluntary certification
15 system for para-educators. The rules shall specify rights,
16 responsibilities, levels, and qualifications for the
17 certificate. Applicants shall be disqualified for any reason
18 specified in [section 272.2, subsection 14](#), or in administrative
19 rule. Notwithstanding [section 272.2, subsection 14](#), paragraph
20 "b", subparagraph (2), the board may issue a para-educator
21 certificate to a person who is at least eighteen years of age.
22 A person holding a para-educator certificate shall not perform
23 the duties of a licensed practitioner. A certificate issued
24 pursuant to this ~~chapter~~ part shall not be considered a teacher
25 or administrator license for any purpose specified by law,
26 including the purposes specified under this ~~chapter~~ part or
27 chapter 279.

28 Sec. 2580. Section 272.15, subsections 2 and 4, Code 2023,
29 are amended to read as follows:

30 2. If, in the course of performing official duties, an
31 employee of the department becomes aware of any alleged
32 misconduct by an individual licensed under this ~~chapter~~ part,

33 the employee shall report the alleged misconduct to the board
34 ~~of educational examiners~~ under rules adopted pursuant to
35 subsection 1.

1 4. If the executive director of the board verifies through
2 a review of official records that a teacher who holds a
3 practitioner's license under this ~~chapter~~ part is assigned
4 instructional duties for which the teacher does not hold the
5 appropriate license or endorsement, either by grade level or
6 subject area, by a school district or accredited nonpublic
7 school, the executive director may initiate a complaint
8 against the teacher and the administrator responsible for the
9 inappropriate assignment of instructional duties.

10 Sec. 2581. Section 272.16, subsections 1, 2, and 3, Code
11 2023, are amended to read as follows:

12 1. The board ~~of educational examiners~~ shall adopt rules
13 pursuant to [chapter 17A](#) relating to a certification system
14 for work-based learning program supervisors. The rules shall
15 specify rights, responsibilities, levels, and qualifications
16 for the certificate. The certificate shall not require more
17 than fifteen contact hours, which shall be available over
18 the internet and which shall provide instruction related to
19 fundamentals in career education, curriculum, assessment, and
20 the evaluation of student participation.

21 2. Applicants shall be disqualified for any reason
22 specified in [section 272.2, subsection 14](#), or in rules adopted
23 by the board ~~of educational examiners~~.

24 3. A certificate issued pursuant to [this section](#) shall
25 not be considered a teacher or administrator license for any
26 purpose specified by law, including the purposes specified
27 under this ~~chapter~~ part or [chapter 279](#).

28 Sec. 2582. Section 272.20, Code 2023, is amended to read as
29 follows:

30 **272.20 National certification.**

31 The board ~~of educational examiners~~ shall review the
32 standards for teacher's certificates adopted by the national

33 board for professional teaching standards, a nonprofit
34 corporation created as a result of recommendations of the
35 task force on teaching as a profession of the Carnegie
1 forum on education and the economy. In those cases in
2 which the standards required by the national board for an
3 Iowa endorsement or license meet or exceed the requirements
4 contained in rules adopted under this ~~chapter~~ part for that
5 endorsement or license, the board ~~of educational examiners~~
6 shall issue endorsements or licenses to holders of certificates
7 issued by the national board who request the endorsement or
8 license.

9 Sec. 2583. Section 272.28, subsection 2, Code 2023, is
10 amended to read as follows:

11 2. A teacher from an accredited nonpublic school or another
12 state or country is exempt from the requirement of **subsection 1**
13 if the teacher can document three years of successful teaching
14 experience and meet or exceed the requirements contained in
15 rules adopted under this ~~chapter~~ part for endorsement and
16 licensure.

17 Sec. 2584. Section 272.29, Code 2023, is amended to read as
18 follows:

19 **272.29 Annual administrative rules review — triennial**
20 **report.**

21 The executive director of the board shall annually review
22 the administrative rules adopted pursuant to this ~~chapter~~ part
23 and related state laws. The executive director shall submit
24 the executive director's findings and recommendations in a
25 report every three years to the board and the general assembly
26 by January 15.

27 Sec. 2585. Section 272C.15, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. Notwithstanding any other provision of law to the
30 contrary, except for chapter ~~272~~ 256, subchapter VII, part 3, a
31 person's conviction of a crime may be grounds for the denial,
32 revocation, or suspension of a license only if an unreasonable

33 risk to public safety exists because the offense directly
34 relates to the duties and responsibilities of the profession
35 and the appropriate licensing board, agency, or department does
1 not grant an exception pursuant to [subsection 4](#).

2 Sec. 2586. Section 273.3, subsections 11 and 25, Code 2023,
3 are amended to read as follows:

4 11. Employ personnel to carry out the functions of the
5 area education agency which shall include the employment of an
6 administrator who shall possess a license issued under chapter
7 ~~272~~ [256, subchapter VII, part 3](#). The administrator shall
8 be employed pursuant to [section 279.20](#) and [sections 279.23](#),
9 [279.24](#), and [279.25](#). The salary for an area education agency
10 administrator shall be established by the board based upon
11 the previous experience and education of the administrator.
12 Section 279.13 applies to the area education agency board
13 and to all teachers employed by the area education agency.
14 Sections [279.23](#), [279.24](#), and [279.25](#) apply to the area education
15 board and to all administrators employed by the area education
16 agency. [Section 279.69](#) applies to the area education agency
17 board and employees of the board, including part-time,
18 substitute, or contract employees, who provide services to a
19 school or school district.

20 25. Require, by July 1, 2024, any person employed by
21 the area education agency who holds a license, certificate,
22 statement of recognition, or authorization other than a
23 coaching authorization, issued by the board of educational
24 examiners under chapter ~~272~~ [256, subchapter VII, part 3](#), to
25 complete the Iowa reading research center dyslexia overview
26 module. Such persons employed after July 1, 2024, shall
27 complete the module within one year of the employee's initial
28 date of hire.

29 Sec. 2587. Section 279.13, subsection 1, paragraph b,
30 subparagraph (1), Code 2023, is amended to read as follows:

31 (1) Prior to entering into an initial contract with a
32 teacher who holds a license other than an initial license

33 issued by the board of educational examiners under chapter ~~272~~
34 256, subchapter VII, part 3, the school district shall initiate
35 a state criminal history record check of the applicant through
1 the division of criminal investigation of the department of
2 public safety, submit the applicant's fingerprints to the
3 division for submission to the federal bureau of investigation
4 for a national criminal history record check, and review the
5 sex offender registry information under [section 692A.121](#)
6 available to the general public, the central registry for
7 child abuse information established under [section 235A.14](#), and
8 the central registry for dependent adult abuse information
9 established under [section 235B.5](#) for information regarding the
10 applicant for employment as a teacher.

11 Sec. 2588. Section 279.19B, subsection 1, paragraph a,
12 unnumbered paragraph 1, Code 2023, is amended to read as
13 follows:

14 The board of directors of a school district may employ for
15 head coach of any interscholastic athletic activities or for
16 assistant coach of any interscholastic athletic activity, an
17 individual who possesses a coaching authorization issued by the
18 board of educational examiners or possesses a teaching license
19 with a coaching endorsement issued pursuant to chapter ~~272~~ 256,
20 subchapter VII, part 3. However, a board of directors of a
21 school district shall consider applicants with qualifications
22 described below, in the following order of priority:

23 Sec. 2589. Section 279.50A, subsection 1, paragraph a, Code
24 2023, is amended to read as follows:

25 a. The school district has made every reasonable and
26 good faith effort to employ a teacher licensed under chapter
27 ~~272~~ 256, subchapter VII, part 3, for the unit of science or
28 mathematics, as applicable, and is unable to employ such a
29 teacher. For purposes of [this subsection](#), "*good faith effort*"
30 means the same as defined in [section 279.19A, subsection 9](#).

31 Sec. 2590. Section 279.72, Code 2023, is amended to read as
32 follows:

33 **279.72 Training on dyslexia.**

34 By July 1, 2024, the board of directors of a school
35 district shall require all persons employed by the school
1 district who hold a teaching license with an endorsement
2 for prekindergarten, prekindergarten or elementary special
3 education, or prekindergarten through grade three levels
4 issued under chapter 272 256, subchapter VII, part 3, all
5 practitioners and paraprofessionals assigned as Title I
6 teachers and Title I paraprofessionals under the federal Every
7 Student Succeeds Act, Pub. L. No. 114-95, and all practitioners
8 endorsed to teach English as a second language to complete the
9 Iowa reading research center dyslexia overview module. Such
10 persons employed by the school district after July 1, 2024,
11 shall complete the module within one year of the employee's
12 initial date of hire.

13 Sec. 2591. Section 279.73, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. If the board of directors of the school district or
16 a court finds that an employee of the school district who
17 holds a license, certificate, statement of recognition, or
18 authorization issued by the board of educational examiners
19 under chapter 272 256, subchapter VII, part 3, discriminated
20 against a student or employee in violation of [this section](#),
21 the employee found to be in violation under [this section](#) shall
22 be subject to a hearing conducted by the board of educational
23 examiners pursuant to [section 272.2, subsection 14](#), which may
24 result in disciplinary action and the employee's employment may
25 be terminated.

26 Sec. 2592. Section 284.2, subsections 1, 7, and 11, Code
27 2023, are amended to read as follows:

28 1. "*Beginning teacher*" means an individual serving under
29 an initial or intern license, issued under chapter 272 256,
30 subchapter VII, part 3, who is assuming a position as a
31 teacher. "*Beginning teacher*" includes an individual who is
32 an initial teacher. For purposes of the beginning teacher

33 mentoring and induction program created pursuant to section
 34 284.5, "*beginning teacher*" also includes preschool teachers
 35 who are licensed under chapter ~~272~~ 256, subchapter VII, part
 1 3, and are employed by a school district or area education
 2 agency. "*Beginning teacher*" does not include a teacher whose
 3 employment with a school district or area education agency is
 4 probationary unless the teacher is serving under an initial or
 5 teacher intern license issued under chapter ~~272~~ 256, subchapter
 6 VII, part 3.

7 7. "*Mentor*" means an individual employed by a school
 8 district or area education agency as a teacher or a retired
 9 teacher who holds a valid license issued under chapter ~~272~~ 256,
 10 subchapter VII, part 3. The individual must have a record of
 11 three years of successful teaching practice, must be employed
 12 on a nonprobationary basis, and must demonstrate professional
 13 commitment to both the improvement of teaching and learning and
 14 the development of beginning teachers.

15 11. "*Teacher*" means an individual who holds a practitioner's
 16 license issued under chapter ~~272~~ 256, subchapter VII, part
 17 3, or a statement of professional recognition issued under
 18 chapter ~~272~~ 256, subchapter VII, part 3, who is employed in
 19 a nonadministrative position by a school district or area
 20 education agency pursuant to a contract issued by a board of
 21 directors under [section 279.13](#). A teacher may be employed in
 22 both an administrative and a nonadministrative position by a
 23 board of directors and shall be considered a part-time teacher
 24 for the portion of time that the teacher is employed in a
 25 nonadministrative position.

26 Sec. 2593. Section 284.10, subsection 2, Code 2023, is
 27 amended to read as follows:

28 2. An administrator licensed under chapter ~~272~~ 256,
 29 subchapter VII, part 3, who conducts evaluations of teachers
 30 for purposes of [this chapter](#) shall complete the evaluator
 31 training program. A practitioner licensed under chapter ~~272~~
 32 256, subchapter VII, part 3, who is not an administrator

33 may enroll in the evaluator training program. Enrollment
34 preference shall be given to administrators. Upon successful
35 completion, the provider shall certify that the administrator
1 or other practitioner is qualified to conduct evaluations
2 for employment, make recommendations for licensure, and make
3 recommendations that a teacher is qualified to advance from one
4 career path level to the next career path level pursuant to
5 this chapter. Certification is for a period of five years and
6 may be renewed.

7 Sec. 2594. Section 284.15, subsection 2, paragraph a,
8 subparagraph (1), Code 2023, is amended to read as follows:

9 (1) The salary for an initial teacher who has successfully
10 completed an approved practitioner preparation program as
11 defined in [section 272.1](#) or holds an initial or intern teacher
12 license issued under chapter ~~272~~ [256](#), [subchapter VII, part 3](#),
13 shall be at least thirty-three thousand five hundred dollars,
14 which shall also constitute the minimum salary for an Iowa
15 teacher.

16 Sec. 2595. Section 284.15, subsection 2, paragraph b,
17 unnumbered paragraph 1, Code 2023, is amended to read as
18 follows:

19 A career teacher is a teacher who holds a statement of
20 professional recognition issued under chapter ~~272~~ [256](#),
21 [subchapter VII, part 3](#), or who meets all of the following
22 requirements:

23 Sec. 2596. Section 284.15, subsection 2, paragraph b,
24 subparagraph (2), Code 2023, is amended to read as follows:

25 (2) Holds a valid license issued under chapter ~~272~~ [256](#),
26 [subchapter VII, part 3](#).

27 Sec. 2597. Section 284.15, subsection 2, paragraphs d and e,
28 Code 2023, are amended to read as follows:

29 *d. Mentor teacher.* A mentor teacher is a teacher who
30 is evaluated by the school district as demonstrating the
31 competencies and superior teaching skills of a mentor teacher,
32 and has been recommended for a one-year assignment as a mentor

33 teacher by a site-based review council appointed pursuant to
34 subsection 4. In addition, a mentor teacher shall hold a
35 valid license issued under chapter ~~272~~ 256, subchapter VII,
1 part 3, participate in teacher professional development as
2 outlined in this chapter, demonstrate continuous improvement in
3 teaching, and possess the skills and qualifications to assume
4 leadership roles. A mentor teacher shall have a teaching load
5 of not more than seventy-five percent student instruction to
6 allow the teacher to mentor other teachers. A school district
7 shall designate at least ten percent of its teachers as mentor
8 teachers, though the district may enter into an agreement with
9 one or more other districts or an area education agency to meet
10 this requirement through a collaborative arrangement. The
11 terms of the teaching contracts issued under section 279.13 to
12 mentor teachers shall exceed by ten days the terms of teaching
13 contracts issued under section 279.13 to career teachers, and
14 the ten additional contract days shall be used to strengthen
15 instructional leadership in accordance with this subsection. A
16 mentor teacher shall receive annually a salary supplement of
17 at least five thousand dollars.

18 *e. Lead teacher.* A lead teacher is a teacher who holds a
19 valid license issued under chapter ~~272~~ 256, subchapter VII,
20 part 3, and has been recommended for a one-year assignment
21 as a lead teacher by a site-based review council appointed
22 pursuant to subsection 4. The recommendation from the council
23 must assert that the teacher possesses superior teaching
24 skills and the ability to lead adult learners. A lead
25 teacher shall assume leadership roles that may include but
26 are not limited to the planning and delivery of professional
27 development activities designed to improve instructional
28 strategies; the facilitation of an instructional leadership
29 team within the lead teacher's building, school district, or
30 other school districts; the mentoring of other teachers; and
31 participation in the evaluation of student teachers. A lead
32 teacher shall have a teaching load of not more than fifty

33 percent student instruction to allow the lead teacher to spend
34 time on co-teaching; co-planning; peer reviews; observing
35 career teachers, model teachers, and mentor teachers; and other
1 duties mutually agreed upon by the superintendent and the lead
2 teacher. A school district shall designate at least five
3 percent of its teachers as lead teachers, though the district
4 may enter into an agreement with one or more other districts
5 or an area education agency to meet this requirement through a
6 collaborative arrangement. The terms of the teaching contracts
7 issued under [section 279.13](#) to lead teachers shall exceed by
8 fifteen days the terms of teaching contracts issued under
9 section 279.13 to career teachers, and the fifteen additional
10 contract days shall be used to strengthen instructional
11 leadership in accordance with [this subsection](#). A lead teacher
12 shall receive annually a salary supplement of at least ten
13 thousand dollars.

14 Sec. 2598. Section 284.16, subsection 1, paragraph a,
15 subparagraphs (1) and (2), Code 2023, are amended to read as
16 follows:

17 (1) Has successfully completed an approved practitioner
18 preparation program as defined in [section 272.1](#) or holds an
19 intern teacher license issued under chapter ~~272~~ 256, subchapter
20 VII, part 3.

21 (2) Holds an initial or intern teacher license issued under
22 chapter ~~272~~ 256, subchapter VII, part 3.

23 Sec. 2599. Section 284.16, subsection 1, paragraph b,
24 unnumbered paragraph 1, Code 2023, is amended to read as
25 follows:

26 A career teacher is a teacher who holds a statement
27 of professional recognition issued under chapter ~~272~~
28 256, subchapter VII, part 3, or who meets the following
29 requirements:

30 Sec. 2600. Section 284.16, subsection 1, paragraph b,
31 subparagraph (3), Code 2023, is amended to read as follows:

32 (3) Holds a valid license issued under chapter ~~272~~ 256,

33 subchapter VII, part 3.

34 Sec. 2601. Section 284A.2, subsections 1, 2, and 7, Code
35 2023, are amended to read as follows:

1 1. "*Administrator*" means an individual holding a
2 professional administrator license issued under chapter ~~272~~
3 256, subchapter VII, part 3, who is employed in a school
4 district administrative position by a school district or area
5 education agency pursuant to a contract issued by a board of
6 directors under [section 279.23](#) and is engaged in instructional
7 leadership. An administrator may be employed in both an
8 administrative and a nonadministrative position by a board of
9 directors and shall be considered a part-time administrator
10 for the portion of time that the individual is employed in an
11 administrative position.

12 2. "*Beginning administrator*" means an individual serving
13 under an administrator license, issued by the board of
14 educational examiners under chapter ~~272~~ 256, subchapter VII,
15 part 3, who is assuming a position as a school district
16 principal or superintendent for the first time.

17 7. "*Mentor*" means an individual employed by a school
18 district or area education agency as a school district
19 administrator or a retired administrator who holds a valid
20 license issued under chapter ~~272~~ 256, subchapter VII, part 3.
21 The individual must have a record of four years of successful
22 administrative experience and must demonstrate professional
23 commitment to both the improvement of teaching and learning and
24 the development of beginning administrators.

25 Sec. 2602. Section 284A.6, subsection 2, Code 2023, is
26 amended to read as follows:

27 2. In cooperation with the administrator's evaluator, the
28 administrator who has a professional administrator license
29 issued by the board of educational examiners pursuant to
30 chapter ~~272~~ 256, subchapter VII, part 3, and is employed
31 by a school district or area education agency in a school
32 district administrative position shall develop an individual

33 administrator professional development plan. The purpose
34 of the plan is to promote individual and group professional
35 development. The individual plan shall be based, at a minimum,
1 on the needs of the administrator, the Iowa standards for
2 school administrators adopted pursuant to section 256.7,
3 subsection 27, and the student achievement goals of the
4 attendance center and the school district as outlined in the
5 comprehensive school improvement plan.

6 Sec. 2603. Section 284A.7, Code 2023, is amended to read as
7 follows:

8 **284A.7 Evaluation requirements for administrators.**

9 A school district shall conduct an annual evaluation of an
10 administrator who holds a professional administrator license
11 issued under chapter ~~272~~ 256, subchapter VII, part 3, for
12 purposes of assisting the administrator in making continuous
13 improvement, documenting continued competence in the Iowa
14 standards for school administrators adopted pursuant to
15 section 256.7, subsection 27, or to determine whether the
16 administrator's practice meets school district expectations.
17 The evaluation shall include, at a minimum, an assessment of
18 the administrator's competence in meeting the Iowa standards
19 for school administrators and the goals of the administrator's
20 individual professional development plan, including supporting
21 documentation or artifacts aligned to the Iowa standards for
22 school administrators and the individual administrator's
23 professional development plan.

24 Sec. 2604. Section 299A.2, Code 2023, is amended to read as
25 follows:

26 **299A.2 Competent private instruction by licensed**
27 **practitioner.**

28 If a licensed practitioner provides competent instruction
29 to a school-age child, the practitioner shall possess a valid
30 license or certificate which has been issued by the state board
31 of educational examiners under chapter ~~272~~ 256, subchapter VII,
32 part 3, and which is appropriate to the ages and grade levels

33 of the children to be taught. Competent private instruction
34 may include but is not limited to a home school assistance
35 program which provides instruction or instructional supervision
1 offered through an accredited nonpublic school or public school
2 district by a teacher, who is employed by the accredited
3 nonpublic school or public school district, who assists and
4 supervises a parent, guardian, or legal custodian in providing
5 instruction to a child. If competent private instruction is
6 provided through a public school district, the child shall be
7 enrolled and included in the basic enrollment of the school
8 district as provided in [section 257.6](#). Sections 299A.3 through
9 299A.7 do not apply to competent private instruction provided
10 by a licensed practitioner under [this section](#). However, the
11 reporting requirement contained in section 299A.3, subsection
12 1, shall apply to competent private instruction provided by
13 licensed practitioners that is not part of a home school
14 assistance program offered through an accredited nonpublic
15 school or public school district.

16 Sec. 2605. Section 622.10, subsection 8, Code 2023, is
17 amended to read as follows:

18 8. A qualified school guidance counselor, who is licensed
19 by the board of educational examiners under ~~chapter 272~~ [256](#),
20 [subchapter VII, part 3](#), and who obtains information by reason
21 of the counselor's employment as a qualified school guidance
22 counselor, shall not be allowed, in giving testimony, to
23 disclose any confidential communications properly entrusted
24 to the counselor by a pupil or the pupil's parent or guardian
25 in the counselor's capacity as a qualified school guidance
26 counselor and necessary and proper to enable the counselor to
27 perform the counselor's duties as a qualified school guidance
28 counselor.

29 Sec. 2606. Section 709.15, subsection 1, paragraph g,
30 subparagraph (1), subparagraph divisions (a) and (b), Code
31 2023, are amended to read as follows:

32 (a) A person who holds a license, certificate, or statement

33 of professional recognition issued under chapter ~~272~~ 256,
34 subchapter VII, part 3.

35 (b) A person who holds an authorization issued under chapter
1 ~~272~~ 256, subchapter VII, part 3.

2 Sec. 2607. Section 714.19, subsection 4, Code 2023, is
3 amended to read as follows:

4 4. Private and nonprofit elementary or secondary schools
5 recognized by the department of education or the board of
6 directors of a school district for the purpose of complying
7 with [chapter 299](#) and employing teachers licensed under chapter
8 ~~272~~ 256, subchapter VII, part 3.

9 Sec. 2608. CODE EDITOR DIRECTIVE.

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

- 12 a. Section 272.1 to section 256.145.
- 13 b. Section 272.2 to section 256.146.
- 14 c. Section 272.3 to section 256.147.
- 15 d. Section 272.4 to section 256.148.
- 16 e. Section 272.5 to section 256.149.
- 17 f. Section 272.6 to section 256.150.
- 18 g. Section 272.7 to section 256.151.
- 19 h. Section 272.8 to section 256.152.
- 20 i. Section 272.9 to section 256.153.
- 21 j. Section 272.9A to section 256.154.
- 22 k. Section 272.10 to section 256.155.
- 23 l. Section 272.11 to section 256.156.
- 24 m. Section 272.12 to section 256.157.
- 25 n. Section 272.13 to section 256.158.
- 26 o. Section 272.14 to section 256.159.
- 27 p. Section 272.15 to section 256.160.
- 28 q. Section 272.16 to section 256.161.
- 29 r. Section 272.20 to section 256.162.
- 30 s. Section 272.28 to section 256.163.
- 31 t. Section 272.29 to section 256.164.
- 32 u. Section 272.31 to section 256.165.

33 2. The Code editor shall correct internal references in the
34 Code and in any enacted legislation as necessary due to the
35 enactment of this section.

1 3. The Code editor may designate sections 256.145 through
2 256.165, as enacted in this division of this Act, as new part 3
3 entitled "Board of Educational Examiners" within the subchapter
4 entitled "Higher Education Division" as enacted by another
5 division of this Act.

6 Sec. 2609. TRANSITION PROVISIONS.

7 1. Any license, certificate, or authorization issued by
8 the board of education examiners pursuant to chapter 272 prior
9 to the effective date of this division of this Act is valid
10 and shall continue as provided in the terms of the license,
11 certificate, or authorization.

12 2. Federal funds utilized by the board of educational
13 examiners prior to the effective date of this division of this
14 Act to employ personnel necessary for the administration of the
15 board of educational examiners' programs shall be applied to
16 and be available for the transfer of such personnel from the
17 board of educational examiners to the higher education division
18 of the department of education.

19 Sec. 2610. APPLICABILITY. This division of this Act applies
20 to individuals appointed as the executive director of the board
21 of educational examiners before, on, or after the effective
22 date of this division of this Act.

23 COLLEGE STUDENT AID COMMISSION

24 Sec. 2611. Section 8A.504, subsection 1, paragraph d,
25 subparagraph (2), Code 2023, is amended to read as follows:

26 (2) An amount that is due because of a default on a loan
27 under chapter ~~261~~ 256, subchapter VII, part 4.

28 Sec. 2612. Section 8A.504, subsection 4, Code 2023, is
29 amended to read as follows:

30 4. The director shall have the authority to enter into
31 reciprocal agreements with the departments of revenue of other
32 states that have enacted legislation that is substantially

33 equivalent to the setoff procedure provided in this section for
34 the recovery of an amount due because of a default on a loan
35 under chapter ~~261~~ 256, subchapter VII, part 4. A reciprocal
1 agreement shall also be approved by the college student aid
2 commission. The agreement shall authorize the department to
3 provide by rule for the setoff of state income tax refunds
4 or rebates of defaulters from states with which Iowa has a
5 reciprocal agreement and to provide for sending lists of
6 names of Iowa defaulters to the states with which Iowa has
7 a reciprocal agreement for setoff of that state's income tax
8 refunds.

9 Sec. 2613. Section 261.1, subsection 1, Code 2023, is
10 amended to read as follows:

11 1. There is hereby created within the higher education
12 division of the department a commission to be known as the
13 "*College Student Aid Commission*" of the state of Iowa.

14 Sec. 2614. Section 261.1, subsection 2, paragraphs a and b,
15 Code 2023, are amended to read as follows:

16 a. A member of the state board of regents to be named by the
17 state board of regents, or the executive director of the state
18 board of regents if so appointed by the state board of regents,
19 who shall serve for a four-year term or until the expiration
20 of the member's term of office.

21 b. The director of the department ~~of education~~ or the
22 director's designee.

23 Sec. 2615. Section 261.1, subsection 4, paragraph a, Code
24 2023, is amended to read as follows:

25 a. Vacancies on the commission shall be filled for the
26 unexpired term of such vacancies, if applicable, in the same
27 manner as the original appointment.

28 Sec. 2616. Section 261.1, Code 2023, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 5. The director shall appoint an executive
31 director of the commission. The director shall set the salary
32 of the executive director.

33 Sec. 2617. Section 261.2, subsection 2, Code 2023, is
34 amended to read as follows:

35 2. Administer the tuition grant program under this ~~chapter~~
1 part.

2 Sec. 2618. Section 261.3, Code 2023, is amended to read as
3 follows:

4 **261.3 Organization — bylaws.**

5 ~~1. The commission is an autonomous state agency which is~~
6 ~~attached to the department of education for organizational~~
7 ~~purposes only.~~

8 ~~2.~~ 1. The commission, under the authority of the higher
9 education division of the department, shall ~~determine its~~
10 ~~own organization~~, draw up its own bylaws, adopt rules under
11 chapter 17A, and do such other things as may be necessary
12 and incidental in the administration of this ~~chapter part~~,
13 including the housing, ~~employment~~, and fixing the ~~compensation~~
14 ~~and~~ bond of persons required to carry out its functions and
15 responsibilities. A decision of the commission is final agency
16 action under chapter 17A.

17 ~~3.~~ 2. The commission shall function at the seat of
18 government or such other place as ~~it~~ the commission might
19 designate.

20 Sec. 2619. Section 261.5, subsection 2, unnumbered
21 paragraph 1, Code 2023, is amended to read as follows:

22 Notwithstanding any other provision of this ~~chapter part~~, in
23 the event of a national emergency declared by the president of
24 the United States by reason of terrorist attack, the commission
25 may waive or modify any statutory or regulatory provision
26 applicable to state financial aid programs established pursuant
27 to this ~~chapter part~~ to ensure, with regard to affected
28 individuals, that the following occurs:

29 Sec. 2620. Section 261.5, subsection 3, Code 2023, is
30 amended to read as follows:

31 3. Notwithstanding any other provision of this ~~chapter~~
32 part, in the event of a national emergency declared by the

33 president of the United States by reason of terrorist attack,
 34 the commission may grant temporary relief from requirements
 35 rendered infeasible or unreasonable, including due diligence
 1 requirements and reporting deadlines, by the national
 2 emergency, to an institution of higher education under the
 3 state board of regents, a community college, an accredited
 4 private institution as defined in [section 261.9](#), eligible
 5 lenders, and other entities participating in the state student
 6 assistance programs in accordance with this ~~chapter~~ part, that
 7 are located in, or whose operations are directly affected
 8 by, areas that are declared disaster areas by any federal,
 9 state, or local official in connection with the national
 10 emergency. If the commission issues a waiver in accordance
 11 with [this section](#), the report prepared by the commission
 12 pursuant to [section 17A.9A, subsection 5](#), shall include
 13 examples of measures that a postsecondary institution may take
 14 in the appropriate exercise of discretion, as provided in 20
 15 U.S.C. §1087tt, to adjust financial need and aid eligibility
 16 determinations for affected individuals.

17 Sec. 2621. Section 261.9, unnumbered paragraph 1, Code
 18 2023, is amended to read as follows:

19 When used in this ~~subchapter~~ subpart, unless the context
 20 otherwise requires:

21 Sec. 2622. Section 261.9, subsection 1, paragraph b, Code
 22 2023, is amended to read as follows:

23 *b.* Is accredited by the higher learning commission, is
 24 exempt from taxation under section 501(c)(3) of the Internal
 25 Revenue Code, and annually provides a matching aggregate amount
 26 of institutional financial aid equal to at least seventy-five
 27 percent of the amount received in a fiscal year by the
 28 institution's students for Iowa tuition grant assistance under
 29 this ~~chapter~~ part. Commencing with the fiscal year beginning
 30 July 1, 2006, the matching aggregate amount of institutional
 31 financial aid shall increase by the percentage of increase each
 32 fiscal year of funds appropriated for Iowa tuition grants under

33 section 261.25, subsection 1, to a maximum match of one hundred
34 percent. The institution shall file annual reports with the
35 commission prior to receipt of tuition grant moneys under this
1 ~~chapter~~ part. An institution whose income is not exempt from
2 taxation under section 501(c) of the Internal Revenue Code and
3 whose students were eligible to receive Iowa tuition grant
4 money in the fiscal year beginning July 1, 2003, shall meet the
5 match requirements of this paragraph no later than June 30,
6 2005.

7 Sec. 2623. Section 261.9, subsection 8, Code 2023, is
8 amended to read as follows:

9 8. "*Tuition grant*" means an award by the state of Iowa to a
10 qualified student under this ~~subchapter~~ subpart.

11 Sec. 2624. Section 261.15, subsection 2, Code 2023, is
12 amended to read as follows:

13 2. Adopt rules and regulations for determining financial
14 need, defining tuition and mandatory fees, defining residence
15 for the purposes of this ~~subchapter~~ subpart, processing and
16 approving applications for tuition grants, and determining
17 priority of grants. The commission may provide for proration
18 of funds if the available funds are insufficient to pay all
19 approved grants. Such proration shall take primary account of
20 the financial need of the applicant. In determining who is a
21 resident of Iowa, the commission's rules shall be at least as
22 restrictive as those of the board of regents.

23 Sec. 2625. Section 261.16A, subsection 7, Code 2023, is
24 amended to read as follows:

25 7. *Reports to commission*. An eligible institution shall
26 file annual reports with the commission, as required by the
27 commission and under [section 261.9](#), prior to receipt of tuition
28 grant moneys under this ~~chapter~~ part.

29 Sec. 2626. Section 261.17, subsection 5, Code 2023, is
30 amended to read as follows:

31 5. A vocational-technical tuition grant shall be awarded
32 on an annual basis, requiring reapplication by the student for

33 each year. Payments under the grant shall be allocated equally
34 among the semesters or quarters of the year upon certification
35 by the institution that the student is in full-time or
1 part-time attendance in a vocational-technical or career option
2 program, as defined under rules of the department of education.
3 If the student discontinues attendance before the end of any
4 term after receiving payment of the grant, the entire amount of
5 any refund due that student, up to the amount of any payments
6 made under the annual grant, shall be paid by the institution
7 to the state.

8 Sec. 2627. Section 261.20, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. A scholarship and tuition grant reserve fund is created
11 to assure that financial assistance will be available to all
12 students who are awarded scholarships or tuition grants through
13 programs funded under this ~~chapter~~ part. The fund is created
14 as a separate fund in the state treasury, and moneys in the
15 fund shall not revert to the general fund unless, and then
16 only to the extent that, the funds exceed the maximum allowed
17 balance.

18 Sec. 2628. Section 261.35, unnumbered paragraph 1, Code
19 2023, is amended to read as follows:

20 As used in this ~~subchapter~~ subpart, unless the context
21 otherwise requires:

22 Sec. 2629. Section 261.36, unnumbered paragraph 1, Code
23 2023, is amended to read as follows:

24 The commission shall have necessary powers to carry out its
25 purposes and duties under this ~~subchapter~~ subpart, including
26 but not limited to the power to:

27 Sec. 2630. Section 261.37, unnumbered paragraph 1, Code
28 2023, is amended to read as follows:

29 The duties of the commission under this ~~subchapter~~ subpart
30 shall be as follows:

31 Sec. 2631. Section 261.37, subsections 5 and 7, Code 2023,
32 are amended to read as follows:

33 5. To adopt rules pursuant to [chapter 17A](#) to implement
34 the provisions of this ~~subchapter~~ subpart, including
35 establishing standards for educational institutions, lenders,
1 and individuals to become eligible institutions, lenders, and
2 borrowers. Notwithstanding any contrary provisions in chapter
3 537, the rules and standards established shall be consistent
4 with the requirements provided in the Higher Education Act of
5 1965.

6 7. To establish an effective system for the collection of
7 delinquent loans, including the adoption of an agreement with
8 the department of administrative services to set off against
9 a defaulter's income tax refund or rebate the amount that is
10 due because of a default on a loan made under this ~~subchapter~~
11 subpart. The commission shall adopt rules under [chapter 17A](#)
12 necessary to assist the department of administrative services
13 in the implementation of the student loan setoff program as
14 established under [section 8A.504](#). The commission shall apply
15 administrative wage garnishment procedures authorized under the
16 federal Higher Education Act of 1965, as amended and codified
17 in 20 U.S.C. §1071 et seq., for all delinquent loans, including
18 loans authorized under [section 261.38](#), when a defaulter who is
19 financially capable of paying fails to voluntarily enter into a
20 reasonable payment agreement. In no case shall the commission
21 garnish more than the amount authorized by federal law for
22 all loans being collected by the commission, including those
23 authorized under [section 261.38](#).

24 Sec. 2632. Section 261.42, Code 2023, is amended to read as
25 follows:

26 **261.42 Short title.**

27 This ~~subchapter~~ subpart shall be known and may be cited as
28 the "*Iowa Guaranteed Loan Program*".

29 Sec. 2633. Section 261.43A, Code 2023, is amended to read
30 as follows:

31 **261.43A Security interest in education loans.**

32 A nonprofit organization qualifying for tax-exempt status

33 under the Internal Revenue Code, as defined in [section 422.3](#),
34 that provides or acquires education loans in the organization's
35 normal course of business shall, notwithstanding any contrary
1 provision of [chapter 554](#) or other state law, establish and
2 perfect a security interest and establish priority over other
3 security interests in such education loans by filing in the
4 same manner as provided for perfecting a security interest in
5 a student loan pursuant to 20 U.S.C. §1082(m)(1)(E). This
6 section applies to education loans provided under this ~~chapter~~
7 part by such nonprofit organizations and other education loans
8 provided by such nonprofit organizations.

9 Sec. 2634. Section 261.87, subsection 1, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:

11 As used in this ~~subchapter~~ subpart, unless the context
12 otherwise requires:

13 Sec. 2635. Section 261.102, subsection 7, Code 2023, is
14 amended to read as follows:

15 7. "Program" means the Iowa minority academic grants
16 for economic success program established in this ~~subchapter~~
17 subpart.

18 Sec. 2636. Section 261.110, subsections 1 and 5, Code 2023,
19 are amended to read as follows:

20 1. A teach Iowa scholar program is established to provide
21 teach Iowa scholar grants to selected high-caliber teachers.
22 ~~The commission shall administer the program in collaboration~~
23 ~~with the department of education.~~

24 5. ~~The commission, in collaboration with the department~~
25 ~~of education,~~ shall adopt rules pursuant to [chapter 17A](#) to
26 administer [this section](#). The rules shall include but shall not
27 be limited to a process for use by the commission to determine
28 which eligible applicants will receive teach Iowa scholar
29 grants.

30 Sec. 2637. Section 261.110, subsection 3, paragraph a, Code
31 2023, is amended to read as follows:

32 a. The applicant was in the top twenty-five percent

33 academically of students exiting a teacher preparation program
34 approved by the state board of ~~education~~ pursuant to section
35 256.7, subsection 3, or a similar teacher preparation program
1 in another state, or had earned other comparable academic
2 credentials.

3 Sec. 2638. Section 261.111, subsection 2, Code 2023, is
4 amended to read as follows:

5 2. The director of ~~the department of education~~ shall
6 annually designate the areas in which teacher shortages are
7 anticipated. The director shall periodically conduct a survey
8 of school districts, accredited nonpublic schools, and approved
9 practitioner preparation programs to determine current shortage
10 areas and predict future shortage areas.

11 Sec. 2639. Section 261.112, subsections 1 and 2, Code 2023,
12 are amended to read as follows:

13 1. A teacher shortage loan forgiveness program is
14 established to be administered by the commission. A teacher
15 is eligible for the program if the teacher is practicing in
16 a teacher shortage area as designated by the department of
17 ~~education~~ pursuant to [subsection 2](#). A person is ineligible
18 for this program if the person receives a grant under section
19 261.110 or a forgivable loan under [section 261.111](#). For
20 purposes of [this section](#), "teacher" means an individual holding
21 a practitioner's license issued under ~~chapter 272~~ [part 3](#), who
22 is employed in a nonadministrative position in a designated
23 shortage area by a school district or area education agency
24 pursuant to a contract issued by a board of directors under
25 section 279.13.

26 2. The director of ~~the department of education~~ shall
27 annually designate the geographic or subject areas experiencing
28 teacher shortages. The director shall periodically conduct a
29 survey of school districts, accredited nonpublic schools, and
30 approved practitioner preparation programs to determine current
31 shortage areas.

32 Sec. 2640. Section 261.130, subsection 2, Code 2023, is

33 amended to read as follows:

34 2. Skilled workforce shortage tuition grants shall be
35 awarded only to students pursuing a career-technical or career
1 option program in an industry identified as having a shortage
2 of skilled workers by a community college after conducting a
3 regional skills gap analysis or as being a high-demand job by
4 the department of workforce development in the ~~department's~~
5 department of workforce development's most recent list of
6 high-demand jobs. If a community college no longer identifies
7 the industry as having a shortage of skilled workers or the
8 department of workforce development no longer identifies the
9 industry as a high-demand job, an eligible student who received
10 a grant for a career-technical or career option program based
11 on that identification shall continue to receive the grant
12 until achieving a postsecondary credential, up to an associate
13 degree, as long as the student is continuously enrolled in
14 that program and continues to meet all other eligibility
15 requirements.

16 Sec. 2641. Section 261.131, subsection 1, paragraph b, Code
17 2023, is amended to read as follows:

18 *b. "Approved state-recognized work-based learning program"*
19 means a structured educational and training program that
20 includes authentic worksite training and is approved by the
21 ~~department of education~~ according to a process established
22 under rules adopted pursuant to [section 256.7, subsection 34](#).

23 Sec. 2642. Section 261.132, subsection 1, paragraph c, Code
24 2023, is amended to read as follows:

25 *c. "Eligible program"* means a program of study or an
26 academic major jointly approved by the commission and the
27 department of workforce development, in consultation with the
28 eligible institution, that leads to a bachelor's degree aligned
29 with a high-demand job designated by the workforce development
30 board pursuant to [section 84A.1B, subsection 14](#). If the
31 department of workforce development removes a high-demand job
32 from the list created under [section 84A.1B, subsection 14](#), an

33 eligible student who received a grant for a program based on
34 that high-demand job shall continue to receive the grant until
35 achieving a bachelor's degree as long as the student continues
1 to meet all other eligibility requirements.

2 Sec. 2643. Section 261B.11A, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. Students attending schools required to register under
5 this chapter are ineligible for state student financial aid
6 programs established under chapter ~~261~~ 256, subchapter VII,
7 part 4.

8 Sec. 2644. Section 261F.1, subsection 5, paragraph e, Code
9 2023, is amended to read as follows:

10 e. State education grants, scholarships, or financial aid
11 funds administered under chapter ~~261~~ 256, subchapter VII, part
12 4.

13 Sec. 2645. Section 261G.4, subsections 1, 2, and 5, Code
14 2023, are amended to read as follows:

15 1. Notwithstanding any other provision of law to the
16 contrary, a participating nonresident institution shall not
17 be required to register under [chapter 261B](#) or to comply with
18 the registration and disclosure requirements of chapter ~~261~~
19 256, subchapter VII, part 4, or [chapter 261B](#) or section 714.17,
20 subsections 2 and 3, or sections [714.18](#), [714.20](#), [714.21](#), and
21 [714.23](#), or [section 714.24](#), subsections 1, 2, 3, 4, and 5, or
22 section 714.25, if the provisions of an interstate reciprocity
23 agreement prohibit such registration or compliance.

24 2. Notwithstanding any other provision of law to the
25 contrary, a participating resident institution shall be
26 required to register under [chapter 261B](#) or to comply with the
27 registration and disclosure requirements of chapter ~~261~~ 256,
28 subchapter VII, part 4, or [chapter 261B](#) or section 714.17,
29 subsections 2 and 3, or sections [714.18](#), [714.20](#), [714.21](#), and
30 [714.23](#), or [section 714.24](#), subsections 1, 2, 3, 4, and 5, or
31 section 714.25, if the provisions of the interstate reciprocity
32 agreement require such registration or compliance.

33 5. Students attending a participating nonresident
34 institution are ineligible for state student financial aid
35 programs established under ~~chapter 261~~ 256, subchapter VII,
1 part 4.

2 Sec. 2646. CODE EDITOR DIRECTIVE.

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

- 5 a. Section 261.1 to section 256.176.
- 6 b. Section 261.2 to section 256.177.
- 7 c. Section 261.3 to section 256.178.
- 8 d. Section 261.4 to section 256.179.
- 9 e. Section 261.5 to section 256.180.
- 10 f. Section 261.7 to section 256.181.
- 11 g. Section 261.8 to section 256.182.
- 12 h. Section 261.9 to section 256.183.
- 13 i. Section 261.10 to section 256.184.
- 14 j. Section 261.11 to section 256.185.
- 15 k. Section 261.12 to section 256.186.
- 16 l. Section 261.13 to section 256.187.
- 17 m. Section 261.14 to section 256.188.
- 18 n. Section 261.15 to section 256.189.
- 19 o. Section 261.16 to section 256.190.
- 20 p. Section 261.16A to section 256.191.
- 21 q. Section 261.17 to section 256.192.
- 22 r. Section 261.20 to section 256.193.
- 23 s. Section 261.25 to section 256.194.
- 24 t. Section 261.35 to section 256.195.
- 25 u. Section 261.36 to section 256.196.
- 26 v. Section 261.37 to section 256.197.
- 27 w. Section 261.38 to section 256.198.
- 28 x. Section 261.42 to section 256.199.
- 29 y. Section 261.43 to section 256.200.
- 30 z. Section 261.43A to section 256.201.
- 31 aa. Section 261.62 to section 256.202.
- 32 ab. Section 261.71 to section 256.203.

- 33 ac. Section 261.72 to section 256.204.
- 34 ad. Section 261.73 to section 256.205.
- 35 ae. Section 261.81 to section 256.206.
- 1 af. Section 261.83 to section 256.207.
- 2 ag. Section 261.84 to section 256.208.
- 3 ah. Section 261.85 to section 256.209.
- 4 ai. Section 261.86 to section 256.210.
- 5 aj. Section 261.86A to section 256.211.
- 6 ak. Section 261.87 to section 256.212.
- 7 al. Section 261.101 to section 256.213.
- 8 am. Section 261.102 to section 256.214.
- 9 an. Section 261.103 to section 256.215.
- 10 ao. Section 261.104 to section 256.216.
- 11 ap. Section 261.105 to section 256.217.
- 12 aq. Section 261.110 to section 256.218.
- 13 ar. Section 261.111 to section 256.219.
- 14 as. Section 261.112 to section 256.220.
- 15 at. Section 261.113 to section 256.221.
- 16 au. Section 261.114 to section 256.222.
- 17 av. Section 261.115 to section 256.223.
- 18 aw. Section 261.116 to section 256.224.
- 19 ax. Section 261.117 to section 256.225.
- 20 ay. Section 261.120 to section 256.226.
- 21 az. Section 261.130 to section 256.227.
- 22 ba. Section 261.131 to section 256.228.
- 23 bb. Section 261.132 to section 256.229.

24 2. The Code editor shall correct internal references in the
25 Code and in any enacted legislation as necessary due to the
26 enactment of this section.

27 3. a. The Code editor may designate sections 256.176
28 through 256.229, as enacted in this division of this Act, as
29 new part 4 entitled "College Student Aid Commission" within the
30 subchapter entitled "Higher education division" as enacted by
31 another division of this Act.

32 b. The Code editor shall designate sections 256.176 through

33 256.229 into the following subparts:

34 (1) Sections 256.176 through 256.182 shall be designated as
35 subpart A and entitled "General Provisions".

1 (2) Sections 256.183 through 256.194 shall be designated as
2 subpart B and entitled "Tuition Grants to Students".

3 (3) Sections 256.195 through 256.201 shall be designated as
4 subpart C and entitled "Iowa Guaranteed Loan Program".

5 (4) Section 256.202 shall be designated as subpart D and
6 entitled "Iowa State Fair Scholarship".

7 (5) Sections 256.203 through 256.205 shall be designated
8 as subpart E and entitled "Chiropractic Graduate Student
9 Forgivable Loan Program".

10 (6) Sections 256.206 through 256.209 shall be designated as
11 subpart F and entitled "Work-Study Program".

12 (7) Sections 256.210 through 256.211 shall be designated as
13 subpart G and entitled "National Guard Educational Assistance".

14 (8) Section 256.212 shall be designated as subpart H and
15 entitled "All Iowa Opportunity Scholarships".

16 (9) Sections 256.213 through 256.217 shall be designated as
17 subpart I and entitled "Minority Academic Grants for Economic
18 Success".

19 (10) Sections 256.218 through 256.220 shall be designated
20 as subpart J and entitled "Teach Iowa Scholar Grants and
21 Teacher Shortage Forgivable Loan and Loan Forgiveness
22 Programs".

23 (11) Sections 256.221 through 256.226 shall be designated
24 as subpart K and entitled "Other Loan Repayment and Forgiveness
25 Programs — Health Professions".

26 (12) Sections 256.227 through 256.229 shall be designated
27 as subpart L and entitled "Skilled Workforce Shortage Tuition
28 Grant Program".

29 Sec. 2647. TRANSITION PROVISIONS.

30 1. Any scholarship, loan, or grant awarded under a
31 program administered by the college student aid commission in
32 accordance with chapter 261 prior to the effective date of this

33 division of this Act is valid and shall continue as provided in
34 the terms of the scholarship, loan, or grant.

35 2. Federal funds utilized by the college student aid
1 commission prior to the effective date of this division of this
2 Act to employ personnel necessary for the administration of the
3 college student aid commission's programs shall be applied to
4 and be available for the transfer of such personnel from the
5 college student aid commission to the higher education division
6 of the department of education.

7 Sec. 2648. APPLICABILITY. This division of this Act
8 applies to individuals appointed as the executive director of
9 the college student aid commission before, on, or after the
10 effective date of this division of this Act.

11 COMMUNITY COLLEGES BUREAU

12 Sec. 2649. Section 256.9, subsection 36, Code 2023, is
13 amended by striking the subsection.

14 Sec. 2650. Section 260C.2, Code 2023, is amended by adding
15 the following new subsections:

16 NEW SUBSECTION. 01. "Bureau" means the community colleges
17 bureau of the higher education division of the department
18 established under section 260C.6.

19 NEW SUBSECTION. 001. "Bureau chief" means the bureau
20 chief of the community colleges bureau of the higher education
21 division of the department.

22 Sec. 2651. Section 260C.5, Code 2023, is amended to read as
23 follows:

24 260C.5 Duties of director Community colleges bureau — duties
25 of bureau chief.

26 The director shall appoint the bureau chief, and the bureau
27 chief shall direct the work of the personnel as necessary to
28 carry out this chapter. The bureau chief shall do all of the
29 following:

30 1. Designate a community college as an "area career and
31 technical education school" within the meaning of, and for the
32 purpose of administering, the federal Carl D. Perkins Career

33 and Technical Education Improvement Act of 2006. A community
34 college shall not be so designated by the director for the
35 expenditure of funds under 20 U.S.C. §2301 et seq., as amended,
1 which has not been designated and classified as a community
2 college by the state board.

3 2. Change boundaries of director districts in a merged area
4 when the board fails to change boundaries as required by law.

5 3. Make changes in boundaries of merged areas with the
6 approval of the board of directors of each merged area affected
7 by the change. When the boundaries of a merged area are
8 changed, the director ~~of the department of education~~ may
9 authorize the board of directors of the merged area to levy
10 additional taxes upon the property within the merged area, or
11 any part of the merged area, and distribute the taxes so that
12 all parts of the merged area are paying their share toward the
13 support of the college.

14 4. Administer, allocate, and disburse federal or state
15 funds made available to pay a portion of the cost of acquiring
16 sites for and constructing, acquiring, or remodeling facilities
17 for community colleges, and establish priorities for the use
18 of such funds.

19 5. Administer, allocate, and disburse federal or state
20 funds available to pay a portion of the operating costs of
21 community colleges.

22 6. Propose administrative rules to carry out [this chapter](#)
23 subject to approval of the state board.

24 7. Enter into contracts with local school boards within the
25 area that have and maintain a career and technical education
26 program and with private schools or colleges in the cooperative
27 or merged areas to provide courses or programs of study in
28 addition to or as a part of the curriculum made available in
29 the community college.

30 8. Make arrangements with boards of merged areas and local
31 school districts to permit students attending high school to
32 participate in career and technical education programs and

33 advanced college placement courses and obtain credit for such
34 participation for application toward the completion of a high
35 school diploma. The granting of credit is subject to the
1 approval of the director ~~of the department of education.~~

2 9. Prescribe a uniform system of accounting for community
3 colleges.

4 10. Ensure that community colleges that provide
5 intercollegiate athletics as a part of their program comply
6 with [section 216.9](#).

7 11. Develop an application and review process for approval
8 of administrative and program sharing agreements between two
9 or more community colleges or a community college and an
10 institution of higher education under the board of regents
11 entered into pursuant to section 260C.46.

12 Sec. 2652. Section 260C.6, Code 2023, is amended to read as
13 follows:

14 **260C.6 Community colleges ~~division in department~~ bureau in**
15 **the higher education division.**

16 A community colleges ~~division~~ bureau shall be established
17 within the higher education division of the department of
18 education. The ~~division~~ bureau shall exercise the powers and
19 perform the duties conferred by law upon the department with
20 respect to community colleges.

21 Sec. 2653. Section 260C.18, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. Federal funds made available and administered by the
24 director of the department ~~of education~~, for purposes provided
25 by federal laws, rules, and regulations.

26 Sec. 2654. Section 260C.46, Code 2023, is amended to read
27 as follows:

28 **260C.46 Program and administrative sharing.**

29 ~~By September 1, 1990, the~~ The department shall establish
30 guidelines and an approval process for program sharing
31 agreements and for administrative sharing agreements entered
32 into by two or more community colleges or by a community

33 college and a higher education institution under the control
34 of the board of regents. Guidelines established shall be
35 designed to increase student access to programs, enhance
1 educational program offerings throughout the state, and enhance
2 interinstitutional cooperation in program offerings.

3 DIVISION XV

4 COMMERCE

5 CONSUMER ADVOCATE

6 Sec. 2655. Section 475A.3, subsections 1 and 3, Code 2023,
7 are amended to read as follows:

8 1. *Office.* The office of consumer advocate shall be a
9 separate division of the department of justice and located at
10 the same location as the utilities ~~division of the department~~
11 ~~of commerce~~ board. Administrative support services may be
12 provided to the consumer advocate division by the ~~department of~~
13 ~~commerce~~ utilities board.

14 3. *Salaries, expenses, and appropriation.* The salary of
15 the consumer advocate shall be fixed by the attorney general
16 within the salary range set by the general assembly. The
17 salaries of employees of the consumer advocate shall be at
18 rates of compensation consistent with current standards in
19 industry. The reimbursement of expenses for the employees and
20 the consumer advocate is as provided by law. The appropriation
21 for the office of consumer advocate shall be a separate line
22 item contained in the appropriation from the ~~department of~~
23 commerce revolving fund created in [section 546.12](#).

24 Sec. 2656. Section 475A.4, Code 2023, is amended to read as
25 follows:

26 **475A.4 Utilities ~~division~~ board records.**

27 The consumer advocate has free access to all the files,
28 records, and documents in the office of the utilities ~~division~~
29 board except:

30 1. Personal information in confidential personnel records
31 of the utilities ~~division~~ board.

32 2. Records which represent and constitute the work product

33 of the general counsel of the utilities board, and records of
34 confidential communications between utilities board members and
35 their general counsel, where the records relate to a proceeding
1 before the board in which the consumer advocate is a party or
2 a proceeding in any state or federal court in which both the
3 board and the consumer advocate are parties.

4 3. Customer information of a confidential nature which
5 could jeopardize the customer's competitive status and
6 is provided by the utility to the ~~division~~ board. Such
7 information shall be provided to the consumer advocate by the
8 ~~division~~ board, if the board determines it to be in the public
9 interest.

10 Sec. 2657. Section 475A.6, Code 2023, is amended to read as
11 follows:

12 **475A.6 Certification of expenses to utilities ~~division~~ board.**

13 1. *a.* The consumer advocate shall determine the advocate's
14 expenses, including a reasonable allocation of general office
15 expenses, directly attributable to the performance of the
16 advocate's duties involving specific persons subject to direct
17 assessment, and shall certify the expenses to the utilities
18 ~~division~~ board not less than quarterly. The expenses shall
19 then be includable in the expenses of the ~~division~~ board
20 subject to direct assessment under [section 476.10](#).

21 *b.* The consumer advocate shall annually, within ninety
22 days after the close of each fiscal year, determine the
23 advocate's expenses, including a reasonable allocation of
24 general office expenses, attributable to the performance of the
25 advocate's duties generally, and shall certify the expenses
26 to the utilities ~~division~~ board. The expenses shall then be
27 includable in the expenses of the ~~division~~ board subject to
28 remainder assessment under [section 476.10](#).

29 2. The consumer advocate is entitled to notice and
30 opportunity to be heard in any utilities board proceeding
31 on objection to an assessment for expenses certified by the
32 consumer advocate. Expenses assessed under [this section](#) shall

33 not exceed the amount appropriated for the consumer advocate
34 division of the department of justice.

35 3. The office of consumer advocate may expend additional
1 funds, including funds for outside consultants, if those
2 additional expenditures are actual expenses which exceed
3 the funds budgeted for the performance of the advocate's
4 duties. Before the office expends or encumbers an amount in
5 excess of the funds budgeted, the director of the department
6 of management shall approve the expenditure or encumbrance.
7 Before approval is given, the director of the department of
8 management shall determine that the expenses exceed the funds
9 budgeted by the general assembly to the office of consumer
10 advocate and that the office does not have other funds from
11 which such expenses can be paid. Upon approval of the director
12 of the department of management, the office may expend and
13 encumber funds for excess expenses. The amounts necessary
14 to fund the excess expenses shall be collected from those
15 utilities or persons which caused the excess expenditures,
16 and the collections shall be treated as repayment receipts as
17 defined in [section 8.2, subsection 8](#).

18 IOWA UTILITIES BOARD

19 Sec. 2658. Section 6A.21, subsection 2, Code 2023, is
20 amended to read as follows:

21 2. The limitation on the definition of public use,
22 public purpose, or public improvement does not apply to the
23 establishment, relocation, or improvement of a road pursuant
24 to [chapter 306](#), or to the establishment of a railway under the
25 supervision of the department of transportation as provided in
26 section 327C.2, or to an airport as defined in [section 328.1](#),
27 or to land acquired in order to replace or mitigate land used
28 in a road project when federal law requires replacement or
29 mitigation. This limitation also does not apply to utilities,
30 persons, companies, or corporations under the jurisdiction of
31 the Iowa utilities board ~~in the department of commeree~~ or to
32 any other utility conferred the right by statute to condemn

33 private property or to otherwise exercise the power of eminent
34 domain, except to the extent such purpose includes construction
35 of aboveground merchant lines.

1 Sec. 2659. Section 6B.42, subsection 2, paragraphs b and d,
2 Code 2023, are amended to read as follows:

3 *b.* A person aggrieved by a determination made by a utility
4 as to eligibility for relocation assistance, a payment, or
5 the amount of the payment, upon application, may have the
6 matter reviewed by the utilities ~~division of the department of~~
7 commerce board.

8 *d.* A utility or railroad subject to **this section** that
9 proposes to displace a person shall inform the person of the
10 person's right to receive relocation assistance and payments,
11 and of an aggrieved person's right to appeal to the utilities
12 ~~division of the department of commerce board~~ or the state
13 department of transportation.

14 Sec. 2660. Section 6B.45, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. When any real property or interest in real property
17 is to be purchased, or in lieu thereof to be condemned, the
18 acquiring agency or its agent shall submit to the person,
19 corporation, or entity whose property or interest in the
20 property is to be taken, by ordinary mail, at least ten days
21 prior to the date upon which the acquiring agency or its agent
22 contacts the property owner to commence negotiations, a copy
23 of the appraisal in its entirety upon such real property or
24 interest in such real property prepared for the acquiring
25 agency or its agent, which shall include, at a minimum, an
26 itemization of the appraised value of the real property or
27 interest in the property, any buildings on the property, all
28 other improvements including fences, severance damages, and
29 loss of access. In determining fair market value of property,
30 the acquiring agency shall not consider only the assessed value
31 assigned to such property for purposes of property taxation.
32 The appraisal sent to the condemnee shall be that appraisal

33 upon which the condemnor will rely to establish an amount
34 which the condemnor believes to be just compensation for the
35 real property. All other appraisals made on the property as a
1 result of the condemnation proceeding shall be made available
2 to the condemnee upon request. In lieu of an appraisal, a
3 utility or person under the jurisdiction of the utilities board
4 ~~of the department of commerce~~, or any other utility conferred
5 the right by statute to condemn private property, shall provide
6 in writing by certified mail to the owner of record thirty
7 days prior to negotiations, the methods and factors used in
8 arriving at an offered price for voluntary easements including
9 the range of cash amount of each component. An acquiring
10 agency may obtain a signed written waiver from the landowner to
11 allow negotiations to commence prior to the expiration of the
12 applicable waiting period for the commencement of negotiations.

13 Sec. 2661. Section 6B.54, subsections 2 and 3, Code 2023,
14 are amended to read as follows:

15 2. Real property shall be appraised as required by section
16 6B.45 before the initiation of negotiations, and the owner
17 or the owner's designated representative shall be given
18 an opportunity to accompany at least one appraiser of the
19 acquiring agency during an inspection of the property, except
20 that an acquiring agency may prescribe a procedure to waive the
21 appraisal in cases involving the acquisition of property with
22 a low fair market value. In lieu of an appraisal, a utility
23 or person under the jurisdiction of the utilities board ~~of the~~
24 ~~department of commerce~~, or any other utility conferred the
25 right by statute to condemn private property, shall provide in
26 writing by certified mail to the owner of record thirty days
27 before negotiations, the methods and factors used in arriving
28 at an offered price for voluntary easements including the range
29 of cash amount of each component.

30 3. Before the initiation of negotiations for real property,
31 the acquiring agency shall establish an amount which it
32 believes to be just compensation for the real property, and

33 shall make a prompt offer to acquire the property for the full
 34 amount established by the agency. In no event shall the amount
 35 be less than the fair market value the acquiring agency has
 1 established for the property or property interest pursuant
 2 to the appraisal required in [section 6B.45](#) or less than the
 3 value determined under the acquiring agency's waiver procedure
 4 established pursuant to [subsection 2](#). A purchase offer made
 5 by an acquiring agency shall include provisions for payment to
 6 the owner of expenses, including relocation expenses, expenses
 7 listed in [subsection 10](#), and other expenses required by law
 8 to be paid by an acquiring agency to a condemnee. However,
 9 in the alternative, the acquiring agency may make, and the
 10 owner may accept, a purchase offer from the acquiring agency
 11 that is an amount equal to one hundred thirty percent of the
 12 appraisal amount plus payment to the owner of expenses listed
 13 in [subsection 10](#), once those expenses have been determined. If
 14 the owner accepts such a purchase offer, the owner is barred
 15 from claiming payment from the acquiring agency for any other
 16 expenses allowed by law. In the case of a utility or person
 17 under the jurisdiction of the utilities board ~~of the department~~
 18 ~~of commerce~~, or any other utility conferred the right by
 19 statute to condemn private property, the amount shall not be
 20 less than the amount indicated by the methods and factors used
 21 in arriving at an offered price for a voluntary easement. The
 22 option to make an alternative purchase offer does not apply
 23 when property is being acquired for street and highway projects
 24 undertaken by the state, a county, or a city.

25 Sec. 2662. Section 8C.2, subsection 3, paragraph b, Code
 26 2023, is amended to read as follows:

27 *b.* The utilities ~~division of the department of commerce~~
 28 board.

29 Sec. 2663. Section 12.10, Code 2023, is amended to read as
 30 follows:

31 **12.10 Deposits by state officers.**

32 Except as otherwise provided, all elective and appointive

33 state officers, boards, commissions, and departments shall,
34 within ten days succeeding the collection, deposit with the
35 treasurer of state, or to the credit of the treasurer of state
1 in any depository designated by the treasurer of state, ninety
2 percent of all fees, commissions, and moneys collected or
3 received. The balance actually collected in cash, remaining
4 in the hands of any officer, board, or department shall not
5 exceed the sum of five thousand dollars and money collected
6 shall not be held more than thirty days. [This section](#) does not
7 apply to the state fair board, the state board of regents, the
8 utilities board ~~of the department of commerce~~, the director of
9 the department of human services, the Iowa finance authority or
10 to the funds received by the state racing and gaming commission
11 under [sections 99D.7](#) and [99D.14](#).

12 Sec. 2664. Section 15H.6, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. The commission, in collaboration with the department of
15 natural resources, the department of workforce development,
16 and the utilities board ~~of the department of commerce~~, shall
17 establish an Iowa green corps program. The commission shall
18 work with the collaborating agencies and nonprofit agencies
19 in developing a strategy for attracting additional financial
20 resources for the program from other sources which may include
21 but are not limited to utilities, private sector, and local,
22 state, and federal government funding sources. The financial
23 resources received shall be credited to the community programs
24 account created pursuant to [section 15H.5](#).

25 Sec. 2665. Section 22.7, subsection 71, Code 2023, is
26 amended to read as follows:

27 71. Information and records related to cyber security
28 information or critical infrastructure, the disclosure of which
29 may expose or create vulnerability to critical infrastructure
30 systems, held by the utilities board ~~of the department of~~
31 ~~commerce~~ or the department of homeland security and emergency
32 management for purposes relating to the safeguarding of

33 telecommunications, electric, water, sanitary sewage, storm
34 water drainage, energy, hazardous liquid, natural gas, or
35 other critical infrastructure systems. For purposes of this
1 subsection, "cyber security information" includes but is not
2 limited to information relating to cyber security defenses,
3 threats, attacks, or general attempts to attack cyber system
4 operations.

5 Sec. 2666. Section 313.4, subsection 4, paragraph b, Code
6 2023, is amended to read as follows:

7 b. The costs of serving freeway lighting for each utility
8 providing the service shall be determined by the utilities
9 ~~division of the department of commerce board~~, and rates for
10 such service shall be no higher than necessary to recover these
11 costs. Funds received under the provisions of **this subsection**
12 shall be used solely for the operation and maintenance of a
13 freeway lighting system.

14 Sec. 2667. Section 320.4, subsection 1, Code 2023, is
15 amended to read as follows:

16 1. To lay gas mains in highways outside cities to local
17 municipal distributing plants or companies, but not to pipeline
18 companies. **This section** shall not apply to or include pipeline
19 companies required to obtain a license from the utilities
20 ~~division of the department of commerce board~~.

21 Sec. 2668. Section 357A.19, Code 2023, is amended to read
22 as follows:

23 **357A.19 Not exempt from other requirements.**

24 This chapter does not exempt any district from the
25 requirements of any other statute, whether enacted prior to
26 or subsequent to July 1, 1970, under which the district is
27 required to obtain the permission or approval of, or to notify,
28 the department, the utilities ~~division of the department~~
29 ~~of commerce board~~, or any other agency of this state or of
30 any of its political subdivisions prior to proceeding with
31 construction, acquisition, operation, enlargement, extension,
32 or alteration of any works or facilities which the district is

33 authorized to undertake pursuant to [this chapter](#).

34 Sec. 2669. Section 364.3, subsection 13, paragraph b,
35 subparagraph (2), Code 2023, is amended to read as follows:

1 (2) Paragraph "a" does not apply to an ordinance, motion,
2 resolution, or amendment relating to the rates, services, or
3 governance of a public utility providing gas service to the
4 public for compensation and subject to the jurisdiction of
5 the utilities board ~~of the department of commerce~~ pursuant to
6 section 476.1B.

7 Sec. 2670. Section 364.23, Code 2023, is amended to read as
8 follows:

9 **364.23 Energy-efficient lighting required.**

10 All city-owned exterior flood lighting, including but not
11 limited to street and security lighting but not including era
12 or period lighting which has a minimum efficiency rating of
13 fifty-eight lumens per watt and not including stadium or ball
14 park lighting, shall be replaced, when worn-out, exclusively
15 with high pressure sodium lighting or lighting with equivalent
16 or better energy efficiency as approved in rules adopted by the
17 utilities board ~~within the utilities division of the department~~
18 ~~of commerce~~. In lieu of the requirements established for
19 replacement lighting under [this section](#), stadium or ball park
20 lighting shall be replaced, when worn-out, with the most
21 energy-efficient lighting available at the time of replacement
22 which may include metal halide, high-pressure sodium, or other
23 light sources which may be developed.

24 Sec. 2671. Section 384.84, subsection 3, paragraph a, Code
25 2023, is amended to read as follows:

26 a. A city utility or enterprise service to a property or
27 premises, including services of sewer systems, storm water
28 drainage systems, sewage treatment, solid waste collection,
29 water, solid waste disposal, or any of these services, may be
30 discontinued or disconnected if the account for the service
31 becomes delinquent. Gas or electric service provided by a city
32 utility or enterprise shall be discontinued or disconnected

33 only as provided by section 476.20, subsections 1 through
34 4, and discontinuance or disconnection of those services
35 is subject to rules adopted by the utilities board ~~of the~~
1 ~~department of commerce.~~

2 Sec. 2672. Section 422.93, Code 2023, is amended to read as
3 follows:

4 **422.93 Public utility accounting method.**

5 Nothing in **this chapter** shall be construed to require the
6 utilities board ~~of the department of commerce~~ to allow or
7 require the use of any particular method of accounting by
8 any public utility to compute its tax expense, depreciation
9 expense, or operating expense for purposes of establishing its
10 cost of service for rate-making purposes and for reflecting
11 operating results in its regulated books of account.

12 Sec. 2673. Section 474.1, Code 2023, is amended to read as
13 follows:

14 **474.1 Creation of ~~division and board~~ — organization.**

15 1. A utilities ~~division board~~ is created ~~within the~~
16 ~~department of commerce. The policymaking body for the division~~
17 ~~is the utilities board which is created within the division.~~
18 The board is composed shall consist of three members appointed
19 by the governor and subject to confirmation by the senate, not
20 more than two of whom shall be from the same political party.
21 Each member appointed shall serve for six-year staggered terms
22 beginning and ending as provided by **section 69.19**. Vacancies
23 shall be filled for the unexpired portion of the term in the
24 same manner as full-term appointments are made.

25 2. *a.* Subject to confirmation by the senate, the governor
26 shall appoint a member as the chairperson of the board. The
27 chairperson shall be the administrator of the utilities
28 ~~division board~~. The appointment as chairperson shall be for
29 a two-year term which begins and ends as provided in section
30 69.19.

31 *b.* The board shall appoint a chief operating officer to
32 manage the operations of the utilities ~~division as directed~~

33 ~~by the~~ board. The board shall set the salary of the chief
34 operating officer within the limits of the pay plan for exempt
35 positions provided for in [section 8A.413, subsection 3](#), unless
1 otherwise provided by the general assembly. The board may
2 employ additional personnel as it finds necessary.

3 3. The utilities board shall regulate and supervise public
4 utilities operating in the state. The board shall enforce and
5 implement chapters 476, 476A, 477C, 478, 479, 479A, and 479B
6 and shall perform other duties assigned to it by law.

7 ~~3.~~ 4. As used in [this chapter](#) and [chapters 475A, 476,](#)
8 [476A, 477C, 478, 479, 479A, and 479B](#), "~~division~~" "~~board~~" and
9 "~~utilities division~~" "utilities board" mean the Iowa utilities
10 division of the department of commerce board.

11 Sec. 2674. Section 476.1, subsection 1, Code 2023, is
12 amended to read as follows:

13 1. The utilities board ~~within the utilities division of the~~
14 ~~department of commerce~~ shall regulate the rates and services of
15 public utilities to the extent and in the manner hereinafter
16 provided.

17 Sec. 2675. Section 476.1, subsection 2, Code 2023, is
18 amended by striking the subsection.

19 Sec. 2676. Section 476.1A, subsection 1, paragraph a, Code
20 2023, is amended to read as follows:

21 a. Assessment of fees for the support of the ~~division~~
22 board and the office of consumer advocate, pursuant to section
23 476.10.

24 Sec. 2677. Section 476.1B, subsection 1, paragraph a, Code
25 2023, is amended to read as follows:

26 a. Assessment of fees for the support of the ~~division~~ board
27 and the office of consumer advocate, as set forth in section
28 476.10.

29 Sec. 2678. Section 476.3, subsection 2, Code 2023, is
30 amended to read as follows:

31 2. If, as a result of a review procedure conducted under
32 section 476.31, a review conducted under [section 476.32](#), a

33 special audit, an investigation by ~~division~~ board staff, or
 34 an investigation by the consumer advocate, a petition is
 35 filed with the board by the consumer advocate, alleging that
 1 a utility's rates are excessive, the disputed amount shall be
 2 specified in the petition. The public utility shall, within
 3 the time prescribed by the board, file a bond or undertaking
 4 approved by the board conditioned upon the refund in a manner
 5 prescribed by the board of amounts collected after the date of
 6 filing of the petition in excess of rates or charges finally
 7 determined by the board to be lawful. If upon hearing the
 8 board finds that the utility's rates are unlawful, the board
 9 shall order a refund, with interest, of amounts collected
 10 after the date of filing of the petition that are determined
 11 to be in excess of the amounts which would have been collected
 12 under the rates finally approved. However, the board shall
 13 not order a refund that is greater than the amount specified
 14 in the petition, plus interest, and if the board fails to
 15 render a decision within ten months following the date of
 16 filing of the petition, the board shall not order a refund of
 17 any excess amounts that are collected after the expiration of
 18 that ten-month period and prior to the date the decision is
 19 rendered.

20 Sec. 2679. Section 476.10, Code 2023, is amended to read as
 21 follows:

22 **476.10 Investigations — expense — appropriation.**

23 1. a. In order to carry out the duties imposed upon
 24 it by law, the board may, at its discretion, allocate and
 25 charge directly the expenses attributable to its duties to
 26 the person bringing a proceeding before the board, to persons
 27 participating in matters before the board, or to persons
 28 subject to inspection by the board. The board shall ascertain
 29 the certified expenses incurred and directly chargeable by
 30 the consumer advocate division of the department of justice
 31 in the performance of its duties. The board and the consumer
 32 advocate separately may decide not to charge expenses to

33 persons who, without expanding the scope of the proceeding
34 or matter, intervene in good faith in a board proceeding
35 initiated by a person subject to the board's jurisdiction,
1 the consumer advocate, or the board on its own motion. For
2 assessments in any proceedings or matters before the board, the
3 board and the consumer advocate separately may consider the
4 financial resources of the person, the impact of assessment on
5 participation by intervenors, the nature of the proceeding or
6 matter, and the contribution of a person's participation to the
7 public interest. The board may present a bill for expenses
8 under [this subsection](#) to the person, either at the conclusion
9 of a proceeding or matter, or from time to time during its
10 progress. Presentation of a bill for expenses under this
11 subsection constitutes notice of direct assessment and request
12 for payment in accordance with [this section](#).

13 *b.* The board shall ascertain the total of the ~~division's~~
14 board's expenses incurred during each fiscal year in the
15 performance of its duties under law. The board shall add to
16 the total of the ~~division's~~ board's expenses the certified
17 expenses of the consumer advocate as provided under section
18 475A.6. The board shall deduct all amounts charged directly
19 to any person from the total expenses of the board and the
20 consumer advocate. The board may assess the amount remaining
21 after the deduction to all persons providing service over which
22 the board has jurisdiction in proportion to the respective
23 gross operating revenues of such persons from intrastate
24 operations during the last calendar year over which the board
25 has jurisdiction. For purposes of determining gross operating
26 revenues under [this section](#), the board shall not include gross
27 receipts received by a cooperative corporation or association
28 for wholesale transactions with members of the cooperative
29 corporation or association, provided that the members are
30 subject to assessment by the board based upon the members'
31 gross operating revenues, or provided that such a member is
32 an association whose members are subject to assessment by the

33 board based upon the members' gross operating revenues. If
 34 any portion of the remainder can be identified with a specific
 35 type of utility service, the board shall assess those expenses
 1 only to the entities providing that type of service over which
 2 the board has jurisdiction. The board may make the remainder
 3 assessments under this paragraph to some or all persons
 4 providing service over which the board has jurisdiction, based
 5 upon estimates of the expenditures for the fiscal year for
 6 the utilities ~~division~~ board and the consumer advocate. Not
 7 more than ninety days following the close of the fiscal year,
 8 the utilities ~~division~~ board shall conform the amount of the
 9 prior fiscal year's assessments to the requirements of this
 10 paragraph. For gas and electric public utilities exempted from
 11 rate regulation pursuant to [this chapter](#), and for providers
 12 of telecommunications service required to register with the
 13 board pursuant to [section 476.95A](#) that are exempted from rate
 14 regulation pursuant to [this chapter](#), the remainder assessments
 15 under this paragraph shall be computed at one-half the rate
 16 used in computing the assessment for other persons.

17 2. a. A person subject to a charge or assessment shall
 18 pay the ~~division~~ board the amount charged or assessed against
 19 the person within thirty days from the time the ~~division~~ board
 20 provides notice to the person of the amount due, unless the
 21 person files an objection in writing with the board setting out
 22 the grounds upon which the person claims that such charge or
 23 assessment is excessive, unreasonable, erroneous, unlawful, or
 24 invalid. Upon receipt of an objection, the board shall set the
 25 matter for hearing and issue its order in accordance with its
 26 findings in the proceeding.

27 b. The order shall be subject to review in the manner
 28 provided in [this chapter](#). All amounts collected by the
 29 ~~division~~ board pursuant to the provisions of [this section](#)
 30 shall be deposited with the treasurer of state and credited to
 31 the ~~department of commerce~~ revolving fund created in section
 32 546.12. Such amounts shall be spent in accordance with the

33 provisions of [chapter 8](#).

34 3. Whenever the board shall deem it necessary in order
35 to carry out the duties imposed upon it in connection with
1 rate regulation under [section 476.6](#), investigations under
2 [section 476.3](#), or review proceedings under [section 476.31](#),
3 the board may employ additional temporary or permanent staff,
4 or may contract with persons who are not state employees for
5 engineering, accounting, or other professional services, or
6 both. The costs of these additional employees and contract
7 services shall be paid by the public utility whose rates
8 are being reviewed in the same manner as other expenses are
9 paid under [this section](#). Beginning on July 1, 1991, there
10 is appropriated out of any funds in the state treasury not
11 otherwise appropriated, such sums as may be necessary to enable
12 the board to hire additional staff and contract for services
13 under [this section](#). The board shall increase quarterly
14 assessments specified in [subsection 1](#), paragraph "b", by
15 amounts necessary to enable the board to hire additional staff
16 and contract for services under [this section](#). The authority to
17 hire additional temporary or permanent staff that is granted to
18 the board by [this section](#) shall not be subject to limitation
19 by any administrative or executive order or decision that
20 restricts the number of state employees or the filling of
21 employee vacancies, and shall not be subject to limitation
22 by any law of this state that restricts the number of state
23 employees or the filling of employee vacancies unless that
24 law is made applicable to [this section](#) by express reference
25 to [this section](#). Before the board expends or encumbers an
26 amount in excess of the funds budgeted for rate regulation and
27 before the board increases quarterly assessments pursuant to
28 this subsection, the director of the department of management
29 shall approve the expenditure or encumbrance. Before approval
30 is given, the director of the department of management shall
31 determine that the expenses exceed the funds budgeted by the
32 general assembly to the board for rate regulation and that

33 the board does not have other funds from which the expenses
34 can be paid. Upon approval of the director of the department
35 of management the board may expend and encumber funds for
1 the excess expenses, and increase quarterly assessments to
2 raise the additional funds. The board and the office of
3 consumer advocate may add additional personnel or contract
4 for additional assistance to review and evaluate energy
5 efficiency plans and the implementation of energy efficiency
6 programs including, but not limited to, professionally trained
7 engineers, accountants, attorneys, skilled examiners and
8 inspectors, and secretaries and clerks. The board and the
9 office of consumer advocate may also contract for additional
10 assistance in the evaluation and implementation of issues
11 relating to telecommunication competition. The board and the
12 office of the consumer advocate may expend additional sums
13 beyond those sums appropriated. However, the authority to add
14 additional personnel or contract for additional assistance
15 must first be approved by the department of management. The
16 additional sums for energy efficiency shall be provided to the
17 board and the office of the consumer advocate by the utilities
18 subject to the energy efficiency requirements in [this chapter](#).
19 Telephone companies shall pay any additional sums needed for
20 assistance with telecommunication competition issues. The
21 assessments shall be in addition to and separate from the
22 quarterly assessment.

23 4. a. Fees paid to the utilities ~~division~~ board shall be
24 deposited in the ~~department of~~ commerce revolving fund created
25 in [section 546.12](#). These funds shall be used for the payment,
26 upon appropriation by the general assembly, of the expenses of
27 the utilities ~~division~~ board and the consumer advocate division
28 of the department of justice.

29 b. The administrator and consumer advocate shall account
30 for receipts and disbursements according to the separate duties
31 imposed upon the utilities board and the consumer advocate
32 ~~divisions~~ division by the laws of this state and each separate

33 duty shall be fiscally self-sustaining.

34 *c.* All fees and other moneys collected under *this section*
35 and *sections 478.4, 479.16, and 479A.9* shall be deposited into
1 the ~~department of~~ commerce revolving fund created in section
2 546.12 and expenses required to be paid under *this section*
3 shall be paid from funds appropriated for those purposes.

4 Sec. 2680. Section 476.48, subsections 2 and 6, Code 2023,
5 are amended to read as follows:

6 *2. Program established.*

7 *a.* The utilities ~~division~~ board shall establish and
8 administer a small wind innovation zone program to optimize
9 local, regional, and state benefits from wind energy and
10 to facilitate and expedite interconnection of small wind
11 energy systems with electric utilities throughout this state.
12 Pursuant to the program, the owner of a small wind energy
13 system located within a small wind innovation zone desiring
14 to interconnect with an electric utility shall benefit
15 from a streamlined application process, may utilize a model
16 interconnection agreement, and can qualify under a model
17 ordinance.

18 *b.* A political subdivision seeking to be designated a small
19 wind innovation zone shall apply to the ~~division~~ board upon a
20 form developed by the ~~division~~ board. The ~~division~~ board shall
21 approve an application which documents that the applicable
22 local government has adopted the model ordinance or is in the
23 process of amending an existing zoning ordinance to comply with
24 the model ordinance and that an electric utility operating
25 within the political subdivision has agreed to utilize the
26 model interconnection agreement to contract with the small wind
27 energy system owners who agree to its terms.

28 *6. Reporting requirements.* The ~~division~~ board shall prepare
29 a report summarizing the number of applications received from
30 political subdivisions seeking to be designated a small wind
31 innovation zone, the number of applications granted, the number
32 of small wind energy systems generating electricity within

33 each small wind innovation zone, and the amount of wind energy
34 produced, and shall submit the report to the members of the
35 general assembly by January 1 annually.

1 Sec. 2681. Section 476.51, subsection 5, Code 2023, is
2 amended to read as follows:

3 5. Civil penalties collected pursuant to [this section](#) from
4 utilities providing water, electric, or gas service shall
5 be forwarded by the chief operating officer of the board to
6 the treasurer of state to be credited to the general fund
7 of the state and to be used only for the low income home
8 energy assistance program and the weatherization assistance
9 program administered by the division of community action
10 agencies of the department of human rights. Civil penalties
11 collected pursuant to [this section](#) from utilities providing
12 telecommunications service shall be forwarded to the treasurer
13 of state to be credited to the ~~department of~~ commerce revolving
14 fund created in [section 546.12](#) to be used only for consumer
15 education programs administered by the board. Penalties paid
16 by a rate-regulated public utility pursuant to [this section](#)
17 shall be excluded from the utility's costs when determining
18 the utility's revenue requirement, and shall not be included
19 either directly or indirectly in the utility's rates or charges
20 to customers.

21 Sec. 2682. Section 476.63, Code 2023, is amended to read as
22 follows:

23 **476.63 Energy efficiency programs.**

24 The ~~division~~ board shall consult with the economic
25 development authority in the development and implementation of
26 public utility energy efficiency programs.

27 Sec. 2683. Section 476.87, subsection 3, Code 2023, is
28 amended to read as follows:

29 3. The board shall allocate the costs and expenses
30 reasonably attributable to certification and dispute resolution
31 in [this section](#) to persons identified as parties to such
32 proceeding who are engaged in or who seek to engage in

33 providing natural gas services or other persons identified as
34 participants in such proceeding. The funds received for the
35 costs and the expenses of certification and dispute resolution
1 shall be remitted to the treasurer of state for deposit in the
2 ~~department of~~ commerce revolving fund created in [section 546.12](#)
3 as provided in [section 476.10](#).

4 Sec. 2684. Section 476.95B, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. In proceedings under 47 U.S.C. §251 – 254, the board
7 shall allocate the costs and expenses of the proceedings to
8 persons identified as parties in the proceeding who are engaged
9 in or who seek to engage in providing telecommunications
10 service or other persons identified as participants in the
11 proceeding. The funds received for the costs and the expenses
12 shall be remitted to the treasurer of state for deposit in the
13 ~~department of~~ commerce revolving fund created in [section 546.12](#)
14 as provided in [section 476.10](#).

15 Sec. 2685. Section 476.103, subsection 4, paragraph c, Code
16 2023, is amended to read as follows:

17 c. A civil penalty collected pursuant to [this subsection](#)
18 shall be forwarded by the chief operating officer of the board
19 to the treasurer of state to be credited to the ~~department of~~
20 commerce revolving fund created in [section 546.12](#) and to be
21 used only for consumer education programs administered by the
22 board.

23 Sec. 2686. Section 476A.1, subsection 2, Code 2023, is
24 amended to read as follows:

25 2. “Board” means the utilities board ~~within the utilities~~
26 ~~division of the department of commerce.~~

27 Sec. 2687. Section 476A.10, Code 2023, is amended to read
28 as follows:

29 **476A.10 Costs of proceeding.**

30 The applicant for a certificate, or an amendment to
31 certificate, shall pay all the costs and expenses incurred by
32 the ~~division~~ board in reaching a decision on the application

33 including the costs of examinations of the site, the hearing,
34 publishing of notice, ~~division board~~ staff salaries, the cost
35 of consultants employed by the ~~division board~~, and other
1 expenses reasonably attributable to the proceeding.

2 Sec. 2688. Section 476A.14, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. Any person who commences to construct a facility as
5 provided in [this subchapter](#) without having first obtained a
6 certificate, or who constructs, operates, or maintains any
7 facility other than in compliance with a certificate issued by
8 the board or a certificate amended pursuant to [this subchapter](#),
9 or who causes any of these acts to occur, shall be liable
10 for a civil penalty of not more than ten thousand dollars
11 for each violation or for each day of continuing violation.
12 Civil penalties collected pursuant to [this subsection](#) shall be
13 forwarded by the clerk of court to the treasurer of state for
14 deposit in the ~~department of~~ commerce revolving fund created
15 in [section 546.12](#).

16 Sec. 2689. Section 476B.1, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. "*Board*" means the utilities board ~~within the utilities~~
19 ~~division of the department of commerce~~.

20 Sec. 2690. Section 476C.1, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. "*Board*" means the utilities board ~~within the utilities~~
23 ~~division of the department of commerce~~.

24 Sec. 2691. Section 477A.1, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. "*Board*" means the utilities board ~~within the utilities~~
27 ~~division of the department of commerce~~.

28 Sec. 2692. Section 477C.2, subsection 1, Code 2023, is
29 amended to read as follows:

30 1. "*Board*" means the utilities board ~~within the department~~
31 ~~of commerce~~ created in [section 474.1](#).

32 Sec. 2693. Section 478.1, subsection 1, Code 2023, is

33 amended to read as follows:

34 1. A person shall not construct, erect, maintain, or
35 operate a transmission line, wire, or cable that is capable
1 of operating at an electric voltage of sixty-nine kilovolts
2 or more along, over, or across any public highway or grounds
3 outside of cities for the transmission, distribution, or sale
4 of electric current without first procuring from the utilities
5 board ~~within the utilities division of the department of~~
6 ~~commerce~~ a franchise granting authority as provided in this
7 chapter.

8 Sec. 2694. Section 478.4, Code 2023, is amended to read as
9 follows:

10 **478.4 Franchise — hearing.**

11 The utilities board shall consider the petition and any
12 objections filed to it in the manner provided. It shall
13 examine the proposed route or cause any engineer selected
14 by it to do so. If a hearing is held on the petition it may
15 hear testimony as may aid it in determining the propriety of
16 granting the franchise. It may grant the franchise in whole or
17 in part upon the terms, conditions, and restrictions, and with
18 the modifications as to location and route as may seem to it
19 just and proper. Before granting the franchise, the utilities
20 board shall make a finding that the proposed line or lines are
21 necessary to serve a public use and represents a reasonable
22 relationship to an overall plan of transmitting electricity in
23 the public interest. A franchise shall not become effective
24 until the petitioners shall pay, or file an agreement to pay,
25 all costs and expenses of the franchise proceeding, whether
26 or not objections are filed, including costs of inspections
27 or examinations of the route, hearing, salaries, publishing
28 of notice, and any other expenses reasonably attributable to
29 it. The funds received for the costs and the expenses of the
30 franchise proceeding shall be remitted to the treasurer of
31 state for deposit in the ~~department of commerce~~ revolving fund
32 created in [section 546.12](#) as provided in [section 476.10](#).

33 Sec. 2695. Section 478A.7, subsection 4, Code 2023, is
34 amended to read as follows:

35 4. Notwithstanding [subsection 1](#), commencing January 1,
1 1990, a person may sell or offer for sale in this state a
2 decorative gas lamp manufactured after December 31, 1978,
3 if the utilities board ~~within the utilities division of~~
4 ~~the department of commerce~~ determines, after notice and an
5 opportunity for interested persons to comment at an oral
6 presentation, that the sale or offer for sale of decorative gas
7 lamps does not violate the public interest.

8 Sec. 2696. Section 479.2, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. "*Board*" means the utilities board ~~within the utilities~~
11 ~~division of the department of commerce.~~

12 Sec. 2697. Section 479.16, Code 2023, is amended to read as
13 follows:

14 **479.16 Receipt of funds.**

15 All moneys received under [this chapter](#) shall be remitted
16 monthly to the treasurer of state and credited to the
17 ~~department of commerce~~ revolving fund created in [section 546.12](#)
18 as provided in [section 476.10](#).

19 Sec. 2698. Section 479A.2, subsection 1, Code 2023, is
20 amended to read as follows:

21 1. "*Board*" means the utilities board ~~within the utilities~~
22 ~~division of the department of commerce.~~

23 Sec. 2699. Section 479A.9, Code 2023, is amended to read as
24 follows:

25 **479A.9 Deposit of funds.**

26 Moneys received under [this chapter](#) shall be credited to the
27 ~~department of commerce~~ revolving fund created in [section 546.12](#)
28 as provided in [section 476.10](#).

29 Sec. 2700. Section 479B.2, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. "*Board*" means the utilities board ~~within the utilities~~
32 ~~division of the department of commerce.~~

33 Sec. 2701. Section 479B.2, subsection 6, Code 2023, is
34 amended by striking the subsection.

35 Sec. 2702. Section 479B.12, Code 2023, is amended to read
1 as follows:

2 **479B.12 Use of funds.**

3 All moneys received under **this chapter**, other than civil
4 penalties collected pursuant to **section 479B.21**, shall be
5 remitted monthly to the treasurer of state and credited to
6 the ~~department of~~ commerce revolving fund created in section
7 546.12.

8 Sec. 2703. Section 657.1, subsection 2, Code 2023, is
9 amended to read as follows:

10 2. Notwithstanding **subsection 1**, in an action to abate
11 a nuisance against an electric utility, an electric utility
12 may assert a defense of comparative fault as set out in
13 section 668.3 if the electric utility demonstrates that in
14 the course of providing electric services to its customers it
15 has complied with engineering and safety standards as adopted
16 by the utilities board ~~of the department of commerce~~, and if
17 the electric utility has secured all permits and approvals,
18 as required by state law and local ordinances, necessary to
19 perform activities alleged to constitute a nuisance.

20 Sec. 2704. Section 714D.2, subsection 9, Code 2023, is
21 amended to read as follows:

22 9. *"Unfair practice"* means the same as defined in section
23 714.16, subsection 1, and also means any failure of a
24 person to comply with the Telecommunications Act or with any
25 statute or rule enforced by the utilities board ~~within the~~
26 ~~utilities division of the department of commerce~~ relating to a
27 telecommunications service selection or change.

28 Sec. 2705. Section 714D.6, subsection 2, Code 2023, is
29 amended to read as follows:

30 2. A cause of action under **this section** shall not apply
31 unless, prior to filing the action, the consumer has submitted
32 a complaint to the utilities board ~~within the utilities~~

33 ~~division of the department of commerce~~, the utilities board has
34 failed to resolve the complaint to the consumer's satisfaction
35 within one hundred twenty days of the date the complaint was
1 submitted, and the consumer dismisses the complaint before the
2 utilities board. The requirement that a consumer complaint be
3 submitted to the utilities board and resolved by the utilities
4 board to the consumer's satisfaction within one hundred twenty
5 days of filing before the consumer may file an action pursuant
6 to [this section](#) shall not apply to an action by the attorney
7 general to recover moneys for the consumer pursuant to section
8 714D.7 or any other law. A finding by the utilities board
9 that a respondent has complied with rules governing carrier
10 selection procedures adopted by the utilities board shall be
11 an affirmative defense to any claim brought under [this section](#)
12 or [section 476.103](#) or [714D.7](#) that an unauthorized change in
13 service has occurred.

14 Sec. 2706. Section 714D.7, subsection 4, Code 2023, is
15 amended to read as follows:

16 4. The attorney general shall not file a civil enforcement
17 action under [this chapter](#) or under [section 714.16](#) against a
18 person for an act which is the subject of an administrative
19 proceeding to impose a civil penalty which has been initiated
20 against the person by the utilities board ~~within the utilities~~
21 ~~division of the department of commerce~~. [This subsection](#) shall
22 not be construed to limit the authority of the attorney general
23 to file a civil enforcement or other enforcement action against
24 a person for violating a prior agreement entered into by the
25 person with the attorney general or a court order obtained
26 by the attorney general against the person. [This subsection](#)
27 shall not be construed to limit the authority of the attorney
28 general to file a civil enforcement or other enforcement action
29 against the person for acts which are not the subject of an
30 administrative proceeding which has been initiated against the
31 person by the utilities board.

32 Sec. 2707. REPEAL. Section 546.7, Code 2023, is repealed.

33 DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

34 Sec. 2708. Section 7E.5, subsection 1, paragraph f, Code
35 2023, is amended to read as follows:

1 f. The department of ~~commerce~~ insurance and financial
2 services, created in section 546.2, which has primary
3 responsibility for ~~business and professional regulatory,~~
4 ~~service, and licensing~~ insurance and financial services
5 functions.

6 Sec. 2709. Section 7E.5, subsection 2, paragraph a, Code
7 2023, is amended to read as follows:

8 a. There is a civil rights commission, a public employment
9 relations board, an interstate cooperation commission, an Iowa
10 ethics and campaign disclosure board, an Iowa utilities board,
11 and an Iowa law enforcement academy.

12 Sec. 2710. Section 8A.412, subsections 18 and 19, Code 2023,
13 are amended to read as follows:

14 18. The ~~administrator and the deputy administrator~~
15 superintendent and deputy superintendent of the credit union
16 division of the department of ~~commerce~~ insurance and financial
17 services, all members of the credit union review board, and all
18 employees of the credit union division.

19 19. The superintendent of the banking division of the
20 department of ~~commerce~~ insurance and financial services, all
21 members of the state banking council, and all employees of
22 the banking division except for employees of the professional
23 licensing and regulation bureau of the division.

24 Sec. 2711. Section 8A.438, subsection 1, Code 2023, is
25 amended to read as follows:

26 1. The director may establish a tax-sheltered investment
27 program for eligible employees. The director may arrange for
28 the provision of investment vehicles authorized under section
29 403(b) of the Internal Revenue Code, as defined in section
30 422.3. The tax-sheltered investment program shall include
31 investment vehicles authorized under section 403(b) of the
32 Internal Revenue Code provided by any insurance company or

33 investment company that is recommended for inclusion in the
34 program by a person licensed as an insurance producer under
35 chapter 522B, or registered as a securities agent or investment
1 adviser representative under [chapter 502](#), by the insurance
2 division of the department of ~~commerce~~ insurance and financial
3 services. The director shall require each insurance company
4 and investment company included in the program to utilize the
5 third party administrator selected by the department and a
6 common remitter, and shall limit the total number of insurance
7 companies and investment companies in the program to no more
8 than thirty. To be eligible for inclusion in the program, an
9 insurance company shall have filed with, and had the company's
10 contract and forms approved by, the insurance division of the
11 department of ~~commerce~~ insurance and financial services, and
12 an investment company shall be registered with the federal
13 securities and exchange commission. The department may
14 offer the tax-sheltered investment program to eligible public
15 employers in the state of Iowa.

16 Sec. 2712. Section 8E.103, subsection 1, paragraph b, Code
17 2023, is amended to read as follows:

18 *b.* Each division within the department of ~~commerce~~ insurance
19 and financial services is considered an agency, and each bureau
20 within a division of the department of ~~commerce~~ insurance and
21 financial services is considered a division, as otherwise
22 provided in [chapter 7E](#).

23 Sec. 2713. Section 8F.2, subsection 8, paragraph b,
24 subparagraph (3), Code 2023, is amended to read as follows:

25 (3) A contract concerning an entity that has contracted
26 with the state and is licensed and regulated by the insurance
27 division of the department of ~~commerce~~ insurance and financial
28 services.

29 Sec. 2714. Section 11.5B, subsection 1, Code 2023, is
30 amended to read as follows:

31 1. Department of ~~commerce~~ insurance and financial services.

32 Sec. 2715. Section 11.6, subsection 1, paragraph c,

33 subparagraph (6), Code 2023, is amended to read as follows:

34 (6) A joint investment trust organized pursuant to chapter
35 28E shall file the audit reports required by **this chapter** with
1 the administrator of the securities and regulated industries
2 bureau of the insurance division of the department of ~~commerce~~
3 insurance and financial services within ten days of receipt
4 from the auditor. The auditor of a joint investment trust
5 shall provide written notice to the administrator of the time
6 of delivery of the reports to the joint investment trust.

7 Sec. 2716. Section 15E.17, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. **Subsections 2 and 3** do not apply to the following:

10 a. The utilities ~~division of the department of commerce~~
11 board insofar as the information relates to public utilities.

12 b. The banking division of the department of ~~commerce~~
13 insurance and financial services.

14 c. The credit union division of the department of ~~commerce~~
15 insurance and financial services.

16 Sec. 2717. Section 16.45, subsection 5, Code 2023, is
17 amended to read as follows:

18 5. For purposes of **this section**, "*financial institutions*"
19 means the same as defined in **section 12C.1**, "*lender*" means a
20 lender as defined in **section 537.1301** that is licensed by the
21 banking division of the department of ~~commerce~~ insurance and
22 financial services, and "*manufactured home*" or "*manufactured*
23 *housing*" means the same as the definition of manufactured home
24 in **section 435.1**.

25 Sec. 2718. Section 16.91, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. With the approval of the authority board the division
28 and its board shall consult with the insurance division of
29 the department of ~~commerce~~ insurance and financial services
30 in developing a guaranty contract acceptable to the secondary
31 market and developing any other feature of the program with
32 which the insurance division may have special expertise.

33 Except as provided in [this subsection](#), the Iowa title guaranty
34 program is not subject to the jurisdiction of or regulation by
35 the insurance division or the commissioner of insurance.

1 Sec. 2719. Section 20.4, subsections 10 and 11, Code 2023,
2 are amended to read as follows:

3 10. Persons employed by the credit union division of the
4 department of ~~commerce~~ insurance and financial services.

5 11. Persons employed by the banking division of the
6 department of ~~commerce~~ insurance and financial services.

7 Sec. 2720. Section 68B.2, subsection 23, Code 2023, is
8 amended to read as follows:

9 23. "*Regulatory agency*" means the department of agriculture
10 and land stewardship, department of workforce development,
11 department of ~~commerce~~ insurance and financial services,
12 Iowa department of public health, department of public
13 safety, department of education, state board of regents,
14 department of human services, department of revenue, department
15 of inspections and appeals, department of administrative
16 services, public employment relations board, state department
17 of transportation, civil rights commission, department of
18 public defense, department of homeland security and emergency
19 management, Iowa ethics and campaign disclosure board,
20 utilities board, and department of natural resources.

21 Sec. 2721. Section 85.70, subsection 2, paragraph f, Code
22 2023, is amended to read as follows:

23 *f.* Beginning on or before December 1, 2018, the department
24 of workforce development, in cooperation with the department of
25 education, the insurance division of the department of ~~commerce~~
26 insurance and financial services, and all community colleges
27 that are participating in the new career vocational training
28 and education program, shall prepare an annual report for
29 submission to the general assembly that provides information
30 about the status of the program including but not limited to
31 the utilization of and participants in the program, program
32 completion rates, employment rates after completion of the

33 program and the types of employment obtained by the program
34 participants, and the effects of the program on workers'
35 compensation premium rates.

1 Sec. 2722. Section 87.11, subsection 2, Code 2023, is
2 amended to read as follows:

3 2. An employer seeking relief from the insurance
4 requirements of [this chapter](#) shall pay to the insurance
5 division of the department of ~~commerce~~ insurance and financial
6 services the following fees:

7 a. A fee of one hundred dollars, to be submitted annually
8 along with an application for relief.

9 b. A fee of one hundred dollars for issuance of the
10 certificate relieving the employer from the insurance
11 requirements of [this chapter](#).

12 c. A fee of fifty dollars, to be submitted with each filing
13 required by the commissioner of insurance, including but not
14 limited to the annual and quarterly financial statements, and
15 material change statements.

16 Sec. 2723. Section 97B.49B, subsection 1, paragraph e,
17 subparagraph (13), Code 2023, is amended to read as follows:

18 (13) An employee of the insurance division of the department
19 of ~~commerce~~ insurance and financial services who as a condition
20 of employment is required to be certified by the Iowa law
21 enforcement academy and who is required to perform the duties
22 of a peace officer as provided in [section 507E.8](#).

23 Sec. 2724. Section 100A.1, subsection 1, paragraph j, Code
24 2023, is amended to read as follows:

25 j. The fraud bureau within the insurance division of the
26 department of ~~commerce~~ insurance and financial services.

27 Sec. 2725. Section 256.35A, subsection 2, paragraph b, Code
28 2023, is amended to read as follows:

29 b. In addition, representatives of the department of
30 education, the division of vocational rehabilitation of the
31 department of education, the department of public health,
32 the department of human services, the Iowa developmental

33 disabilities council, the division of insurance of the
34 department of ~~commerce~~ insurance and financial services, and
35 the state board of regents shall serve as ex officio members
1 of the advisory council. Ex officio members shall work
2 together in a collaborative manner to serve as a resource to
3 the advisory council. The council may also form workgroups
4 as necessary to address specific issues within the technical
5 purview of individual members.

6 Sec. 2726. Section 502.102, subsection 27A, Code 2023, is
7 amended to read as follows:

8 27A. "*Securities and regulated industries bureau*" means the
9 securities and regulated industries bureau of the insurance
10 division of the department of ~~commerce~~ insurance and financial
11 services.

12 Sec. 2727. Section 502.321A, subsection 8, paragraph b,
13 subparagraph (3), Code 2023, is amended to read as follows:

14 (3) An offer in which the target company is an insurance
15 company or insurance holding company subject to regulation
16 by the commissioner of insurance, a financial institution
17 subject to regulation by the superintendent of banking ~~or the~~
18 ~~superintendent of savings and loan associations~~, or a public
19 utility subject to regulation by the utilities ~~division of the~~
20 ~~department of commerce~~ board.

21 Sec. 2728. Section 502.601, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. *Administration*. **This chapter** shall be administered by
24 the commissioner of insurance of this state. The administrator
25 shall appoint a deputy administrator who shall be exempt from
26 the merit system provisions of **chapter 8A, subchapter IV**. The
27 deputy administrator is the principal operations officer of the
28 securities and regulated industries bureau of the insurance
29 division of the department of ~~commerce~~ insurance and financial
30 services. The deputy administrator is responsible to the
31 administrator for the routine administration of **this chapter**
32 and the management of the securities and regulated industries

33 bureau. In the absence of the administrator, whether because
34 of vacancy in the office, by reason of absence, physical
35 disability, or other cause, the deputy administrator shall be
1 the acting administrator and shall, for that period, have and
2 exercise the authority conferred upon the administrator. The
3 administrator may by order delegate to the deputy administrator
4 any or all of the functions assigned to the administrator
5 under **this chapter**. The administrator shall employ officers,
6 attorneys, accountants, and other employees as needed for the
7 administration of **this chapter**.

8 Sec. 2729. Section 502A.1, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. "*Administrator*" means the administrator of the securities
11 and regulated industries bureau of the insurance division of
12 the department of ~~commerce~~ insurance and financial services.

13 Sec. 2730. Section 502A.15, subsection 1, Code 2023, is
14 amended to read as follows:

15 1. **This chapter** shall be administered by the administrator
16 of the securities and regulated industries bureau of the
17 insurance division of the department of ~~commerce~~ insurance and
18 financial services.

19 Sec. 2731. Section 505.1, Code 2023, is amended to read as
20 follows:

21 **505.1 Insurance division created.**

22 An insurance division is created within the department
23 of ~~commerce~~ insurance and financial services to regulate and
24 supervise the conducting of the business of insurance in the
25 state. The commissioner of insurance is the chief executive
26 officer of the division. As used in this subtitle and chapter
27 502, "*division*" means the insurance division.

28 Sec. 2732. Section 505.2, Code 2023, is amended to read as
29 follows:

30 **505.2 Appointment and term of commissioner.**

31 1. The governor shall appoint subject to confirmation
32 by the senate, a commissioner of insurance, who shall be

33 selected solely with regard to qualifications and fitness to
34 discharge the duties of this position, devote the entire time
35 to such duties, and serve for four years beginning and ending
1 as provided by [section 69.19](#). The governor may remove the
2 commissioner for malfeasance in office, or for any cause that
3 renders the commissioner ineligible, incapable, or unfit to
4 discharge the duties of the office.

5 2. A vacancy in the office of the commissioner shall be
6 filled for the unexpired portion of the regular term.

7 3. The commissioner of insurance shall also serve as the
8 director of the department of insurance and financial services
9 pursuant to section 546.2.

10 Sec. 2733. Section 505.5, Code 2023, is amended to read as
11 follows:

12 **505.5 Expenses—salary.**

13 The commissioner shall be entitled to reimbursement of
14 actual necessary expenses in attending meetings of insurance
15 commissioners of other states, and in the performance of the
16 duties of the office. ~~The commissioner's salary shall be as~~
17 ~~fixed by the general assembly.~~

18 Sec. 2734. Section 505.7, subsections 1 and 3, Code 2023,
19 are amended to read as follows:

20 1. All fees and charges which are required by law to be
21 paid by insurance companies, associations, and other regulated
22 entities shall be payable to the commissioner of the insurance
23 division of the department of ~~commerce~~ insurance and financial
24 services or department of revenue, as provided by law, whose
25 duty it shall be to account for and pay over the same to the
26 treasurer of state at the time and in the manner provided by
27 law for deposit in the ~~department of commerce~~ revolving fund
28 created in [section 546.12](#).

29 3. Forty percent of the nonexamination revenues payable
30 to the division of insurance or the department of revenue in
31 connection with the regulation of insurance companies or other
32 entities subject to the regulatory jurisdiction of the division

33 shall be deposited in the ~~department of~~ commerce revolving
34 fund created in [section 546.12](#) and shall be subject to annual
35 appropriation to the division for its operations and is also
1 subject to expenditure under [subsection 6](#). The remaining
2 nonexamination revenues payable to the division of insurance
3 or the department of revenue shall be deposited in the general
4 fund of the state.

5 Sec. 2735. Section 507.1, subsection 2, paragraph c, Code
6 2023, is amended to read as follows:

7 *c.* *"Division"* means the division of insurance of the
8 department of ~~commerce~~ insurance and financial services.

9 Sec. 2736. Section 507E.8, Code 2023, is amended to read as
10 follows:

11 **507E.8 Law enforcement authority.**

12 1. An individual employed by the division and designated as
13 a peace officer shall be considered a law enforcement officer
14 as that term is defined in [section 80B.3](#), and shall exercise
15 the powers of a law enforcement officer as follows:

16 *a.* For purposes of an arrest resulting from a criminal
17 violation of any provision of the Code subject to the
18 jurisdiction of the commissioner established as a result of an
19 investigation pursuant to [this chapter](#) or chapter 502, 502A,
20 507A, 523A, 523C, 523D, or 523I.

21 *b.* While conducting an investigation or engaged in an
22 assignment authorized by [this chapter](#) ~~or ordered by the~~
23 ~~commissioner~~ chapter 502, 502A, 507A, 523A, 523C, 523D, or
24 523I.

25 *c.* To protect life if a public offense is committed in the
26 presence of the peace officer.

27 *d.* While providing assistance to a law enforcement agency or
28 another law enforcement officer.

29 ~~*e.* While providing assistance at the request of a member of~~
30 ~~the public.~~

31 2. Laws applicable to an arrest of an individual by a law
32 enforcement officer of the state shall apply to an individual

33 employed by the division and designated as a peace officer. An
34 individual employed by the division and designated as a peace
35 officer shall have the power to execute arrest warrants and
1 search warrants, serve subpoenas issued for the examination,
2 investigation, and trial of all offenses identified through the
3 course of an investigation conducted pursuant to [this section](#),
4 and arrest upon probable cause without warrant a person found
5 in the act of committing a violation of ~~this chapter~~ or a law
6 of this state.

7 Sec. 2737. Section 514H.2, subsection 2, Code 2023, is
8 amended to read as follows:

9 2. The insurance division of the department of ~~commerce~~
10 insurance and financial services shall administer the program
11 in cooperation with the division responsible for medical
12 services within the department of human services. Each
13 agency shall take all necessary actions, including filing an
14 appropriate medical assistance state plan amendment to the
15 state Medicaid plan to take full advantage of the benefits and
16 features of the Deficit Reduction Act of 2005.

17 Sec. 2738. Section 514H.9, Code 2023, is amended to read as
18 follows:

19 **514H.9 Rules.**

20 The insurance division of the department of ~~commerce~~
21 insurance and financial services in cooperation with the
22 department of human services shall adopt rules pursuant to
23 chapter 17A as necessary to administer [this chapter](#).

24 Sec. 2739. Section 514I.2, subsection 9, paragraph a, Code
25 2023, is amended to read as follows:

26 a. An entity licensed by the division of insurance of the
27 department of ~~commerce~~ insurance and financial services to
28 provide health insurance in Iowa that has contracted with the
29 department to provide health insurance coverage to eligible
30 children under [this chapter](#).

31 Sec. 2740. Section 515A.6, subsection 7, paragraph a, Code
32 2023, is amended to read as follows:

33 a. The commissioner shall provide notice of the filing of
34 the proposed rates at least thirty days before the effective
35 date of the proposed rates by publishing a notice on the
1 internet site of the insurance division of the department of
2 ~~commerce~~ insurance and financial services.

3 Sec. 2741. Section 521H.6, subsection 1, Code 2023, is
4 amended to read as follows:

5 1. Documents, materials, or other information, including
6 a corporate governance annual disclosure, in the possession
7 or control of the insurance division of the department of
8 ~~commerce~~ insurance and financial services, that is obtained
9 by, created by, or disclosed to the commissioner or to any
10 other person pursuant to [this chapter](#), is recognized in this
11 state as being proprietary and containing trade secrets. All
12 such documents, materials, or other information, including the
13 disclosure, shall be confidential and privileged, shall not be
14 subject to [chapter 22](#), shall be considered confidential under
15 chapter 507, shall not be subject to subpoena, and shall not be
16 subject to discovery or admissible in evidence in any private
17 civil action. However, the commissioner is authorized to use
18 such documents, materials, or other information, including
19 the disclosure, in the furtherance of any regulatory or legal
20 action brought as a part of the commissioner's official duties.
21 The commissioner shall not otherwise make the documents,
22 materials, or other information, including the disclosure,
23 public without the prior written consent of the insurer or
24 insurance group that provided the documents, materials, or
25 other information, including the disclosure. Nothing in this
26 section shall be construed to require written consent of
27 the insurer or insurance group before the commissioner may
28 share or receive confidential documents, materials, or other
29 information related to governance of an insurer or insurance
30 group pursuant to [subsection 3](#) to assist in the performance of
31 the commissioner's regular duties.

32 Sec. 2742. Section 522.8, subsection 1, Code 2023, is

33 amended to read as follows:

34 1. Documents, materials, or other information, including
35 an own risk and solvency assessment summary report, in
1 the possession or control of the insurance division of the
2 department of ~~commerce~~ insurance and financial services, that
3 are obtained by, created by, or disclosed to the commissioner
4 or to any other person pursuant to **this chapter**, are recognized
5 in this state as being proprietary and containing trade
6 secrets. All such documents, materials, or other information,
7 including the summary report, shall be confidential and
8 privileged, shall not be subject to **chapter 22**, shall not be
9 subject to subpoena, and shall not be subject to discovery
10 or admissible in evidence in any private civil action.
11 However, the commissioner is authorized to use such documents,
12 materials, or other information, including the summary report,
13 in the furtherance of any regulatory or legal action brought as
14 a part of the commissioner's official duties. The commissioner
15 shall not otherwise make the documents, materials, or other
16 information, including the summary report, public without
17 the prior written consent of the insurer that provided the
18 documents, materials, or other information, including the
19 summary report.

20 Sec. 2743. Section 523A.807, subsection 4, Code 2023, is
21 amended to read as follows:

22 4. The commissioner shall post on the internet site of the
23 division of insurance of the department of ~~commerce~~ insurance
24 and financial services a list of all persons licensed under
25 this chapter and an index of orders issued by the commissioner
26 pertaining to such persons.

27 Sec. 2744. Section 524.201, Code 2023, is amended to read
28 as follows:

29 **524.201 Superintendent of banking.**

30 1. The governor shall appoint, subject to confirmation by
31 the senate, a superintendent of banking. The appointee shall
32 be selected solely with regard to qualification and fitness

33 to discharge the duties of office, and a person shall not be
34 appointed who has not had at least five years' experience as an
35 executive officer in a bank. The superintendent shall serve at
1 the pleasure of the governor.

2 2. ~~The superintendent shall have an office at the seat~~
3 ~~of government. The regular term of office shall be four~~
4 ~~years beginning and ending as provided by [section 69.19](#)~~ The
5 superintendent shall receive a salary set by the governor
6 within a range established by the general assembly.

7 Sec. 2745. Section 524.206, Code 2023, is amended to read
8 as follows:

9 **524.206 Banking division created.**

10 The banking division is created within the department of
11 ~~commerce~~ insurance and financial services.

12 Sec. 2746. Section 524.207, subsections 1, 2, 5, and 6, Code
13 2023, are amended to read as follows:

14 1. Except as otherwise provided by statute, all expenses
15 required in the discharge of the duties and responsibilities
16 imposed upon the banking division of the department of ~~commerce~~
17 insurance and financial services, the superintendent, and the
18 state banking council by the laws of this state shall be paid
19 from fees provided by the laws of this state and appropriated
20 by the general assembly from the ~~department of commerce~~
21 revolving fund created in [section 546.12](#). All of these
22 fees are payable to the superintendent. The superintendent
23 shall pay all the fees and other moneys received by the
24 superintendent to the treasurer of state within the time
25 required by [section 12.10](#) and the fees and other moneys shall
26 be deposited into the ~~department of commerce~~ revolving fund
27 created in [section 546.12](#).

28 2. All fees and assessments generated as the result of a
29 national bank or federal savings association converting to a
30 state bank on or after December 31, 2015, and thereafter, are
31 payable to the superintendent. The superintendent shall pay
32 all the fees and assessments received by the superintendent

33 pursuant to [this subsection](#) to the treasurer of state within
 34 the time required by [section 12.10](#) and the fees and assessments
 35 shall be deposited into the ~~department of~~ commerce revolving
 1 fund created in [section 546.12](#). An amount equal to such fees
 2 and assessments deposited into the ~~department of~~ commerce
 3 revolving fund is appropriated from the ~~department of~~ commerce
 4 revolving fund to the banking division of the department of
 5 ~~commerce~~ insurance and financial services for the fiscal
 6 year in which a national bank or federal savings association
 7 converted to a state bank and an amount equal to such
 8 annualized fees and assessments deposited into the ~~department~~
 9 ~~of~~ commerce revolving fund in succeeding years is appropriated
 10 from the ~~department of~~ commerce revolving fund to the banking
 11 division of the department of ~~commerce~~ insurance and financial
 12 services for succeeding fiscal years for purposes related to
 13 the discharge of the duties and responsibilities imposed upon
 14 the banking division of the department of ~~commerce~~ insurance
 15 and financial services, the superintendent, and the state
 16 banking council by the laws of this state. This appropriation
 17 shall be in addition to the appropriation of moneys otherwise
 18 described in [this section](#). If a state bank converts to a
 19 national bank or federal savings association, any appropriation
 20 made pursuant to [this subsection](#) for the following fiscal
 21 year shall be reduced by the amount of the assessment paid by
 22 the state bank during the fiscal year in which the state bank
 23 converted to a national bank or federal savings association.

24 5. All fees and moneys collected shall be deposited into the
 25 ~~department of~~ commerce revolving fund created in [section 546.12](#)
 26 and expenses required to be paid under [this section](#) shall be
 27 paid from moneys in the ~~department of~~ commerce revolving fund
 28 and appropriated for those purposes.

29 6. All moneys received by the superintendent pursuant to a
 30 multi-state settlement with a provider of financial services
 31 such as a mortgage lender, a mortgage servicer, or any other
 32 person regulated by the banking division of the department of

33 ~~commerce~~ insurance and financial services shall be deposited
34 into the ~~department of~~ commerce revolving fund created in
35 section 546.12 and an amount equal to the amount deposited
1 into the fund is appropriated to the banking division of the
2 department of ~~commerce~~ insurance and financial services for the
3 fiscal year in which such moneys are received and in succeeding
4 fiscal years for the purpose of promoting financial-related
5 education and supporting those duties of the banking
6 division related to financial regulation that are limited to
7 nonrecurring expenses such as equipment purchases, training,
8 technology, and retirement payouts related to the oversight of
9 mortgage lending, state banks, and other financial services
10 regulated by the banking division. This appropriation shall be
11 in addition to the appropriation of moneys otherwise described
12 in [this section](#). The superintendent shall submit a report to
13 the department of management and to the legislative services
14 agency detailing the expenditure of moneys appropriated to the
15 banking division pursuant to [this subsection](#) during each fiscal
16 year. The initial report shall be submitted on or before
17 September 15, 2016, and each September 15 thereafter. Moneys
18 appropriated pursuant to [this subsection](#) are not subject to
19 section 8.33 and shall not be transferred, used, obligated,
20 appropriated, or otherwise encumbered except as provided in
21 this subsection.

22 Sec. 2747. Section 527.2, subsection 2, Code 2023, is
23 amended to read as follows:

24 2. "Administrator" means and includes the superintendent
25 of banking and the superintendent of credit unions within
26 the department of ~~commerce~~ insurance and financial services
27 and the supervisor of industrial loan companies within the
28 office of the superintendent of banking. However, the powers
29 of administration and enforcement of [this chapter](#) shall be
30 exercised only as provided in [sections 527.3](#), [527.5](#), subsection
31 [7](#), [sections 527.11](#), [527.12](#), and any other pertinent provision
32 of [this chapter](#).

33 Sec. 2748. Section 528.2, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. "*Administrator*" means the superintendent of banking and
1 the superintendent of credit unions within the department of
2 ~~commerce~~ insurance and financial services.

3 Sec. 2749. Section 533.102, subsection 4, Code 2023, is
4 amended to read as follows:

5 4. "*Credit union service organization*" means a corporation,
6 limited partnership, or limited liability company organized
7 under state law to provide financial and financial-related
8 services for one or more credit unions, each of which owns part
9 of the capital stock of the credit union service organization,
10 as authorized under [section 533.301, subsection 5](#), paragraph
11 "f", and which corporation, limited partnership, or limited
12 liability company is subject to examination by the credit union
13 division of the Iowa department of ~~commerce~~ insurance and
14 financial services or a federal supervisory agency.

15 Sec. 2750. Section 533.103, Code 2023, is amended to read
16 as follows:

17 **533.103 Credit union division created.**

18 A credit union division of the department of ~~commerce~~
19 insurance and financial services is created to administer this
20 chapter.

21 Sec. 2751. Section 533.104, Code 2023, is amended to read
22 as follows:

23 **533.104 Superintendent of credit unions.**

24 1. A superintendent of credit unions shall be appointed by
25 the governor to serve at the pleasure of the governor, subject
26 to confirmation by the senate, to regulate credit unions.

27 ~~a.~~ The appointee shall be selected solely with regard to
28 qualification and fitness to discharge the duties of office.

29 ~~b.~~ The and the individual appointed shall have at least
30 five years' experience as a director or executive officer of
31 a credit union, or comparable experience in the regulation or
32 examination of credit unions. For purposes of this ~~paragraph~~

33 subsection, credit union membership does not qualify as credit
34 union experience.

35 2. ~~The superintendent shall have an office at the seat
1 of government. The superintendent's term of office shall be
2 four years beginning and ending as provided by section 69.19.
3 The governor may remove the superintendent for malfeasance
4 in office, or for any cause that renders the superintendent
5 ineligible, incapable, or unfit to discharge the duties of the
6 office.~~

7 3. The superintendent shall receive a salary set by the
8 governor within a range established by the general assembly.

9 4. ~~A vacancy in the office of superintendent shall be filled
10 for the unexpired portion of the regular term.~~

11 5. 3. The superintendent may adopt rules as necessary or
12 appropriate to administer this chapter, subject to the prior
13 approval of the rules by the review board.

14 Sec. 2752. Section 533.111, subsections 1, 4, and 5, Code
15 2023, are amended to read as follows:

16 1. a. All expenses required in the discharge of the
17 duties and responsibilities imposed upon the credit union
18 division, the superintendent, and the review board by the laws
19 of this state shall be paid from fees provided by the laws
20 of this state and appropriated by the general assembly from
21 the ~~department of commerce revolving fund created in section
22 546.12.~~

23 b. All fees imposed under this chapter are payable to
24 the superintendent, who shall pay all fees and other moneys
25 received to the treasurer of state within the time required by
26 section 12.10. The treasurer of state shall deposit such funds
27 in the ~~department of commerce revolving fund created in section
28 546.12.~~

29 4. a. All fees and other moneys collected shall be
30 deposited into the ~~department of commerce revolving fund
31 created in section 546.12 and expenses required to be paid
32 under this section shall be paid from moneys in the ~~department~~~~

33 of commerce revolving fund and appropriated for those purposes.

34 *b.* Funds appropriated to the credit union division shall
35 be subject at all times to the warrant of the director
1 of the department of administrative services, drawn upon
2 written requisition of the superintendent or a designated
3 representative, for the payment of all salaries and other
4 expenses necessary to carry out the duties of the credit union
5 division.

6 5. The credit union division may accept reimbursement of
7 expenses related to the examination of a state credit union
8 from the national credit union administration or any other
9 guarantor or insurance plan authorized by [this chapter](#). These
10 reimbursements shall be deposited into the ~~department of~~
11 commerce revolving fund created in [section 546.12](#).

12 Sec. 2753. Section 533A.10, subsection 1, Code 2023, is
13 amended to read as follows:

14 1. The superintendent may examine the condition and
15 affairs of a licensee. In connection with any examination,
16 the superintendent may examine on oath any licensee, and any
17 director, officer, employee, customer, creditor, or stockholder
18 of a licensee concerning the affairs and business of the
19 licensee. The superintendent shall ascertain whether the
20 licensee transacts its business in the manner prescribed by
21 the law and applicable rules. The licensee shall pay the cost
22 of the examination as determined by the superintendent based
23 on the actual cost of the operation of the finance bureau of
24 the banking division of the department of ~~commerce~~ insurance
25 and financial services, including the proportionate share of
26 the administrative expenses in the operation of the banking
27 division attributable to the finance bureau, as determined by
28 the superintendent, incurred in the discharge of duties imposed
29 upon the superintendent by [this chapter](#). Failure to pay the
30 examination fee within thirty days of receipt of demand from
31 the superintendent shall subject the licensee to a late fee of
32 up to five percent per day of the amount of the examination fee

33 for each day the payment is delinquent.

34 Sec. 2754. Section 533A.14, Code 2023, is amended to read
35 as follows:

1 **533A.14 Fees to state treasurer.**

2 All moneys received by the superintendent from fees,
3 licenses, and examinations pursuant to **this chapter** shall be
4 deposited by the superintendent with the treasurer of state for
5 deposit in the ~~department of~~ commerce revolving fund created
6 in **section 546.12**.

7 Sec. 2755. Section 533C.902, subsection 1, Code 2023, is
8 amended to read as follows:

9 1. A financial services licensing fund is created as a
10 separate fund in the state treasury under the authority of the
11 banking division of the department of ~~commerce~~ insurance and
12 financial services. Moneys deposited in the fund shall be used
13 to pay for staffing necessary to perform examinations, audits,
14 and other duties required of the superintendent and the banking
15 division under **this chapter**.

16 Sec. 2756. Section 533D.11, subsection 3, Code 2023, is
17 amended to read as follows:

18 3. The superintendent shall determine the cost of the
19 examination or investigation based upon the actual cost of the
20 operation of the finance bureau of the banking division of
21 the department of ~~commerce~~ insurance and financial services,
22 including the proportionate share of administrative expenses
23 in the operation of the banking division attributable to the
24 finance bureau as determined by the superintendent, incurred
25 in the discharge of duties imposed upon the superintendent by
26 this chapter.

27 Sec. 2757. Section 535B.1, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. "*Administrator*" means the superintendent of the division
30 of banking of the department of ~~commerce~~ insurance and
31 financial services.

32 Sec. 2758. Section 535B.10, subsection 5, paragraph a, Code

33 2023, is amended to read as follows:

34 a. The licensee shall pay the cost of the examination or
35 investigation as determined by the administrator based on
1 the actual cost of the operation of the finance bureau of
2 the banking division of the department of ~~commerce~~ insurance
3 and financial services, including the proportionate share
4 of administrative expenses in the operation of the banking
5 division attributable to the finance bureau as determined by
6 the administrator, incurred in the discharge of duties imposed
7 upon the administrator by [this chapter](#).

8 Sec. 2759. Section 535C.11, unnumbered paragraph 1, Code
9 2023, is amended to read as follows:

10 This chapter does not apply to activities or arrangements
11 expressly approved or regulated by the department of ~~commerce~~
12 insurance and financial services.

13 Sec. 2760. Section 535D.11, subsection 2, Code 2023, is
14 amended to read as follows:

15 2. The payment of application and renewal fees for licenses
16 through the nationwide mortgage licensing system and registry
17 and any additional fees as determined by the superintendent
18 based on the actual cost of the operation of the finance bureau
19 of the banking division of the department of ~~commerce~~ insurance
20 and financial services, including the proportionate share
21 of administrative expenses in the operation of the banking
22 division attributable to the finance bureau as determined by
23 the superintendent, incurred in the discharge of duties imposed
24 by [this chapter](#).

25 Sec. 2761. Section 536.10, subsection 3, Code 2023, is
26 amended to read as follows:

27 3. A licensee subject to examination, supervision,
28 and regulation by the superintendent shall pay to the
29 superintendent an examination fee based on the actual cost
30 of the operation of the regulated loan bureau of the banking
31 division of the department of ~~commerce~~ insurance and financial
32 services and the proportionate share of administrative expenses

33 in the operation of the banking division attributable to the
34 regulated loan bureau as determined by the superintendent.
35 The fee shall apply equally to all licenses and shall not be
1 changed more frequently than annually. A fee change shall be
2 effective on January 1 of the year following the year in which
3 the change is approved.

4 Sec. 2762. Section 536A.2, subsection 9, Code 2023, is
5 amended to read as follows:

6 9. "*Superintendent*" means the superintendent of banking
7 within the banking division of the department of ~~commerce~~
8 insurance and financial services.

9 Sec. 2763. Section 536A.15, subsection 4, Code 2023, is
10 amended to read as follows:

11 4. The licensee shall be charged and shall pay the actual
12 costs of the examination as determined by the superintendent
13 based on the actual cost of the operation of the finance bureau
14 of the banking division of the department of ~~commerce~~ insurance
15 and financial services including the proportionate share
16 of administrative expenses in the operation of the banking
17 division attributable to the finance bureau as determined by
18 the superintendent incurred in the discharge of the duties
19 imposed upon the superintendent by [this chapter](#). Failure to
20 pay the examination fee within thirty days of receipt of demand
21 from the superintendent shall subject the licensee to a late
22 fee of five percent of the amount of the examination fee for
23 each day the payment is delinquent.

24 Sec. 2764. Section 537.2501, subsection 2, paragraph b,
25 subparagraph (3), unnumbered paragraph 1, Code 2023, is amended
26 to read as follows:

27 The premium rates have been affirmatively approved by the
28 insurance division of the department of ~~commerce~~ insurance and
29 financial services. In approving or establishing the rates,
30 the division shall review the insurance company's actuarial
31 data to assure that the rates are fair and reasonable. The
32 insurance commissioner shall either hire or contract with a

33 qualified actuary to review the data. The insurance division
34 shall obtain reimbursement from the insurance company for the
35 cost of the actuarial review prior to approving the rates.

1 In addition, the rates shall be made in accordance with the
2 following provisions:

3 Sec. 2765. Section 546.1, subsections 1 and 2, Code 2023,
4 are amended to read as follows:

5 1. "*Department*" means the department of ~~commerce~~ insurance
6 and financial services.

7 2. "*Director*" means the director of the department of
8 ~~commerce~~ insurance and financial services.

9 Sec. 2766. Section 546.2, subsections 1, 2, and 3, Code
10 2023, are amended to read as follows:

11 1. A department of ~~commerce~~ insurance and financial
12 services is created to coordinate and administer the various
13 regulatory, service, and licensing functions of the state
14 relating to the conducting of business or commerce in the
15 state.

16 2. The chief administrative officer of the department is the
17 director. The director shall be ~~appointed by the governor from~~
18 ~~among those individuals who serve as heads of the divisions~~
19 ~~within the department~~ the commissioner of insurance appointed
20 pursuant to section 505.2. ~~A division head appointed to be the~~
21 The director shall fulfill the responsibilities and duties of
22 the director of the department in addition to the individual's
23 director's responsibilities and duties as the head of a the
24 insurance division. ~~The director shall serve at the pleasure~~
25 ~~of the governor. If the office of director becomes vacant,~~
26 ~~the vacancy shall be filled in the same manner as the original~~
27 ~~appointment was made.~~

28 3. The department is administratively organized into the
29 following divisions:

30 a. Banking.

31 b. Credit union.

32 c. ~~Utilities.~~

33 ~~d.~~ c. Insurance.

34 ~~e. Alcoholic beverages.~~

35 Sec. 2767. Section 546.12, Code 2023, is amended to read as
1 follows:

2 **546.12 Department of insurance and financial services**
3 **commerce revolving fund.**

4 1. A ~~department of~~ commerce revolving fund is created in
5 the state treasury. The fund shall consist of moneys collected
6 by the banking division; credit union division; utilities
7 ~~division~~ board, including moneys collected on behalf of the
8 office of consumer advocate established in [section 475A.3](#);
9 and the insurance division of the department; and deposited
10 into an account for that ~~division~~, board, or office within
11 the fund on a monthly basis. Except as otherwise provided
12 by statute, all costs for operating the office of consumer
13 advocate and the banking division, the credit union division,
14 the utilities ~~division~~ board, and the insurance division of the
15 department shall be paid from the division's accounts within
16 the fund, subject to appropriation by the general assembly.
17 The insurance division shall administer the fund and all other
18 divisions shall work with the insurance division to make sure
19 the fund is properly accounted and reported to the department
20 of management and the department of administrative services.
21 The divisions shall provide quarterly reports to the department
22 of management and the legislative services agency on revenues
23 billed and collected and expenditures from the fund in a format
24 as determined by the department of management in consultation
25 with the legislative services agency.

26 2. To meet cash flow needs for the office of consumer
27 advocate and the banking division, credit union division,
28 utilities ~~division~~ board, or the insurance division of the
29 department, the administrative head of that ~~division~~, board,
30 or office may temporarily use funds from the general fund of
31 the state to pay expenses in excess of moneys available in
32 the revolving fund for that ~~division~~, board, or office if

33 those additional expenditures are fully reimbursable and the
 34 division, board, or office reimburses the general fund of the
 35 state and ensures all moneys are repaid in full by the close
 1 of the fiscal year. Notwithstanding any provision to the
 2 contrary, the divisions shall, to the fullest extent possible,
 3 make an estimate of billings and make such billings as early as
 4 possible in each fiscal year, so that the need for the use of
 5 general fund moneys is minimized to the lowest extent possible.
 6 Periodic billings shall be deemed sufficient to satisfy this
 7 requirement. Because any general fund moneys used shall be
 8 fully reimbursed, such temporary use of funds from the general
 9 fund of the state shall not constitute an appropriation for
 10 purposes of calculating the state general fund expenditure
 11 limitation pursuant to [section 8.54](#).

12 3. [Section 8.33](#) does not apply to any moneys credited or
 13 appropriated to the commerce revolving fund from any other
 14 fund.

15 4. The establishment of the commerce revolving fund
 16 pursuant to [this section](#) shall not be interpreted in any
 17 manner to compromise or impact the accountability of, or limit
 18 authority with respect to, an agency or entity under state
 19 law. Any provision applicable to, or responsibility of, a
 20 division, board, or office collecting moneys for deposit into
 21 the fund established pursuant to [this section](#) shall not be
 22 altered or impacted by the existence of the fund and shall
 23 remain applicable to the same extent as if the division, board,
 24 or office were receiving moneys pursuant to a general fund
 25 appropriation. The divisions of the department of ~~commerce~~
 26 insurance and financial services shall comply with directions
 27 by the governor to executive branch departments regarding
 28 restrictions on out-of-state travel, hiring justifications,
 29 association memberships, equipment purchases, consulting
 30 contracts, and any other expenditure efficiencies that the
 31 governor deems appropriate.

32 Sec. 2768. Section 714E.6, subsection 4, Code 2023, is

33 amended to read as follows:

34 4. Notwithstanding any other provision of [this section](#),
35 an action shall not be brought on the basis of a violation of
1 this chapter, except by an owner against whom the violation was
2 committed or by the attorney general. This limitation does not
3 apply to administrative action by either the attorney general
4 or the superintendent of the banking division of the department
5 of ~~commerce~~ insurance and financial services.

6 Sec. 2769. Section 714F.8, subsection 3, paragraph b,
7 subparagraph (1), Code 2023, is amended to read as follows:

8 (1) Make a payment to the foreclosed homeowner such that the
9 foreclosed homeowner has received consideration in an amount
10 of at least eighty-two percent of the fair market value of the
11 property, as the property was when the foreclosed homeowner
12 vacated the property, within ninety days of either the eviction
13 or voluntary relinquishment of possession of the property by
14 the foreclosed homeowner. The foreclosure purchaser shall make
15 a detailed accounting of the basis for the payment amount, or
16 a detailed accounting of the reasons for failure to make a
17 payment, including providing written documentation of expenses,
18 within this ninety-day period. The accounting shall be on a
19 form prescribed by the attorney general, in consultation with
20 the superintendent of the banking division of the department of
21 ~~commerce~~ insurance and financial services without being subject
22 to the rulemaking procedures of [chapter 17A](#).

23 Sec. 2770. Section 714F.8, subsection 3, paragraph b,
24 subparagraph (2), subparagraph division (b), Code 2023, is
25 amended to read as follows:

26 (b) The time for determining the fair market value amount
27 shall be determined in the foreclosure reconveyance contract
28 as either at the time of the execution of the foreclosure
29 reconveyance contract or at resale. If the contract states
30 that the fair market value shall be determined at the time
31 of resale, the fair market value shall be the resale price
32 if it is sold within sixty days of the eviction or voluntary

33 relinquishment of the property by the foreclosed homeowner.
34 If the contract states that the fair market value shall
35 be determined at the time of resale, and the resale is not
1 completed within sixty days of the eviction or voluntary
2 relinquishment of the property by the foreclosed homeowner, the
3 fair market value shall be determined by an appraisal conducted
4 within one hundred eighty days of the eviction or voluntary
5 relinquishment of the property by the foreclosed homeowner
6 and payment, if required, shall be made to the foreclosed
7 homeowner, but the fair market value shall be recalculated as
8 the resale price on resale and an additional payment amount,
9 if appropriate, based on the resale price, shall be made to
10 the foreclosed homeowner within fifteen days of resale, and
11 a detailed accounting of the basis for the payment amount,
12 or a detailed accounting of the reasons for failure to make
13 additional payment, shall be made within fifteen days of
14 resale, including providing written documentation of expenses.
15 The accounting shall be on a form prescribed by the attorney
16 general, in consultation with the superintendent of the banking
17 division of the department of ~~commerce~~ insurance and financial
18 services, without being subject to the rulemaking procedures
19 of [chapter 17A](#).

20 Sec. 2771. Section 714F.9, subsection 1, Code 2023, is
21 amended to read as follows:

22 1. *Remedies.* A violation of [this chapter](#) is an unlawful
23 practice pursuant to [section 714.16](#), and all the remedies of
24 [section 714.16](#) are available for such an action. A private
25 cause of action brought under [this chapter](#) by a foreclosed
26 homeowner is in the public interest. A foreclosed homeowner
27 may bring an action for a violation of [this chapter](#). If
28 the court finds a violation of [this chapter](#), the court shall
29 award to the foreclosed homeowner actual damages, appropriate
30 equitable relief, and the costs of the action, and shall
31 award reasonable fees to the foreclosed homeowner's attorney.
32 Notwithstanding any other provision of [this section](#), an action

33 shall not be brought on the basis of a violation of this
34 chapter except by a foreclosed homeowner against whom the
35 violation was committed or by the attorney general. This
1 limitation does not apply to administrative action by the
2 superintendent of the banking division of the department of
3 ~~commerce~~ insurance and financial services.

4 Sec. 2772. REPEAL. Section 524.202, Code 2023, is repealed.

5

DIVISION XVI

6 DEPARTMENT OF CORRECTIONS — JUDICIAL DISTRICT DEPARTMENTS OF
7 CORRECTIONAL SERVICES AND COMMUNITY-BASED CORRECTIONAL PROGRAMS

8 Sec. 2773. Section 7E.5, subsection 1, paragraph n, Code
9 2023, is amended to read as follows:

10 n. The department of corrections, created in section
11 904.102, which has primary responsibility for corrections
12 administration, corrections institutions, prison industries,
13 judicial district departments of correctional services and
14 the development, funding, and monitoring of community-based
15 corrections programs.

16 Sec. 2774. Section 8D.2, subsection 5, paragraph a, Code
17 2023, is amended to read as follows:

18 a. "Public agency" means a state agency, an institution
19 under the control of the board of regents, the judicial
20 branch as provided in [section 8D.13, subsection 14](#), a school
21 corporation, a city library, a county library as provided in
22 chapter 336, ~~or a judicial district department of correctional~~
23 ~~services established in [section 905.2](#), to the extent provided~~
24 ~~in [section 8D.13, subsection 12](#)~~, an agency of the federal
25 government, or a United States post office which receives a
26 federal grant for pilot and demonstration projects.

27 Sec. 2775. Section 80D.1, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. The governing body of a city, a county, the state
30 of Iowa, ~~or a judicial district department of correctional~~
31 ~~services~~ the Iowa department of corrections may provide, either
32 separately or collectively through a [chapter 28E](#) agreement, for

33 the establishment of a force of reserve peace officers, and may
34 limit the size of the reserve force. In the case of the state,
35 the department of public safety shall act as the governing
1 body.

2 Sec. 2776. Section 80D.6, subsection 1, Code 2023, is
3 amended to read as follows:

4 1. Reserve peace officers shall serve as peace officers
5 on the orders and at the discretion of the chief of police,
6 sheriff, commissioner of public safety or the commissioner's
7 designee, or director of the ~~judicial district department of~~
8 ~~correctional services~~ Iowa department of corrections or the
9 director's designee, as the case may be.

10 Sec. 2777. Section 80D.7, Code 2023, is amended to read as
11 follows:

12 **80D.7 Carrying weapons.**

13 A member of a reserve force shall not carry a weapon in
14 the line of duty until the member has been approved by the
15 governing body and certified by the Iowa law enforcement
16 academy council to carry weapons. After approval and
17 certification, a reserve peace officer may carry a weapon in
18 the line of duty only when authorized by the chief of police,
19 sheriff, commissioner of public safety or the commissioner's
20 designee, or director of the ~~judicial district department of~~
21 ~~correctional services~~ Iowa department of corrections or the
22 director's designee, as the case may be.

23 Sec. 2778. Section 80D.9, Code 2023, is amended to read as
24 follows:

25 **80D.9 Supervision of reserve peace officers.**

26 1. Reserve peace officers shall be subordinate to regular
27 peace officers, shall not serve as peace officers unless
28 under the direction of regular peace officers, and shall
29 wear a uniform prescribed by the chief of police, sheriff,
30 commissioner of public safety, or director of the ~~judicial~~
31 ~~district department of correctional services~~ Iowa department of
32 corrections unless that superior officer designates alternate

33 apparel for use when engaged in assignments involving special
34 investigation, civil process, court duties, jail duties, and
35 the handling of mental patients. The reserve peace officer
1 shall not wear an insignia of rank.

2 2. Each department for which a reserve force is established
3 shall appoint a certified peace officer as the reserve force
4 coordinating and supervising officer. A reserve peace
5 officer force established ~~in a judicial district department of~~
6 ~~correctional services by the Iowa department of corrections~~
7 must be directly supervised by a certified peace officer who is
8 on duty. That certified peace officer shall report directly
9 to the chief of police, sheriff, commissioner of public safety
10 or the commissioner's designee, or director of the ~~judicial~~
11 ~~district department of correctional services~~ Iowa department of
12 corrections or the director's designee, as the case may be.

13 Sec. 2779. Section 80D.11, Code 2023, is amended to read as
14 follows:

15 **80D.11 Employee — pay.**

16 While performing official duties, each reserve peace officer
17 shall be considered an employee of the governing body which the
18 officer represents and shall be paid a minimum of one dollar
19 per year. The governing body of a city, a county, the state,
20 or a ~~judicial district department of correctional services~~ the
21 Iowa department of corrections may provide additional monetary
22 assistance for the purchase and maintenance of uniforms and
23 equipment used by reserve peace officers.

24 Sec. 2780. Section 97B.49B, subsection 1, paragraph e,
25 subparagraph (14), Code 2023, is amended to read as follows:

26 (14) An employee of a ~~judicial district~~ the Iowa department
27 of ~~correctional services~~ corrections whose condition of
28 employment requires the employee to be certified by the Iowa
29 law enforcement academy and who is required to perform the
30 duties of a parole officer as provided in [section 906.2](#).

31 Sec. 2781. Section 97B.49B, subsection 3, paragraph f, Code
32 2023, is amended by striking the paragraph.

33 Sec. 2782. Section 331.211, subsection 1, Code 2023, is
34 amended to read as follows:

35 1. The board, at its first meeting in each year, shall+

1 ~~a. Organize by choosing~~ choose one of its members as
2 chairperson who shall preside at all of its meetings during the
3 year. The board may also select a vice chairperson who shall
4 serve during the absence of the chairperson.

5 ~~b. Choose one of its members to be a member of the board of~~
6 ~~directors of the judicial district department of correctional~~
7 ~~services as provided in~~ section 905.3, subsection 1, paragraph
8 ~~"a", subparagraph (1).~~

9 Sec. 2783. Section 331.321, subsection 1, paragraph x, Code
10 2023, is amended by striking the paragraph.

11 Sec. 2784. Section 904.108, subsection 1, paragraph 1, Code
12 2023, is amended to read as follows:

13 1. Adopt rules, policies, and procedures, subject to
14 the approval of the board, pertaining to community-based
15 correctional programs, and the supervision of parole and work
16 release.

17 Sec. 2785. NEW SECTION. **904.301A Appointment of directors.**

18 The director shall appoint, subject to the approval of the
19 board, a director for each judicial district department of
20 correctional services established in section 905.2.

21 Sec. 2786. Section 905.1, Code 2023, is amended to read as
22 follows:

23 **905.1 Definitions.**

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

26 1. ~~"Administrative agent" means the county selected by the~~
27 ~~district board to perform accounting, budgeting, personnel,~~
28 ~~facilities management, insurance, payroll and other supportive~~
29 ~~services on the behalf of the district board, or the district~~
30 ~~department itself, if so designated by the district board.~~

31 2. 1. "Community-based correctional program" means
32 correctional programs and services, under the direction of a

33 director and the Iowa department of corrections, including
 34 but not limited to an intermediate criminal sanctions program
 35 in accordance with the corrections continuum in section
 1 901B.1, designed to supervise and assist individuals who
 2 are charged with or have been convicted of a felony, an
 3 aggravated misdemeanor or a serious misdemeanor, or who
 4 are on probation or parole in lieu of or as a result of a
 5 sentence of incarceration imposed upon conviction of any
 6 of these offenses, or who are contracted to the district
 7 department for supervision and housing while on work release.
 8 A community-based correctional program shall be designed by a
 9 district department, under the direction and control of the
 10 Iowa department of corrections, in a manner that provides
 11 services in a manner free of disparities based upon an
 12 individual's race or ethnic origin.

13 ~~3.~~ 2. "Director" means the director of a judicial district
 14 department of correctional services, appointed by the director
 15 of the Iowa department of corrections, and employed by the Iowa
 16 department of corrections.

17 ~~4.~~ 3. "District advisory board" means the advisory board
 18 ~~of directors~~ of a judicial district department of correctional
 19 services.

20 ~~5.~~ 4. "District department" means a judicial district
 21 department of correctional services, under the direction and
 22 control of the Iowa department of corrections, established as
 23 required by section 905.2.

24 ~~6.~~ "Project" means a locally functioning part of a
 25 ~~community-based correctional program, officed and operating in~~
 26 ~~a physical location separate from the offices of the district~~
 27 ~~department.~~

28 ~~7.~~ "Project advisory committee" means a committee of no more
 29 ~~than seven persons which shall act in an advisory capacity to~~
 30 ~~the director on matters pertaining to the planning, operation,~~
 31 ~~and other pertinent functions of each project in the judicial~~
 32 ~~district. The members of the project advisory committee for~~

33 ~~each project shall be initially appointed by the director~~
34 ~~from among the general public. Not more than one half of the~~
35 ~~project advisory committee shall hold public office or public~~
1 ~~employment during membership on the committee. A person who~~
2 ~~holds public office as a county supervisor and serves on the~~
3 ~~board of directors under section 905.3 shall not be a member of~~
4 ~~a project advisory committee under this section. The terms of~~
5 ~~the initial members of the project advisory committee shall be~~
6 ~~staggered to permit the terms of just over half of the members~~
7 ~~to expire in two years and those of the remaining members to~~
8 ~~expire in one year. Subsequent appointments to the project~~
9 ~~advisory committee shall be by vote of a majority of the whole~~
10 ~~project advisory committee for two-year terms.~~

11 Sec. 2787. Section 905.2, Code 2023, is amended to read as
12 follows:

13 **905.2 District departments established.**

14 1. There is established in each judicial district in this
15 state a ~~public agency to be known as the "..... judicial~~
16 ~~district department of correctional services."~~ Each district
17 department shall furnish or contract for those services
18 necessary to provide a community-based correctional program
19 which meets the needs of that judicial district requirements of
20 the Iowa department of corrections.

21 2. The district department is under the direction of a
22 ~~board of directors~~ the Iowa department of corrections, selected
23 ~~as provided in section 905.3,~~ and shall be administered by a
24 director employed by the ~~board~~ Iowa department of corrections.
25 A district department is a state agency for purposes of chapter
26 669.

27 3. All employees of a district department shall be employees
28 of the Iowa department of corrections.

29 Sec. 2788. Section 905.3, Code 2023, is amended to read as
30 follows:

31 **905.3 ~~Board of directors — executive committee~~ District**
32 **advisory board — expenses reimbursed.**

33 1. ~~a. The board of directors of~~ A district advisory board
34 is established for each district department, which shall serve
35 in an advisory capacity to a director without compensation, and
1 shall be composed as follows:

2 (1) One member shall be ~~chosen~~ appointed annually by a
3 director from ~~and by~~ the board of supervisors of each county
4 in the judicial district ~~and shall be so designated annually~~
5 ~~by the respective boards of supervisors at the organizational~~
6 ~~meetings held under~~ section 331.211.

7 (2) ~~One member shall be chosen from each of the project~~
8 ~~advisory committees within the judicial district, which person~~
9 ~~shall be designated annually, no later than January 15, by and~~
10 ~~from the project advisory committee. However, in lieu of the~~
11 ~~designation of project advisory committee members as members of~~
12 ~~the district board, the district board may~~ The director shall
13 on or before December 31 appoint two citizen members to serve
14 on the district advisory board for the following calendar year.

15 (3) A number of members ~~equal to the number of authorized~~
16 ~~board members from project advisory committees or equal to the~~
17 number of citizen members shall be appointed by the chief judge
18 of the judicial district ~~no later than January 15 of each year~~
19 on or before December 31 to serve on the district advisory
20 board for the following calendar year.

21 ~~b. Within thirty days after the members of the district~~
22 ~~board have been so designated for the year, the district~~
23 ~~board shall organize by election of a chairperson, a vice~~
24 ~~chairperson, and members of the executive committee as required~~
25 ~~by~~ subsection 2. The district advisory board shall meet at
26 least not more often than quarterly during the calendar year
27 ~~but may meet more frequently upon the call of the chairperson~~
28 ~~or upon a call signed by a majority, determined by weighted~~
29 ~~vote computed as in~~ subsection 4, of the members of the board.

30 2. ~~Each district board shall have an executive committee~~
31 ~~consisting of the chairperson and vice chairperson and at~~
32 ~~least one but no more than five other members of the district~~

33 ~~board. Either the chairperson or the vice chairperson shall~~
34 ~~be a supervisor, and the remaining representation on the~~
35 ~~executive committee shall be divided as equally as possible~~
1 ~~among supervisor members, project advisory committee members~~
2 ~~or citizen members, and judicially appointed members. The~~
3 ~~executive committee may exercise all of the powers and~~
4 ~~discharge all of the duties of the district board, as~~
5 ~~prescribed by this chapter, except those specifically withheld~~
6 ~~from the executive committee by action of the district board.~~

7 3. 2. The members of the district advisory board and of
8 the ~~executive committee~~ shall be reimbursed from funds of the
9 district department for travel and other expenses necessarily
10 incurred in attending meetings of those bodies, or while
11 otherwise engaged on business of the district department.

12 4. Each member of the district board shall have one vote
13 on the board. However, upon the request of any supervisory
14 member, the vote on any matter before the board shall be
15 taken by weighted vote. In each such case, the vote of the
16 supervisor representative of the least populous county in the
17 judicial district shall have a weight of one unit, and the vote
18 of each of the other supervisor members shall have a weight
19 which bears the same proportion to one unit as the population
20 of the county that supervisor member represents bears to the
21 population of the least populous county in the district. In
22 the event of weighted vote, the vote of each member appointed
23 from a project advisory committee or of each citizen member and
24 of each judicially appointed member shall have a weight of one
25 unit.

26 Sec. 2789. Section 905.4, Code 2023, is amended to read as
27 follows:

28 **905.4 Duties of the district advisory board.**

29 The district advisory board shall:

30 1. Adopt bylaws and rules for the conduct of its own
31 business and for the government of the district department's
32 community-based correctional program.

33 2. ~~Employ a director having the qualifications required by~~
34 ~~section 905.6 to head the district department's community-based~~
35 ~~correctional program and, within a range established by the~~
1 ~~Iowa department of corrections, fix the compensation of and~~
2 ~~have control over the director and the district department's~~
3 ~~staff. For purposes of collective bargaining under chapter~~
4 ~~20, employees of the district board who are not exempt from~~
5 ~~chapter 20 are employees of the state, and the employees of all~~
6 ~~of the district boards shall be included within one collective~~
7 ~~bargaining unit.~~

8 3. ~~Designate one of the counties in the judicial district~~
9 ~~to serve as the district department's administrative agent~~
10 ~~to provide, in that capacity, all accounting, personnel,~~
11 ~~facilities management and supportive services needed by the~~
12 ~~district department, on terms mutually agreeable in regard~~
13 ~~to advancement of funds to the county for the added expense~~
14 ~~it incurs as a result of being so designated. However, the~~
15 ~~district board may designate the district department itself as~~
16 ~~the district department's administrative agent, if the district~~
17 ~~board determines that it would be more efficient and less~~
18 ~~costly than designating a county as the administrative agent.~~

19 4. ~~File with the board of supervisors of each county in the~~
20 ~~district and with the Iowa department of corrections, within~~
21 ~~ninety days after the close of each fiscal year, a report~~
22 ~~covering the district board's proceedings and a statement of~~
23 ~~receipts and expenditures during the preceding fiscal year.~~

24 5. 2. ~~Arrange for, by contract or on such alternative~~
25 ~~basis as may be mutually acceptable, and equip Advise the~~
26 ~~director concerning suitable quarters at one or more sites in~~
27 ~~the district as may be necessary for the district department's~~
28 ~~community-based correctional program, provided that the~~
29 ~~board shall to the greatest extent feasible utilize existing~~
30 ~~facilities and shall keep capital expenditures for acquisition,~~
31 ~~renovation and repair of facilities to a minimum. The~~
32 ~~district board shall not enter into lease-purchase agreements~~

33 ~~for the purposes of constructing, renovating, expanding, or~~
34 ~~otherwise improving a community-based correctional facility or~~
35 ~~office unless express authorization has been granted by the~~
1 ~~general assembly, and current funding is adequate to meet the~~
2 ~~lease-purchase obligation.~~

3 ~~6. Have authority to accept property by gift, devise,~~
4 ~~bequest or otherwise and to sell or exchange any property~~
5 ~~so accepted and apply the proceeds thereof, or the property~~
6 ~~received in exchange therefor, to the purposes enumerated in~~
7 ~~subsection 5.~~

8 ~~7. 3. Recruit, and promote, accept and use local financial~~
9 ~~support for the district department's community-based~~
10 ~~correctional program from private sources such as community~~
11 ~~service funds, business, industrial and private foundations,~~
12 ~~voluntary agencies and other lawful sources.~~

13 ~~8. Accept and expend state and federal funds available~~
14 ~~directly to the district department for all or any part of the~~
15 ~~cost of its community-based correctional program.~~

16 ~~9. Arrange, by contract or on an alternative basis mutually~~
17 ~~acceptable, and with approval of the director of the Iowa~~
18 ~~department of corrections or that director's designee for~~
19 ~~utilization of existing local treatment and service resources,~~
20 ~~including but not limited to employment, job training,~~
21 ~~general, special, or remedial education; psychiatric and~~
22 ~~marriage counseling; and alcohol and drug abuse treatment and~~
23 ~~counseling. It is the intent of this chapter that a district~~
24 ~~board shall approve the development and maintenance of such~~
25 ~~resources by its own staff only if the resources are otherwise~~
26 ~~unavailable to the district department within reasonable~~
27 ~~proximity to the community where these services are needed in~~
28 ~~connection with the community-based correctional program.~~

29 ~~10. Establish a project advisory committee to act in an~~
30 ~~advisory capacity on matters pertaining to the planning,~~
31 ~~operation, and other pertinent functions of each project in the~~
32 ~~judicial district.~~

33 ~~11. Have authority to establish a force of reserve peace~~
34 ~~officers, either separately or collectively through a chapter~~
35 ~~28E agreement, as provided in chapter 80D.~~

1 Sec. 2790. Section 905.6, Code 2023, is amended to read as
2 follows:

3 **905.6 Duties of director.**

4 The director employed by the ~~district board under section~~
5 ~~905.4, subsection 2, Iowa department of corrections~~ shall be
6 qualified in the administration of correctional programs. The
7 director shall:

8 1. Perform the duties and have the responsibilities
9 delegated by the ~~district board~~ or specified by the Iowa
10 department of corrections pursuant to ~~this chapter~~.

11 2. Manage the district department's community-based
12 correctional program, in accordance with the policies of the
13 ~~district board and the Iowa department of corrections~~.

14 3. Employ, with approval of the ~~district board~~ Iowa
15 department of corrections, and supervise the employees of the
16 district department, including reserve peace officers, if a
17 force of reserve peace officers has been established.

18 4. Prepare all budgets and fiscal documents, and certify
19 for payment all expenses and payrolls lawfully incurred by
20 the district department. ~~The director may invest funds which~~
21 ~~are not needed for current expenses, jointly with one or more~~
22 ~~cities, city utilities, counties, or rural water districts~~
23 ~~created under chapter 357A pursuant to a joint investment~~
24 ~~agreement. All investment of funds shall be subject to~~
25 ~~sections 12B.10 and 12B.10A and other applicable law.~~

26 5. Act as secretary to the district advisory board, prepare
27 its agenda and record its proceedings. The district shall
28 provide a copy of minutes from each meeting of the district
29 advisory board to the legislative services agency.

30 6. Develop and submit to the ~~district board~~ Iowa department
31 of corrections a plan for the establishment, implementation,
32 and operation of a community-based correctional program in that

33 judicial district, which program conforms to the guidelines
34 drawn up by the Iowa department of corrections under this
35 chapter and which conform to rules, policies, and procedures
1 pertaining to the supervision of parole and work release
2 adopted by the director of the Iowa department of corrections
3 concerning the community-based correctional program.

4 7. Negotiate and, upon approval by the ~~district board~~
5 Iowa department of corrections, implement contracts or other
6 arrangements for utilization of local treatment and service
7 resources authorized by ~~section 905.4~~, subsection 9 15.

8 8. Administer the batterers' treatment program for domestic
9 abuse offenders required in section 708.2B.

10 9. Notify the board of parole, thirty days prior to release,
11 of the release from a residential facility operated by the
12 district department of a person serving a sentence under
13 section 902.12.

14 10. File with the director of the Iowa department of
15 corrections, within ninety days after the close of each
16 fiscal year, a report covering the district advisory board's
17 proceedings and a statement of receipts and expenditures during
18 the preceding fiscal year.

19 11. Arrange for, upon approval of the Iowa department of
20 corrections, by contract or on such alternative basis as may
21 be mutually acceptable, and equip suitable quarters at one or
22 more sites in the district as may be necessary for the district
23 department's community-based correctional program, provided
24 that the director shall to the greatest extent feasible utilize
25 existing facilities and shall keep capital expenditures for
26 acquisition, renovation, and repair of facilities to a minimum.
27 The director shall not enter into lease-purchase agreements
28 for the purposes of constructing, renovating, expanding, or
29 otherwise improving a community-based correctional facility or
30 office unless express authorization has been granted by the
31 general assembly, and current funding is adequate to meet the
32 lease-purchase obligation.

33 12. Have authority to accept property by gift, devise,
34 bequest, or otherwise, and to sell or exchange any property
35 so accepted and apply the proceeds thereof, or the property
1 received in exchange therefor, to the purposes enumerated in
2 subsection 11.

3 13. Recruit, promote, accept, and use local financial
4 support for the district department's community-based
5 correctional program from private sources such as community
6 service funds, business, industrial and private foundations,
7 voluntary agencies, and other lawful sources.

8 14. Accept and expend state and federal funds available
9 directly to the district department for all or any part of the
10 cost of its community-based correctional program.

11 15. Arrange, by contract or on an alternative basis mutually
12 acceptable, and with approval of the director of the Iowa
13 department of corrections or that director's designee for
14 utilization of existing local treatment and service resources,
15 including but not limited to employment, job training,
16 general, special, or remedial education; psychiatric and
17 marriage counseling; and alcohol and drug abuse treatment and
18 counseling.

19 16. Have authority to establish a force of reserve peace
20 officers, either separately or collectively through a chapter
21 28E agreement, as provided in chapter 80D.

22 Sec. 2791. Section 905.9, Code 2023, is amended to read as
23 follows:

24 **905.9 Report of review — sanction.**

25 Upon completion of a review of a district community-based
26 correctional program, made under [section 905.8](#), the Iowa
27 department of corrections shall submit its findings to the
28 district advisory board in writing. If the Iowa department
29 of corrections concludes that the district department's
30 community-based correctional program fails to meet any of the
31 requirements of [this chapter](#) and of the guidelines adopted
32 under [section 905.7](#), it shall also request in writing a

33 response to this finding from the district advisory board.
34 If a response is not received within sixty days after the
35 date of that request, or if the response is unsatisfactory,
1 the Iowa department of corrections may call a public hearing
2 on the matter. If after the hearing, the Iowa department
3 of corrections is not satisfied that the district's
4 community-based correctional program will expeditiously be
5 brought into compliance with the requirements of [this chapter](#)
6 and of the guidelines adopted under [section 905.7](#), it may
7 assume responsibility for administration of the district's
8 community-based correctional program on an interim basis.

9 Sec. 2792. REPEAL. Section 905.5, Code 2023, is repealed.

10 Sec. 2793. TRANSITION PROVISIONS.

11 1. Any rule promulgated by a district board of a judicial
12 district department of correctional services as required to
13 administer and enforce the provisions of chapter 905 shall
14 continue in full force and effect until amended, repealed, or
15 supplemented by affirmative action of the Iowa department of
16 corrections.

17 2. Any contract entered into by a district board of a
18 judicial district department of correctional services relating
19 to the provisions of chapter 905 in effect on the effective
20 date of this Act shall continue in full force and effect
21 pending transfer of such contract to the Iowa department of
22 corrections.

23 3. Any moneys remaining in any account or fund under the
24 control of a district board of a judicial district department
25 of correctional services on the effective date of this division
26 of this Act and relating to the provisions of this division of
27 this Act shall be transferred to a comparable fund or account
28 under the control of the Iowa department of corrections.
29 Notwithstanding section 8.33, the moneys transferred in
30 accordance with this subsection shall not revert to the account
31 or fund from which appropriated or transferred.

32 Sec. 2794. TRANSITION — APPOINTMENT AND TERM OF DISTRICT

33 BOARD MEMBERS. This division of this Act shall not affect the
34 appointment or term of a member serving on a district board
35 of a judicial district department of correctional services
1 immediately prior to the effective date of this division of
2 this Act.

3 Sec. 2795. APPLICABILITY — VIOLATION OF CONDITIONS OF
4 PAROLE OR PROBATION.

5 1. This division of this Act shall not be construed to
6 affect a district department, probation officer, or parole
7 officer's authority, having probable cause, to arrest a person
8 on probation or parole that is believed to have violated the
9 conditions of supervision, consistent with sections 907.2,
10 907.6, 908.1, and 908.11, and any administrative rules
11 promulgated thereunder.

12 2. This division of this Act shall not be construed to
13 affect a district department's ability to establish probation
14 conditions that meet the approval of the chief judge of the
15 district, consistent with section 907.6 and any administrative
16 rules promulgated thereunder.

17 3. This division of this Act shall not be construed to
18 affect the authority of the board of parole to establish and
19 approve standard parole conditions.

20 DIVISION XVII

21 BOARD OF PAROLE

22 Sec. 2796. Section 904A.1, Code 2023, is amended to read as
23 follows:

24 **904A.1 Board of parole — organization.**

25 1. The board of parole is created to consist of five
26 members. Each member, ~~except the chairperson and the vice~~
27 ~~chairperson, shall be compensated on a day-to-day basis~~ shall
28 be appointed by the governor subject to confirmation by the
29 senate. Each member shall serve a term of four years beginning
30 and ending as provided by [section 69.19](#), except for members
31 appointed to fill vacancies who shall serve for the balance
32 of the unexpired term. The terms shall be staggered. The

33 ~~chairperson and vice chairperson~~ All members of the board shall
34 be full-time, salaried members ~~of the board~~. A majority of the
35 members of the board constitutes a quorum to transact business.

1 2. The governor shall appoint a member of the board as
2 the chairperson of the board, subject to confirmation by the
3 senate. The appointment as chairperson shall serve at the
4 pleasure of the governor.

5 Sec. 2797. Section 904A.6, Code 2023, is amended to read as
6 follows:

7 **904A.6 Salaries and expenses.**

8 Each member, ~~except the chairperson and the vice~~
9 ~~chairperson, of the board shall be paid per diem as determined~~
10 ~~by the general assembly. The chairperson and vice chairperson~~
11 of the board shall be paid a salary as determined by the
12 general assembly. Each member of the board and all employees
13 are entitled to receive, in addition to their ~~per diem or~~
14 salary, their necessary maintenance and travel expenses while
15 engaged in official business.

16 Sec. 2798. REPEAL. Sections 904A.2A and 904A.3, Code 2023,
17 are repealed.

18 Sec. 2799. TRANSITION — APPOINTMENT AND TERM OF BOARD OF
19 PAROLE MEMBERS. This division of this Act shall not affect the
20 appointment or term of a member serving on the board of parole
21 immediately prior to the effective date of this division of
22 this Act.

23 DIVISION XVIII

24 SALARIES OF APPOINTED STATE OFFICERS

25 Sec. 2800. APPOINTED STATE OFFICERS — SALARY RANGES.

26 1. Unless otherwise provided by law, the governor shall
27 establish a salary for nonelected persons appointed by the
28 governor within the executive branch of state government.
29 In establishing a salary for a person holding a position
30 enumerated in subsection 3 within the range provided, the
31 governor may consider, among other items, the experience of
32 the person in the position, changes in the duties of the

33 position, the incumbent's performance of assigned duties,
 34 and subordinates' salaries. However, the attorney general
 35 shall establish the salary of the consumer advocate, the
 1 chief justice of the supreme court shall establish the salary
 2 of the state court administrator, the ethics and campaign
 3 disclosure board shall establish the salary of the executive
 4 director, the Iowa public information board shall establish
 5 the salary of the executive director, the board of regents
 6 shall establish the salary of the executive director, and the
 7 Iowa public broadcasting board shall establish the salary of
 8 the administrator of the public broadcasting division of the
 9 department of education, each within the salary range provided
 10 in subsection 3.

11 2. A person whose salary is established pursuant to this
 12 section and who is a full-time, year-round employee of the
 13 state shall not receive any other remuneration from the state
 14 or from any other source for the performance of that person's
 15 duties unless the additional remuneration is first approved by
 16 the governor or authorized by law. However, this subsection
 17 does not apply to reimbursement for necessary travel and
 18 expenses incurred in the performance of duties or fringe
 19 benefits normally provided to employees of the state.

20 3. a. The following annual salary ranges for appointed
 21 state officers are effective for the positions specified in
 22 this subsection for the fiscal year beginning July 1, 2023,
 23 effective for the pay period beginning June 23, 2023, and
 24 for subsequent fiscal years until otherwise provided by the
 25 general assembly. The governor or other person designated
 26 in subsection 1 shall determine the salary to be paid to the
 27 person indicated at a rate within the applicable salary range
 28 from moneys appropriated by the general assembly for that
 29 purpose.

30	SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
31	(1) Range 4	\$ 63,690	\$ 97,460
32	(2) Range 5	\$ 73,250	\$112,070

33 (3) Range 6 \$ 84,240 \$128,890

34 (4) Range 7 \$100,840 \$154,300

35 b. The following are range 4 positions: chairperson and
1 members of the employment appeal board of the department of
2 inspections, appeals, and licensing, director of the Iowa state
3 civil rights commission, director of the department for the
4 blind, executive director of the ethics and campaign disclosure
5 board, executive director of the Iowa public information board,
6 and chairperson, vice chairperson, and members of the board of
7 parole.

8 c. The following are range 5 positions: state public
9 defender, labor commissioner, workers' compensation
10 commissioner, director of the law enforcement academy, and
11 executive director of the public employment relations board.

12 d. The following are range 6 positions: superintendent of
13 banking, superintendent of credit unions, consumer advocate,
14 and chairperson and members of the utilities board.

15 e. The following are range 7 positions: administrator
16 of the public broadcasting division of the department of
17 education, executive director of the Iowa telecommunications
18 and technology commission, executive director of the state
19 board of regents, lottery administrator of the department of
20 revenue, and state court administrator.

21 Sec. 2801. Section 8A.102, subsection 2, Code 2023, is
22 amended to read as follows:

23 2. The person appointed as director shall be professionally
24 qualified by education and have no less than five years'
25 experience in the field of management, public or private sector
26 personnel administration including the application of merit
27 principles in employment, financial management, and policy
28 development and implementation. The appointment shall be made
29 without regard for political affiliation. The director shall
30 not be a member of any local, state, or national committee
31 of a political party, an officer or member of a committee in
32 any partisan political club or organization, or hold or be a

33 candidate for a paid elective public office. The director is
34 subject to the restrictions on political activity provided
35 in [section 8A.416](#). The governor shall set the salary of the
1 director ~~within pay grade nine~~.

2 Sec. 2802. Section 80.2, Code 2023, is amended to read as
3 follows:

4 **80.2 Commissioner — appointment.**

5 The chief executive officer of the department of public
6 safety is the commissioner of public safety. The governor
7 shall appoint, subject to confirmation by the senate, a
8 commissioner of public safety, who shall be a person of
9 high moral character, of good standing in the community in
10 which the commissioner lives, of recognized executive and
11 administrative capacity, and who shall not be selected on the
12 basis of political affiliation. The commissioner of public
13 safety shall devote full time to the duties of this office; the
14 commissioner shall not engage in any other trade, business, or
15 profession, nor engage in any partisan or political activity.
16 The commissioner shall serve at the pleasure of the governor,
17 ~~at an annual salary as fixed by the general assembly~~.

18 Sec. 2803. Section 84A.1, subsection 2, paragraph b, Code
19 2023, is amended to read as follows:

20 *b.* The governor shall set the salary of the director
21 ~~within the applicable salary range established by the general~~
22 ~~assembly~~.

23 Sec. 2804. Section 256.10, subsection 1, Code 2023, is
24 amended to read as follows:

25 1. The salary of the director shall be fixed by the governor
26 ~~within a range established by the general assembly~~.

27 Sec. 2805. Section 307.11, subsection 2, Code 2023, is
28 amended to read as follows:

29 2. The director shall receive a salary as fixed by the
30 governor ~~within a salary range set by the general assembly~~.

31 Sec. 2806. Section 455A.3, Code 2023, is amended to read as
32 follows:

33 **455A.3 Director — qualifications.**

34 The chief administrative officer of the department is
35 the director who shall be appointed by the governor, subject
1 to confirmation of the senate, and serve at the governor's
2 pleasure. The governor shall make the appointment based on
3 the appointee's training, experience, and capabilities. The
4 director shall be knowledgeable in the general field of natural
5 resource management and environmental protection. The salary
6 of the director shall be fixed by the governor ~~within salary~~
7 ~~guidelines or a range established by the general assembly.~~

8 Sec. 2807. EFFECTIVE DATE. This division of this Act takes
9 effect June 23, 2023.

10 DIVISION XIX

11 BOARDS AND COMMISSIONS

12 Sec. 2808. BOARDS AND COMMISSIONS REVIEW COMMITTEE —
13 REPORT.

14 1. A boards and commissions review committee shall be
15 established to study the efficiency and effectiveness of each
16 board, council, commission, committee, or other similar entity
17 of the state established by the Code. The committee shall
18 evaluate the extent to which the goals and objectives of those
19 entities are currently being met and make recommendations for
20 the continuation, elimination, consolidation, or reorganization
21 of those entities as needed.

22 2. The committee shall consist of six voting members and
23 four ex officio, nonvoting members.

24 a. The voting members of the committee shall be composed of
25 all of the following:

26 (1) One staff member of the governor's office, appointed by
27 the governor.

28 (2) The administrative rules coordinator or the
29 coordinator's designee.

30 (3) The director of the department of management or the
31 director's designee.

32 (4) The director of the department of inspections, appeals,

33 and licensing or the director's designee.

34 (5) One assistant attorney general, appointed by the
35 governor upon recommendation of the attorney general.

1 (6) One member of the public, appointed by the governor.

2 b. The ex officio, nonvoting members of the committee shall
3 be two state representatives, one appointed by the speaker of
4 the house of representatives and one by the minority leader
5 of the house of representatives, and two state senators, one
6 appointed by the majority leader of the senate and one by the
7 minority leader of the senate.

8 3. The office of the governor shall provide staffing for
9 the committee. The committee may seek the expertise and
10 services of individuals or entities outside of its membership
11 for research, advice, consultation, support, or other needs in
12 furtherance of its responsibilities.

13 4. The committee shall submit a report containing its
14 findings and recommendations to the governor and the general
15 assembly on or before September 30, 2023.

16 5. All departments, agencies, boards, councils,
17 commissions, committees, or other similar entity of the
18 state established by the Code shall cooperate fully with the
19 committee in its review process.

20 6. This section is repealed January 1, 2024.

21 DIVISION XX

22 MISCELLANEOUS PROVISIONS

23 Sec. 2809. IRRECONCILABLE AMENDMENTS. If an amendment
24 to a statute in this Act is irreconcilable with an amendment
25 made to the same statute that is contained in division I of
26 this Act that implements the transition of the department of
27 human services and the department of public health into the
28 department of health and human services as required in 2022
29 Iowa Acts, chapter 1131, section 51, the amendment to the
30 statute that is not contained in division I of this Act shall
31 prevail over and shall be codified instead of the amendment
32 to the same statute that is contained in division I of this

33 Act that implements the transition of the department of
34 human services and the department of public health into the
35 department of health and human services.

1 Sec. 2810. TRANSITION PROVISIONS.

2 1. Administrative rules.

3 a. Any rule, regulation, form, order, or directive
4 promulgated by any state agency mentioned in this Act,
5 including any agency abolished, merged, or altered in this Act,
6 and in effect on July 1, 2023, shall continue in full force and
7 effect until amended, repealed, or supplemented by affirmative
8 action of the appropriate state agency under the duties and
9 powers of state agencies as established in this Act and under
10 the procedure established in paragraph "b", if applicable.

11 b. In regard to updating references and format in the
12 Iowa administrative code in order to correspond to the
13 restructuring of state government as established in this Act,
14 the administrative rules coordinator and the administrative
15 rules review committee, in consultation with the administrative
16 code editor, shall jointly develop a schedule for the necessary
17 updating of the Iowa administrative code.

18 2. Legal obligations.

19 a. Any license or permit issued by any state agency
20 mentioned in this Act, including any agency abolished, merged,
21 or altered in this Act, and in effect on July 1, 2023, shall
22 continue in full force and effect until expiration or renewal.

23 b. Any loan, grant, or item of value awarded, or contract
24 entered into, as of July 1, 2023, by any state agency mentioned
25 in this Act, including any agency abolished, merged, or altered
26 in this Act, shall continue in full force and effect pursuant
27 to the terms of the award of such loan, grant, item of value,
28 or contract.

29 3. Funds. Any funds in any account or fund that is
30 altered in this Act, or of a state agency abolished, merged,
31 or altered in this Act, shall be transferred to the comparable
32 fund or account or state agency as provided by this Act.

33 Notwithstanding section 8.33, moneys transferred in accordance
34 with this subsection shall not revert to the account or fund
35 from which appropriated or transferred.

1 4. Litigation. Any administrative hearing, cause of
2 action, or statute of limitation relating to a state agency
3 transferred to another state agency as provided by this Act
4 shall not be affected as a result of the transfer and such
5 cause or statute of limitation shall apply to the successor
6 state agency.

7 5. Boards and commissions. The holder of any position of
8 membership on any board, committee, commission, or council in
9 state government shall continue to hold such position until
10 the end of the member's term of office, notwithstanding any
11 change in the name or organizational location of such board,
12 committee, commission, or council that is made by this Act.

13 6. Signs and insignia. Any replacement of signs, logos,
14 stationery, insignia, uniforms, and related items that is made
15 due to the effect of this Act should be done as part of the
16 normal replacement cycle for such items.

17 Sec. 2811. APPLICABILITY. The transition provisions in
18 this division of this Act, to the extent not inconsistent with
19 alternative provisions specifically provided by law or this
20 Act, shall apply to this Act.

21 EXPLANATION

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

24 This bill relates to the organization, structure, and
25 functions of state government. The bill is organized by
26 divisions.

27 DIVISION I — DEPARTMENT OF HEALTH AND HUMAN SERVICES. This
28 division provides the legislative changes for the realignment
29 of the department of human services (DHS) and department of
30 public health (DPH) into the department of health and human
31 services (HHS), as necessary, for consideration by the general
32 assembly during the 2023 legislative session to implement the

33 realignment effective July 1, 2023, as required by 2022 Iowa
34 Acts, chapter 1131, section 51, subsection 6, paragraph "a".

35 In addition, the bill incorporates into HHS the department
1 on aging (DOA), the department of human rights (DHR), early
2 childhood Iowa, and the Iowa commission on volunteer services.

3 The bill eliminates references to the subunit structure
4 and the heads of such subunits of HHS and other agencies
5 incorporated into HHS below the department level, including
6 divisions, bureaus, and administrators. Some of these include
7 the center for rural health and primary care, the center
8 for congenital and inherited disorders, the oral health and
9 delivery systems bureau, the division of tobacco use prevention
10 and control, the division for records and statistics, the
11 bureau of professional licensure, the division of acute disease
12 prevention and emergency response, the division of mental
13 health and disability services, the administrator assigned to
14 control the state mental health institutes and state resource
15 centers, the administrator of mental health and disability
16 services, the division to which the director of DHS had
17 assigned responsibility for income and service programs, the
18 administrator of the child support recovery unit, and the
19 division of adult, children, and family services. Instead,
20 the references are changed so that HHS, the director of HHS,
21 or a designee is responsible for these functions. The bill
22 authorizes the director of HHS to organize HHS into subunits as
23 necessary to most efficiently carry out the responsibilities
24 of HHS.

25 The bill restructures the membership of boards, commissions,
26 and other entities to avoid duplicative representation by more
27 than one person representing HHS following the incorporation of
28 other agencies and units of government into HHS.

29 The bill changes current Code references to "child support
30 recovery unit" to "child support services" and the reference to
31 "foster care recovery unit" to "foster care services".

32 The bill changes current Code references to "substance

33 abuse", "drug abuse", and similar terms, to "substance use
34 disorder".

35 The bill designates "record check evaluation system" to
1 refer to the process used by HHS to perform child and dependent
2 adult abuse record checks and to evaluate criminal history and
3 abuse records.

4 The bill changes current Code references to "food stamps" to
5 "supplemental nutrition assistance program".

6 The bill eliminates the state board of health and replaces
7 the board with the council on health and human services, but
8 retains local boards of health and local health departments.
9 The bill amends the membership of the HHS council to expand
10 voting membership from seven to nine members, and requires
11 that at least one of these members is a physician licensed to
12 practice medicine in Iowa.

13 Through incorporation of DHR into HHS, the bill eliminates
14 the division of community advocacy and services, the division
15 of community action agencies, and the division of criminal and
16 juvenile justice planning, and assigns the functions of these
17 former divisions to HHS while retaining the underlying offices,
18 commissions, councils, and the human rights board.

19 The bill eliminates current Code references to "service
20 area" and "service area manager" for the delivery of services,
21 but retains references to county offices and advisory boards.

22 The bill moves the Code provision establishing the child
23 abuse prevention advisory committee from a general provision
24 under Code chapter 217 (DHS) to a new provision under Code
25 chapter 235A (child abuse).

26 The bill changes current Code references to the "hawk-i"
27 program and related terms to the "Hawki" program and related
28 terms to reflect current program branding.

29 The bill also moves the function of the Iowa child death
30 review team from the office of the state medical examiner
31 to HHS; establishes the Iowa domestic abuse death review
32 team under HHS rather than as an independent agency of

33 state government; eliminates the reference to Iowa Medicaid
34 enterprise and assigns those functions to the Medicaid program;
35 moves the responsibility for regulation of consumable hemp to
1 HHS from the department of inspections and appeals (DIA); and
2 moves the creation of the child advocacy board from DIA to HHS.

3 The bill updates or eliminates outdated Code provisions.

4 The bill repeals Code chapter 136 (state board of health)
5 and incorporates the functions of the board of health into the
6 council on health and human services.

7 The bill repeals Code sections 135.2 (appointment of
8 director and acting director) under the former DPH; 135.3
9 (disqualifications) relating to the former director of DPH;
10 135.6 (assistants and employees) relating to the former
11 DPH; 135.7 (bonds) relating to bond requirements for certain
12 employees of the former DPH; 135.8 (seal) relating to the
13 official seal of DPH; 135.9 (expenses) relating to travel
14 expenses for employees of the former DPH; 135.10 (office)
15 relating to the location of the former DPH at the seat of
16 government; 216A.2 (appointment of department director,
17 deputy director, and administrators — duties) relating to
18 appointments for the former DHR; 217.7 (administration of
19 divisions); 217.9 (additional duties); 217.10 (administrator
20 of division of mental health and disability services);
21 217.15 (administrator of division of administration)
22 relating to the administrator position under the former DHS;
23 217.16 (cooperation with other divisions) relating to the
24 administrator of the division of administration with others
25 under the former DHS; 217.17 (administrator of division of
26 planning) relating to the administrator under the former
27 DHS; 218.19 (districts) relating to the administrator of
28 institutions having control of an institution under control
29 of the former DHS; 218.20 (place of commitments — transfers)
30 relating to commitments by district under the former DHS;
31 218.40 (services required) relating to services required to be
32 rendered by residents of institutions; 218.53 (dealers may file

33 addresses) relating to the provision of contact information
34 for those desiring to provide services to institutions;
35 218.54 (samples preserved) relating to the retention of
1 when purchases made by sample at institutions; 222.6 (state
2 districts) relating to districts for resource centers; 227.19
3 (administrator defined) relating to the administrator in
4 control of mental health institutes under the former DHS;
5 231.22 (director — assistant director) relating to the
6 director and assistant director of former DOA; and 234.2
7 (division created) relating to the division of child and family
8 services under the former DHS.

9 The bill repeals 2022 Iowa Acts, chapter 1098, sections 68
10 and 92, relating to a future amendment to Code section 232.142
11 relating to juvenile detention homes which would have moved
12 administration fully to DHR and the provision making section 68
13 effective July 1, 2023.

14 DIVISION II — DEPARTMENT OF ADMINISTRATIVE SERVICES.
15 This division transfers the library services duties of the
16 department of education, the state archivist and duties related
17 to state records and archives, and most of the historical
18 division of the department of cultural affairs to the
19 department of administrative services. The bill also provides
20 that the department of administrative services shall undertake
21 responsibilities under Code chapter 305B, concerning museum
22 property, currently provided by the department of cultural
23 affairs.

24 LIBRARY SERVICES. Code sections 256.50 to 256.73,
25 concerning the library services duties of the department of
26 education, are transferred to the department of administrative
27 services in Code chapter 8A. The bill eliminates the library
28 services division of the department of education and transfers
29 duties and responsibilities of the division to the department
30 of administrative services. The state librarian is transferred
31 to the department of administrative services and the bill
32 further provides that the state librarian shall be appointed by

33 the director of the department of administrative services and
34 not by the state commission of libraries. The state commission
35 of libraries is also transferred to the department of
1 administrative services and the bill replaces the director of
2 the department of education with the director of the department
3 of administrative services as a member of the commission. The
4 bill retains the rulemaking authority of the commission as it
5 relates to library services.

6 STATE RECORDS AND ARCHIVES. Code chapter 305, the state
7 records and archives Act, is transferred to Code chapter 8A.
8 The bill transfers the duties currently performed by the
9 department of cultural affairs under that Code chapter to the
10 department of administrative services. The bill also strikes
11 the director of the department of cultural affairs as a member
12 of the state records commission. The bill also provides that
13 the director of the department of administrative services,
14 and not the administrator of the historical division of the
15 department of cultural affairs, shall serve as an ex officio
16 member of the Iowa historical records advisory board.

17 HISTORICAL RESOURCES. The bill transfers most of the
18 duties of the historical division of the department of
19 cultural affairs and the administrator of that division to
20 the department of administrative services and the director of
21 the department of administrative services under Code chapter
22 8A. Duties of the historical division described in Code
23 section 303.2 are generally transferred to the department of
24 administrative services. The historic preservation officer,
25 as well as related duties concerning historic properties and
26 historic preservation activities, is not transferred to the
27 department of administrative services. References to the
28 historical division and to the state historical society as an
29 agency of the state are eliminated and those responsibilities
30 are transferred to the department of administrative services.
31 The bill specifically defines the state historical society as
32 a membership organization of the department of administrative

33 services and retains those duties and responsibilities
34 currently assigned to the state historical society as a
35 membership organization with the state historical society.

1 Current references to the state historical society as a
2 state agency are changed to department of administrative
3 services. The bill transfers the Iowa heritage fund and the
4 historical resource development program to the department of
5 administrative services.

6 The bill provides that those duties currently assigned to
7 the department of cultural affairs under Code chapter 305B,
8 concerning museum property, are assigned to the department of
9 administrative services.

10 Finally, the bill also provides that control of the battle
11 flag restoration fund, created in 2012 Iowa Acts, chapter 1136,
12 shall be assigned to the department of administrative services
13 and not the department of cultural affairs.

14 DIVISION III — DEPARTMENT OF INSPECTIONS, APPEALS, AND
15 LICENSING. This division of the bill renames the department of
16 inspections and appeals (DIA) the department of inspections,
17 appeals, and licensing (DIAL), and modifies the organizational
18 structure and duties of the renamed department.

19 ORGANIZATION — GENERAL PROVISIONS. Code section 7E.5,
20 listing the principal departments of state government, is
21 amended to reflect the change of DIA to DIAL and to reflect
22 that the duties of the department include licensing, and laws
23 related to employment safety, labor standards, and workers'
24 compensation.

25 Code chapter 10A, governing the department, is amended to
26 reflect the expanded duties of the department as provided in
27 the bill. The organizational structure of the department is
28 amended to eliminate the investigations and health facilities
29 division of the department and to add a labor services and
30 workers' compensation division.

31 Code section 10A.104, providing for the powers and duties
32 of the director of DIAL, is amended to reflect the transfer of

33 duties to the director in the bill. The bill also provides for
34 a teleconference option for boards and commissions under the
35 purview of DIAL relating to health-related professions.

1 LABOR SERVICES. The bill transfers the labor services
2 division and labor commissioner, currently under the department
3 of workforce development, to DIAL, including duties of the
4 division and commissioner.

5 The bill provides that the labor commissioner shall
6 serve at the pleasure of the governor and not for a six-year
7 term. The bill also provides that current duties of the
8 labor commissioner under Code chapter 87, governing workers'
9 compensation, Code chapter 88, governing occupational,
10 safety, and health, and Code chapter 89B, concerning
11 hazardous chemicals risks, are retained as duties of the labor
12 commissioner under DIAL. All other current labor-related
13 duties of the labor commissioner, except for duties under
14 Code section 73A.21 and Code chapter 94A, are transferred to
15 DIAL and the director of DIAL, and not retained by the labor
16 commissioner. The bill transfers the duties of the labor
17 commissioner under Code section 73A.21 concerning bidder
18 preferences to the department of administrative services.

19 WORKERS' COMPENSATION. The bill transfers the workers'
20 compensation services division and workers' compensation
21 commissioner, including duties of the division and
22 commissioner, currently under the department of workforce
23 development, to DIAL. The bill further provides that the
24 workers' compensation commissioner shall serve at the pleasure
25 of the governor and not for a six-year term.

26 LICENSING AND REGULATION ACTIVITIES. The division transfers
27 several licensing and regulation functions of state government
28 to DIAL. The licensing and regulation of certain fire control
29 and building code-related activities are transferred from the
30 state fire marshal and the commissioner of public safety to
31 DIAL. The licensing and regulation of certain health-related
32 professions and other health-related activities are generally

33 transferred from the department of public health to DIAL.
34 Finally, the licensing and regulation of certain business
35 and commerce-related professions are transferred from the
1 department of commerce and the professional licensing and
2 regulation bureau of the banking division of the department of
3 commerce to DIAL.

4 Concerning fire control duties, the bill transfers several
5 duties currently performed by the state fire marshal to
6 DIAL and the DIAL director. Specifically, those duties of
7 the state fire marshal unrelated to arson investigations
8 provided in Code chapter 100 are transferred to DIAL. In
9 addition, duties and responsibilities of the state fire
10 marshal and department of public safety under Code chapter 100C
11 concerning fire extinguishing and alarm systems contractors
12 and installers, Code chapter 100D concerning fire protection
13 system installation and maintenance, Code chapter 101
14 concerning combustible and flammable liquids and liquefied
15 gases, Code chapter 101A concerning explosive materials, and
16 Code chapter 101B concerning cigarette fire safety standards,
17 are transferred to DIAL and the DIAL director. Also, state
18 fire marshal duties related to school infrastructure, health
19 care facilities, motor fuel facilities and dispensers, elder
20 group homes, assisted living programs, adult day services,
21 child foster care and child care facilities, children's
22 residential facilities, board of regents, school child care
23 program facilities, fireworks, and department of corrections
24 institutions, are transferred to DIAL and the director of
25 DIAL. Finally, Code section 12.83, providing for allocation
26 of certain school infrastructure fund moneys, is amended to
27 transfer the allocation to DIAL.

28 Concerning state building code duties, the bill provides
29 that the DIAL director, and not the commissioner of public
30 safety, is the state building code commissioner and is
31 responsible for those duties performed by the state building
32 code commissioner. In addition, duties and responsibilities

33 of the state fire marshal and department of public safety
34 under Code chapter 103 concerning electricians and electrical
35 contractors, are transferred to DIAL and the director of DIAL.
1 Finally, the duties and responsibilities of the department of
2 public health and the state fire marshal under Code chapter 105
3 concerning plumbers, mechanical professionals, and contractors,
4 are transferred to DIAL and the director of DIAL.

5 Concerning health-related professions and other
6 related duties, the bill generally transfers licensing and
7 board-related duties currently under the jurisdiction of
8 the department of public health to DIAL and the director of
9 DIAL. The bill provides that the boards and laws relative to
10 "Health-related Professions", Title IV, subtitle 3, of the
11 Code, excluding Code chapter 147, are transferred from the
12 department of public health to DIAL. The bill eliminates
13 the professional licensure division of the department of
14 public health and provides that the DIAL director, and not
15 the director of public health, shall appoint and supervise a
16 full-time executive director for the board of medicine, the
17 board of nursing, the dental board, and the board of pharmacy.
18 Current responsibilities of the department of public health
19 relating to tattooing, natural hair braiding, lead abatement,
20 pools, backflow prevention, tanning facilities, and migrant
21 labor camps are also transferred to DIAL and the DIAL director.

22 Concerning the licensing and regulation of certain business
23 and commerce-related professions, the bill eliminates the
24 professional licensing and regulation bureau of the banking
25 division of the department of commerce and transfers duties
26 of the bureau as well as other department of commerce duties
27 to DIAL and the DIAL director. Specifically, duties and
28 responsibilities of the department of commerce and bureau
29 under Code chapter 542B concerning professional engineers
30 and land surveyors, Code chapter 534B concerning real estate
31 brokers and salespersons, Code chapter 543D concerning real
32 estate appraisals and appraisers, Code chapter 543E concerning

33 real estate appraisal management companies, Code chapter 544A
34 concerning licensed architects, Code chapter 544B concerning
35 landscape architects, and Code chapter 544C concerning
1 registered interior designers, are transferred to DIAL and
2 the DIAL director. Code section 546.10, concerning the
3 professional licensing and regulation bureau, is amended and
4 transferred to Code chapter 10A governing DIAL.

5 ADMINISTRATIVE LAW JUDGES. The division provides that
6 administrative law judges utilized for purposes of unemployment
7 security, the civil rights commission, the department of
8 education, special education, and board of educational
9 examiners shall be administrative law judges employed by the
10 division of administrative hearings of DIAL under Code chapter
11 10A.

12 CIVIL RIGHTS COMMISSION. The division provides that the
13 Iowa state civil rights commission shall be created within
14 DIAL.

15 CONFORMING CHANGES. The division amends the Code as
16 necessary to conform to the changes provided in the division
17 relative to changing the name and duties of the renamed DIAL.

18 DIVISION IV — DEPARTMENT OF JUSTICE. This division of
19 the bill relates to the department of justice. The bill
20 eliminates the position of general counsel of the department
21 of transportation and directs the attorney general to provide
22 legal services for the department of transportation. The bill
23 strikes a provision making certain employees of the department
24 of justice and administrative law judges appointed or employed
25 by the public employment relations board subject to the merit
26 system.

27 The bill allows the attorney general to prosecute a criminal
28 proceeding without first receiving a request from a county
29 attorney to act as a county attorney. The bill requires the
30 attorney general to submit a report by January 15 of each year
31 detailing all money settlement awards and court money awards
32 that were awarded to the state of Iowa in the previous year.

33 The bill changes the title of the first assistant attorney
34 general to "chief deputy attorney general". The bill repeals
35 Code sections allowing the attorney general to appoint
1 assistant attorneys general to perform and supervise the legal
2 work of the department of revenue and the division of child
3 and family services of the department of human services. The
4 bill allows the attorney general to charge state governmental
5 entities for the cost of performing legal services and to
6 require state governmental entities to provide office space for
7 an assistant attorney general or other staff providing legal
8 services exclusively for that entity. The bill changes the
9 circumstances under which an entity of the state may employ
10 private legal counsel.

11 The bill grants the attorney general exclusive jurisdiction
12 to prosecute election-related crimes.

13 The bill exempts all employees of the department of justice
14 from Code chapter 20 (public employment relations (collective
15 bargaining)). Currently, nonsupervisory employees of the
16 consumer advocate division who are employed primarily for the
17 purpose of performing technical analysis of nonlegal issues are
18 not exempt.

19 The bill eliminates the position of special assistant
20 attorney general for claims and transfers the duties of the
21 position to the attorney general.

22 The bill strikes a provision requiring the department of
23 public safety to employ an assistant attorney general.

24 The bill changes certain provisions for the appointment
25 and removal of the consumer advocate by the attorney general,
26 including by striking a requirement that the consumer advocate
27 be an attorney. The bill also provides that the attorney
28 general, and not the consumer advocate, may employ attorneys
29 and other employees necessary to discharge the duties of the
30 consumer advocate division.

31 The division takes effect upon enactment.

32 DIVISION V — ECONOMIC DEVELOPMENT AUTHORITY. This division

33 of the bill concerns the duties and responsibilities of
34 the economic development authority and the director of the
35 authority.

1 CULTURAL AFFAIRS. The division of the bill transfers
2 the responsibilities of the department of cultural affairs,
3 including the arts division and the film office, to the
4 economic development authority (authority). The division
5 eliminates the department of cultural affairs and all related
6 internal organizational structure under the department. The
7 division makes conforming changes to Code sections 7E.5,
8 8A.412, 306D.2, 321.252, 404A.1, 404A.3, 404A.6, 423.3, 427.16,
9 465A.2, 465B.2, and 465B.3.

10 STATE HISTORIC PRESERVATION OFFICER. The division of the
11 bill transfers the state historic preservation officer (SHPO),
12 and all related duties of the SHPO, under the authority.

13 IOWA FINANCE AUTHORITY. The division of the bill codifies
14 that the director of the authority shall also serve as the
15 director of the Iowa finance authority. The bill also provides
16 that the director of the economic development authority shall
17 serve at the pleasure of the governor and not for a four-year
18 term.

19 DIVISION VI — ECONOMIC DEVELOPMENT AUTHORITY — PARTNER
20 STATE PROGRAM. This division of the bill codifies the partner
21 state program and puts the program under the authority.
22 The division takes effect upon enactment and includes an
23 applicability provision relating to sister state agreements
24 entered into before the effective date of the division.

25 DIVISION VII — PUBLIC EMPLOYMENT RELATIONS BOARD. This
26 division relates to the public employment relations board
27 (PERB).

28 The bill strikes language providing that when the governor
29 selects members of the PERB, consideration shall be given
30 to their knowledge, ability, and experience in the field
31 of labor-management relations. The bill strikes language
32 providing that members of the PERB shall devote full time to

33 their duties. The bill additionally requires the PERB to meet
34 at least quarterly and modifies language pertaining to the
35 compensation of PERB members and employees.

1 The bill provides for an executive director of the PERB
2 appointed by and serving at the pleasure of the governor
3 and subject to confirmation by the senate. In selecting
4 the executive director, consideration shall be given to the
5 person's knowledge, ability, and experience in the field of
6 labor-management relations. The governor shall set the salary
7 of the executive director within the applicable salary range
8 established by the general assembly. The bill authorizes
9 the PERB to delegate its powers and duties to the executive
10 director or persons employed by the PERB, as appropriate.

11 The bill provides that in a petition for judicial review of
12 a decision of the PERB in a contested case under Code chapter
13 20, the opposing party shall be named the respondent, and the
14 PERB shall not be named as a respondent, notwithstanding Code
15 chapter 17A, the Iowa administrative procedure Act. The bill
16 provides that judicial review of agency action by the PERB
17 under Code chapter 20 is not subject to Code chapter 17A. The
18 bill additionally strikes language providing that the powers
19 and duties of the PERB include preparing legal briefs and
20 presenting oral arguments in court cases affecting the PERB.

21 DIVISION VIII — DEPARTMENT OF HOMELAND SECURITY AND
22 EMERGENCY MANAGEMENT. Under current law, the department
23 of human services administers the disaster aid individual
24 assistance grant fund and the disaster case management grant
25 fund. The bill provides that the department of homeland
26 security and emergency management shall administer the funds.
27 The name of the disaster case management grant fund is changed
28 to the disaster case advocacy grant fund.

29 The bill also provides that the director of the department of
30 homeland security and emergency management shall be subject to
31 confirmation by the senate and shall serve at the pleasure of
32 the governor.

33 The bill makes conforming Code changes.

34 DIVISION IX — DEPARTMENT OF VETERANS AFFAIRS. This
35 division relates to the administration of veterans services and
1 the transfer of responsibility for such services.

2 The division requires the department of veterans affairs
3 (IVA) to reimburse the auditor of state for audits and
4 examinations the auditor of state conducts relating to the Iowa
5 veterans home.

6 The division combines the duties of the IVA director and
7 the Iowa veterans home commandant into a single position
8 and changes the title of the head of IVA from director to
9 commandant.

10 The division replaces the commission's authority to
11 supervise the commandant's administration of operations and
12 conduct of the Iowa veterans home with the authority to review
13 and approve applications for distributions of moneys from the
14 veterans license fee fund and the veterans trust fund.

15 The division makes several conforming Code changes.

16 DIVISION X — OFFICE OF DRUG CONTROL POLICY. Current law
17 provides that the governor's office of drug control policy
18 shall be an independent office, located at the same location
19 as the department of public safety. Administrative support
20 services may be provided to the governor's office of drug
21 control policy by the department of public safety.

22 The division provides that the office of drug control policy
23 is established in the department of public safety. A drug
24 policy director shall be appointed by the commissioner of the
25 department of public safety, and the director shall direct the
26 office of drug control policy.

27 DIVISION XI — DEPARTMENT OF WORKFORCE DEVELOPMENT. This
28 division modifies duties and responsibilities of the department
29 of workforce development and includes transition provisions.

30 The bill makes conforming changes to Code section 84A.5 to
31 reflect the programs and responsibilities acquired by workforce
32 development.

33 The bill transfers administration of the statewide
34 work-based learning intermediary network program under Code
35 section 256.40 from the department of education to workforce
1 development.

2 The bill requires workforce development, rather than the
3 authority, to coordinate and review the industrial new jobs
4 training program under Code chapter 260E.

5 The bill transfers jobs training under Code chapter 260F
6 from the authority to workforce development.

7 The bill transfers the workforce development fund program
8 from the authority to workforce development.

9 The bill transfers the accelerated career education program
10 under Code chapter 260G from the authority to workforce
11 development.

12 The bill transfers the older American community service
13 employment program from the department on aging to workforce
14 development.

15 The bill transfers vocational rehabilitation under Code
16 chapter 259 from the department of education to workforce
17 development.

18 The bill transfers the apprenticeship training program under
19 Code chapter 15B from the authority to workforce development.

20 The bill transfers the future ready Iowa registered
21 apprenticeship development program under Code section 15C.1
22 from the authority to workforce development.

23 The bill transfers the future ready Iowa expanded registered
24 apprenticeship opportunities program under Code section 15C.2
25 from the authority to workforce development.

26 The bill transfers employment agencies under Code chapter
27 94A from the labor commissioner to workforce development.

28 The bill transfers responsibility for reports and records
29 under Code section 91.12 from the division of labor services to
30 workforce development.

31 The bill requires workforce development, rather than the
32 department of education, and community colleges to implement

33 adult education and literacy programs. The department
34 of education and community colleges are still required to
35 implement adult education under Code section 260C.50.

1 DIVISION XII — DEPARTMENT OF REVENUE. This division of the
2 bill transfers the Iowa lottery authority and the duties of the
3 alcoholic beverages division of the department of commerce to
4 the department of revenue.

5 IOWA LOTTERY. The division eliminates the Iowa lottery
6 authority and transfers authority for operating the Iowa
7 lottery to an Iowa lottery division within the department
8 of revenue. The position of chief executive officer of the
9 lottery authority is replaced by a lottery administrator,
10 with modified duties. The bill allocates responsibility for
11 operating the Iowa lottery between the division, the lottery
12 administrator, the department of revenue, the director of the
13 department of revenue, and the lottery board.

14 The bill provides for a lottery administrator, instead of
15 a chief executive officer, who shall direct the day-to-day
16 operations of the lottery as specified by the department of
17 revenue and director. The lottery administrator shall be
18 appointed by the governor, confirmed by the senate, and shall
19 serve at the pleasure of the governor. Under current law, the
20 chief executive officer is appointed by the governor for a
21 four-year term and shall only be removed from office for cause.
22 Compensation of the lottery administrator shall be set by the
23 governor.

24 The duties of the board of directors of the Iowa lottery as
25 specified in Code section 99G.9 are modified by the bill by
26 eliminating the authority of the board to approve the budget
27 for the Iowa lottery.

28 Code section 99G.10, concerning personnel of the Iowa
29 lottery, is amended. The power of the chief executive
30 officer to designate particular employees as key personnel
31 and to determine the number of full-time equivalent positions
32 necessary to carry out the provisions of Code chapter 99G is

33 eliminated. The bill also eliminates the ability to establish
34 incentive programs for employees.

35 Code section 99G.21, concerning the powers of the Iowa
1 lottery authority, is amended. The bill transfers this
2 authority to the department of revenue and eliminates
3 provisions relating to acquiring real property, incurring debt,
4 and authority to exercise all powers generally exercised by a
5 private business.

6 Code section 99G.37, concerning competitive bidding, is
7 amended to provide that all procurement contracts shall be bid
8 utilizing the services of the department of administrative
9 services and competitively bid in accordance with Code chapter
10 8A.

11 Code section 99G.40, concerning audits and reports, is
12 amended. The provision requiring the chief executive officer
13 to submit an informational budget for the lottery authority is
14 amended. In addition, provisions governing the audit of the
15 lottery authority are modified to reflect that any audit will
16 be done as a part of an audit of the department of revenue.

17 The division includes a transition provision governing
18 the transfer of all rights and authority of the Iowa lottery
19 authority to the department of revenue on July 1, 2023.
20 The provision transfers lottery authority employees to the
21 department of revenue and provides that the chief executive
22 officer on the date of the transfer shall become the lottery
23 administrator without requirement of reappointment by the
24 governor. The transition provision also provides that the
25 department of revenue shall take such steps as is necessary
26 to effectuate the transfer of the lottery authority to the
27 department.

28 ALCOHOLIC BEVERAGE CONTROL. The division eliminates the
29 alcoholic beverages division of the department of commerce and
30 transfers authority over the duties of the alcoholic beverages
31 division to the department of revenue and the director of the
32 department.

33 The bill eliminates the position of administrator of the
34 alcoholic beverages division and transfers those duties of the
35 administrator to the director of revenue.

1 CONFORMING CHANGES. Code section 7E.5, describing the
2 responsibilities of the department of revenue, is amended to
3 reflect the new duties of the department under the division.
4 In addition, Code section 421.17, concerning the powers and
5 duties of the director of revenue, is amended to reflect the
6 new duties of the director under the division.

7 DIVISION XIII — DEPARTMENT FOR THE BLIND. This division
8 provides that the director of the department of the blind shall
9 be appointed by the governor, subject to confirmation by the
10 senate, and shall serve at the pleasure of the governor. The
11 bill provides that the salary of the director shall be set by
12 the governor within the applicable salary range established by
13 the general assembly. The bill also eliminates the authority
14 for the commission for the blind to appoint officers for
15 the commission. The division takes effect immediately and
16 authorizes the governor on or before July 1, 2023, to appoint a
17 director of the department effective July 1, 2023.

18 DIVISION XIV — DEPARTMENT OF EDUCATION. This division
19 transfers the responsibilities of several governmental entities
20 to the department of education.

21 IOWA BRAILLE AND SIGHT SAVING SCHOOL AND IOWA SCHOOL FOR
22 THE DEAF. Current law establishes the Iowa braille and sight
23 saving school and the Iowa school for the deaf within the
24 state board of regents and requires the board of regents to
25 govern the operations of these schools. The bill strikes Code
26 references to the Iowa braille and sight saving school and
27 provides for an Iowa educational services for the blind and
28 visually impaired program within the department of education.
29 The bill transfers the Iowa educational services for the blind
30 and visually impaired program and the Iowa school for the deaf
31 from the board of regents to the department of education.
32 The bill makes conforming changes. The bill establishes the

33 responsibilities of the department with respect to the Iowa
34 educational services for the blind and visually impaired
35 program and the Iowa school for the deaf. The bill includes
1 transition provisions.

2 Current law prohibits the board of regents from merging
3 the Iowa school for the deaf with the Iowa braille and sight
4 saving school, or closing either of the schools, until certain
5 requirements are met. The bill strikes provisions regarding
6 the merging of the schools but retains provisions governing the
7 closure of the Iowa school for the deaf.

8 INNOVATION DIVISION. Current Code section 268.7 establishes
9 the science, technology, engineering, and mathematics
10 collaborative initiative (STEM initiative) at the university of
11 northern Iowa. The bill creates the innovation division of the
12 department of education and transfers the STEM initiative from
13 the university of northern Iowa to the innovation division.

14 The bill provides that the chief administrative officer of
15 the innovation division is the administrator, who is appointed
16 by the director of the department. The bill establishes the
17 responsibilities of the administrator and the innovation
18 division.

19 Subject to an appropriation of moneys, the bill requires
20 the innovation division to administer six regional science,
21 technology, engineering, and mathematics networks for Iowa.
22 Oversight for these networks is provided by a regional advisory
23 board, the members of which are appointed by the governor.

24 The bill authorizes the state board of education to adopt
25 rules to administer the STEM initiative. The bill includes
26 transition provisions.

27 HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES.
28 Current Code section 256.1 establishes that the department of
29 education is to act in a policymaking and advisory capacity
30 and to exercise general supervision over the state system
31 of education, including certain specified areas. The bill
32 provides that the department is to act in a policymaking and

33 advisory capacity and to exercise general supervision over
34 the Iowa braille and sight saving school, Iowa school for the
35 deaf, STEM initiative, college student aid commission, board of
1 educational examiners, and the career and technical education
2 programs offered by school districts or community colleges.

3 The bill establishes the higher education division
4 within the department. The bill provides that the chief
5 administrative officer of the higher education division is
6 the administrator, who is appointed by the director of the
7 department.

8 The bill establishes all of the following within the higher
9 education division: the community colleges and post-secondary
10 readiness bureau, the board of educational examiners, the
11 college student aid commission, and the community colleges
12 bureau. The bill requires the administrator of the higher
13 education division to administer and coordinate all of these
14 bureaus, boards, and commissions and to hire and control the
15 personnel employed by the division, along with providing for
16 other responsibilities.

17 Current Code sections 256.7 (duties of the state board of
18 education) and 256.9 (duties of the director of the department
19 of education) authorize the state board of education and the
20 director to exercise broad authority over the operations of
21 the department, except with respect to the college student aid
22 commission, the commission of libraries and division of library
23 services, and the public broadcasting board and division.
24 The bill modifies these Code sections to authorize the state
25 board and the director to exercise broad authority over the
26 operations of the department, except with respect to the higher
27 education division; the bureaus, boards, and commissions within
28 the higher education division; the commission of libraries and
29 division of library services; and the public broadcasting board
30 and division.

31 COMMUNITY COLLEGES AND POST-SECONDARY READINESS BUREAU.

32 Current Code chapter 258 establishes the career and technical

33 education program within the department of education. Current
34 law requires the director of the department to appoint and
35 direct the work of personnel as necessary to carry out Code
1 chapter 258.

2 The bill modifies provisions related to the career and
3 technical education program to transfer the program to the
4 community colleges and post-secondary readiness bureau, which
5 the bill establishes within the higher education division
6 of the department. The bill requires the director of the
7 department to appoint the bureau chief of the community
8 colleges and post-secondary readiness bureau. The bill tasks
9 the bureau chief with directing the work of personnel as
10 necessary to carry out the responsibilities of the career
11 and technical education program. The bill makes conforming
12 changes.

13 The bill authorizes the state board of education to adopt
14 emergency rules to implement the provisions of the division
15 pertaining to the community colleges and post-secondary
16 readiness bureau. The bill includes transition provisions.

17 BOARD OF EDUCATIONAL EXAMINERS. Current Code chapter 272
18 creates the board of educational examiners. The bill transfers
19 the board to the purview of the higher education division
20 of the department of education. The bill makes conforming
21 changes.

22 Current law provides that the governor shall appoint an
23 executive director of the board, subject to confirmation by
24 the senate, who shall serve at the pleasure of the governor.
25 Current law also provides that the board shall set the salary
26 of the executive director within the range established by
27 the general assembly. The bill modifies these provisions to
28 provide that the director of the department of education shall
29 appoint the executive director of the board and the director
30 shall set the salary of the executive director. This provision
31 applies to individuals appointed as the executive director
32 of the board before, on, or after the effective date of the

33 division.

34 The bill includes transition provisions.

35 COLLEGE STUDENT AID COMMISSION. Current Code chapter 261
1 creates the college student aid commission. The bill transfers
2 the commission to the purview of the higher education division
3 of the department of education. The bill makes conforming
4 changes.

5 Current law provides that the commission is an autonomous
6 state agency that is attached to the department of education
7 for organizational purposes only. The bill strikes this
8 provision. Current law also provides that the commission shall
9 determine its own organization, draw up its own bylaws, adopt
10 rules under Code chapter 17A, and do such other things as may
11 be necessary to carry out its responsibilities. The bill
12 modifies this provision to provide that the commission may draw
13 up its own bylaws, adopt rules, and do other such things as
14 may be necessary to carry out its responsibilities under the
15 authority of the higher education division of the department.

16 The bill provides that the director of the department
17 of education shall appoint an executive director of the
18 commission. The bill requires the director to set the
19 salary of the executive director. This provision applies
20 to individuals appointed as the executive director of the
21 commission before, on, or after the effective date of the
22 division.

23 The bill includes transition provisions.

24 COMMUNITY COLLEGES BUREAU. Current law establishes a
25 community colleges division within the department of education.
26 Current law requires the community college division to exercise
27 the powers conferred upon the department with respect to
28 community colleges. The bill modifies these provisions to
29 transfer the responsibility to govern certain aspects of
30 community colleges to the community colleges bureau, which the
31 bill establishes within the higher education division of the
32 department.

33 The bill requires the director of the department of
34 education to appoint the bureau chief of the community colleges
35 bureau. The bill tasks the bureau chief with directing the
1 work of personnel as necessary to carry out Code chapter 260C
2 (community colleges). The bill makes conforming changes.

3 DIVISION XV — COMMERCE. This division concerns the current
4 organization of the department of commerce. The division
5 renames the department and modifies provisions relating to the
6 office of the consumer advocate, the Iowa utilities board, and
7 the renamed department.

8 CONSUMER ADVOCATE. The bill provides that the office of
9 the consumer advocate shall be administratively supported by
10 the utilities board. Current law provides that administrative
11 support services are provided by the department of commerce.

12 IOWA UTILITIES BOARD. The bill provides that the utilities
13 division of the department of commerce shall be removed as
14 a division of the department and function as a stand-alone
15 board. The utilities board shall continue to participate in
16 the commerce revolving fund.

17 DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES. The bill
18 provides that the department of commerce shall be renamed
19 the department of insurance and financial services. The
20 department shall contain the insurance division, the banking
21 division, and the credit division. The bill provides that the
22 insurance commissioner shall be the director of the department
23 of insurance and financial services. The superintendent of
24 banking and superintendent of credit unions shall report to
25 the insurance commissioner. The bill also provides that the
26 department of commerce revolving fund shall be renamed the
27 commerce revolving fund.

28 The bill provides that the superintendent of banking
29 and the superintendent of credit unions shall serve at the
30 pleasure of the governor and not for a four-year term. The
31 bill also eliminates the provision that the superintendent of
32 credit unions can only be removed from office by the governor

33 for cause. Finally, the bill provides that the salary of
34 the insurance commissioner, superintendent of banking, and
35 superintendent of credit unions shall be set by the governor.

1 The bill updates law enforcement authority under Code
2 section 507E.8 to reflect the insurance commissioner's
3 responsibility to enforce laws under Code chapters 502,
4 502A, 507A, 523A, 523C, 523D, and 523I, which is also the
5 responsibility of the insurance commissioner.

6 DIVISION XVI — DEPARTMENT OF CORRECTIONS — JUDICIAL
7 DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES AND
8 COMMUNITY-BASED CORRECTIONAL PROGRAMS. Current law provides
9 that a judicial district of correctional services shall be
10 established in each judicial district of the state which shall
11 provide a community-based correctional program. Each judicial
12 district of correctional services has a board of directors
13 which employs a director for the district.

14 The bill provides that all employees of a judicial district
15 department of correctional services shall be employees of
16 the department of corrections, and that the director of
17 the department of corrections shall appoint, subject to the
18 approval of the board of corrections, a director for each
19 judicial district department of correctional services.

20 The bill amends current law by providing that a district
21 board of a judicial district department of correctional
22 services shall be a district advisory board. Duties which were
23 formerly those of the district board are transferred to the
24 director.

25 The bill makes conforming Code changes and includes
26 transition and applicability provisions.

27 DIVISION XVII — BOARD OF PAROLE. Current law provides
28 that only the chairperson of the board of parole are salaried
29 and full-time employees. The three additional board members
30 and three alternate board members are compensated on a per
31 diem basis and are part-time employees. The bill eliminates
32 the three alternate board members, and provides that all five

33 members of the board shall be full-time, salaried employees.

34 The bill provides that the governor shall appoint a
35 chairperson and vice chairperson from the membership of the
1 board who shall serve at the pleasure of the governor subject
2 to senate confirmation.

3 The bill includes transition provisions for the current
4 board membership.

5 DIVISION XVIII — SALARIES OF APPOINTED STATE OFFICERS.

6 The general assembly periodically establishes salary ranges
7 for certain appointed state officers and authorizes a person
8 (generally the governor) to establish the salaries of those
9 officers within the ranges provided. These noncodified
10 provisions remain operative until the general assembly
11 subsequently passes new salary ranges. The general assembly
12 last passed such provisions in 2008.

13 Under the bill, the salary amounts set forth for ranges 4
14 through 7 remain the same as those passed in 2008. Ranges 2
15 and 3 no longer apply to any positions and are eliminated. The
16 chairperson and members of the employment appeal board are
17 moved from range 3 to range 4, the executive director of the
18 public employment relations board is added to range 5, and the
19 lottery administrator of the department of revenue is added to
20 range 7.

21 The following positions included in the 2008 salary ranges
22 (as amended) are not included in the bill's salary ranges,
23 either because the position no longer exists under the bill
24 or because the salary of the position is to be set without
25 a salary range limitation: (range 2) administrator of the
26 arts division of the department of cultural affairs, (range 3)
27 administrator of the division of criminal and juvenile justice
28 planning of the department of human rights, administrator of
29 the division of community action agencies of the department of
30 human rights, (range 4) director of the department of human
31 rights, members of the public employment relations board,
32 (range 5) director of the department of homeland security and

33 emergency management, drug policy coordinator, director of the
 34 department of cultural affairs, director of the department
 35 on aging, executive director of the department of veterans
 1 affairs, executive director of the college student aid
 2 commission, administrator of the historical division of the
 3 department of cultural affairs, (range 6) administrator of the
 4 alcoholic beverages division of the department of commerce,
 5 director of the department of inspections and appeals,
 6 commandant of the Iowa veterans home, commissioner of public
 7 safety, commissioner of insurance, executive director of the
 8 Iowa finance authority, director of the department of natural
 9 resources, (range 7) director of the department of corrections,
 10 director of the department of education, director of human
 11 services, director of the economic development authority,
 12 director of transportation, director of the department of
 13 workforce development, director of revenue, director of public
 14 health, director of the department of management, and director
 15 of the department of administrative services.

16 The bill makes corresponding Code changes. This division
 17 takes effect June 23, 2023.

18 DIVISION XIX — BOARDS AND COMMISSIONS. This division
 19 establishes a boards and commissions review committee to study
 20 the efficiency and effectiveness of each board, council,
 21 commission, committee, or other similar entity of the state
 22 established by the Code. The committee shall consist of six
 23 voting members and four ex officio, nonvoting members. The
 24 voting members of the committee shall be composed of one staff
 25 member of the governor's office, appointed by the governor,
 26 the administrative rules coordinator or the coordinator's
 27 designee, the director of the department of management or
 28 the director's designee, the director of the department of
 29 inspections, appeals, and licensing or the director's designee,
 30 one assistant attorney general, appointed by the governor upon
 31 recommendation of the attorney general, and one member of the
 32 public, appointed by the governor. The ex officio, nonvoting

33 members of the committee shall be two state representatives and
34 two state senators. The bill provides that the office of the
35 governor shall provide staffing for the committee. Finally,
1 the bill provides that the committee shall submit a report
2 containing its findings and recommendations to the governor and
3 the general assembly on or before September 30, 2023.

4 DIVISION XX — MISCELLANEOUS PROVISIONS. This division
5 includes a provision relating to irreconcilable amendments as
6 well as transition provisions.

7 The bill provides that if an amendment contained in division
8 I of the bill concerning the department of health and human
9 services is irreconcilable to an amendment that is made in the
10 remainder of the bill, the amendment in the remainder of the
11 bill, and not in division I, shall prevail.

12 The bill also includes a transition provision concerning
13 administrative rules, legal obligations, funds, litigation,
14 boards and commissions, and signs and insignia. The bill
15 provides that the transition provision in the division of the
16 bill applies to the entirety of the bill to the extent that the
17 transition provisions in the division are not inconsistent with
18 alternative provisions specifically provided by law or in other
19 divisions of the bill.